

TOWN OF ST. GERMAIN
P.O. BOX 7
ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org

Minutes, Zoning Committee
December 05, 2018

1. **Call to order:** Meeting called to order at 5:30pm
2. **Roll call, establish a quorum:** Committee members present: Strom, Hensen, Cooper, Ebert, Janssen, Ritter. Also present at various times during the meeting: Richele Kruse, Rick and Linda Nelson, Glen Schiffman
3. **Convene public hearing for NGI LLC Conditional Use Permit:** Hearing was convened at 5:33pm. Rick and Linda Nelson of RJN Plumbing were in attendance and expressed concern that traffic accessing the current NGI mini storage garages does so via an easement NGI has on the RJN Plumbing property. More mini garages will mean more traffic on the easement which is already problematic in the opinion of the Nelsons. They requested that at least some of the traffic be directed to a second easement NGI has on the Golden Pines Supper Club property on the private driveway known as Rocky Road.
4. **Adjourn public hearing:** There being no other people in attendance to speak to the CUP application and there having been no written comments received from the public to read into the record, the hearing was adjourned at 5:38pm.
5. **Discuss public hearing and take action on CUP Application:** Richelle Kruse arrived after adjournment of the public hearing and participated in discussion of the following:
 - a. Rocky Road is a private drive off Hwy 70 through the Golden Pines Supper Club parking areas. It then crosses the western end of the NGI mini storage property before continuing north to provide access to 11 parcels on West Bay of Little St. Germain Lake. NGI has an easement enabling mini storage unit users to use Rocky Road, but Richelle acknowledged that most traffic crosses the RJN Plumbing easement to access the storage units. She was uncertain how the owners of Golden Pines would feel about traffic using Rocky Road to access the storage units.
 - b. Ritter acknowledged that he had failed to contact the owners of Golden Pines and felt that needed to happen before any decision could be made regarding the disposition of the CUP application.

- c. Motion Strom, second Cooper to table this agenda item until the Committee's regular January meeting or a special meeting. Discussion of the motion confirmed that in the meantime Ritter would contact the owners of Golden Pines and invite them to join the conversation. Richelle Kruse will also explore other possible options for less objectionable access to the mini storage property. Motion passed by unanimous voice vote.

6. **Review Conditional Use Permit Application for CornerStone Custom Builders, Inc., parcels 24-2020 through 24-2027, and schedule public hearing:** Mr. Schiffman, owner of CornerStone Custom Builders, was not present at the beginning of this discussion. The committee confirmed that the parcels named in the CUP application are located in a Multi-Family Residential district and that mini storage units are not included in the lists of Permitted or Conditional land uses in that district. The Zoning Administrator also confirmed that no Zoning Permit had been applied for by the CUP applicant. Motion Cooper, second Hensen to reject and return the CUP application to the applicant as well as the \$250.00 permit fee on the grounds that approving the permit would constitute a violation of section 1.306 of the St. Germain Zoning Ordinance and therefore cannot be considered. Motion passed by unanimous voice vote just as Mr. Schiffman entered the room.

Mr. Schiffman was unhappy about not having been personally notified of the agenda for this meeting and contended he learned of it only moments ago and came to the meeting place immediately. Ritter confirmed that the meeting agenda including this topic had been posted on the Town website and the usual three Town Board posting locations since November 28th.

Mr. Schiffman began explaining the history of his property and what its intended purpose had always been. He took exception to St. Germain's zoning ordinance and suggested the application should be given more consideration by the Committee in spite of the ordinance provisions. Ritter responded that the Committee's responsibility is to enforce the ordinance as adopted and that the committee had made its decision.

Mr. Schiffman requested reconsideration by the Committee of its decision. Ritter asked if any committee member wished to move to reconsider its decision. Janssen moved that the discussion of the CUP application be re-opened. Ritter called three times for a second to the motion before declaring the motion failed for lack of a second.

Mr. Schiffman asked what his options were for appealing the Committee's decision. Ritter responded that the provisions of the Zoning Ordinance appeal process would be provided in the letter to the applicant explaining why the CUP application was rejected without further consideration. Mr. Schiffman then departed the meeting.

7. **Public comments:** There were none
8. **Approve minutes of November 07, 2018 Zoning Committee meeting:** Motion Janssen, second Cooper to approve the minutes as presented. Motion passed by unanimous voice vote.
9. **Zoning Administrator report:** Zoning Administrator Ebert presented his updated activity log which Ritter confirmed had also been uploaded to the Town website. No other topics or actions were prompted by the Zoning Administrator report
10. **Consider Zoning Administrator request to subscribe to On X Hunt phone app:** Motion Janssen, second Cooper to approve the Zoning Administrator subscribing to the app with monthly charges to be applied to Ebert's Town credit card. Ritter said he would share this decision, if approved by the Committee, with the Town Board at its next meeting and requested that Ebert not subscribe until after that time in case there are objections to using the credit card for an ongoing subscription fee. Motion passed by unanimous voice vote.
11. **Consider amending Chapter 1 to place restrictions on clear cutting of trees in town road rights of way in residential zoning districts:** It was the consensus of the Committee that actual ownership of rights of way should determine whether tree cutting restrictions be imposed by the Town and that the surveyed lot lines should perhaps be the determining factor for rights of way ownership. If rights of way are truly owned by the Town, the Zoning ordinance should be amended to provide tree cutting restrictions. If rights of way are owned by landowners, the Town should not attempt to interfere with landowners' rights to remove trees. The Zoning Committee will draft suggested language for an ordinance revision if requested to do so by the Town Board.
12. **Approve proposed changes to 1.310 and 1.311:** Motion Cooper, second Hensen to approve the changes as presented for further consideration by the Town Board at a later date. Discussion included how these setbacks would apply in scenarios where a nonconforming existing building was destroyed by accidental fire or natural causes and the owner wished to rebuild in the old footprint as is authorized by County Zoning. It was the consensus of the Committee that an amendment of section of 1.2 be drafted to exempt the setback provisions of 1.310 and 1.311 in those specific cases. Motion passed by unanimous voice vote.
13. **Committee concerns:**
 - a. Ritter requested a Committee consensus on whether the soon to expire UDC inspector contract should be amended before renewal to include inspection of detached garages as an additional contracted service of the inspector. Greg Baas, the current UDC inspector for the Town had recently suggested that detached garaged be included in his services

due to the frequency of detached garages actually being built or modified as dwellings which the inspector cannot address now until he has actually detected people sleeping overnight in what were originally permitted as garage structures. The Zoning Inspector had concerns that prevented the Committee from reaching a consensus. Ritter requested at Ebert be present at the upcoming Town Board meeting to share his concerns when the topic is discussed by the Board.

- b. Cooper suggested that Chapter 1 should include a provision that CUP applications must be preceded by a denied Zoning Permit application. Ritter explained that such a provision would be punitive to a prospective landowner who needed to know if a CUP would be approved before purchasing land. That scenario is exactly what happened with the Caged Crow CUP application where approval of the CUP in advance was a condition to the land purchase. No further discussion ensued.

14. Adjourn: Meeting adjourned at 8:25pm

Minutes prepared by Chairman Ritter