

TOWN OF ST. GERMAIN
OFFICE OF THE TOWN CHAIRMAN
P.O. BOX 7 ST. GERMAIN, WISCONSIN 54558
www.townofstgermain.org

MINUTES BOARD OF APPEALS November 20, 2023: Ellen King request for review of Conditional Use Permit issued by Zoning Committee on September 26, 2023.

NOTICE TOWN OF ST. GERMAIN
BOARD OF APPEALS CONDITIONAL USE PERMIT DECISION REVIEW OF PARCEL 24-1509-0029, RYAN SANTRY

PLEASE TAKE NOTICE, that the Board of Appeals of the Town of St. Germain will conduct a public hearing on Monday, November 20, 2023 at 6:00 PM at the St Germain Community Center pursuant to Section 1.604 of the Town of St. Germain Zoning Ordinance, to consider a request from Ellen King to review the Conditional Use Permit decision by the St. Germain Zoning Committee dated September 26, 2023. The original Conditional Use Permit (CUP) application dated August 18, 2023 was to construct a 2457 square foot accessory building on parcel 24-1509-0029 in Lakeshore Resort and Residential zoning district. Ellen King is asking that the Board of Appeals confirms and validates that the conditional use requested complies with all six standards of issuance and conforms with all applicable regulations of the district in which it is located.

CERTIFICATION

The undersigned, June Vogel, Certifies as follows: (1) that she is the Clerk of the Town of St. Germain, (2) that this notice was published in the Vilas County News Review on the 8th day of November 2023 and on the 15th day of November 2023, and (3) notices were posted in three public places; the St. Germain Community Center, St. Germain Post Office and Camps Fresh Market on the 7th day of November 2023.

Dated this 20th day of November 2023.

June Vogel
Town Clerk

Tom Christensen called the Board of Appeals to order at 6:07 pm

Board of Appeals Members present: Chairman Tom Christensen and committee members Jim Swenson, Nancy Miller, Peggy Ausloos and Ed Siergiej along with June Vogel town clerk, Ryan Santry and Ellen King are in Community Center room 4 along with 10 community members (Kirby Giampa, Jimmy Vogel, Diana Nasca, Ted Ritter, Larry Tinker, Brian Cooper, Greg Santry, Nancy Santry, Payton Santry). There were 4 community members attending via Zoom.us.

Mr. Christensen asked June if she had received any correspondence concerning this board of appeals hearing and she had not received anything. Mr. Christensen asked the other members. They also had not received any correspondence to this matter.

Mr Christensen asked Ellen King if she had any representation at the meeting and she indicated no. Mr Christensen asked Ryan Santry if he had any representation at the meeting and he indicated no. Mr Christensen stated the town did not have any representation at the meeting.

Jeff Nepote (attending via Zoom.us) (representing Ellen King) – Property owner of Eagle Watch. Quoted chapter 1, section 1.202 (a) omitting the last sentence. Spoke of conditional use permits and variances; citing state statutes, county and town ordinances. Stated the three variance questions are relevant to this; they need to be followed. We believe we are correct. Believes strongly that town procedures are not being followed and if denied this will go to circuit court.

Jack Brees (spoke on behalf of Ellen King) – Indicated notice of hearing was not mailed first class mail, did not list address and did not list time. What is criteria for putting people on board of appeals? How many board members visited or walked property in question? Was property owner asked the three variance questions? Referencing covenant that is in place for Eagle Watch. Stated a building this size will affect property value.

Mr Christensen stated here for conditional use permit, not a variance.

Larry Tinker – What is the conditional use being permitted? The size of the building, exceeding 1500 square feet.

Ted Ritter – Explained how the Town of St Germain zoning ordinance is changed. First discussed by Zoning Committee, voted on and by majority the recommendation is sent to the Town Board for adoption. These recommendations are then discussed by Town Board in length and if decided appropriate changes approved to adopt subject to a public hearing. Following public hearing Town Board deliberates and then decides whether recommendation of Zoning Committee should be adopted, amended or rejected.

Mr Christensen – Read from Town of St Germain ordinances from chapter 1.604 (B)(1)(2) on appointment to Board of Appeals. This is copied in following these minutes.

Mr Christensen – Eagle Watch subdivision founded with covenants. Covenants have nothing to do with Town of St Germain or zoning. Not enforceable by the town, that is among the property owners. Town of St Germain ordinance has been reviewed by legal counsel. Correspondence clerk received from Center for Land Use Education at University of Stevens Point, stated you do not apply variance criteria to a conditional use permit appeal.

Mr Christensen read the Santry CUP application excerpt from the September 26, 2023 CUP Hearings minutes. These minutes are copied in following these minutes.

Mr Christesen reviewed applications received for zoning and conditional use permits. Mr Christensen read the findings from the Santry CUP, the standards for issuance. Conditional Use Permit follows these minutes. Stated the only concern from the Zoning Committee the second condition; some potential loss of enjoyment of surrounding properties. The St Germain Zoning committee met the 6 standards of issuance and procedure was followed by minutes of Zoning Committee.

Ed Siergeij – Could two 1500 square foot buildings be built on property? Multiple factors play into this. On a property greater than 1.5 acres, if these was a dwelling two unattached buildings could be built both total of both could not exceed 1500 square feet without applying for a conditional use permit. On

a property greater than 1.5 acres, if no dwelling only one unattached building is allowed adhering to chapter 1.202.

Jeff Nepote – Stated the town is not following the ordinance, specifically 1.202 (a) which quoted, omitting the last sentence.

Mr Christensen - Objective of the Board of Appeals meeting is to make sure Zoning Committee followed the ordinance and method of allowing a conditional use permit. Appears by all documents provided that this was handled appropriately.

Motion by Christensen to deny the appeal that has been filed by Ellen King in regards to the Ryan Santry CUP that was approved by the Town of St Germain Zoning Committee on September 26, 2023; second Swenson. Discussion: None. The motion passed by voice vote with four affirmative votes and one negative vote by Miller.

Mr. Christensen adjourned the Board of Appeals at 7:05 pm

Town Clerk

**NOTICE TOWN OF ST. GERMAIN
BOARD OF APPEALS
CONDITIONAL USE PERMIT
DECISION REVIEW – Ryan Santry**

PLEASE TAKE NOTICE, that the Board of Appeals of the Town of St. Germain will conduct a public hearing on Monday, November 20, 2023, at 6:00 pm in the St. Germain Community Center pursuant to Section 1.607(b)(c) of Chapter 1 – Zoning, Town of St. Germain Code of Ordinances, to consider the appeal submitted by Ellen King concerning the decision of the St. Germain Zoning Committee’s Conditional Use Permit approval for:

Ryan Santry
Vilas County land parcel 24-1509-0029
Awassa Lane, St. Germain
To build a 2,457 square foot building

The Board of Appeals will review the decision of the Zoning Committee to grant the Conditional Use Permit to build a 2,457 square foot building following the public hearings. Public observation and participation will be enabled virtually via Zoom.us using Meeting ID 833 1418 4088 and Passcode 972925

In lieu of attending live or virtually, persons wishing to submit written comments to the Town Clerk may do so by letter to P. O. Box 7, St. Germain WI 54558 or by email to June.Vogel@stgermainwi.gov. Written comments must be received by the Clerk no later than 5:00 PM, Monday, November 20th to be considered by the Board of Appeals at the public hearing.

the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Committee shall be open to the public. The Committee's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its hearings and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be public record. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Zoning Committee shall adopt further rules which are not in conflict with the Wisconsin Statutes as necessary to carry out its authorized business. Agendas for committee meetings must be posted in accordance with Wisconsin Open Meeting Laws and the minutes of any meeting must be turned into the Clerk after they are approved by the Committee.

1.603 ZONING ADMINISTRATOR:

The Zoning Administrator and Deputy Zoning Administrator shall be appointed by the Zoning Committee and confirmed by the Town Board. The Town Board may designate an acting administrator. The duties and responsibilities of the Zoning Administrator shall be:

- (A) Defined by the Zoning Committee in a document that shall be:
 - a. External to this chapter
 - b. Subject to approval by the Town Board

- (B) Overseen by the Zoning Committee

1.604 BOARD OF APPEALS:

(A) INTRODUCTION AND EXPLANATION:

This section describes the Board of Appeals. This 5-member board has powers directly granted to it by the State Legislature. The statutory duties of the Board are to hear and decide appeals from decisions of the Zoning Administrator, and to consider variances from the strict requirements of this chapter where a unique hardship exists and where a waiver of this chapter can be granted without destroying the purpose and intent of this chapter.

(B) CREATION OF THE BOARD OF APPEALS.

(1) Appointment:

The Saint Germain Board of Appeals is hereby created as authorized by §62.33(7)(e) Wis. Stats. which is applicable to Towns with village powers. The Board of Appeals shall consist of five (5) members appointed by the Town Board Chairman subject to confirmation of the Town Board of Supervisors for terms of three (3) years, except that of those first appointed one (1) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. The Town Board Chairman shall designate one (1) of the members as chairperson. The Town Chairman shall appoint for staggered terms of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for. Annually, the Town Board Chair shall designate one (1) of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or when more than one (1) member of the board so refuses or is absent.

(2) Qualifications:

Each member of the Board of Appeals shall be a resident elector of the Town and no member of the Board of Appeals may serve as a member of the Zoning Committee created under Section 1.602.

**TOWN OF ST. GERMAIN
P. O. BOX 7
ST. GERMAIN, WI 54558**

**Minutes, Zoning Committee CUP Hearings
September 26, 2023**

1. **Call to order:** Meeting called to order at 5:30pm

2. **Roll call, establish a quorum:** Ted Ritter conducted the meeting from Room 4 of the Community Center with a virtual attendance option. Committee members physically present in Room 4: Ted Ritter, Brian Cooper, Beverly Przybylski and Bob Schell. Jimmy Vogel and non-voting member/Zoning Administrator June Vogel (hereinafter referred to as ZA Vogel). Were absent. CUP applicants Michael Fulton, Ryan Santry, and Chris Stevens (representing Robert Stevens) attended virtually. Applicant Daniel Sturm attended in Room 4.

Fulton CUP application:

Public comments: Greg and Amy McCaughn own the property on the south side of the Fulton property. They have no objections to the proposed building other than to request that consideration be given to improved stormwater runoff management as their parcel is at a lower elevation and already experiences occasional erosion problems. Mr. Fulton responded by offering to install gutters with appropriate downspouts, and to perhaps slightly adjust the location of the building to reduce the impact of runoff water on the McCaughn property,. There were no other public comments.

Committee considerations/concerns: The site map submitted with the application poorly represents the land parcel and locations of buildings and septic system. It needs to be re-drawn to closer scale. Motion Cooper, second Przybylski that the Committee decision for this CUP be deferred to the October 4, 2023, Zoning Committee meeting at which time Mr. Fulton is to provide an improved site map. Motion passed by unanimous voice vote.

Sturm CUP application:

Public comments: Ritter read an email from Mary Bagrowski supporting the Sturm proposed building. There were no other public comments.

Committee considerations/concerns: There being no concerns with this proposed building, motion Cooper, second Schell to approve the Sturm CUP application for parcel 24-965-38 with two conditions:

1. The size of the approved building addition shall not exceed 1,080 square feet and placement on the property is to be as described on site plan accompanying CUP application.
2. This permit does not allow the building to be used as a dwelling or place of business.

Motion passed by unanimous voice vote.

Santry CUP application:

Public comments: Ritter read a letter of opposition from Dave and Cyndi Dunmire, owners of parcel 24-1509-0042 on the north side of the Santry property on Awassa Lane in the Eaglewatch subdivision, and another from Ellen King and Jack Brees, owners of parcel 24-1509-0028 on the south and east sides of the Santry property on Awassa Lane in the Eaglewatch subdivision. Verbal

comment was received by virtual attendance from Jeff Neopote, owner of parcel 24-1509-0017 on Eaglewatch Court in the Eaglewatach subdivision. All objections were based on the understanding that buildings of this size would never be allowed in the Eaglewatch subdivision, partly because of the covenants all property owners agreed to at the time of purchasing their parcel. Additionally, objections were based on the presedent being established for more large buildings if this CUP permit was to be approved, and the subsequent loss of property value by all other parcel owners. Mr. Neopote also encouraged the Committee to allow time to negotiate the size of the building with the applicant before making any decisions.

Committee considerations/concerns: Upon review of the six standards to be considered before issuance or denial of a CUP, some Committee members felt there could be some loss of value and enjoyment of neighboring properties if the CUP was to be approved, but agreed unanimously that none of the other five standards presented issues of concern. Regarding negotiating a smaller buiding with the applicant, it was noted that even if a smaller square footage was to be agreed to, the 39 feet dimension would not be changed by the applicant due to the manner he intended to use the building. Since the 39 feet long wall would be the only wall visible from neighboring properties, reducing the overall size of the building would accomplish nothing to reduce neighbor concerns. Mr. Santry was also adamant the building would be used for nothing other than storage and maintenance of his personal recreational equipment. Motion Cooper, second Przybylski to approve the Santry CUP application for parcel 24-1509-0042 with two conditions:

1. The size of the approved building addition shall not exceed 2,457 square feet and placement on the property is to be as described on site plan accompanying CUP application.
 2. This permit does not allow the building to be used as a dwelling or place of business.
- Motion passed by a 3:1 voice vote with Schell voting NO.

Stevens CUP application:

Public comments: Ritter read emails of support from the Yates family and from Marilyn and Robert Workinger. Pamela Andersen attended virtually and offered no objections to the proposed building. There were no other public comments.

Committee considerations/concerns: According to the applicant provided site plan, the existing building, which would be enlarged, is 18 feet from the side lot line, but does not sit exactly parallel with the lot line. It appears the intended expansion of the building might result in violation of the minimum 15 feet setback. Chris Stevens, representing applicant Robert Stevens, agreed the setback would be too close to the 15 feet minimum to verify at this time. He agreed to the Committee suggestion to defer a decision on the CUP until the October 4, 2023, Zoning Committee meeting by which time either Chris or Robert Stevens would provide a site plan accurately showing the resulting setback.

Meeting adjourned at 7:10pm.

Minutes prepared by Chairman Ritter

CONDITIONAL USE PERMIT

Upon review of an application for a zoning Conditional Use Permit applied for and considered in accordance with St. Germain Code of Ordinances, Chapter 1 — Zoning, and as described below, the Town of St. Germain Zoning Committee finds and orders as follows.

Applicant: Ryan Santry

Application date: 08/16/2023

Public hearing date: 09/26/2023

Findings of Fact

Having heard the testimony and considered the evidence presented, the St. Germain Zoning Committee finds

the following:

1. The applicant is the owner/agent of the following described property which is the subject of the Conditional Use Permit application:
Parcel # 24-1509-0029
Property address: Awassa Lane
Property legal description: Lot Twenty-nine (29) of the County Plat of Eaglewatch, in the Town of St. Germain, Vilas County, Wisconsin.

Recording area

Name and Return Address

Ryan Santry
18450 S Pine Prairie Drive
Mokena IL 60048

Parcel Identification Number (PIN)

24-1509-0029

2. The property is presently used for: Vacant parcel
3. The applicant proposes to: Construct 63 x 39 feet (2,457 square feet) storage building for storage and maintenance of personal recreational equipment
4. The standards for issuance of a Conditional Use Permit are:

- The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare. No concerns
- The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. Some potential loss of enjoyment of surrounding properties
- The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district. No concerns
- Adequate utilities access roads, drainage, buffer areas and landscaping and other necessary site improvements have been or will be provided. No concerns

