

Time Started:

## Planning & Zoning Committee Meeting

January 7, 2002

1. Roll Call — Lee Holthaus, Bill Green, Ed Odette, Dick Gern were in attendance additionally there were 24 citizens present
2. Approval of Agenda—DG Motion to approve, EO 2<sup>nd</sup> —all approved
3. Approval- Minutes- EO Motion to defer, DG 2<sup>nd</sup>, all approved
4. Discussion/Business
  - 4.1 Chairman's report—LH advised committee that the CUP public hearing for Schoenfield was postponed to 1/21/02 in order to meet statutory requirements
  - 4.2 Review/Action of permit & plan submittals
    - A. Tim Ebert advised that he was contacted by Ray Weber with advisement that the Fred Radtke building permit on Sunrise Lane, issued in August 2001 was issued in error. The Weber contention was that this lot requires a variance based on the type of construction Radtke was doing and the fact that Radtke had previously had a mobile home on that site. At this point committee deviated from agenda and asked Ray Weber to further explain. Mr. Weber advised his interpretation of the ordinance requirements per section 1.56 paragraph 2 subsection B was that Mr. Radtke need a variance because he; 1.) Removed an existing structure on a substandard lot and 2.) He is replacing it with a structure greater than 1000 square feet on habitable space. Comments from others in the audience supported Mr. Webers contention. Jim Wendt observed that he was not prepared to determine if Mr. Weber's claim was correct. He asked Tim Ebert if he had any recollection of the facts in this matter. Mr. Ebert responded that he did not have with him the permit application material, though these may have been in his truck (not before this meeting concluded Mr. Ebert provided a copy of the permit for committee). Bill Green asked Mr. Ebert to get a copy while the meeting was in progress so committee could review, Ed Odette supported this action. Jim Wendt suggested that we ask Mr. Ebert to provide written explanation as to the rational used in issuing. Mr. Wendt also advised he was not prepared to make an interpretation without legal counsel reviewing and advising. Bill Green asked if committee should suspend the permit until clarification was received, based on the fact the a permit issued in error is not justification for allowing the building. Mr. Green referenced his own experience in this type of matter, noting his St. Germain Dr. lot was "red-tagged" within a day of committee discussion. At this point Bill Green made a motion to suspend permit. Ed Odette made a motion to 2<sup>nd</sup>. Committee discussion as to the pro's and con's of this action then took

## 4.2 Cont.

place. Audience member Glen Schiffman then pointed out this action was not being conducted in accordance with the zoning ordinance requirements. Mr. Schiffman referred us to section 1.73, enforcement and penalties. After committee review we concluded he was correct. Bill discussion concluded that administrator Ebert would need to first advise Radtke of the potential violation. Bill Green made the motion that a letter be sent to Mr. Radtke regarding the violation per section 1.73 requirements. Ed Odette 2<sup>nd</sup> the motion. All committee members voted in the affirmative. Tim Ebert noted he would send the letter immediately with L. Holthaus to review before sending.

Audience input implored committee to enforce ordinance requirements fairly and equally. Fred Radtke advised he was unaware of ordinance requirements and heeded time to review. He also noted he did not know the size of the structure removed from the property so he could build the new structure

Issue was tabled until next week.

## 4.3 Disc/Implementation of Long Range Planning &amp; Zoning issues

- A. Review/Discuss Mobile Home Ordinance Amendments—No action was taken. Jim Wendt advised that he was still waiting for response from attorney Lucerelli (spelling). We were advised by Mr. Wendt that a response should be forth coming in a "week or so".
- B. Sign Ordinance Review—Due to the time already used for 4.2, committee decided to not discuss issue any more tonight. Ed Odette suggested that we meet one night soon to deal solely with sign issue.

## 4.4 No input

4.5 Committee Concerns—Bill Green and Ed Odette expressed the view that it was taking too much time to secure response from legal counsel on the CUP rental issue. Jim Wendt said he would follow up with town attorney.

4.6 Public Concerns—Glen Schiffman noted that the ordinance call for certain, large penalties in the event that the Radtke permit was issued in error, based on the status of construction at that site. He offered that the town should not substantially penalize Mr. Radtke.

4.7 Time & Date ---Next meeting---Lee Holthaus stated 1/14/02 would be the next meeting

BG motion to adjourn, 2<sup>nd</sup> EO—all approved  
Respectfully submitted Bill Green  
BG/lo