

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

Minutes, Zoning Committee – November 03, 2021

1. **Call to order:** Meeting called to order by Ritter at 5:30pm
2. **Roll call, establish a quorum:** Ritter conducted the meeting from Room 4 of the Community Center with a virtual attendance option. All committee members were physically present in Room 4. Also present in Room 4 were Jack Dunbar of Pinno Buildings and Don Baumann, St. Germain Animal Control Officer. There were no virtual attendees.
3. **Public comments:** None
4. **Discussion/action topics:**
 - a. **Approve minutes of September 29, 2021 meeting:** Motion Schell, second Cooper to approve as presented. Motion passed unanimously with Strom abstaining due to having been absent for the meeting.
 - b. **Consider amending the CUP for Timbers Restaurant LLC self storage units due to amendments to the State wastewater management site plan.** Vogel (ZA) explained a CUP was issued on 04/23/2019 for placement of six min-storage buildings on parcel 24-50. One of the conditions of the permit was that development of the property needed to be in accordance with the site plan submitted with the CUP application. A zoning permit was issued on 07/03/2019 for construction of the first building. Following completion of that building, the State required implementation of a stormwater management plan which necessitated revising the site plan. A zoning permit was approved on 08/31/2020 for placement of a second building of a size and location that followed the revised site plan, but violated the original plan on which the CUP had been based. A change in Town Zoning Administrators occurred in May of 2021. The current Zoning Administrator denied a zoning permit for a third building on 10/14/2021 based on it not adhering to the site plan approved with the CUP. The matter was then referred to the Zoning Committee for resolving.

Committee members were in agreement that the amended site plan necessitated by the State mandated stormwater management plan caused no zoning ordinance compliance issues other than not adhering to the CUP approved site plan. Motion Schell, second Cooper to amend the CUP to reflect the revised site plan, to record the amended CUP with the County Register of Deeds, and to approve the zoning permit for the third building. Motion passed unanimously. Mr. Dunbar presented the ZA with payment of the zoning permit fee and the ZA issued the approved permit.
 - c. **Consider possible Chapter 1 violation as presented by Animal Control Officer regarding parcel 24-2281-01, 442 Nakomis Avenue:** Baumann reported that a kennel business offering Great Dane breeding services was operating on this property. There have been complaints from neighbors about barking dogs, occasional stray dogs that have escaped from the kennel and general poor management of the property. Following committee discussion, motion Cooper, second Vogel that the Zoning Committee acknowledges an apparent violation of Section 1.307 of Chapter 1 – Zoning (Lakeshore Residential) which does not allow operation of a kennel business, and that this matter be referred to the Town Board for consideration of possible other Town ordinances before initiating action for the apparent violation of the Zoning Ordinance. Motion passed by unanimous voice vote. Ritter will coordinate with Baumann to prepare a presentation to the Town Board.

- d. **Review status of Old Highway 70 RV Park development:** Vogel (ZA) reported the owner of parcel 24-2527-0002 is known to have recently advertised on Facebook the development of his land as a camping site for recreational vehicles effective sometime in 2022. The property is zoned Residential – Low Density which does not allow recreational vehicle campgrounds. A zoning permit for a home on the property was previously issued, but has since expired with no apparent construction having begun. Additionally, there appear to be three motor vehicle access points from the property onto Old Highway 70 with no permit having been issued for at least two of them.

The Zoning Administrator will send the owner a registered letter explaining the apparent, or potential, violations of the Town Zoning and Motor Vehicle Access ordinances and inform the Committee of future developments.

- e. **Report from Schell on expired Zoning Permit Z1858 issued 08/20/2018. Is owner aware of UDC permitting requirements?** Schell met with the permit holder and owner of the home under construction on 10/26/2021. The individual was “very apologetic” and expressed his intent to fully comply with all applicable laws. He was also appreciative of the Committee’s decision to adopt Vilas County’s policy regarding expiration of zoning permits rather than requiring him to re-start the permit process. He also promised to contact the UDC inspector regarding compliance with State codes.

No further action was taken by the Committee.

- f. **Report on Town Board action of 10/11/2021 regarding assessment of Zoning Permit fees for permitted projects on Town property.** The Committee found the town board’s decision that “permitted projects on Town property are exempt from permit fees regardless of who the permit applicant is provided the permittee is not using Town funds for the project” to be illogical. Motion Cooper, second Schell to request the board reconsider it’s decision. Motion passed by unanimous voice vote.

Regarding Ritter’s discovery that the Zoning Ordinance makes no mention of payment of a permit fee being required as part of each permit application, motion Cooper, second Vogel to approve Ritter’s draft provision 1.605(A)(1)(i) requiring payment of the applicable permit application fee as prescribed in Appendix A of Chapter 1. Motion passed by unanimous voice vote.

- g. **Consider 09/23/2021 action of town board instructing Zoning Committee to modify section 1.409 of the Zoning Ordinance to allow shipping containers in certain zoning districts as conditional uses.** Following lengthy Committee discussion, motion Schell, second Cooper that the Town Board approve not changing the 1.409 prohibition of shipping containers adopted 07/22/2021, but to ease the difficulty of enforcing that prohibition for containers that were already in place without a zoning permit on 07/22/2021, the Town Board will grant a period of 60 days during which there is a one time opportunity to apply for and be granted an “after the fact” zoning permit at a fee of three times the standard \$65.00 fee as prescribed in Appendix A of Chapter 1. Failure to apply and pay the fee would result in enforcement of the requirement to remove the non-permitted containers. Motion passed 4:1. Ritter will present this proposal to the Town Board.

- h. **Consider eliminating the existing disparity in the Zoning Ordinance between garages and accessory buildings.** Motion Vogel, second Ritter to approve the draft provision presented by Ritter. Motion failed. Motion Strom, second Ritter to table until the December 2021 Zoning Committee meeting to allow more time to think about. Motion passed by unanimous voice vote.

- i. **Consider recommending to town board that all Lake Content properties be re-zoned Lakeshore Residential.** Motion Vogel, second Cooper to table for six months before discussing again. Motion passed by unanimous voice vote.

- j. **Approve draft revisions to Zoning Permit application:** Motion Schell, second Cooper to approve as presented. Motion passed by unanimous voice vote.
 - k. **Approve draft revisions to Motor Vehicle Public Road Access/Fire Number form:** Motion Schell, second Cooper to approve as presented. Motion passed by unanimous voice vote.
 - l. **Review draft Chapter 2 revisions correspond with revised Motor Vehicle Public Road Access application form.** Following inconclusive Committee discussion regarding the necessity for the prescribed 33 feet distance from centerline of road, motion Ritter, second Cooper to table until the December 2021 Zoning Committee meeting. Motion passed by unanimous voice vote.
 - m. **Approve “Temporary Permit” addition to Chapter 1 Definitions:** Motion Cooper, second Vogel to approve as presented. Motion passed by unanimous voice vote.
 - n. **Discuss need to record Zoning Committee meetings:** No discussion due to late hour. Topic to appear again on December agenda.
 - o. **Assist Zoning Administrator with Zoning Permit Application decisions:** Guidance provided as requested by ZA with no Committee actions being taken.
 - p. **Approve monthly Zoning Administrator compensation:** Motion Schell, second Cooper to approve October 2021 compensation of \$669.05. Motion passed by unanimous voice vote.
 - q. **Committee concerns for future agendas:**
 - 1. Develop criteria for approving/denying town road motor vehicle access permits
 - 2. Review draft amendments to Chapter 2 – Motor Vehicle Public Road Access
 - 3. Continued consideration of eliminating the existing disparity in the Zoning Ordinance between garages and accessory buildings.
 - 4. Discuss need to record Zoning Committee meetings
5. **Adjourn:** Ritter declared the meeting adjourned at 8:33pm.

Minutes prepared by Ritter