

# TOWN OF ST. GERMAIN

OFFICE OF THE TOWN CHAIRMAN  
P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

[www.townofstgermain.org](http://www.townofstgermain.org)

## MINUTES BOARD OF APPEALS NORTHWOODS STORAGE OF ST. GERMAIN, CHRIS MARION, AGENT: JULY 14, 2016

### BOARD OF APPEALS: Northwoods Storage of St. Germain, LLC NOTICE TOWN OF ST. GERMAIN

**PLEASE TAKE NOTICE** that the Board of Appeals of the Town of St. Germain will meet on Thursday, July 14, 2016 at 5:00 P.M. in meeting room #4 in the Community Center pursuant to Section 1.70(7) of the Town of St. Germain Zoning Ordinance, to consider a request from Northwoods Storage of St. Germain LLC, Chris Marion, agent, for his property located at 1030 Old Hwy. 70, SE1/4 SE1/4 Sec. 36, T40N, R8E, computer #24-2520. Mr. Marion is disputing Condition A of a Conditional Use Permit, approved by the Planning & Zoning committee on May 16, 2016 stating that a six foot shadow style wooden fence is to be erected along the north lot line beginning at the tree line along Old Highway 70 and extending eastward 155 feet at a distance of 15 feet from the north lot line.

### CERTIFICATION

The undersigned, Thomas E. Martens, certifies as follows: (1) that he is the Clerk of the Town of St. Germain, (2) that this notice was published in the Vilas County News Review on the 6<sup>th</sup> day of July 2016 and on the 13<sup>th</sup> day of July 2016, (3) that the notice was posted at the St. Germain Community Center, St. Germain Post Office and at St. Germain Sentry Foods on the 6<sup>th</sup> day of July 2016.

Dated this 6<sup>th</sup> day of July 2016.

Thomas E. Martens  
Town Clerk

**Board of Appeals Members present:** John Vojta, Tom Christensen, Jim Swenson, Jon Strom, Tom Martens, town clerk. Nancy Miller was absent. Also present were Chris Marion, Nick Wick, Mary Wick, Ted Ritter, planning & zoning committee chairman and five other people.

**John Vojta:** Mr. Vojta noted that the Board of Appeals had been appointed by Town Chairman Tom Christensen and affirmed by the town board at its regular meeting on June 13, 2016. Mr. Vojta confirmed that each Board of Appeals member was an elector in the Town of St. Germain and that no member also served on the planning & zoning committee. Mr. Vojta read through the packet that he had prepared concerning the Town of St. Germain Zoning Ordinance and the Board of Appeals. Mr. Marion had not yet paid the required \$250 fee. Mr. Marion gave a check for \$250 to the town clerk.  
**Chris Marion:** Mr. Marion stated that the planning & zoning had granted him a conditional use permit and that condition #1 was for a 6' high shadow fence to be constructed the 155' length of his property, 15' from the north property line. Mr. Marion noted that the building setback for his storage units is 15' from the north lot line. The fence and building cannot occupy the same spot. His Storage business is going to be a low impact business. There is already a portion of a fence on Mr. Marion's property adjacent to the Wick property. Mr. Marion said that he had planned on filling in the area to the back of Mr. Wick's home with trees. Mr. Marion stated that there are no other storage buildings in town bordering residential lots that have been required to have a fence. Mr. Marion stated that trees would be aesthetic to the area. He also thought that requiring the fence to be built 15' from the lot line was excessive.

**Ted Ritter:** Mr. Ritter stated that the planning & zoning committee had gone out to view the property. There is no requirement in the town zoning ordinance as to the makeup of the buffer zone. Mr. Ritter added that there was some concern over water runoff. Near the back of Mr. Wick's property, Mr. Marion's property is two to three feet higher than Mr. Wick's. The committee felt that the land within the 15' setback should not be disturbed. Mr. Ritter stated that at the CUP hearing, the Wicks were quite adamant about having a privacy fence instead of a tree barrier. Mr. Ritter also

added that at the CUP hearing, Mr. Marion seemed to have no objections to the fence. Mr. Ritter said that he would have preferred to have the trees. A buffer is not defined in the town ordinance.

**Tom Marion:** Mr. Marion stated that Vilas County is very helpful in helping to resolve problems. He added that his son has lived in St. Germain for most of his life. He felt that his son has not been treated fairly.

**Nick Wick:** Mr. Wick stated that he wanted some type of buffer to help preserve his privacy, but that he was very tired of having to attend all of the meetings. He wanted the issue resolved.

**Mary Wick:** Ms. Wick stated that she was still concerned about the drainage issue. She also added that the fence wouldn't have to be the entire 155' long. It could just be towards the back of her son's lot.

**Chris Marion:** Mr. Marion said that the planning & zoning committee had imposed three conditions on his CUP. There was the fence, and a required drainage plan and no lights could face Mr. Wick's property. Mr. Marion added that his property had been for sale for over 30 years. Mr. Wick could have bought it.

**Jon Strom:** Mr. Strom said that since there was no stipulation in the ordinance about the buffer area, couldn't the trees be bigger? Mr. Marion said that he had saved several five to six foot evergreen trees that he had intended to transplant into the buffer area. Mr. Strom didn't think that the fence was a good idea.

**John Vojta:** Mr. Vojta added that there is nothing mandated in the town zoning ordinance about a fence. Some fences are on the property line.

**Jim Swenson:** Mr. Swenson added that he thought that trees would be a better idea than a fence, since the building would also be 15' from the lot line.

**Tom Christensen:** Mr. Christensen asked if Mr. Marion had submitted a detailed plan. Mr. Ritter stated that Mr. Marion had submitted a plan showing the location and size of the trees in the buffer area. Mr. Vojta noted an email in which Mr. Ritter had stated that Mr. Marion had submitted plans. Mr. Ritter also said that the committee thought that the plans were adequate. The cost of constructing the fence was not considered. Mr. Christensen thought that if the board of appeals changed a condition of the CUP that Mr. Marion might have to start the process over. Mr. Christensen also read from the ordinance that the buffer area must be maintained for perpetuity.

**Tom Martens:** Mr. Martens noted that Section 1.69(7) of the town ordinance stated that the action of the planning & zoning committee shall be affirmed by the board of appeals, unless the board of appeals reverses or modified the action of the planning & zoning committee. Mr. Marion would not have to go back and start the conditional use permit process over again.

**Jon Strom:** Mr. Strom stated that he would not like to have storage buildings constructed next to his house either. But, if they were, he would much rather look at trees.

**John Vojta:** Mr. Vojta said that the board of appeals needed to make a decision. Nick Wick stated that the trees would be OK if they were planted properly. He wants his privacy and if the trees are planted, he wanted more mature trees. Mary Wick stated that Mr. Marion did object to the fence after the CUP hearing. He told her that he had wanted to be a good neighbor, but that now he might have things that he wanted to store in the buffer area. Mr. Vojta added that the Wicks could build a fence if they wanted to.

**Tom Martens:** Mr. Martens noted that the Town of St. Germain zoning ordinance didn't address fences at all. The only condition in the Vilas County zoning ordinance is that the maximum height of a fence is 6 feet. A fence can be built on the lot line. Mr. Martens added that in the town ordinance, the buffer zone is the area of land between the lot line and the building setback. A fence is a feature of the buffer area. There is nothing in the ordinance as to where that feature has to be placed.

**Marion Janssen:** Ms. Janssen stated that Mr. Marion had submitted a plan showing the existing trees, but that he had not submitted a plan showing where he would plant new ones. Mr. Marion stated that he had saved many trees between four and six feet tall that could be moved into the buffer area.

Motion Christensen seconded Swenson that the board of appeals modifies condition #1 of the conditional use permit that had been granted to Northwoods Storage of St. Germain, Chris Marion, agent, by the planning & zoning committee on May 16, 2016 to read as follows based on the plan submitted by Chris Marion to the board of appeals on July 14, 2016: To plant evergreen trees four to six feet tall in two rows, staggered, six feet apart from the east edge of the garage to the property stake that goes north. Transplanting will begin this fall with conclusion within the required one year's time. If a tree should die within a year, it shall be replaced within a year. By a roll call vote: Mr. Christensen – yes; Mr. Swenson – yes; Mr. Strom – yes; Mr. Vojta – yes. Motion carried unanimously.

**Jon Strom:** Mr. Strom asked Mr. Ritter what he thought of the decision. Mr. Ritter stated that he was concerned that the original decision of the planning & zoning committee considered that entire length of the lot line and buffer area. The new decision of the board of appeals only considered the area from Mr. Wick's garage to the back of his yard. Mr. Ritter thought that the lines of new trees should run the length of the lot line.

Motion Strom seconded Christensen that the board of appeals be adjourned. By a voice vote: Yes – 4; No – 0. Motion carried. Meeting adjourned 6:58 P.M.

---

Town Clerk

---

Chairman

---

Member

---

Member

---

Member

---

Member