

PLANNING & ZONING COMMITTEE

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TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

townofstgermain.org

MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: DECEMBER 19, 2005

Meeting Type: Regular Meeting of the P & Z Committee. The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law.

1. **Call to Order:** The meeting was called to order at 4:00 P.M. by Todd Wiese, Chairman
2. **Roll Call -Members Present:** Mary Platner, Ted Ritter, Todd Wiese, Marion Janssen, Tom Martens, town clerk, Tim Ebert Zoning Administrator, Lee Holthaus was absent.
3. **Approve Agenda:** Motion Ritter seconded Platner that the agenda be approved as posted. Approved.
4. **Approval of Minutes:** Motion Platner seconded Janssen that the minutes of the November 21, 2005 regular meeting be approved as written. Approved.
5. **Public Comments:** There were no public comments.
6. **Zoning Administrator Report – Discussion/Action:**
 - 6A. **Home Over Lot Line:** Mr. Ebert reported that a home on the old Euriga property along Hwy 70 on the west corner of Normandy Court Road had been built over the lot line. The property owners had agreed to just swap 15 feet on either side of the lot, but the surveyor said that he could not do that, as it would form a new lot that would be too small to conform to the St. Germain Zoning Ordinance. Mr. Wiese will get a legal opinion from attorney Steve Lucarelli so that Mr. Ebert can give an answer to the property owners.
 - 6B. **Log Cabin on Hwy. 155:** Mr. Ebert stated that he had several calls concerning the small log cabin on the lot along Hwy. 155 just to the south of Half-Mile Road. Mr. Ebert noted that it was not shown on the zoning permit that had been issued. The cabin does not meet the square footage requirement of the town. Mr. Ebert stated that he didn't know what the owner intended to do with the cabin. The committee agreed that a permit should be issued, but did not know what type of permit. Mr. Ebert also noted that if the permit was to be for a model home, that Jim Wendt never has gotten permits for his models in Whitetail Estates. Mr. Wiese quoted section 1.05 of the St. Germain Zoning Ordinance that states that any structure constructed or moved into town needs a permit. The ordinance does not mention the use of the building. Mr. Ebert will call the owner of the log cabin to see what he intends to do with it.
 - 6C. **Carpet Store Billboard:** Mr. Ebert stated that he had received complaints concerning the large red billboard on Hwy. 155 for the carpet store. The store has been out of business for several years. It was noted that there was now a sign over the billboard stating, "space was available".
7. **Ordinance Amendments – Discussion/Action:**

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7A. Setback Requirements for Dwelling Units in “Business Districts”: Mr. Wiese noted that there were no setback requirements for residential dwellings in the business districts. Homes could be built up to the lot line. It was suggested that the setback requirements be changed to be the same as in the other zoning districts. The matter will be added to the list of suggested zoning amendments.

7B. Ornamental Displays and Deer Stands: Mr. Wiese noted that he had talked to Rod Ingram concerning the new sign at the elementary school. During the discussion, Mr. Ingram asked about permits for deer stands. The ordinance states that a structure greater than 12 square feet in area needs a permit. Some committee members felt that if a deer stand was permanently attached to the ground on its own supports that it would need a permit. Other committee members felt that deer stands should be exempt. After a lengthy discussion, there was no consensus of opinion.

8. Re-zonings – Discussion/Action: There was no discussion.

9. Conditional Use Request - Discussion/Action: There was no discussion.

10. Plat and Survey - Discussion/Action:

10A. Movement/Re-Survey of Lots: Item #10A had already been discussed under the Zoning Administrator’s report. Mr. Wiese will get a legal opinion. Mr. Ritter asked if the committee was satisfied with the opinions from the present attorney. Perhaps for some other items the committee would go to William O’Connor from Madison.

11. Miscellaneous Agenda Items – Discussion/Action:

11A. Determination of O.H.W.M.: Mr. Wiese noted that Vilas County does not determine the ordinary high water mark unless there is a complaint. If a determination is made, Vilas County determines the setback from the Ordinary High Water Mark from the site plan provided by the applicant. The DNR will also determine the O.W.H.M. free of charge.

11B. Structures Within 75’ Setback of O.H.W.M.: Mr. Wiese noted that the “Gazebo Law” provides that certain structures up to 200 square feet in area may be placed from 35’ to 75’ from a lake. Ms. Platner corrected Mr. Wiese stating that it was Article 12 of the Vilas County Zoning Ordinance, not the “Gazebo Law”. Ms. Platner also noted that there were many other requirements under Article 12.

11C. Multiple Family Dwellings Within “Downtown Business” and Medium Density Residential” Districts: Chuck Vogel, owner of Barrington Pines Subdivision, was present to discuss constructing duplexes in his subdivision. Prior to the moratorium, Mr. Vogel had asked that he be allowed to build duplexes on the lots in Barrington Pines. He wanted to construct 13 duplexes. With the zoning amendments now in place, duplexes require 1.5 acres plus 12,000 square of land. Only two of the present lots are large enough. Mr. Vogel stated that he could combine some of the lots and construct a 24-unit apartment building. Prior to the moratorium, there were no criteria concerning the construction of duplexes in the “Downtown Business” or Medium Density Residential Districts”. Mr. Vogel now holds a permit from Vilas County for a

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six-bedroom unit for lot #9. Since the lots have not been used and no zoning permit has been issued for almost two years, Chairman Wiese stated under Ordinance 1.56(3), Nonconforming Use, when a particular use is abandoned for more than 12 months it may no longer be allowed. The committee also questioned whether or not Mr. Vogel was “grand fathered” since the lots were already platted prior to the moratorium. Mr. Wiese will get a legal opinion. Mr. Wiese will ask the attorney to rush the opinion as Mr. Vogel has already waited for over a year.

12. Letters and Communications:

12A. Zoning Permits for Signs: Mr. Wiese again noted that he had talked to Rod Ingram concerning the new sign for the elementary school. Mr. Ingram stated that he had talked to a town board member and was told that a permit was not necessary. Mr. Wiese told Mr. Ingram that a permit was necessary, but that there would be no charge since the school was a governmental agency. Ms. Platner noted that in the draft of the proposed sign ordinance governmental agencies do not even need to apply for a sign permit.

13. Committee Concerns:

13A. Building Inspector Contract: Mr. Ebert had reminded Mr. Wiese that the contract with the UDC building inspector expired on January 1, 2006. The clerk made copies of the contract for the committee. The contract states that it will automatically renew each year. It also states that any changes to the contract must be made between November 1st and January 1st each year. The committee has had no complaints concerning the inspector. Mr. Ebert stated that there is someone else interested in the position. Mr. Ebert asked why the committee had not advertised for the position. Mr. Ritter asked why the committee should advertise for a new inspector when it was satisfied with the present inspector. Mr. Ebert also stated that the new person may present a proposal to the committee before the end of the year. If that is the case, the committee will call a special meeting.

13B. Deletion of Old Minutes from Website/Addition of Amendments: Mr. Ritter noted that he had talked to Wayne Overberg from Interpace. Mr. Overberg is going to convert all of the old town board minutes to PDF format. PDF format takes up less space on the website. The cost will be between \$200 and \$300. Mr. Overberg would convert all future minutes to PDF for \$40 per month. Another option would be for the town to purchase the Adobe software so that the town clerk could convert the minutes to PDF format. The committee decided to table the matter to see what the actual cost ends up to be for the town board minutes. The clerk will forward the zoning amendments to Interpace to be uploaded to the town’s website.

13C. Liability Insurance for Parks: Mr. Wiese reported that he had talked to the town insurance company. Mr. Wiese was told that the town is covered for liability at all of the town parks. Groups such as the Lions Club or Chamber of Commerce would not be covered under the town’s policy. They have to hold their own policies.

13D. Naming of Private Roads: Mr. Wiese handed out a new form for the naming of private roads. The committee is to review the form for discussion at the next meeting.

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13E. Minimum Dwelling Size/Conformity: The committee discussed item #13E under the zoning administrator's report.

13F. Codification of Ordinances: Ms. Platner stated that she needed an electronic copy or a disk with the town ordinances. The clerk stated that he had received a copy of the ordinance from Peggy Nimz and would forward it to Ms. Platner.

13G. Park Regulations: Mr. Wiese handed out copies of Chapter 15, Park Regulations with the corrections that had been made at the last workshop session. The committee is to review Chapter 15 for the next meeting.

13H. Section 5.11(7) Changes: Ms. Platner handed out the proposed change to section 5.11(7). It will be discussed at the next meeting.

14. Set Time and Date of Next Meeting: The next regular committee meeting will be held on Monday, January 16, 2006 at 4:00 P.M. in the boardroom of the Red Brick Schoolhouse.

12. Adjournment: Motion Ritter seconded Platner that the meeting be adjourned. Approved. Meeting adjourned 5:52 P.M.

Town Clerk

Chairman

Vice Chairman

Member

Member

Member