

PLANNING & ZONING COMMITTEE

TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

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1

MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: FEBRUARY 20, 2006

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 4:05 P.M. by Todd Wiese, Chairman
2. **Roll Call -Members Present:** Mary Platner, Ted Ritter, Lee Holthaus, Todd Wiese, Marion Janssen, Tom Martens, town clerk, Tim Ebert Zoning Administrator. Mr. & Mrs. Stu Foltz, and Diane & Wayne Newby were also present.
3. **Approve Agenda:** Motion Ritter seconded Platner that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Approval of Minutes:** Motion Ritter seconded Holthaus that the minutes of the January 30, 2006 workshop meeting be approved as written. Approved.
5. **Public Comments:** There were no public comments.
6. **Zoning Administrator Report – Discussion/Action:**
 - 6A. **Kutzner Mobile Home:** Mr. Ebert had a letter from Darren Pagel, building inspector, stating that the single-wide mobile that Martin Kutzner wanted to move into Leisure Estates was in average or above average condition for the year that it was built. The letter, however, did not inform the committee whether or not the mobile home met today's HUD requirements. Mr. Wiese will send a copy of the portion of the St. Germain Zoning Ordinance to Mr. Pagel informing him of what the committee would like to know.
 - 6B. **Wilderness Estates Shed:** Mr. Ebert had pulled a copy of the zoning permit for a shed at 8837 Wilderness Drive. It seems, however, that the structure is used as a residence, at least during hunting season. Mr. Ritter suggested that the owner's options would include either not living in the structure, or to remodel it so that it met the current requirements. Mr. Ritter also suggested that the owner, Jeff Wejcman, be sent a letter informing him of his options along with a 30-day time limit within which he needed to respond to the committee. Since the structure was built in 2001, any remodeling to make into a living space would require an inspection under the Uniform Dwelling Code. Mr. Ebert will send a letter to Mr. Wejcman.
 - 6C. **Computer Warrantee:** Motion Ritter seconded Janssen that the warrantee for Mr. Ebert's laptop computer not be renewed. Approved.
7. **Ordinance Amendments – Discussion/Action:**
 - 7A. **Accessory Structure Ordinance – Review Final Draft (Platner):** Mr. Ritter stated that he found the format to be very clear. Mr. Wiese thought that there should be more spacing between the groups of amendments for the various ordinance sections. Motion Ritter seconded

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2

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Holthaus that the ordinance amendments as presented on February 20, 2006 pertaining to sections 1.12, 1.16, 1.17, 1.18, 1.29, 1.30, 1.31, 1.32, 1.33, 1.34, 1.35, 1.36, and 5.11(7) be approved as submitted with the correction of adding “or single-wide manufactured homes” after mobile homes in section 1.16. Approved.

7B. 5.11(7) Condominium Plat Amendment – Review Final Draft (Platner): Item 7B was included in section 7A.

7C. Fire Ordinance Discussion - Ebert: Mr. Ebert stated that he had not had a chance to discuss the fire ordinance with the fire inspector.

8. Re-zonings – Discussion/Action:

8A. Donald R. Eliason LLC, by Foltz and Assoc., Agent, Section 33, T40N R8E, (Tax Parcel 24-1833) South Side of Holiday Estates, West of Hwy. 70. Review Plat, set date for Public Hearing: Mr. Wiese explained that this request is for one parcel of land. The portion of Mr. Eliason’s property immediately adjacent to Hwy. 70 is currently zoned in the Parks & Recreation District. The next portion, up to 500 feet from Hwy. 70, is currently zoned in the Community Business District. Mr. Eliason is asking the both of those portions be rezoned in the Downtown Business District. Mr. Ritter noted that there may be only one parcel of land, but that there are two zoning changes being requested. Section 1.15(5) of the zoning ordinance states that the setback from a State highway is the lesser of 100 feet or the footprint of principle structures in the area. Mr. Ritter will get the names and addresses of all property owners within 300 feet of Mr. Eliason’s property. Mr. Wiese gave Mr. Eliason’s check for \$250 to Mr. Martens. Motion Ritter seconded Holthaus that a public hearing pertaining to the rezone request by Donald R. Eliason LLC for tax parcel 24-1833 be scheduled for April 17, 2006 at 7:00 P.M. in the boardroom of the Red Brick Schoolhouse since Stu Foltz, agent for Mr. Eliason, will be gone during the month of March. Approved. The clerk will publish the notice for the public hearing on March 28, 2006 and April 4, 2006 in the Vilas County News Review.

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

10. Plat and Survey - Discussion/Action:

10A. Condominium Preliminary Plat Review – Heart of The Woods, SE ¼ of the NE ¼, Section 21, T40N, R8E, (Foltz & Assoc.) West Side of Hwy. 155: Stu Foltz was present representing Dixon Builders. Mr. Ritter asked if the condominium declarations had been prepared. Mr. Foltz stated that they would be prepared as soon as the preliminary plat was approved. Mr. Foltz was informed that the final plat would need to have the driveway named since there will be more than two residences. The plat allowed no space for any more dwellings. Any additional structures would require an amendment to the condominium plat. There is also no planned expansion space to the existing dwellings. The attorney for Dixon Builders will send the final plat and declarations to the committee. Mr. Foltz agreed that since the proposed zoning amendments require that storage buildings be 15 feet from the lot lines, that the proposed storage structures on the preliminary plat should be moved to meet the new requirements. The park fee of \$1,000 will have to be paid to the committee upon the approval of the final plat. The Heart of the Woods Condominiums will be on the agenda for the April 17, 2006 zoning committee

PLANNING & ZONING COMMITTEE

3

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meeting. Motion Platner seconded Janssen that the preliminary plat for Heart of the Woods Condominiums dated January 18, 2006 be approved with the following contingencies: (1) Mr. Foltz will present the park fee check for \$1,000 upon approval of the final plat, (2) the proposed storage structures will be shown as being 15 feet from the lot lines, (3) the driveway will be named. Approved.

10B. Minor Subdivision Preliminary Plat Review – Bob and Lynn Frey, NW ¼ of the SW ¼, Section 36, T40N, R8E, (Favorite Surveying). Old Hwy. 70 S.E. of Intersection with Shields Road: The preliminary plat for the Frey's four-lot subdivision in Section 36 is consistent with the requirements of the zoning district. Motion Ritter seconded Platner that Bob and Lynn Frey's four lot subdivision in the NW ¼ of the SW ¼ section 36, T40N, R8E, be approved with condition that the surveyor make a notation on the Preliminary Plat that no filling or altering of any wetlands or lowlands can be done without the proper permits and that the committee chairman be allowed to sign the plat subject to the notation. Approved. In the event that chairman Wiese is out of town, vice-chairman Ritter will sign the plat.

11. Miscellaneous Agenda Items – Discussion/Action:

11A. Appearance by Diane Newby Ref. Suspension of Zoning Permits: Wayne and Diane Newby asked to be on the agenda to request that the committee reconsider its decision to revoke the zoning permits for Ms. Newby's home. Mr. Newby stated that there should have been an assessor's plat requested so that both parties could sit down and try to work out the problem. Stu Foltz noted that assessor's plats are only used when an assessor cannot determine a value for a property. Mr. Foltz also noted that his survey of the property stands as correct. Mr. Foltz also stated that sometimes measurements on older deeds are incorrect since technology at the time made precise measurements very difficult. The committee noted that its decision was not based on whether or not Ms. Newby was trespassing or not. The decision was based on the fact that zoning permits had been issued based on false information. Mr. Ritter felt that the town's action was appropriate and should stand. The matter needed to be resolved in court. Mr. Newby stated that he felt that since the town had imposed the suspension of the zoning permits, Ms. Jackson's attorney was stalling until the deadline and that all progress had stopped. Mr. Newby also stated that they did not want to go to court. They would rather settle the matter on their own. The committee decided that the deadline still stands at May 15, 2006. At that time, however, Ms. Newby is to appear before the committee again. At that time, unless the matter has been resolved, the committee will decide whether or not to extend the deadline.

12. Letters and Communications:

12A. Feb. 7th Letter from J. Bushnell Nielson, (Jackson Atty.), to Faye Calvey, (Newby/Burgess Atty.): Mr. Wiese acknowledged a letter from attorney J. Bushnell Nielson to attorney Faye Calvey stating that the Ms. Newby's home was not located where the original cabin had been located and that the Newby's had no claim to adverse possession.

12B. Feb. 13th Letter from J. Bushnell Nielson, (Jackson Atty.) to Faye Calvey, (Newby/Burgess Atty.): Mr. Wiese acknowledged a letter from attorney J. Bushnell Nielson to attorney Fay Calvey stating that the tax roll does not establish ownership and the Ms. Jackson

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will expect the Newby's to have all of their property removed from Ms. Jackson's land by May 15, 2006.

12C. Copy of Letter to Charles Vogel Ref. Barrington Pines: Mr. Wiese read a letter that he had sent to Charles Vogel concerning the lot size requirements in Barrington Pines Subdivision.

13. Committee Concerns:

13A. Application for Road Naming: Mr. Wiese stated that he had presented the proposed application to the town board. The town board appeared not to have any objections.

13B. Review of Ordinance List: Mr. Wiese handed out a list of proposed ordinances in order of importance. Section #1 setbacks for dwellings in "Business Districts"; Section #2 Fire Ordinances; Section #3 Signs, Blight and Light Ordinances; Section #4 Transient Business licenses, Fireworks (sales, storage, use), and Use of compression brakes.

13C. Assignment of Ordinance Numbers: It was the opinion of the committee that the decision to renumber the town ordinances would not have to be done by ordinance. Mr. Wiese will prepare something to that effect for the town board to approve.

13D. WTA Response on Plan Committee Makeup: The WTA informed Mr. Wiese that once the town's population reached 2500 people, the planning and zoning committee would have to have 7 members.

13E. Spreadsheet (Janssen): Ms. Janssen had prepared a spreadsheet for Mr. Wiese to use to keep track of money that is collected by the Planning & Zoning Committee.

13F. Review of New Contact List: Mr. Wiese handed out a new contact list of town board and committee members.

14. Set Time and Date of Next Meeting: The next regular committee meeting will be held on Monday, April 17, 2006 at 4:00 P.M. in the boardroom of the Red Brick Schoolhouse. The public hearing for the Donald R. Eliason LLC rezone will be held on Monday, April 17, 2006 at 7:00 P.M. in the boardroom of the Red Brick Schoolhouse.

12. Adjournment: Motion Ritter seconded Janssen that the meeting be adjourned. Approved. Meeting adjourned 6:50 P.M

Town Clerk

Chairman

Vice Chairman

Member

Member

Member

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