

# 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: MAY 15, 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 4:04 P.M. by Todd Wiese, Chairman
2. **Roll Call -Members Present:** Ted Ritter, Todd Wiese, Mary Platner, 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 April 17, 2006 regular meeting and the Eliason Rezone Public Hearing from April 17, 2006 be approved as written. Approved.
5. **Public Comments:** There were no public comments.
6. **Zoning Administrator Report – Discussion/Action:**
  - 6A. Mr. Ebert reported that Ron Hallstrom had constructed an addition to the billboard sign on Big St. Germain hill on Hwy. 155. Mr. Hallstrom did not apply for a permit. The sign moratorium is no longer in effect. The permit fee should now be after the fact. Mr. Ebert has left a message for Mr. Hallstrom.
  - 6B. Mr. Ebert noted that he has received notice that anyone doing any remodeling on a building containing asbestos needs to complete a State prescribed form. It appears that there will be a substantial cost. The committee was concerned about how the town was to know which structures contained asbestos. Mr. Wiese will discuss the matter with legal counsel.
  - 6C. Last month, Mr. Ebert had reported that Mark Sheddy was purchasing enough land from a neighbor so that he could build a garage in Timbergate. The deal has fallen through. Mr. Sheddy will now have to apply for a variance to build his garage within 50 feet of the town road. The variance request should be submitted to Boyd Best, Board of Appeals chairman.
  - 6D. Mr. Ebert noted that Don Zarapata wanted to build two dwellings on his three-acre lot near the corner of Hug and Shields Road. The area is zoned Low Density Residential. The town ordinance does not address a lot size requirement for a second dwelling in the Low Density Residential District. It was the opinion of the committee that Mr. Zarapata would not be able to build two dwellings on his lot. .
  - 6E. Mr. Ebert noted that his computer once again would not burn CD's. The committee gave Mr. Ebert permission to try to have it fixed.

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2

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### 7. Ordinance Amendments – Discussion/Action:

#### 7A. Presentation and review of format of Approved Draft Amendments to Section 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). (Platner) Ms.

Platner the revised format of the ordinance amendments. Ms. Platner noted that the only changes to the last presentation was the date and the words “single-wide manufactured” to section 1.16. The amendments will now be presented to the town board so that a public hearing can be scheduled.

### 8. Re-zonings – Discussion/Action:

#### 8A. Set time and Date for Public Hearing on Request to Rezone Quam-Hoff Property (9088 Hwy. 70 West), from Parks & Recreation to Community Highway Business: Mr.

Wiese noted that Jeff Seivert was making the request on behalf of Ms. Quam and her son Mr. Hoff. Mr. Wiese also noted that he had received the required \$250 check from Jeff Seivert and had turned it over to the town clerk. The public hearing will be held on Monday, June 5, 2006 at 7:00 P.M. in the boardroom of the Red Brick Schoolhouse.

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

### 10. Plat and Survey - Discussion/Action:

#### 10A. 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:

Motion Ritter seconded Janssen to approve the final plat for Lots 1 thru 4 in a subdivision for Lynn L. Frey in NW ¼ of the SW ¼ Sec. 36, T40N, R8E. Approved. Mr. Wiese noted that he had received the \$400 check for the park fund and had turned it over to the town clerk.

### 11. Miscellaneous Agenda Items – Discussion/Action:

11A. Progress Report by Diane Newby: Diane Newby, her son, and her attorney, William Joost, were present. Mary Jackson and her attorney, Butch Neilsen were also present. Mr. Joost noted that the committee had claimed that Ms. Newby had misrepresented information on her zoning permit application. He wanted to know what that misrepresentation was. Mr. Joost began to explain that negotiations were in progress. Ms. Jackson’s attorney interrupted stating that there were no negotiations. Mr. Joost stated that court action seemed to be the only solution. Mr. Neilsen asked that the committee seek court action to impose a fine on Ms. Newby. The committee did not want to use town funds for what it feels is a civil action. Mr. Joost stated that if Ms. Newby does not seek some type of court action within 60 days, she will need to find other counsel. Motion Platner seconded Ritter that the committee seek a legal opinion prior to the next regular committee meeting on June 19<sup>th</sup> and that the opinion not be an opinion of how the matter is to be resolved, but rather an opinion of what direction the committee should take and what roll the committee should have. Approved.

### 12. Letters and Communications: There were no communications.

### 13. Committee Concerns:

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**13A. Complaint of Incomplete Structure 8225 Half Mile Road, (Lot 26, Sec. 21, T40N, R8E):** Robert Ohde has originally applied for a permit on September 10, 2001. He applied for a renewal of the permit in June 2004. All that has been completed, so far, is the basement floor and two basement walls. Unfortunately, there is nothing in the town ordinance requiring Mr. Ohde to complete the structure. The committee felt that it could not enforce a public safety hazard on a private property. Mr. Ohde owns other property in town. He has applied for a travelway permit in Indian Woods. The committee questioned whether or not Mr. Ohde could be denied a permit for his property in Indian Woods until his project Forest Downs is completed. Mr. Wiese will get an opinion from legal counsel.

**13B. Parks and Recreation Designation (Hwy. 70):** Mr. Wiese reported that Don Eliason had withdrawn his rezone request for his property along Hwy. 70. Mr. Eliason was unhappy with the committee's decision concerning the 67-foot strip that is zoned Parks & Recreation. Mr. Eliason did not see how the town could zone private property in the Parks & Recreation District. Mr. Eliason felt that perhaps it was mistake. Mr. Wiese noted that he had talked to Lee Holthaus, who was on the Planning & Zoning Committee at that time. Mr. Holthaus stated that it was the intention of the committee to have the strip zoned Parks & Recreation. There were permitted uses for the property. Ms. Janssen asked if the rezone request on the Quam-Hoff property was not very similar. The committee felt that one basic difference was the Mr. Eliason purchased his property knowing how it was zoned. The Eliason LLC rezone hearing was held, but no response was forwarded to the town board because Foltz & Associates, Mr. Eliason's agent, have withdrawn the rezone request.

**13C. Set Back for Garage on Residential Lots:** Mr. Wiese noted that he has received complaints concerning the proposed 15 foot set back for garages from both the rear and side lot lines. The committee felt that the complaints would be heard at the public hearing and that the amendment should stand.

**13D. Manufactured/Mobile Home Inspection Report:** Mr. Wiese presented a proposed Manufactured/Mobile Home Inspection Report. He had asked Darren Pagel to give input. Mr. Pagel asked that a licensed UDC inspector be permitted to make the report as well as a license home inspector. The committee agreed. Motion Ritter seconded Platner that the Manufactured/Mobile Home Inspection Report be accepted with the title being changed to "Town of St. Germain, Planning & Zoning Committee, Manufactured/Mobile Home Inspection Report" and with an adoption and revision date included. Approved.

**13E. Dog Ordinance:** Mr. Ebert asked if there were going to be any changes to the town's Dog Ordinance. The committee stated that there would be no changes unless the town board requested them.

**13F. Park Signs:** Mr. Ebert asked if there would park regulations signs placed at Vandervort Park. The committee noted that the town's Parks & Recreation Committee would be making recommendations concerning the signs.

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**13G. Internet Forms:** Mr. Ebert asked whether or not the zoning forms would be placed on the town's website. Mr. Ritter stated that he would convert them to PDF format and see that they got to Interpace. Mr. Wiese will gather the forms for Mr. Ritter.

**14. Set Time and Date of Next Meeting:** There will be a public hearing for the rezone petition for the Quam-Hoff property on Monday, June 5, 2006 at 7:00 P.M. in the boardroom of the Red Brick Schoolhouse. The next regular committee meeting will be held on June 19, 2006 at 4:00 P.M. in the boardroom of the Red Brick Schoolhouse.

**12. Adjournment:** Motion Platner seconded Janssen that the meeting be adjourned. Approved.  
Meeting adjourned 6:18 P.M

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Town Clerk

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Chairman

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Vice Chairman

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Member

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Member

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Member