

# PLANNING & ZONING COMMITTEE

## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

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### MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: JUNE 19, 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, Lee Holthaus, Marion Janssen, Tom Martens, town clerk, Tim Ebert Zoning Administrator.
3. **Approve Agenda:** Motion Ritter seconded Holthaus that the agenda be approved as posted. Approved.
4. **Approval of Minutes:** Motion Platner seconded Holthaus that the minutes of the May 15, 2006 regular meeting and the Quam-Hoff Rezone Public Hearing from June 5, 2006 be approved as written. Approved.
5. **Public Comments:** Mike Connors was present to ask what the procedure would be to get an ordinance prohibiting motors on Little Bass Lake. Mr. Connors had a letter dated July 13, 1980 from his father, Gerald Connors to town chairman, George Lorentz, asking for an ordinance prohibiting the motors. Mr. Wiese stated that he would ask that the matter be placed on the July 10, 2006 town board meeting agenda. Mr. Connors also asked what could be done about closing off the snowmobile trail into the back of the stump dump. Mr. Ebert stated that in the past, the town has blocked the road with a mound of dirt. Mr. Wiese stated that he would take the matter to the public works committee of the town board.
6. **Zoning Administrator Report – Discussion/Action:**
  - 6A. **Kuehne Road Lot:** Mr. Ebert reported that a property owner, Dorothy Faust, had removed a building at the end of Kuehne Road. The question is where is the end of the road? The committee assumes that the road ends with the blacktop. In that case, Ms. Faust meets the town's 75-foot setback requirement. However, since the building has been removed, Ms. Faust will probably have to meet the Vilas County setback of 40 feet from the back lot line of her property. There is room for all setbacks to be met including the 75-foot setback from the lake. Mr. Ebert is to issue the zoning permit provided that Ms. Faust meets the county's 40-foot setback.
7. **Ordinance Amendments – Discussion/Action:**
  - 7A. **Blight Ordinance:** Mr. Wiese read an opinion from WTA attorney, Tara Fermanich, stating that we can have an ordinance against public nuisances and public health and safety hazards. But, the town could not have an ordinance against something just because it is ugly. Boulder Junction has a public health ordinance in which they first of all get an opinion from the Vilas County Health Department determining whether or not something is a health or safety hazard. Mr. Ritter will get a copy of the Boulder Junction ordinance. Ms. Platner questioned

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Ms. Fermanich's opinion. She thought that there must be other towns in the state that would have a blight ordinance that would include unsightly properties. Ms. Platner thought that possibly the terminology could help clear up the question. Mr. Ebert noted that he and Mr. Holthaus have contacted the Vilas County Department for situations in the past, but have not gotten any response

**7B. Parks & Recreation Attorney Response:** Mr. Wiese read portions of the response from Attorney William O'Connor concerning zoning in the Parks & Recreation District. It is Mr. O'Connor's opinion that the Parks & Recreation District is not an appropriate district for privately owned lands. Mr. O'Connor suggested that the town rezone the private lands in the Parks & Recreation District to a more suitable to private property. Mr. O'Connor went on to state that the Eliason LLC property was also a good candidate for rezoning. Mr. O'Connor also stated that the town could initiate the rezone.

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

**8A. Report on Town Board Action for Sievert Rezone Request:** Mr. Wiese noted that at a special town board meeting held at 7:00 A.M. this morning, the town board approved the rezone request for the Quam-Hoff property from the Parks & Recreation District to the Community Highway Business District. Mr. Wiese passed out copies of a letter that he had written notifying Mr. & Mrs. Jeff Sievert of the town board's decision.

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

**10. Plat and Survey - Discussion/Action:** There was no discussion.

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

**11A. Review Forms for Posting on Internet:** Mr. Wiese handed out a packet of forms that are to be uploaded to the town's website. Ms. Platner suggested that instead of "date" on the forms, it should be changed to "date of application" and "date received". Mr. Wiese will add the date of adoption to the forms. Motion Platner seconded Ritter to approve the forms with the indicated changes. Approved. Mr. Ritter suggested that the town clerk be given a computer disk with the approved forms.

**12. Letters and Communication**

**12A. Eliason LLC, Rezone Request Response:** Mr. Wiese noted that Donald Eliason had informed him that he would not ask for his property along Hwy. 70 to be rezoned into the Downtown Business District if the town would rezone the strip along the highway right of way from Parks & Recreation to the Community Highway Business District. He would sell the lots as 1.5-acre lots instead of 20,000 sq. ft. lots as he had originally requested. The lot immediately to the south of Mr. Eliason's lot would also have to have the strip rezoned. Ms. Janssen asked that this matter be taken care of as soon as possible. The committee discussed setting a date for a public hearing, but instead of having two hearings, decided to wait until the July committee meeting so that they could look into why the Whitetail Inn is also zoned in the Parks & Recreation District. Mr. Holthaus noted that he disagreed with the portion of William

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O'Connor's opinion, which stated that Mr. O'Connor had not had anything to do with the town's land use plan.

### 13. Committee Concerns:

**13A. Results of Action on Incomplete Structure 8224 Half Mile Road, (Lot 26, Sec. 21, T40N, R8E):** Mr. Wiese noted that after he had received a letter from Attorney Steve Lucarelli, Robert Ohde had begun construction on his building. The foundation had been left unfinished for the past several years.

**13B. Attorney Response on Newby/Jackson Land Dispute):** Mr. Wiese noted that he had received a response from Attorney Steve Lucarelli concerning the Newby/Jackson dispute. Mr. Lucarelli stated that since it appeared as though the building was placed in the wrong location by accident, he would recommend that the town not pursue any action. The town's ordinance states that the town *may* pursue action against the property owner. The matter has also been presented to the Vilas County Corporation Counsel. As of this time, there has been no response. Mr. Ritter added that this matter was very complex and had to be considered carefully. Motion Ritter seconded Platner that the committee follow Attorney Lucarelli's advice and take no further action at this time. Approved. Mr. Delaney noted that the lot lines had been changed on each permit. Ms. Jackson's daughter said that the matter also involved acreage issues.

**14. Set Time and Date of Next Meeting:** The next regular committee meeting will be held on July 17, 2006 at 4:00 P.M. in the boardroom of the Red Brick Schoolhouse.

**15. Adjournment:** Motion Ritter seconded Platner that the meeting be adjourned. Approved. Meeting adjourned 5:05 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