

# PLANNING AND ZONING COMMITTEE

## TOWN OF ST. GERMAIN

OFFICE OF THE CLERK

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

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

### MINUTES PUBLIC HEARING FOR CONDITIONAL USE PERMIT

REQUESTED BY GAIL D. CARLSON: JULY 7, 2008

**PLEASE TAKE NOTICE**, that the Planning & Zoning Committee of the Town of St. Germain will conduct a public hearing on Monday, July 7, 2008 at 7:00 P.M. in meeting room #4 in the Community Center pursuant to Section 1.30 (3), (e) of the Town of St. Germain Zoning Ordinance, to consider a request for a conditional use permit for Gail D. Carlson. The request is for a Conditional Use Permit to operate a home occupation (one-station beauty salon) at 1584 Daisy Drive, Lot #53, Leisure Estates, T40N R8E, computer #024-1392. The beauty salon will be in the front porch of the home.

### 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 24<sup>th</sup> day of June 2008 and on the 1<sup>st</sup> day of July 2008, and (3) the following were deposited postage paid by U.S. Mail to the following:

Call to Order by Chairman, Todd Weise at 7:05 P.M.

Present: Marion Janssen, Mary Platner, John Vojta, Todd Weise, Lee Holthaus, Tom Martens, Town Clerk. There were five other people present.

Gail Carlson was not present due to the death of her mother-in-law. Marion Janssen read a letter from Ms. Carlson stating that she wanted to open a one-station beauty salon at her home at 1584 Daisy Drive in Leisure Estates. The salon would be open for one day for now and possibly for two or three days a week in the future. Parking would be in the driveway, and there would be no noise other than the hair dryer. Ms. Carlson stressed that she wanted to do things correctly by applying for this Conditional Use Permit.

Mr. Wiese noted that Ms. Carlson had submitted the proper application and had paid the proper fee to the town clerk.

Mr. Wiese opened the floor to comments. Tom Price, 1622 Daisy Drive stated that he had helped with the petition for the zoning in Leisure Estates. At that time, the residents wanted that area to be strictly residential. Mr. Price felt that allowing Ms. Carlson's business would open the door for more businesses down the road. He also stated that allowing the business would effect property values in Leisure Estates.

Judy Kohout, 1577 Dandelion Drive, agreed with Mr. Price stating that the area should be kept residential. Phil Kohout also agreed.

Clara Truax, 1638 Daisy Drive also agreed that the area should remain residential.

Mr. Wiese noted that he had received a telephone call from Ms. Truax on June 26, 2008, Mr. Price on June 28, 2008 and Ms. Kohout on June 30, 2008 all stating their concerns about Ms. Carlson's business.

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Since there were no other comments, Mr. Wiese closed the public hearing at 7 :13 P.M.

Mr. Wiese then opened the deliberation portion of the meeting.

Mr. Wiese stated that he lived in Leisure Estates, but not in the immediate area of Ms. Carlson's proposed business. Mr. Wiese added that he would not want a business next to his home, but felt that he could make a decision based on the town ordinance and not on his personal feelings.

Mr. Wiese stated that Ms. Carlson's property was in the Medium Density Residential District. A beauty salon is not a listed business under either the permitted uses or the conditional uses. The beauty salon is not a home occupation since Ms. Carlson will be inviting customers. It is not an essential service since there are things such as utilities. The beauty salon doesn't seem to fit under any of the uses. Mr. Wiese asked if Ms. Carlson's application was even valid.

Ms. Janssen stated that she was a friend of Ms. Carlson' and had Ms. Carlson do her hair. Mr. Wiese asked Ms. Janssen if she could make decision based on the town ordinance. Mr. Janssen stated that she would have to abstain from voting. Her personal feelings would influence her vote. Ms. Janssen noted that she hoped that Ms. Carlson would be allowed to open the salon. Ms Janssen also stated that even if Ms. Carlson's application were to be denied, there could be other businesses allowed in Leisure Estates even with objection of the neighbors.

Mr. Vojta stated that since Ms. Carlson's old business in town had just closed, her old customers would be looking for a new salon, and her business could grow very rapidly. Mr. Vojta also asked if the covenants in Leisure Estates would allow the business. Mr. Wiese stated that the town did not enforce the covenants of the subdivision and would not get involved with them. Mr. Vojta also asked about a sign. Ms. Janssen stated that Ms. Carlson had said that she was not going to have a sign.

Mr. Holthaus stated that Ms. Carlson's home would have to be remodeled in order for her to be licensed by the State. He also stated that when the zoning ordinance was written, the definition of home occupation was set up so that each individual case would have to be decided on its own merit. Mr. Holthaus also noted that personal feelings should not influence the committee's thinking.

Ms. Platner stated that if there had not been objections from neighbors, she would probably have been in favor of allowing the business. She also felt that the committee should reexamine the definition of home occupation.

Mr. Wiese asked the each member of the committee whether on not Ms. Carlson's business fell under any of the categories of either permitted or conditional uses in the Medium Density Residential District. Mr. Holthaus, Mr. Vojta and Ms. Platner all thought that it did not. Ms. Janssen abstained when asked. Ms. Platner suggested that the committee refund the application fee to Ms. Carlson since the public hearing probably should have not been held in the first place. Mr. Holthaus felt that the committee should not set a precedence of returning fees.

Motion Platner seconded Vojta that the \$150 application fee be refunded to Gail D. Carlson based on the fact that her proposed use is not a listed use in the Medium Density Residential District and that Ms.

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Carlson should not have been led to believe that she could apply for a conditional use permit. By a roll call vote: Mr. Holthaus – yes; Mr. Vojta – yes; Ms. Platner – yes; Mr. Wiese – yes; Ms. Janssen – abstained. Motion carried.

Motion Vojta seconded Platner that the meeting be adjourned. Meeting adjourned 7:55 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