

# PLANNING & ZONING COMMITTEE

## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org.

### MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: DECEMBER 15, 2008

**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:** Chairman, Todd Wiese, called the meeting to order at 4:05 P.M.
2. **Roll Call -Members Present:** Todd Wiese, John Vojta, Lee Holthaus, Mary Platner, Marion Janssen, Tim Ebert, Zoning Administrator, Tom Martens, Town Clerk. Jim Penkalski and Fred Radtke were also present.
3. **Approve Agenda:** Motion Platner seconded Holthaus that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Approval of Minutes:** Motion Platner seconded Janssen that the minutes of the November 17, 2008 regular committee meeting be approved as written. Approved.
5. **Public Comments:** There were no public comments.
6. **Zoning Administrator Report – Discussion/Action:** There was no report.
7. **Ordinance Amendments – Discussion/Action:**
  - 7A. **Review of Sign Ordinance Progress –Platner:** Ms. Platner explained that Mr. Ebert was gathering all of the sign permits that he had. Those signs will be looked at to determine their size and shape and how they would be affected by the sign ordinance. Then the signs that were put up before permits were required will be looked at. Once this is done, the final draft will be completed. Looking at the existing signs should make a public hearing easier.
  - 7B. **Ordinance Book Status:** Ms. Platner noted that she had not yet proofread the ordinance book. Mr. Wiese stated that he would also read it. Ms. Platner also stated that she would assign numbers to the ordinances that are not yet numbered. She also asked the clerk to make sure that all of the existing ordinances were in the book.
  - 7C. **Setback Review for Nonconforming Lots. (Jim Penkalski request):** Mr. Penkalski stated that the last several variance requests that had come before the Board of Appeals concerned the setbacks in Holiday Estates. He asked if there could be zoning changes in some parts of the subdivision. Mr. Wiese stated that Holiday Estates was not the only subdivision with small lots. Ms. Janssen also noted that many lake lots are only 100' wide and might have the same setback problems. Mr. Wiese thought that the variance requests had to do with setbacks from the town roads, but Mr. Penkalski stated that they also had to do with the setbacks from the side lot lines. Ms. Platner thought that there would have to be a new zoning district for areas with smaller lots. Ms. Janssen stated that the committee had considered doing something about the areas with the small lots, but decided to have the people apply for a variance rather than change the zoning. Ms. Platner suggested that in areas where the town road is not in the center of the right of way, that the town uses a 45' setback from the lot line as the county does. Mr. Wiese will check with Vilas County to see how they determine where the lot lines are.
  - 7D. **Vilas County Response to Above Ground Gas Storage Systems:** Mr. Wiese noted that the Vilas County Zoning Administrator did not see any problems. Mr. Radtke stated that the zoning committee had passed the ordinance and amendment and that they would be on the county board agenda in January. Mr. Ebert asked what he should do if CITGO applies for a permit. He was told to deny the permit. Attorney Steve Lucareli had told Mr. Wiese that once the ordinance was in progress, permits could be denied.
8. **Re-zonings – Discussion/Action:** There were none.
9. **Conditional Use Request - Discussion/Action:** There were none.
10. **Plat and Survey - Discussion/Action:**

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**10A. Dorway Condominium First Addendum Update:** Mr. Wiese stated that he had received a copy of the plat with the new road names, but that he had still not received the final plat from Tom Boettcher so that it could be signed.

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

**11A. Review of Serenity Bay Condominium Setback Issues (Ebert):** Mr. Ebert stated that he had talked to Darren Rubo, but that Mr. Rubo had not called him back as he said he would do. Mr. Wiese read an email from Mr. Rubo. If anything is done, it will not be done until spring. The matter might end up in court. Mr. Vojta thought that the town should just wait to see what happens. Mr. Ebert also stated that depending on what the planning & zoning committee decides to do with the setbacks on town roads that are not in the center of the right of way, there might not be a violation.

**11B. Setback Review of Perks Condominium Resort, Douglas Kohlbeck-owner:** Mr. Wiese stated that Attorney Steve Lucareli said that regardless of what the county does, the town is correct in granting the permit based on the fact the expandable area had been established prior to the new setback requirements.

**11C. Board of Appeals Decisions:** Mr. Wiese noted that a variance had been granted to Gary Pagel for a porch that encroached upon the 75' setback on a town road. Mr. Rockow had been denied a variance for a garage on a corner lot in Holiday Estates that would be too close to both town roads. The Planning & Zoning Committee decided that since a concrete slab was not a structure, and that since a permit was not required, there was no violation and that the slab would not have to be removed. Mr. Rockow could not build on the slab, however, unless he made alterations to his plans so that the garage would meet the setback requirements. An application for a conditional use permit would not allow for the garage since it was greater than the 5% rule. It is also possible that the decision concerning town roads that are not in the center of the right of way might affect Mr. Rockow's garage.

**12. Letters and Communication:** There were none.

### 13. Committee Concerns:

**John Vojta:** Mr. Vojta thought that the setback issue with town roads that are not in the center of the right of way needed to be considered very soon. There are three or four issues already awaiting a decision.

**Mary Platner:** Ms. Platner thought that the portable garages would need to be addresses in the ordinance.

**Tim Ebert:** Mr. Ebert asked what should be done if Mr. Rockow would build his garage without a permit. The committee decided that there would be a penalty. The committee also thought that a letter should be sent to Mr. Rockow now so that he knows that he cannot build the garage as it is now.

**14. Set Time and Date of Next Meeting:** The next regular monthly Planning & Zoning Committee meeting will be held on Monday, January 19, 2009 at 5:00 P.M. in meeting room #4 of the Community Center.

**15. Adjournment:** Motion Janssen seconded Holthaus that the meeting be adjourned. Approved. Meeting adjourned 5:32 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

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