

TOWN OF ST. GERMAIN

OFFICE OF THE CLERK

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org

MINUTES PLANNING & ZONING COMMITTEE: OCTOBER 10, 2013

1. Call To Order: The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law. Meeting called to order by Chairman Marv Anderson at 7:00 P.M.

2. Roll Call: Marv Anderson, Tom Christensen, Gerald Hensen, Mary Platner, Jaime Ricart, Tom Martens, town clerk, Tim Ebert, town zoning administrator. There were also 10 other people in attendance.

3. Approval of Agenda: Motion Janssen seconded Hensen that the agenda be approved in any order at the discretion of the chair. Approved.

4. Approval of Minutes: Hearing no objections or corrections, Mr. Anderson stated that the minutes of the September 16, 2013 planning & zoning committee are approved as written.

5. Discussion Items:

A. Town Resident Dog Petition: Mr. Anderson noted that the town chairman read the petition at the September 9, 2013 town board meeting. The town board referred the petition to the planning & zoning committee. Mr. Martens noted that the lot in question was on Hwy. 70W and not in Colonna Estates as he had previously entered into the minutes.

Karl & Peggy Koehler purchased their lot in Colonna Estates seven years ago. They built a new home. Their lot backs up against the lot with the hunting dogs. Over the years, the Koehlers have called the town constable, Vilas County Sheriff and animal control officer about the barking. Recently they lost the sale of their home because of the barking dogs.

Steve White, owner of the hunting dogs, rents his home at 8447 Hwy. 70W from John & Nancy Faro. Mr. White is fully licensed with Vilas County with a multi-dog license to have hunting dogs. He stated that when wild animals are around, his dogs might bark. He also noted that dogs in Colonna Estates bark. He not had any citations. His dogs all have shock collars and he has a baby monitor in his bedroom in case the dogs bark at night. Mr. White admitted that the dogs bark for a few minutes when they are being fed or let out. Mr. White guides hunting trips and trains hunting dogs. He might sell two or three dogs per year. He is not running an animal shelter or a kennel.

Ms. Platner stated that she had helped to write the animal ordinance and explained that the County issues a "multiple dog license" which is simply a license to give owners of multiple dogs a dollar reduction in cost for licensing multiple dogs up to a number of 12 for \$35. (each additional dog license is \$5) It has absolutely nothing to do with having a kennel or the number or breed of dogs licensed by a single owner. There is case law stating that a town board can use its discretion when issuing a kennel license. Section 11.06(2)(a) in the St. Germain ordinance limits the number of dogs to four. However, Section 11.06(2)(b) in the St. Germain ordinance does not put a limit on the number of sporting dogs that are allowed.

Mr. Christensen added that a conditional use permit is necessary to operate a home occupation in the residential –low density zoning district. One of the conditions is that the business is operated entirely out of the home. Mr. White's dogs are not kept in the home. Another condition is that the business cannot affect the value of surrounding property and can't cause excessive noise. If the Koehlers lost the sale of their home because of the barking, it would appear that those conditions are not being met either.

Ms. Platner stated that there have been two previous applications for home based occupations. Public hearings were held for both. One was a hair dressing business in Leisure Estates. The

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second was a catering business. Both were turned down because of not meeting the conditions spelled out in the ordinance.

Steve White said that there are no signs or other indications on the property that he is operating a business. Peggy Koehler said that Mr. White's website indicates that he is operating a business. Mr. Anderson said that the question of a home based business is not part of the petition. He also added that the committee doesn't have to make a decision tonight and that the petition could be given back to the town board.

Mr. Hensen stated that in his opinion, Mr. White was operating a business. Marion Janssen asked the owner of the home or the renter would be at fault for allowing a business in the zoning district. Kalisa Nampel said that she was worried about the property value of her home. Marilyn Schuppe asked how many dogs someone could have. Mr. Anderson once again explained once again that sporting dogs were an exception in the town ordinance. Mr. Martens stated that based on the wording on the petition and the town ordinance he didn't see how the committee could do anything but deny the petition.

Motion Platner seconded Christensen that the petition concerning the number of dogs at 8447 Hwy 70W, St. Germain, WI be denied. By a voice vote, motion carried.

Peggy Koehler presented another petition to have the dogs removed from 8447 Hwy. 70W, St. Germain, WI with reference to Section 1.29 of the St. Germain Zoning Ordinance, Home Occupation.

Motion Platner seconded Hensen that the new petition is presented to the planning & zoning committee for review. Ms. Platner withdrew her motion.

Motion Christensen seconded Platner that the new petition be tabled until the next meeting and that Mr. Anderson consult with the town's attorney, Steve Lucareli, for advice concerning a home based occupation. By a voice vote, motion carried.

Vic Simmons asked about a time frame for the next meeting. The planning & zoning committee will meet on Monday, November 4, 2013 at 7:00 P.M. in meeting room #5 of the community center to discuss the new petition.

B. Nuisance Ordinance Proposal: To be discussed at next meeting.

6. Chairman's Report: Mr. Anderson reported that the Vilas County health officer told him that the problems at 8690 Dollar Road were being addressed. Mr. Anderson also reported that Leon Butler will no longer conduct UDC inspections for Waldmann Construction homes. Our UDC inspector is employed by Waldmann Construction. He had hired Mr. Butler to do the Waldmann inspections. There was a problem with scheduling. Mr. Baas will be hiring someone else. The certified letter that had been sent to Perry Demler concerning his home base business was returned as unclaimed. Mr. Anderson also reported that the DNR had done the annual inspection at the yard waste facility and that it was good to go through September 30, 2014. Jacob Anderson is not able to comply with the request to get rid of the stumps at his property on Hwy. 155. The DNR told Jacob Anderson that he couldn't burn the stumps. Mr. Ebert stated that once there is snow on the ground, Mr. Anderson should be able to burn the piles. He might have to move them back from the highway.

7. Zoning Administrator Quarterly Report: Mr. Ebert reported that he had issued 28 permits during the 3rd quarter. The reported value is \$1,777,000. There were no fire numbers issued. Mr. Ebert asked that the clerk put the shop phone number on the website for him rather than his cellphone number.

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Mr. Hensen said that people near his home were taking an old mobile home apart and burning it. They also opened the valve on a propane tank and just let the gas out into the air. The DNR has now issued an order for the remaining debris to be disposed of properly.

8. Set Time and Date for Next Meeting: The next planning & zoning committee meeting will be held on Thursday, November 14, 2013 at 7:00 P.M. in meeting room #5 of the community center. There will be a special meeting of the planning & zoning committee on Monday, November 4, 2013 at 7:00 P.M. in meeting room #5 of the community center to discuss the home based occupation petition.

7. Adjournment: The meeting was adjourned at 9:03 P.M.

Town Clerk

Chairman

Member

Member

Member

Member