

# TOWN OF ST. GERMAIN

OFFICE OF THE CLERK

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

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

## MINUTES PLANNING & ZONING COMMITTEE: NOVEMBER 14, 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 7:02 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 Christensen seconded Ricart 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 October 10, 2013 planning & zoning committee are approved as written.

### **5. Discussion Items:**

**A. Zoning Administrator Report:** Mr. Ebert asked if the proposed 672 sq. ft. maximum garage size on lots that are less than 1.5 acres applied to all of the zoning districts. The consensus of the committee was that the 672 sq. ft. requirement applied to all vacant lots, in any zoning district, that are less than 1.5 acres in size. It was also noted that the Vilas County Shoreland Zoning Ordinance still applied. There will have to be a public hearing on the ordinance amendments. Mr. Ebert also noted that all of the snowmobile parts at the home on Halberstadt Road have been removed.

**B. Dog Complaint Petition:** Ms. Platner read from notes that she had prepared concerning why she felt that Steve White was operating a business at 8447 Hwy. 70W in the Residential Low Density District. Ms. Platner stated that since Mr. White was advertising his bear-hunting guide service, she felt that he was operating a home occupation. She also noted that she had a letter from 2008 from Attorney William O'Conner listing the criteria for a home occupation. Ms. Platner went on to say that there is an exemption for hunting dogs in the town's ordinance.

Mr. Anderson stated that he had spoken to town's attorney Steve Lucareli about the matter. As an example, Mr. Lucareli cited the criteria that states that the business has to be run entirely out of the main dwelling in order to be a home occupation. Mr. White's dogs are not kept in the home. Therefore, Mr. White's business does not qualify as a home occupation. Mr. White would not be able to apply for a conditional use permit.

Ms. Platner stated that the residential low density zoning district didn't allow for a business at all. Mr. White could keep the dogs for his own use, but he can't operate the business.

Ms. Koehler noted that she had brought a letter from their realtor, Ray Weber, stating that they had lost the sale of their home because of the barking dogs.

Victor Summers asked how to go about changing an ordinance.

Tim Ebert said that since the ordinance allows for the hunting dogs, and since the town can't force Mr. White to get rid of the dogs, what would be accomplished by putting him out of business.

Marion Janssen asked Mr. White if he would apply for a conditional use permit. Mr. White said that he wouldn't. Ms. Janssen thought that the town needed to uphold the integrity of the ordinance and enforce it.

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Steve White stated that people didn't come to his home to fish out of his toilet and people didn't come to his home to hunt out of his living room. Mr. White also added that if he was operating a business at his residence, so was every other contractor who kept his truck, trailer, ladders, etc. on his property, or answered the phone to take on a project.

Mr. Anderson asked for a motion. He said that the committee had to do something. They had to either approve the petition, reject the petition, or pass it on to the town board for a decision.

Mr. Ricart thought that Mr. White could get around the home business question by listing a P.O. Box for his address. Ms. Platner said that would not change anything since properties are listed by computer number by the county.

Motion Christensen seconded Hensen that the committee rejects the petition based on the fact that the Town of St. Germain does not have the authority to require Mr. White to remove the animals from the premises as of this date. Motion carried unanimously by a voice vote.

Motion Platner seconded Hensen that the St. Germain Planning and Zoning Committee recommend that the town board issue an immediate order addressed to Mr. Steve White, renter of the property located at 8447 Hwy. 70 West and owned by Nancy A. Farro, to cease the use of the above property as a bear hunting guide service business, which is in conflict with the St. Germain Ordinances. Mr. Christensen wanted to explain why he would be voting "no". Mr. Christensen explained that he knows that we have other contractors in town that work out of their houses. He said that when he looked at the rural residential zoning district it is essentially the same as the residential low density district. It doesn't talk about contractors of any sort. He added that we probably have dozens of them. Mr. Christensen said that he couldn't vote for the motion until he got that situation further clarified as to what Mr. White was doing differently from the other contractors. Mr. Christensen asked if the other contractors were grandfathered in somehow. Mr. Christensen went on to say that what he thought that the real issue was do we really want 12 dogs in a low density district. And, how do we solve the problem of 12 dogs in a low density district. Even if it isn't a business anymore, we still have 12 dogs. We have people trying to sit on their deck to enjoy up north. The real issue here is that we still have 12 dogs in that area. Twelve dogs outside in that area isn't the place to have 12 dogs. We need to figure out how to solve the problem. By a voice vote, Ms. Platner voted-yes, the other four votes were -no. Motion failed.

Mr. Christensen asked what was to be done next. Mr. Anderson thought that the committee would have to use the town's attorney. He would advise the town board of what the committee was doing. The committee would have to work with Mr. Lucareli to revise section 11.06 of the town's ordinance. Mr. Anderson also thought that he could check with the WTA. Mr. Anderson thought that it should be possible to come up with something by March.

Victor Summers asked who was responsible, the renter or the property owner. Mr. Anderson added that Nancy Farro has not been notified of any of the proceedings, so far.

Ms. Platner was upset and said that the property owners needed to get a petition to correct the blatant violation of the ordinance. She said that what Mr. White is doing is causing "harm", where what the other contractors might be doing is not bothering anybody.

**C. West Bay Resort Plat Addendum Review:** Mr. Anderson handed out copies of a plat addendum for West Bay Condominiums. Mr. Ebert stated that some of the decks and alterations had already been completed. Some were proposed. Some of the additions that had already been completed had been done with permits. Some of the others had gotten a permit after the fact and paid the fine. The plat didn't show the expandable areas for the units. Mr. Anderson will contact Mike McDonald to try to get more details before the committee makes any decision.

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**6. Set Time and Date for Next Meeting:** The next planning & zoning committee meeting will be held on Thursday, November 21, 2013 at 6:30 P.M. in meeting room #5 of the community center.

**7. Adjournment:** The meeting was adjourned at 9:08 P.M.

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Town Clerk

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Chairman

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Member

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Member

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Member

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Member