

# PLANNING & ZONING COMMITTEE

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## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

townofstgermain.org

### MINUTES ST. GERMAIN PLANNING AND ZONING SPECIAL COMMITTEE MEETING: JULY 28, 2008

**Meeting Type:** Special 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 4:08 P.M.
2. **Roll Call -Members Present:** Todd Wiese, John Vojta, Lee Holthaus, Mary Platner, Marion Janssen, Tom Martens, town clerk, Tim Ebert Zoning Administrator. Also in attendance was Gail D. Carlson.
3. **Approve Agenda:** Motion Platner seconded Holthaus that the agenda be approved as posted. Approved.
4. **Ordinance/Amendments – Discussion/Action:**
  - 4A. **Downtown Business-Storage of Gas/Propane Tanks on Premise:** Mr. Wiese stated that it appeared that Krist Oil Co. was planning on placing a 30,000 gal. above ground fuel storage tank near the Citgo Quik Mart. Mr. Wiese stated that he thought that the storage tank should not be allowed in the downtown business district. However, at this time, there is nothing in either the town ordinance or the Vilas County ordinance to prohibit the fuel storage tank. Mr. Wiese also stated that the town attorney had told him that if action was started on an ordinance revision prior to an application for the fuel storage tank, that the town zoning administrator could decide to hold the permit application pending the outcome of an ordinance revision. Mr. Vojta and Ms. Platner were in favor amending the ordinance. Ms. Janssen thought that it was a safety issue. Mr. Holthaus would like to know if there is an ordinance requiring the Amerigas tank in Eagle River to be moved. Motion Holthaus seconded Janssen that Mr. Wiese contact Attorney Steve Lucareli to see if there is anything in the current ordinance to prohibit fuel storage tanks, and to make a recommendation on the feasibility of amending the ordinance to prohibit certain above ground fuel storage tanks. Approved. Mr. Ebert suggested that Mr. Lucareli should look at all of the town's zoning districts since the other side of Hwy. 70 is a different zoning district.
  - 4B. **Review of Home-Occupation Definition:** Mr. Wiese handed out a time-line for the events concerning a request by Gail Carlson for a beauty shop in Leisure Estates. The minutes of the May 19, 2008 Planning & Zoning Committee meeting indicate that the committee decided that Ms. Carlson's business would be a home occupation. Mr. Wiese added that he thought that the minutes were in error and that the committee had decided that the business was not a home occupation. Mr. Martens stated that he thought that if the committee had decided that the business was not a home occupation, that they also would have decided that a conditional use permit was not necessary. A public hearing was held on July 7, 2008. At that time, the committee said that since Ms. Carlson's business was not a home occupation, that she should not have been advised to apply for a C.U.P. and her money was to be refunded. On July 10, 2008, the clerk called Mr. Wiese and reminded him that at the May 19, 2008 meeting, the committee has determined that Ms. Carlson's business was a home occupation, and, therefore, the decision to not allow the application had been done in error.

Mr. Martens stated that the definition of home occupation was not the question for tonight's meeting. The question is whether or not Ms. Carlson's business is a home occupation requiring a C.U.P. Mr. Holthaus stated that the intent of the ordinance was to protect the residential neighborhoods from an influx of businesses.

Mr. Wiese questioned section "D" of the home occupation definition. It states that a home occupation must be compatible with other permitted uses in the district. The question would be since only essential services are permitted, is Ms. Carlson's business compatible to the other permitted uses. After a lengthy discussion no determination was made.

Motion Janssen seconded Holthaus to consult with Attorney William O'Connor for an interpretation of home occupation as defined in the town ordinance. Approved. Ms. Platner stated that she thought that getting an opinion from an attorney would help clear up the definition of home occupation for future applicataions.

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**4C. Review Prior Request from Gail Carlson for Operating a Salon on her Property in Leisure Estates:** Motion Vojta seconded Holthaus that the matter be tabled. Approved.

**4D. Set Date and Time for Public Hearing for C.U.P. for Home Occupation Request Carlson:** Motion Vojta seconded Platner that the matter be tabled. Approved.

**5. Property Re-Alignment – Discussion/Action:**

**5A. Review Potential Benicke Property Line Reassignment on Birchwood Drive:** Duane Benicke has requested that he be allowed to move the lot line between his two lots. The size of the two lots would be the same as the existing lots. The question is whether on not moving the line forms two new lots since lots in the zoning district are now required to be 5.0 acres. Ms. Janssen thought that they would be two new lots. Mr. Holthaus and Mr. Wiese didn't see any problem with moving the lot line. Another problem with the moving the lot line could be that in order to keep the new lots the same size as the existing lots, the setbacks from Mr. Benicke's home might not be met. The committee recommended that Mr. Benicke contact a surveyor. Once the surveyor has determined where the new lot line will be, Mr. Benicke should come back to the committee with the survey for approval. Mr. Vojta noted that the town in no way would be responsible for the payment for the survey.

**6. Committee Concerns:**

**6A. John Vojta:** Mr. Vojta stated that he had an issue with how Ms. Janssen conducted business tonight since she had abstained from voting concerning Ms. Carlson's request at the last meeting. Mr. Wiese stated that there is only a conflict of interest if the person perceives a conflict. Since tonight's vote concerned an ordinance amendment, Mr. Wiese felt that there had not been a conflict of interest.

**6B. Tim Ebert:** Mr. Ebert stated that he thought that if the ordinance was reworded so that any business that is not listed in the ordinance required a C.U.P., the definition of a home occupation would be eliminated.

**7. Public Concerns:** There were none.

**8. Adjournment:** Motion Platner seconded Vojta that the meeting be adjourned. Approved. Meeting adjourned 5:30 P.M.

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Town Clerk

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Chairman                      Vice Chairman                      Member

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Member                      Member