

## MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: SEPTEMBER 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 4:00 P.M.
2. **Roll Call -Members Present:** Todd Wiese, Mary Platner, John Vojta, Marion Janssen, Tim Ebert, Zoning Administrator, Tom Martens, Town Clerk. Lee Holthaus was absent.
3. **Approve Agenda:** Motion Vojta seconded Janssen that the agenda be approved as posted. Approved.
4. **Approval of Minutes:** Motion Janssen seconded Vojta that the minutes of the August 18, 2008 regular committee meeting be approved as written. Approved.
5. **Public Comments:** There were no public comments.
6. **Zoning Administrator Report – Discussion/Action:**
  - 6A. **Violation of 1.05, “Zoning Permit Required:” on Birchwood Drive:** Mr. Ebert reported that Mike Tolley from Pardeeville, WI had constructed a 16’ x 24’ building on his property on Birchwood Drive. Mr. Ebert tagged the building. Mr. Tolley is in the process of getting a shed permit. However, since the building does not have the required square footage, Mr. Tolley still can’t use the building as a dwelling. Mr. Tolley plans on adding on to the building in the future. He will need sanitary permits from the county at that time. Mr. Ebert will periodically check to make sure that nobody is living in the building.
  - 6B. **Violation of 1.48, “Camping On Residential Lots” on Juve Road:** Mr. Ebert reported that Don Reynolds from Manomet, IL was living in a camper that he had moved onto his property on the Juve Road. Mr. Ebert tagged the camper. Mr. Reynolds has since moved the camper and covered it with a tarp. He has also applied for a permit for an 8’ x 14’ shed.
  - 6C. **Violation of 1.15(2), “Setbacks From Public Roads” on Rainbow Drive:** Mr. Ebert reported that Gary Pagel had constructed an 8’ x 10’ covered porch onto his mobile home on Rainbow Drive. Mr. Pagel had applied for a permit for an addition, but the porch was not shown on the permit. Mr. Ebert stated that he measured the front of the mobile home to be 78’ from the center of Rainbow Drive. The porch is within 69’ of the center of the road. Mr. Ebert stated that Vilas County uses a rule of thumb to allow from 4’ to 6’ into the right of way for an uncovered porch. Mr. Pagel stated that it would not work to have the porch on the back of the home. Ms. Platner thought that there were reasonable alternatives. Ms. Janssen was concerned about the porch not being shown on the permit. Mr. Wiese suggested that Mr. Pagel apply to the Board of Appeals for a variance. The clerk asked if a variance could be granted for something that did not have a permit in the first place.

Motion Platner seconded Janssen that the Planning & Zoning Committee recommends that Mr. Pagel remove the structure to conform to the setback from a public road in the St. Germain Zoning Ordinance. Approved. Mr. Pagel was advised that the committee would give him a reasonable amount of time if he chose to apply for a variance, before the porch would be required to be

removed, but he was also advised that he would have to meet all of the requirements in order to have a variance granted.

**6D. Violation of 1.15(2), “Setbacks From Public Roads” Halberstadt Road:** Mr. Ebert noted that permits had been issued for two duplexes at Serenity Bay Condominiums on Halberstadt Road. The setbacks as shown on the permits were at least 75’ from the center of Halberstadt Road. Mr. Ebert reported that he had not received a complaint, but had driven down Halberstadt Road on other town business and noticed that it appeared that the two duplexes had been built too close to the road. After measuring, Mr. Ebert discovered that both buildings were within the road setback, with the closest one being approximately 62’. Rick Lovedal, owner, stated that the plat was being amended. Darren Rubo, from Cornerstone Builders, said that there was a concern about a wetland and the septic system behind the buildings. There was also a concern about trees and a hillside that would have to have been removed. Mr. Rubo also stated that in some towns, the setback is figured from the back of the building to the edge of the setback. He admitted that he had made a mistake.

**7. Ordinance Amendments – Discussion/Action:**

**7A. Review of Off-Premise Sign Ordinance Progress – Platner:** Ms. Platner gave an update on the off-premise sign ordinance. There will be a special Planning & Zoning Committee meeting on September 29, 2008 to review the ordinance.

**7B. Review of Ordinance Book Draft – Platner:** Ms. Platner noted that Kris had finished the typing of the ordinance book. The clerk is to give numbers to the ordinances.

**8. Re-zonings – Discussion/Action:** There were none.

**9. Conditional Use Request - Discussion/Action:** There were none.

**10. Plat and Survey - Discussion/Action:**

**10A. First Addendum to Dorway Condominiums – Gov’t Lot 3, Sec. 3 T40N R8E, Lost Lake Drive North, Thomas A. Boettcher, agent:** Mr. Wiese noted that the \$200 fee had been received. Mr. Wiese read a letter from Eagle Landmark Surveying for the record. It was noted that the names of the roads were not indicated on the plat. Motion Platner seconded Vojta that the first addendum to Dorway Condominiums be approved with the addition of road names and “private road” added to the plat. Approved.

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

**11A. Introduction of Darin Pagel, Northwinds Inspections:** Mr. Wiese introduced Mr. Pagel to the committee. Mr. Vojta asked about Mr. Pagel’s job description. Mr. Pagel stated that he nothing to do with setbacks. He also stated that if there was no State code for something, it would not be listed in the inspection. Mr. Pagel also stated that a home inspector could list anything. If Mr. Pagel finds a violation, he notifies the general contractor or whoever took out the permit. Mr. Pagel also stated that UDC inspectors are not expected to look at every step of a building’s construction. If there is concern after the building has been closed in, the inspector can ask for a small sample to be removed to be able to see the construction. Mr. Pagel also stated that he has three employees other than himself who might come to this area. It might not be the same inspector for each visit.

**11B. Review and Determine Course of Action of Item 6D above. (Serenity Bay Condominiums Gov’t Lot 1, Sec. 35 T40N R8E:** Several possible solutions were discussed. One

possible solution would be to move the buildings. That would cause a great expense and hardship to the owner and contractor. A second solution could be a fine. However, the town is not in the business to make money. A third possible solution could be to move Halberstadt Road so that it would still be within the right of way, but so that the center of the road would be at least 75' from the buildings. Mr. Ebert and Mr. Rubo are to set up a plan and then present it to the Planning & Zoning Committee and then the town board.

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

**13. Committee Concerns:**

**13A. Outside Storage of Flammable and Other Hazardous Chemicals:** Krist Atanasoff, owner of the Citgo Quik Mart was present. Mr. Atanasoff stated that according to the Statutes, his proposed 30,000-gallon propane tank needs to be from 5' to 50' from the property line. According to the St. Germain Ordinance, structures in the downtown business district can be built right up to the property line. Mr. Atanasoff also said that Vilas County had no objections. Mr. Wiese stated that the town's attorney had said not to issue the permit since Vilas County would not allow the tank. Mr. Atanasoff stated that Minocqua had not allowed the tank. He also stated that there used to be a large propane tank in Eagle River. He has not approached Eagle River. The tank would meet all State and Federal standards. It would also require crash protection. Mr. Wiese stated that he was still uncomfortable with the tank in the downtown business district.

**13B. Tim Ebert:** Mr. Ebert was given permission to purchase a laser measurement device.

**13C. Todd Wiese:** Mr. Wiese stated that he had received the review fee of \$200.00 from Elbert's Resort Condominiums.

**14. Set Time and Date of Next Meeting:** The next regular monthly Planning & Zoning Committee meeting will be held on Monday, October 20, 2008 at 4:00 P.M. in meeting room #4 of the Community Center.

**15. Adjournment:** Motion Platner seconded Janssen that the meeting be adjourned. Approved. Meeting adjourned 6:30 P.M.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member