

Minutes of Plan Commission Meeting January 7, 2008

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

The numbering of the minutes corresponds to that of the Agenda:

1. The meeting was called to order at 7:00 p.m.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification. Clerk Syd Rader certified that hard-copied and electronic files of the Plan Commission are filed at Town Hall through November 2007. Files more recent than that are in the Clerk's hands.
5. The Agenda was adopted as the official order of business on a motion by David Mueller. The motion was supported by Trevor Mentink and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Roy Teunissen, David Mueller, Trevor Mentink, and Jan Rauwerdink. Absent were Claus Weingaertner, Eugene Schmitz, Ken Nyhuis.
7. Comprehensive Planning: Beginning with Utilities and Community Facilities, Chairman used a projection screen and live editing to make changes to Goal and Objectives. Progress was made up to Goal 3, Objective 3C.
8. The minutes of the meetings on December 3 and 17, 2007 were approved on a motion by Dave Huenink, with the changes that were called for. The motion was supported by Jan Rauwerdink, passing by a unanimous voice vote.
9. Public Input. Keith Dulmes asked the Plan Commission for advice re land division and rezoning (1 handout). His request, if pursued, will need to come before the Plan Commission. Opposed to rezoning of the Dale Hodgson property, Daniel Mullikin copied the Plan Commission with a letter addressed to the Plan Commission and another letter addressed to Sheboygan County. The Plan Commission took time to read these.
10. Review and comment on the Bruce Findley certified survey map. Ted Scharl appeared but was not ready to have this matter addressed.
11. Swaya conditional use permit: Ted Scharl appeared and handed out a revised site map, showing a setback of 45 feet, less than the required 50 feet. Chairman Becker opined that further Plan Commission action is not necessary, that the conditional use permit given to Zaida Thompson need not be amended. The present owners of the property should execute a Land Covenant / Conditional Use Permit and have same recorded.
12. Public Hearings:

A request by W & H Lammers Trust for land division, carving a new 3.00-acre "lot 1" from an A-1 parent parcel, and a change of zoning from A-1 to A-5 on the resulting lot. "Lot 1" encompasses the existing house and barn. The property (59006061080, 33.89 acres approx. + additional adjacent A-1 land that the requestor claims to own) is located at the southwest corner of County Highways A and KW, N2286 County Road KW, in the NW 1/4 of the SE 1/4 of Section 3, T13N, R22E, Town of Holland.

Robert Lammers appeared and spoke to support the request. No opposition was expressed. Jan Rauwerdink moved to close the public hearing, supported by Trevor Mentink. Motion passed by a unanimous voice vote.

A request by Kevin and Shelly Dulmes for a change of zoning from A-1 to R-1 on a 0.16-acre piece of adjacent, contiguous land that will enlarge an existing R-1 parcel. A plat of survey labels this as “parcel C.” The 0.16-acre piece is being taken from A-1 parcel 59006061880 and added to R-1 parcel 59006061900 through a movement of the boundary lines, not through any land division. The property is located at W4118 County Road A South.

Kevin and Shelly Dulmes appeared and spoke in support of their request. No opposition was expressed. Dave Huenink moved to close the public hearing. Supported by Chairman Donald Becker, the motion passed by a unanimous voice vote.

13. Continued deliberation about the Dale A. Hodgson request that was tabled last month. Ted Scharl passed out Hodgson’s letter to the Plan Commission and Scharl’s letter to Town of Holland (2 handouts). The Plan Commission took time to read these letters. Joel Van Ess had studied the drainage of the Hodgson land and made a presentation (1 handout), concluding that $\frac{3}{4}$ of the land drains to the north. Farmland quality was reviewed: the land comprises 1st, 2nd, and 3rd best farmland. Roy Teunissen said, with work, the land could be returned to farming – a view echoed by David Mueller and Jan Rauwerdink. Chairman Donald Becker observed that the request is allowed by the zoning ordinance but that the comprehensive plan does not designate the northwest corner of the Town as an area marked for development. Jan Rauwerdink observed that the land on three sides of the Hodgson land is now farmed and that most of the Hodgson land is farmable. Chairman Becker entertained of listing of reasons not to approve the request:

1. the land is available for farming
2. the land is not designated for development
3. the land has always been A-1
4. neighbors oppose the request
5. personal hardship / financial gain is not a reason to approve / disapprove

Chairman Becker entertained a listing of reasons to approve the request:

1. the request meets housing density standards
2. a study of topology / drainage indicates no servious problems with drainage
3. no shoreland zoning issues
4. the farmland is not all of the 1st and 2nd quality
5. the Hodgson land is hilly – a detriment to farming

Jan Rauwerdink moved to recommend to the Town Board denial of the requested land division and rezoning by reason that:

- 1) the land is available for farming at present
- 2) the land is not designated for development under the Comprehensive Plan
- 3) the land has always been zoned A-1
- 4) the neighbors oppose development of this land
- 5) denial of the request is consistent with previous Plan Commission actions and positions, as in the Leroy Richards case

Supported by Roy Teunissen and passed by a unanimous roll call vote. Trevor Mentink recused himself.

14. Deliberation / action on the foregoing two requests:

A request by W & H Lammers Trust for land division, carving a new 3.00-acre "lot 1" from an A-1 parent parcel, and a change of zoning from A-1 to A-5 on the resulting lot. "Lot 1" encompasses the existing house and barn. The property (59006061080, 33.89 acres approx. + additional adjacent A-1 land that the requestor claims to own) is located at the southwest corner of County Highways A and KW, N2286 County Road KW, in the NW 1/4 of the SE ¼ of Section 3, T13N, R22E, Town of Holland.

The existing barn is too close to the property line drawn for lot 1 and there does not seem to be any remedy. This barn is a pre-existing, non-forming structure. The Plan Commission concluded that, no matter what action it takes, a non-conformance will result.

Dave Huenink moved to recommend to the Town Board approval of the requested land division and rezoning contingent on a supporting legal opinion from Gerald Antoine regarding the setbacks of two structures that appear to be non-conforming. Supported by Jan Rauwerdink and passed by a unanimous roll call vote.

A request by Kevin and Shelly Dulmes for a change of zoning from A-1 to R-1 on a 0.16-acre piece of adjacent, contiguous land that will enlarge an existing R-1 parcel. A plat of survey labels this as "parcel C." The 0.16-acre piece is being taken from A-1 parcel 59006061880 and added to R-1 parcel 59006061900 through a movement of the boundary lines, not through any land division. The property is located at W4118 County Road A South.

Chairman Donald Becker moved to recommend to the Town Board approval of the request as submitted because the parcel is improved through merger of the sanitary system. Supported by Dave Huenink and passed by a unanimous roll call vote.

14.

15. Clerk Syd Rader reported on the status of outstanding land covenants/conditional use permits (1 handout). It was decided that the Clerk would have Jerry Antoine write a letter explaining why it is in the best interest of back-logged applicants to get the paperwork done. Brian Stecker is deleted from the back-log list.

16. Review of apparently substandard building on Hawe Road. Tom Huenink reported his observations of the structure from the outside. It is doubtful that it can be deemed a structure; it is more like a fenced enclosure that employs plywood as fencing. No studs support the "walls." It appears intended as a animal enclosure. Chairman Becker requested that it be inspected.

17. John DuMez expressed that the hope that Jerry Antoine or the Town Board would accept the way in which the non-conforming structure is treated in the Lammers request. Otherwise he sees serious consequences in the future regarding what people can do with their property.

18. Comprehensive Planning: decided to continue review of Goals and Objectives on Feb. 4, 2008 at 7:00 p.m.

19. The attendance record for December 2007 was approved on a motion by Roy Teunissen, supported by Trevor Mentink and passed by a unanimous voice vote.

20. The meeting adjourned at 9:42 p.m. on a motion by Trevor Mentink, supported by Dave Huenink, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
January 11, 2008