

Minutes of Plan Commission Meeting June 2, 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 7:28 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 April 2008. 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 Roy Teunissen and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Eugene Schmitz, Roy Teunissen, David Mueller, Trevor Mentink, Ken Nyhuis, Tom Huenink, Jack Stokdyk, Dave Huenink, Joel Van Ess, and Jan Rauwerdink. Absent was Trevor Mentink.
7. The Minutes of the meeting on May 5, 2008 – with a correction - was approved on a motion by David Mueller. The motion was supported by Jan Rauwerdink, passing by a unanimous vice vote.
8. Public Input: Ted Scharl previewed an upcoming request affecting parcel 59006061480, intended for a public hearing in July 2008. Land division and change of zoning are contemplated.
9. Public Hearings:

A request by Daniel L. & Jacqueline R. Posthuma, Joshua L. Posthuma, Matthew J. Posthuma for a change of zoning and land division. The change of zoning would be from A-2 to A-5 on a parent parcel of 19.1 acres. The land division would divide the parent parcel into four daughter parcels of about equal size, ranging from 4.72 to 5.09 acres ("lots 1-4"; see certified survey map). The parent parcel (59006065061) is located at W4432 County Highway G, near the northeast corner of County Highways CC and G.

Daniel Posthuma appeared and spoke in favor of the request, producing a copy of a warranty deed, indicating himself as the new owner. Several townspeople spoke in opposition to the request: Craig Droppers, citing loss of farmland; unidentified man, citing farmland preservation; unidentified woman, citing loss of farmland; Dale Droppers, expressing general opposition; unidentified woman expressing opposition.

Dave Mueller moved to close the public hearing. David Huenink supported the motion which passed by a unanimous voice vote.

A request by Thomas Gruenke for a change of zoning and a conditional use permit for a single-family residence. The change of zoning would be from A-2 to A-5 on parcel (59006073480) of 9.3 acres, located at W1561 DeMaster Road. Non-conforming road frontage is about 134 feet.

Mr. Gruenke appeared, speaking in favor of the request. No one spoke in opposition to the request. The Plan Commission questioned the vague building setbacks as presented in the application drawing/sketch. The width of the parcel near Dekker Road, only 134 feet, is problematical. It would be difficult to satisfy the required setbacks for A-5 except for the most narrow of buildings. Upon examination, it was seen that an existing building with an existing setback of 20 feet – conforming under A-2 – would become nonconforming under A-5 zoning. The Plan Commission suggested to Mr. Gruenke that he

might appeal to the Board of Appeals, if the Plan Commission has to reject his request.

Dave Mueller moved to close the public hearing. Ken Nyhuis supported the motion which passed by a unanimous voice vote.

10. Deliberate/take action on the foregoing two requests:

A request by Daniel L. & Jacqueline R. Posthuma, Joshua L. Posthuma, Matthew J. Posthuma for a change of zoning and land division.

Chairman Becker observed that the request is inconsistent with the Comprehensive Plan that calls for farmland preservation in the area of the request, and reminded those present that the Plan Commission is bound to follow both the zoning ordinance and the indications of the Comprehensive Plan.

Roy Teunissen moved to recommend to the Town Board rejection of both the requested land division and change of zoning on the grounds of conflict with the Comprehensive Plan and in the interests of farmland preservation. That motion was supported by David Mueller and passed by a unanimous roll call vote.

A request by Thomas Gruenke for a change of zoning and a conditional use permit for a single-family residence.

Roy Teunissen observed that the narrowness of the lot near Dekker Road works against the entry and turn-around of large equipment, such as fire equipment; although Mr. Gruenke disputed this, citing the actual entry and turn-around of trucks carrying fill.

David Huenink pointed out the non-conforming narrowness of the lot, which makes it constraining for building, given the setback requirements of A-5.

Chairman Becker posed the question, can the Plan Commission rezone a property when the resulting package is non-conforming? If the Plan Commission were to rezone the property from A-2 to A-5, then the existing building (setback 20 feet) would become non-conforming under A-5.

Based on the foregoing considerations, Chairman Donald Becker moved to reject the request for a conditional use permit and to recommend to the Town Board rejection of the requested change of zoning. That motion was supported by David Mueller and passed by a unanimous roll call vote.

At the same time, Mr. Gruenke was advised to approach the Board of Appeals for relief in his unusual circumstances.

11. Status report on backlog of *land covenants and conditional use permits*: Clerk Syd Rader reported good progress except on the Steffen, Eischen, Lammers cases. Steffen, Eischen, and Lammers have not applied for building permits.

12. Public Input: Daniel Posthuma expressed his dismay over the action of the Plan Commission regarding his request (see above) and asked what are his options.

13. Comprehensive Planning tasks:

Chairman Becker announced that Nic Sparacio will be terminating his employment with Foth and that therefore the scheduling of the next Comprehensive Planning meeting is unsettled. Sparacio's replacement will be interviewed. The Town might accept him or not, with the option to start over with the Comprehensive Planning process.

14. The attendance record for May 2008 was approved on a motion by David Huenink, supported by Jan Rauwerdink and passed by a unanimous voice vote.

15. The meeting adjourned at 8:56 p.m. on a motion by David Huenink, supported by Jack Stokdyk, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
June 5, 2008