

Minutes of Plan Commission Meeting August 2, 2010

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 8:04 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Clerk Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through June 2010. 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 Eugene Schmitz. The motion was supported by Dave Huenink and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Jan Rauwerdink, Dave Huenink, Trevor Mentink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen. Excused from attending were David Mueller and Joel Van Ess.
7. The Minutes of the meeting on July 6, 2010 were approved on a motion by Jack Stokdyk. The motion was supported by Trevor Mentink, passing by a unanimous voice vote.
8. Deliberation/action on the creation of the Land Division Ordinance. The flag lot amendment was considered, it being the only thing new. Jamie Rybarczyk had put the amendment in written form with a drawing and text.

Jack Stokdyk moved to recommend to the Town Board the adoption of the Land Division Ordinance and the recommended language in amendments 1 and 2. The motion was supported by Eugene Schmitz and put to roll call vote, passing unanimously.

9. Public input: Dan Posthuma had a question on the amendments to the Land Division Ordinance.
10. Public hearing on a request by Keith and Shelly Koopman for a conditional use permit for a single-family residence on land that they own. Their 4.2-acre lot (59006062102) is on Risseeuw Road, north side of road, 1000 feet east of County Road CC. The rectangular lot is presently zoned A-5 with 300 feet of frontage on Risseeuw Road.

The Koopmans appeared and spoke in favor of their request. No one spoke in opposition. The Plan Commission reviewed the request: The Lot meets A-5 requirements. The only question is whether to allow a house in this district. There's a house on the neighboring property. The Koopman lot has 300 feet of road frontage. The setbacks were examined. County has approved the mound. There's a 10-foot setback for mounds per County. On rough drawing submitted, setbacks appear satisfactory. Koopmans agreed to observe a 50-foot side setback for the house.

Eugene Schmitz moved to close the public hearing, supported by Jack Stokdyk, the motion passing by a unanimous voice vote.

11. Public hearing on a request by Ron Hinze for a land division to create a 3-acre parcel which is being taken from a 31.47-acre parent parcel (#59006069631) that is currently zoned A-1. It is also requested that the 3-acre parcel be rezoned to A-5 and that a conditional use permit be issued to construct a single-family residence. The property is located at N360 County Road LL, Cedar Grove, WI.

Ron Hinze appeared and spoke in favor of his request. No one spoke in opposition. The Plan Commission reviewed the request: This is a flag lot situation. The only question is the flag lot. The Zoning Ordinance is otherwise satisfied. This request is being judged under our present Zoning Ordinance. There is a conversion fee to be paid. Town Holland does not have a land division ordinance at this time. But it is assumed that the proposed Land Division Ordinance will be enacted. Ron Hinze approved going ahead under the existing zoning ordinance. The lot is non-conforming. A CSM will have to be produced. There is a 50-foot side and rear setback for A-5. Minimum 3-acre lot size. A 66-foot road frontage on LL is currently planned per the new drawing submitted by Hinze. This is a non-sewered lot. County Planning is said to willing to approved the 66-foot road frontage, presumably through a variance. The drawing shows a 30-foot setback but it needs to be 50 feet. Hinze proposed to move the lot line further west as a remedy.

Roy Teunissen moved to close the public hearing, supported by Dave Huenink, the motion passing by a unanimous voice vote

12. Deliberation/action on the Koopman request for a conditional use permit. The Koopman had submitted a crude drawing showing the house and mound in relation to the lot lines. Building inspector Tom Huenink requires a quality, scale drawing before he can issue a building permit.

Dave Huenink moved to grant a Conditional Use Permit for a single-family residence. Supported by Jack Stokdyk and passed by unanimous roll call vote.

13. Deliberation/action on the Hinze request for land division, change of zoning, and conditional use permit.

The request for land division was considered first. This is a non-conforming parcel as to road frontage, zoned A-1. Per Gerry Antoine there are no degrees of non-conformance. Farmland is preserved in the proposal which is consistent with the Comprehensive Plan. The flag lot has to be consistent with the general intent of Town Ordinances and the 2030 Comprehensive Plan and County Farmland Preservation Plan. Should the road frontage be 66 feet or should it be increased to 100 feet? The Town has nothing on the books regarding flag lots to enforce. Under the new zoning ordinance, 66 feet would be insufficient. Under the existing zoning ordinance the road frontage is inflexible.

At this point in the proceedings the Plan Commission discovered a problem in the proposed land division ordinance regarding 66- or 100-foot road frontage or lot width for sewerred or non-sewerred lots. Dave Huenink proposed a fix in the rewording of the language of the proposed land division ordinance.

Jack Stokdyk moved to recommend to the Town Board to modify the proposed Land Division Ordinance article 220-16(B)(4) to eliminate the words “or frontage” and add a subparagraph (5) to maintain a minimum road frontage of 66 feet on a public road and 40 feet for lots accessed from a cul-de-sac; and the remaining paragraphs would become (6), (7), and (8). The motion was supported by Dave Huenink and passed by a unanimous roll call vote.

The rear setback needs to be 50 feet. This could be accomplished by moving the location of the house or by moving the lot line further from the house.

Dave Huenink moved to recommend to the Town Board to approve the land division and rezoning (to A-5) request contingent on: 1) adoption of the Land Division Ordinance and Amendments, 2) a CSM showing appropriate setbacks for the buildings, 3) placement of the well and septic system on the new parcel. The motion was supported by Jack Stokdyk and passed by a unanimous roll call vote.

At this point in the proceedings the Plan Commission deliberated on the requested Conditional Use Permit for a single-family residence. Granting such a conditional use permit assumes that the Town Board will have allowed the requested land division and rezoning.

Dave Huenink moved that the Plan Commission approve a Conditional Use Permit for a single-family residence contingent on the Town Board approving the land division and rezoning to A-5. The motion was supported by Roy Teunissen and passed by a unanimous roll call vote.

14. Review/revise Town Holland Plan Commission application forms (see DRAFT forms in packet). The Clerk explained that the new DRAFT is a merger of the best features of the old and new application forms. The DRAFT includes a date field for the signature lines, names and addresses of property owners within 200 feet, a restoration of fields for verbal input from the applicants, boxes to check for land

division/rezoning/cup, and an appended summary of the Town's zoning districts. The latter will need to be revised to reflect the realities of the proposed new zoning ordinance. The Clerk thinks that the application forms will be the object of continuous improvement as the Plan Commission gains experience under the new zoning ordinance.

15. Review/recommend to Board the matter of compensation of Plan Commission clerk for work beyond the usual duties, namely, future work on the foregoing application forms. No action was taken but the Clerk is expected to keep track of his time spent on extra duties, settlement to be made when the Town Holland Plan Commission Application forms are finalized. The Clerk has spent one hour to date on the extra duties.

16. Public Input:

Jason Feyereisen inquired about the status of a conditional use permit for a single-family residence that was issued to Donald Smies on December 4, 2006. The conditional use permit was located in the Clerk's records but it was not recorded by the grantee at Sheboygan County register of Deeds. Under current rules the conditional use permit is not effective until it is so recorded along with a land covenant drawn by Gerry Antoine.

David Klug sounded out the Plan Commission about a proposed land division on Hoitink Road, enabling a sale to his daughter of about 3-5 acres on which to build a house. Klug has options under the new and old zoning/land division ordinances.

A man inquired about the rules for building a garage on his newly acquired property at the southeast corner of RR and B. In his case it's a 10-foot setback side and rear for a garage.

Jack Stokdyk inquired about record retention policies for emails relating to Plan Commission business. Chairman Becker thought that ideally we use Town email addresses that are rolled in with the Town's website. But we are not there yet.

17. The attendance record for July 2010 was approved on a motion by Roy Teunissen, supported by Jan Rauwerdink, passing by a unanimous voice vote.
18. The meeting adjourned at 10:27 p.m. on a motion by Jack Stokdyk supported by Trevor Mentink, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
September 7, 2010