

DRAFT

Plan Commission Meeting Minutes Town of Holland Sheboygan County, Wisconsin

Date: Tuesday, September 2, 2014

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

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

1. Call to order
Chairman Don Becker called the meeting to order at 7:30 PM.
2. Pledge of Allegiance
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met.
Chairman Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Don Becker, Dave Huenink, Trevor Mentink, David Mueller, Eugene Schmitz, Roy Teunissen, Jack Stokdyk, Nate Voskuil
Absentee(s) None
Attendee:– Tom Huenink – Building Inspector , Louise Huenink - Clerk
6. Adopt agenda as official order of business
David Huenink made a motion to adopt the agenda as presented with the exception to be able to move item 12 depending on the arrival time of Kevin Struck, David Mueller supported the motion. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
David Mueller pointed out that his name in item 5 for the roll call was missing from the Absentee list but did show up in the roll call spreadsheet. Don Becker pointed out a typo on Page 2 need to change ‘David need’ to ‘David needs’, on Page 3 need to remove the words “this is done in” from the first bullet and leave the remaining sentence as is. David Huenink made a motion to approve the minutes with the changes mentioned and David Mueller supported. The motion passed by a unanimous voice vote.
8. Review/approve building permits report
Roy Teunissen asked Tom Huenink about a residence at Six Mile Rd & County Rd G that is doing major remodeling and has a dumpster there for debris. Tom responded the homeowner has a building permit for the upstairs work only. Jack Stokdyk made a motion to approve the building permits report as presented and Eugene Schmitz supported. The motion passed by a unanimous voice vote.
9. Public input
There was no public input at this time.

DRAFT

10. Discuss/act on the review of §330-16 and §330-12 in respect to use of primary & secondary accessory structures for weekly vacation home rentals in the R-1 district
Steve Jones from the Town Board and John Dickman were present to talk on this issue. Steve said this topic was discussed at the last Town Board meeting and that he offered to pursue the issue and propose an option for the Plan Commission. Steve said several of his and Mr. Dickman's neighbors have complained about properties renting out the main residences don't file official complaints for fear of repercussions from the owners of these properties. One property owned by a Mr. Kimball rents his home on a weekly basis during the summer and he resides in an old shed. The shed does have a sink, shower and a sleeping area. The other property near Mr. Dickman has a main residence on Lake Michigan and the owner has also built a warming house on the property. The main complaint for this property is the number of people that are there at one time. The issue here is that the owner rents out one or both buildings and it is believed that the warming house legally should not have a kitchen. There appears to be up to four occupants per building at a time. Per the Town's ordinance §330-16 B provides for only one principle structure, one habitual building per lot. §330-12 contains a provision regarding accessory uses. Gerry Antoine seems to have used a different version of §330-12 B when he proposed updating the ordinance to show if land was used like this in the past it can remain in use, Steve is to talk to him about this. §330-58 currently allows grandfathering even if the Town changes these ordinances. The Kimball property is less than 1000 feet from Lake Michigan. An additional issue is that renters from these properties have legal access to Lake Michigan, but then illegally trespass on lakefront owners' property. The Gerard property off of DeWitt Road commonly has more than four persons staying between the two buildings. An appraiser said there was a kitchen in the warming house, though all the cabinets are on wheels. Mr. Dickman said both buildings were rented out this week. The warming house is not to have a kitchen, but there is evidence that people are cooking and that there have been up to six cars outside this building. Mr. Dickman also stated that his sister found these renters on her property and in her hot tub. When she confronted them she was told they were told they could use the hot tub if no one was around. The Gerard property is not well kept, with uncut grass & weeds (a possible public nuisance). The County of Sheboygan may need to be called in to inspect. Steve is to check to see if either property ever got a Conditional Use Permit for renting, these may be from 2003 or 2004.
11. Discuss/act on revision of Town of Holland Ordinances – Base Farm Tracts w/Kevin Struck
Kevin said he will need to dig into the legal language yet, but that will occur at a later date. He stated that the Town of Holland will not be able to fit perfectly into the structure that the Town of Sherman is using with three districts, we may need to have more. The agriculture uses will remain the same, but we may choose to include A-4 into the FPZ (Farmland Protection Zone) or transition existing A-4 land into A-1. Kevin said our current A-4 land should be part of the FPZ. Our 20 acre minimum density matches the Town of Sherman's, though structured differently. We should look at all the exceptions to see how they might fit or change them to make them fit. Example a 80 acre parcel divides off a small section, so it goes from A-1 to A-2 (hobby farm) as per Town of Sherman (3.0 to 19.99 acre lot size). If a person sold their house on a A-1 parcel but divided off the land for farming, then the farmland would get rezoned to A-1-PR (Parcel Remnant). Kevin pointed out that the Town has some A-1 parcels that are outside the FPA and that the FPZ must be within the FPA. These parcels will be easier to rezone or divide if they stay outside the FPA in the future just as Sherman has done. It was suggested we consider changing those A-1 parcels to A-3 to be transitional. Parcels with mixed zoning may need a certified survey map, if the A-1-PR area cannot be easily identified. We may want to rezone our A-5s to be A-2 instead of the A-3 transition zoning. The Town of Sherman has a RR zoning for rural residential, to provide for existing scattered rural lots that are too small for A-2 zoning. This was created for existing parcels and no new RR zones can be created. The current 20:1 formula will no longer exist, as the A-1-PR would replace it in a sense. A deed

DRAFT

restriction would preserve the farmland if annexed, but the new zoning model would not. The Town of Sherman has a residence as a permitted use under the model being shown. We could make a residence a CUP instead of a permitted use so that we can control development. The Town of Sherman has adopted the ordinance changes, so they are already in effect and we can look at them to see what we may need to change. Boundary line adjustments via the County of Sheboygan might not track parcel size. We may consider creating another zone such as A-1-D (Developed) to track which areas have already used the allotted development rights. Don asked what the next steps are. The Plan Commission will be reviewing the Town of Sherman's ordinances to see how we could adopt a similar farmland preservation approach. Kevin will be sending a new modified document showing proposed changes and notes for our A zoning.

12. Discuss/act on the possible Conditional Use Permit violation by CG Services, LLC

Three members of the Plan Commission have recently driven past the property to see if any changes have occurred. It was stated that Kevin still has not met all the conditions.

1. North fence – Mostly acceptable. The east-west portion appears to be about 4 feet high instead of the required 6 feet. Simply adding one more layer of similar concrete blocks would resolve this.

2. South fence – Mostly acceptable. Built with a gap to allow vehicle access to 'courtyard' instead of completely from building to building. Simply updating the Site Plan accordingly would resolve this.

3. Screening along Smies Rd – Some additional plantings were added, while the berm itself appears unchanged. Does not meet the minimum initial height requirement.

It appears that the property is still being used for the landscaping business. David Mueller said he saw a CG Services truck back in and dump branches. Don agreed that the debris piles appear to be growing.

The current CUP has expired since he failed to meet the deadline. Don read the last letter sent to Kevin. Kevin was notified that the Town may impose daily fines until a new CUP is approved or the removal of all landscaping business from the property. The Town is considering taking CG Services to court and may also contact the landowners to say the parcel use is in violation of the Town's ordinances. A recommendation needs to be made to the Town Board regarding what next steps to take. The Town Board agrees that the ordinances need to be enforced.

Don made a motion to recommend that the Town Board take whatever legal actions are necessary to enforce the Town's ordinances, but not to take that action until one more attempt is made via CG Services' attorney to encourage Kevin to submit a new CUP application. The application must be received by the Plan Commission Clerk prior to the October 6, 2014 Plan Commission meeting. Eugene Schmitz supported the motion, which passed with a roll call vote. Roy Teunissen – Yes, Jack Stokdyk – Yes, Nate Voskuil – Yes, Don Becker – Yes, David Huenink – Yes, Trevor Mentink – Recused, David Mueller – Yes, Eugene Schmitz – Yes.

13. Discuss/act on ongoing issues:

a. Status of applications being processed.

All applications are current at this time.

b. Laura Logan & Majestic Storage – Building permit application to be processed after the Town has its special meeting on Wednesday, September 3, 2014 to review current fee schedule.

14. Public input:

Trevor Mentink suggested that any actions that alter someone's process be sent to them directly to ensure awareness and compliance. The Plan Commission may work with Tom Huenink to revise his

DRAFT

building permit process to simplify his work and better document things.

15. Review/approve attendance records for prior meeting(s).

Don Becker made a motion to approve the attendance records as presented for the month of July and David Huenink supported. The motion passed by a unanimous voice vote. There was no meeting in August. David Huenink made a motion to approve the attendance records as presented for the month of September and David Mueller supported. The motion passed by a unanimous voice vote.

16. Adjourn

Jack Stokdyk made a motion to adjourn at 10:30 PM and Nate Voskuil supported. The motion passed by a unanimous voice vote.

Respectfully submitted,

Louise Huenink, Plan Commission Clerk
September 3, 2014