

Minutes of Plan Commission Meeting December 4, 2006

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 7:32pm.
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. The Agenda was adopted as the official order of business on a motion by Eugene Schmitz, supported by John Kucksdorf, passing by a unanimous voice vote.
5. Roll Call showed in attendance Chairman Donald Becker, John Kucksdorf, Ken Nyhuis, Daniel Teunissen, Jan Rauwerdink, Eugene Schmitz, Dave Huenink (arriving late). Absent were Matthew Sproehlich, Claus Weingaertner, Tom Huenink.
6. The Minutes of the previous meeting on November 6, 2006 were approved on a motion by Dan Teunissen, supported by Jan Rauwerdink, passing by a unanimous voice vote.
7. Public Hearing on the following requests:
 - a. A request from Gary M. & Judith A. Dietzo for change of zoning from A-1 to A-5 and for a conditional use permit for one single family residence. Tax key no. 59006063520, 22.50 acres, located at W2227 Hoftiezer Road, south side of Hoftiezer Rd., immediately east of the railroad tracks in Section 12, Town Holland, 1.5 miles east of Hwy 32.

The scope of the Dietzos' existing conditional use permit was explored.

Motion to close hearing: Dan Teunissen Support: Jan Rauwerdink Passage by unanimous voice vote

- b. A request from owners James & Lori Te Stroete, Roger & Linda Buyze, Tom & Sandy Nyenhuus for change of zoning from R-1 to A-2. Tax key no. 59006070431, 4.20 acres, located on the south side of Town Line Road, about 1/8 west of the shoreline of Lake Michigan.

Peter Riese asked why not re-zone all the lots in the neighborhood the same way?

Motion to close hearing: Dave Huenink Support: Eugene Schmitz Passage by unanimous voice vote

- c. A request from Donald G. & Corinne Smies for change of zoning from A-2 to A-5 and for a conditional use permit for one single family residence. Tax key no. 59006076130, 18.63 acres, located at W1774 Smies Road on the north side of Smies Road, 1/8 mile east of I-43, in the E1/2 of the SE1/4 Section 18, T13N, R23E.

The parcel contains a range of farmland quality.

Motion to close hearing: Dan Teunissen Support: John Kucksdorf Passage by unanimous voice vote

- d. A request from Harold & Loretta Kislewski to divide a parcel into two, and for change of zoning from A-2 to A-5 on both parcels, and for a conditional use permit for one single family residence. Tax key no. 59006075940, 7.73 acres, located at N1557 Sauk Trail Road, Oostburg, WI 53070.

Eugene Schmitz questioned the divisibility of an A-2. Per the current zoning ordinance, such division is not prohibited.

Motion to close hearing: Dan Teunissen Support: Eugene Schmitz Passage by unanimous voice vote

8. Deliberate and take action on the Ter Maat request, tabled last month, provided the requested information is available. Lloyd Ter Maat produced a sketch of his intended land division, but not a certified survey map. The sketch did not fully conform to current zoning law, particularly road frontage. Lloyd stated that his non-conforming R-1 parcel where he resides was separated from a farmstead in 1979, prior to the adoption of the original zoning ordinance. Although the remaining parcel is non-conforming due to limited road frontage, Section 20.240 of our zoning ordinance allows one residence to be built on any such non-conforming parcel. Mr. Ter Maat presented an option that would redraw the property boundaries retaining the same number of lots (3), combine the majority of the non-conforming A-1 parcel into the original farm homestead to the north and rezone that added land to A-5, add a small amount of land to the R-1 property and rezone it to R-1, and keep the remainder of the property as a future building site of 3 acres and rezone it to A-5. Mr. Ter Maat plans to return to the Plan Commission in January with the required certified survey map for the Commission to act upon it.
9. Deliberate and take action on:

 - a. The Dietzo request (see 7a). Dan Teunissen moved to recommend to the Board rezoning from A-1 to A-5. Supported by Dave Huenink. Passed by a ballot of the seven attending members, who all voted yes for rezoning. Dave Huenink further moved to grant a conditional use permit for a single family residence and for tree farming, including activities a-j listed in the application documents, contingent on the Board's approval of the rezoning. Supported by Dan Teunissen. Passed by roll call vote in which all attending members voted yes for granting the conditional use permit. (See contingent Conditional Use Permit, attached.)
 - b. The Te Stroete/Buyze/Nyenhuis request (see 7b). There was a brief discussion of the potential of amending the request to rezone to C-1, but such a rezoning may need to be applied to all similar lowland properties in the area. If amended, the Town Board may be requested to waive the application fee. Dan Teunissen moved to recommend to the Board denial of the rezoning request because of insufficient acreage. Supported by Eugene Schmitz. Passed by a roll call vote in which all attending members voted yes for denial.
 - c. The Smies request (see 7c). Eugene Schmitz moved to recommend to the Board approval of the request for rezoning. Supported by Dan Teunissen. Passed by a roll call vote in which all attending members voted yes for approval. Dan Teunissen moved to approve a conditional use permit for a single family residence, contingent of Board approval of the rezoning. Supported by Dave Huenink. Passed by a unanimous roll call vote.
 - d. The Kislewski request (see 7d). Dave Huenink moved to recommend to the Board rezoning from A-2 to A-5 and division into two lots as shown on the certified survey map, contingent on submittal of land covenants on both parcels. Supported by Chairman Donald Becker. Passed by a roll call vote in which all attending members voted yes for the recommendation. Dan Teunissen moved to grant a conditional use permit for a single family residence, contingent on the Board's approval of the rezoning/division. Supported by Eugene Schmitz. Passed by a roll call vote in which all attending members voted yes.
10. Review and take action on a land division request covered in a settlement agreement between Cliff Norris and a neighbor. The Cliff Norris property is on South Smies Road. Attorney Peter Mayer, Attorney Elizabeth Rich, and Scott Thiel appeared to represent A Proposed Resolution of County Resources Committee (see attached). Chairman Becker commented on the proposed settlement, noting that there will be a restrictive covenant in perpetuity that bars buildings and improvements on the western portion. Dan Teunissen moved to recommend to the Board approval of the land division covered by the Proposed Resolution of County Resources Committee for the reasons stated therein. Supported by Dave Huenink. Passed by a roll call vote in which all of the attending members voted yes for the recommendation. (A facsimile of the proposed agreement between the land owners is attached.)
11. Public Input. Tony Krostag appeared, seeking advice concerning his vision of establishing a gas station/restaurant on Foster Road.

12. The attendance record for November 2006 was approved on a motion by Dan Teunissen, supported by Ken Nyhuis, passing by a unanimous voice vote.
13. The meeting adjourned at 9:20pm on a motion by Ken Nyhuis, supported by Chairman Becker, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader
Clerk of the Plan Commission
December 13, 2006