

Minutes of Plan Commission Meeting August 7, 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. Chairman Becker called the meeting to order at 7:30pm.
2. Chairman Becker certified that the requirements of the Wisconsin Open Meetings Law had been met.
3. The agenda was adopted as the official order of business on a motion by Matthew Sproehlich, supported by Ken Nyhuis, with passage by a unanimous voice vote.
4. Roll call showed in attendance Donald Becker, Matthew Sproehlich, Ken Nyhuis, Jan Rauwerdink, Eugene Schmitz, Dave Huenink, Tom Huenink. Absent were John Kucksdorf, Daniel Teunissen, Claus Weingaertner.
5. Minutes of the regular Plan Commission meeting on July 3, 2006 were read for approval. Minutes of the special Plan Commission meeting on July 31, 2006 were read for approval. Eugene Schmitz moved to accept the minutes as read. Ken Nyhuis supported the motion which passed by a unanimous voice vote.
6. Public Hearing on requests for change of zoning. A fuller description of each request is published in the agenda:

A. **Hal Steffen.** Hal Steffen spoke in support of his request to divide an A-2 parcel into 3 lots and to change the zoning of one of the lots from A-2 to A-5.

B. **John J. Hawe** requested a change of zoning from A-2 to R-1 (or else to build a house). Janet Lammers spoke in support of the request and submitted additional documents. Jay Jacque spoke against the request. The lot was split off from a larger parcel in the 1990s due to contamination on the split-off lot. It was intended to be recombined with the larger parcel after the contamination issue was resolved. Wisconsin DNR has issued a closure letter for the property.

C. **Scott Thiel/Cliff Norris** requested a change of zoning from A-1/R-1 to A-5. Scott Thiel spoke in favor of the request. Cliff Norris gave Scott Thiel the authority to petition and speak on his behalf according to a letter to the Town Chairman. Mr. Thiel was asked in the meeting to address the eight requirements previously identified by the Plan Commission; Mr. Thiel satisfactorily did so. Several people spoke against the request, including Attorney Peter R. Mayer, Victoria Stuart Moore, Abe Smies, Grant Barthel, Doug Hamilton. Those opposed were concerned about adverse impact on hydrology, environment, endangered species, and the legality of the request.

D. **Mentink Family, LLC** requested a change of zoning from A-1 to A-5 for a 5-acre parcel split off from 77 acres. Attorney Ed Ritger spoke in favor of the request. Mr. Ritger was agreeable to combining the A-1 acreages into one parcel so as to exceed the 35-acre minimum

E. **Irwin J. Arentsen** requested a change of zoning from A-2 to A-5 on two parcels derived from one A-2 parcel. Ted Scharl spoke in favor of the request. Mr. Scharl's comments included a reference to a future request to be submitted to the Board of Appeals to address the fact that the new parcel to be created will not have the required 250 feet of frontage on a public road.

7. Deliberate and take action on the requests:

A. **Hal Steffen.** The Plan Commission found the request to be consistent with the Zoning Ordinance. Lot 2 & 3 are considered to be one parcel whose >5 acres satisfy the minimum acreage for A-2. Lot 1 is 3.00 acres, satisfying the minimum acreage requirement for A-5. Set backs will be addressed when a conditional use permit is requested. There will be a restrictive covenant and the CSM bore the required language. Motion by Dave Huenink to recommend to the Board approval. Support by Matthew Sproehlich. Passed by ballot in which, of the six votes cast, the only no vote was by Jan Rauwerdink. [Restrictive covenants are applicable to the request.]

B. **John J. Hawe.** The Plan Commission found the property to be an illegal non-conforming parcel, having been advised by Attorney Jerry Antoine that the request was contrary to R-1 zoning requirements and could be handled under 20.240.04 if the parcel was created prior to 1982. Since the parcel was created after 1982 and was separated from a parcel that did conform to the A-2 zoning requirements, the parcel is today considered an illegal non-conforming parcel. Motion by Donald Becker to recommend to the Board denial. Support by Dave Huenink. Passed unanimously by ballot.

C. **Scott Thiel/Cliff Norris.** Chairman Becker introduced the long pending request, noting the issue of excess water, the DNR's policy that the time for decision is at hand. Motion by Eugene Schmitz to recommend to the Board approval on condition that a storm water management study/plan be submitted by the requestor to the Town for approval prior to occupancy, just as if the property were subject to the County's subdivision ordinance. Support by Matthew Sproehlich. Passed by ballot. Of the six votes cast, the only no vote was cast by Ken Nyhuis.

D. **Mentink Family, LLC.** The request was found to be consistent with the Zoning Ordinance. Motion by Dave Huenink to recommend to the Board approval on condition that the residual 72 acres of A-1 land be merged into one parcel. Support by Ken Nyhuis. Passed unanimously by ballot (Jan Rauwerdink recused). [Restrictive covenants are applicable to the request.]

E. **Irwin J. Arentsen.** The request appeared to be inconsistent with the Zoning Ordinance, on consideration of inadequate road frontage. Motion by Matthew Sproehlich to table the request until next month, allowing time for study of the road frontage matter and the appeals process and to consult with Attorney Jerry Antoine. Support by Dave Huenink. Passed by a unanimous voice vote. [Restrictive covenants are applicable to the request.]

8. Action items from the previous meeting:

A. Syd Rader had not yet received input from the Plan Commission about revising the application forms for change of zoning/conditional use permits.

B. Claus Weingaertner had accomplished his assignment of preparing attachments B-E of the Zoning Ordinance.

C. Dave Huenink summarized progress on the Town's website.

- D. Dan Teunissen had accomplished his assignment regarding No Fault Classification.
- E. The definition of 'contiguous' had been resolved by Don Becker.

- 9. Public input: Bob Bruce posed some questions but it was determined that the Plan Commission has no jurisdiction in the case involving his property, because the tax parcel is actually two separate legal lots that were in existence prior to the creation of the Town's zoning ordinance.
- 10. The attendance record of the Plan Commission's two July meetings was examined and approved on a motion by Dave Huenink, supported by Ken Nyhuis, and passed by a unanimous voice vote.
- 11. The meeting adjourned at 10:12pm on a motion by Matthew Sproehlich, supported by Jan Rauwerdink, and passed by a unanimous voice vote.

Respectfully submitted, Sydney Rader, Clerk, August 10, 2006