

WORK SESSION
HOLLAND CITY COUNCIL, PLANNING &
ZONING COMMITTEE, AND STAFF
CITY HALL SHALL HOLD A JOINT WORKSHOP
AT 104 WEST TRAVIS
On Saturday, February 28, 2004
9:00 A.M.

MINUTES

A. Meeting called to Order by Frank Horak, the Mayor, at 9:10 A.M. The following were present, in addition to Frank Horak: Eddie Bookman, Barbara Cockrum, Perry Butzlaff, Jeff Green, Sheila Limon, Richard Reaves, Steve Rinehart, Sharon Simmons, and Mae Smith, noting that Mae Smith later left the meeting, and that Richard Reaves was late to arrive.

B. Training and requirements regarding Certificates of Occupancy procedures and issuance:

Questions were answered in sections C through F of this meeting relating to this topic.

C. Building Permits issuance procedures and requirements:

1. Clarification of acceptable agreements to be used when applying for permits
2. Question and Answer Session

Sheila Limon, Attorney for the City of Holland commented on the importance of issuing the proper permits and the liabilities for not doing so. Additionally, she discussed that while the Administrative staff are transitioning to the new permits process that the turnaround time for the individuals requesting permits is expected to take longer than previously done.

Eddie Bookman suggested that part of this new process include requiring the individuals to present the appropriate plans for their needs. Additionally, Sheila Limon indicated that rather than grant variances, the "special cases" need to go before our Planning and Zoning Committee, who should then consider the "special cases" for the good of all, and if needed, implement changes to the zoning regulations. She emphasized that variances should be used only when absolutely necessary, and not let the exceptions not become the rule. She also informed all present that an individual's request could be placed on hold for up to 1 month in order to amend, change, or create an ordinance.

Examples of discussion included Frank Horak's previous variance regarding setbacks; sheds; and other items that are affected by the setback distances. The Planning and Zoning Committee will be asked to review the setbacks for the benefit of all. Additionally, several locations that do not meet current zoning ordinances were discussed.

Sheila Limon suggested that the Planning and Zoning Committee set up a flow chart to use when deciding ordinance changes. Steve Rinehart volunteered to assist with this flow chart. She volunteered to meet with Steve Rinehart and the Planning and Zoning Committee to work on this issue.

Discussion about the types of forms the City staff uses in our processes ensued: building permits, stop work orders, review of expired permits. Jeff Green, Police Chief of Holland, reminded all that permits should be posted on the front of the door or in a near window so the permit can easily be seen from the street. Sheila recommended that Janice Bracewell, City Secretary, contact Amy in her office for the appropriate forms. Chief Green also provided her with some sample forms for consideration.

Chief Green made further suggestions about noncompliance notifications, such as cease and desist orders or certified letters to assist with stopping individuals from moving forward on their permits. He also indicated that the City Crew Members could tag properties for ordinance violations and provide him with copies, so he can further pursue. Sheila Limon suggested that Janice Bracewell contact Paige in her office and ask for examples of complaint form for permit and stop/work order forms. Janice Bracewell indicated that she and Peggy Tracy, City Clerk/Court Clerk, would meet with Steve Rinehart to further define the processes and required forms. Steve Rinehart agreed that this would be a beneficial meeting for the Administrative staff.

D. Discuss the Subdivision Ordinance procedures and requirements:

Sheila Limon discussed illegal lots and our responsibility relating to not turning on service if the lots are not within Ordinance guidelines. The map located in the Council room is the official division of land for the City, and lots cannot be merged; multiple homes cannot be placed on single lots; and public rights of way must be considered. She further recommended we show a tracing of this map to verify the official lot divisions, and when individuals apply for service this would be a good time to review their lots. To do this, either the City Council or the Planning and Zoning Committee should appoint someone to handle problem lots, work with the city employees, and pass information to the administrative staff to ensure the illegal lots do not receive service. Sheila Limon's last comment about this was that if the lot is not recognized as legal, then the individual in question should process their request through the Planning and Zoning Committee, who will use the plat map to make a decision.

Frank Horak asked Sheila Limon if her recommendations applied to all utilities, and she indicated that it did, and recommended that we nurture a cooperative relationship with the other utility organizations and ask them not to provide service on these lots until they get a copy of the Certificate of Occupancy. The group then discussed the fact that there are utilities buried in lots that are unknown to us; an example was given of Frank

Horak's gas line that is buried and runs behind his house. Sheila Limon recommended we contact the various utility organizations while trying to ascertain if these service lines are still in use, and if so, where they may lead.

E. Discuss non-conforming use requirements for zoning:

Sheila Limon provided the group with a definition of a legal lot, and indicated that we can fix issues that arise regarding whether a lot is legal by referring the individuals to the Planning and Zoning Committee for immediate recourse on the platting process. She further recommended that we ask the Planning and Zoning Committee to immediately review and make recommendations on mobile homes, and that the setback issues could wait. Additionally, she suggested a public hearing where conveyance could be made to ensure code compliance.

F. Discuss structuring of Board of Adjustments and appropriate matters to be considered by the Board of Adjustments:

Sheila Limon provided an example of a situation where the citizen has the right to appeal to the Board of Adjustments, and noted that the Board of Adjustments could be the Mayor or the City Council, or someone/some group appointed by the City Council. She further emphasized that the use of the word 'variance' should be strongly discouraged. Criteria for variances should be the question "Did I cause the hardship on myself?" and offered training material to the group on variances.

Sheila Limon then discussed that if ordinances are unreasonable that they should be revisited for the benefit of all. The Board of Adjustments should only be overriding the Planning and Zoning Committee's recommendations *nominally*. Also, she indicated that there are new TRCC rules beginning March 1 where builders must be registered with the State. She recommended the City Council approve a Resolution and then post it in the newspaper and with flyers indicating something to the effect of "All outstanding building permits must be renewed or reviewed prior to <date>. Please bring in all of your documentation in order to facilitate this process."

G. Sharon Simmons moved that the workshop be adjourned and was seconded by Eddie Bookman. All in favor. Motion carried. Workshop adjourned at 11:44 A.M.

Respectfully submitted,

Janice E. Bracewell, City Secretary