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Plan Commission recommends working with landowner seeking division of Country Lane property

Last year, Town of Fredonia officials took a hard-line stand when Newburg resident Ray Kirmse asked that a deed restriction on land he owns on Country Lane be disregarded.

When Kirmse brought the matter back to the Plan Commission, the tone of the discussion was much more cordial.

He bought the 42.5-acre parcel from the estate of Lavern Koch in 1998, with a deed restriction that the land could not be subdivided.

“Lavern did not want a subdivision on her land and I gave her my word I would not do that,” Kirmse told the Town Board last year.

Several attempts to divide the land have been thwarted by neighbors and town officials, but Town Chairman Richard Mueller said a solution to the impasse might be at hand.

Mueller said he would have not problem with Kirmse’ latest proposal to split the parcel into two lots.

“If you divide the parcel keeping a 35-acre (lot) and 5 acres with the existing building, we’d take a look at it,” he said.

The split would allow the land to remain under A-1 agricultural zoning.

Kirmse said that configuration is now possible after acquiring a strip of neighboring land which would allow access to the land from Hickory Drive. He said he is hoping to sell the larger of the two lots.

The property is in the far southwest corner of the township, with several smaller home sites nearby.

Mueller told Kirmse he should come to the commission for a consultation before pursuing the matter.

“I don’t want him having to spend a lot of money without knowing if we are willing to consider it. It shouldn’t offend the neighbors because the parcel to the south are already smaller,” he said.

Kirmse said he had no intention of seeking any further land divisions at the property, although he didn’t want to tie the hands of any future owner.

He said a prospective buy intends to build a single home on the 35 acres, with a view overlooking the Milwaukee River.

Commission member Tom Johnson said the use of deed restrictions has proven to be an ineffective way of directing land use.

“Deed restrictions are, one by one, falling by the wayside,” Johnson said.

“If someone comes in with a piece of agricultural land and wants to rezone it, they would still face a lot of resistance from us.”

Mueller agreed deed restrictions are an outmoded tool.

“They don’t hold up in court. What we are telling a landowner is they can have the land, but they can’t use it,” Mueller said.

The commission recommended the Town Board lift the deed restriction