

WINNEBAGO COUNTY  
PLANNING AND ZONING COMMITTEE  
**PUBLIC HEARING**

Wednesday, November 16, 2015  
6:30 P.M.

Room 408 – County Administrative Building

Present: Supervisors: Tom Egan, Larry Kriescher, Maribeth Gabert, Claud Thompson, and Robert Keller;  
Karen Fredrick – Court Reporter, Candace Bauer – Code Enforcement Officer, and guests

Excused: None

The meeting was called to order by Tom Egan, Chairman at 6:52 P.M. The Committee and staff introduced themselves and C. Bauer read the appeals process.

Chairman Egan inquired about receiving a motion to move item number 3 on the agenda, Adam Fuss, to number 1 because this item was held over from last month's meeting as there was an issue with notifications/publishing. MOTION made by L. Kriescher to move item number 3 for Adam Fuss to first on the agenda. Seconded by M. Gabert. Motion carried unanimously.

1. **Adam Fuss– 6348 Lee Rd, Town of Poygan – Zoning Map Amendment**

The applicant is requesting a zoning map amendment from R-1 to A-2 for the creation of a 5 acre parcel.

Adam Fuss of 6348 Lee Rd was sworn in. Mr. Fuss explained that he is looking to build a house on the property but the existing pole shed is limiting the placement of an attached garage on the home.

C. Bauer explained that there is a limit on the amount of residential accessory structure space per property. The addition of land and change in zoning will make the attached garage possible.

C. Bauer read a resolution from the Town Board of the Town of Poygan recommending approval of the request with the following findings:

1. The requested zoning map amendment does agree with the adopted plan.
2. No conflict with adjacent land.
3. No objections.
4. Consistent with intended use of property.

2. **Alan Hansen et al – 7813 County Rd M, Town of Winchester – Zoning Map Amendment**

The applicant is requesting a zoning map amendment to R-1 Rural Residential.

Alan Hansen of W10112 Hemlock Rd, Fremont was sworn in. Mr. Hansen began by noting that mediation was requiring something to occur, but was not clear on what. He then explained that the mound system installed in 1998 extends onto his property due to incorrect measurements.

Mr. Hansen stated that he would like to withdraw his application if the necessary paperwork hasn't been completed. He then inquired about changes in taxes. C. Bauer directed him to the Town to determine the

impact on taxes from a zoning map amendment and that a request could be made up to the County Board meeting to withdraw his application.

Mr. Hansen inquired if the office had received the necessary paperwork. C. Bauer explained that she received several documents from Attorney Dan Muza but was not sure what they all were – she listed a few of the documents titles and recommended that Attorney Muza be sworn in to explain them and their status.

Mr. Hansen explained that one of the documents was to get the property under the correct name of the property owner (affidavit of correction). Mr. Hansen added that he would like to build a house on lot 1 of the proposed certified survey map (CSM). There was further discussion regarding multiple proposed CSMs. C. Bauer explained that a CSM requiring a zone change generally run concurrently through their approval process because a zone change cannot be conditioned. It was noted that the topic would be discussed with Cary Rowe, the Zoning Administrator and reviewer of CSMs.

Attorney Dan Muza, business address of 217 CB Ave, Oshkosh, was sworn in. He noted that he is Mr. Moss' representative. Attorney Muza gave a detailed history and reasoning for the CSM and zoning map amendment request. The problem began in the 1960s with a CSM. The mound system servicing the Moss/Laab property was placed over the lot line, which is the reasoning for the disputed strip of land. This began a lawsuit of adverse possession. Mediation has occurred and an agreement was reached. The solution was to create a CSM to allow room for the mound system to be on the Moss' lot.

Attorney Muza added that mediation required an affidavit of correction and a transfer of the property to be recorded, which they were earlier today. The last step is for the deed for the disputed area to be drafted between Hansen and Moss. Attorney Muza noted that he saw the draft and approved it, but it needs to be recorded yet. Committee members requested that the documents of discussion be available. C. Bauer added that they are recorded and available at the Register of Deed's Office.

### **3. Westin Land Holdings LLC – 2590 County Rd II, Town of Clayton – Conditional Use**

The applicant is requesting a conditional use permit to be allowed to continue to operate an outdoor recreation / entertainment facility in association with the bar.

Ben Hamblin of McMahon Group – 1445 McMahon Drive – was sworn in. Mr. Hamblin explained that there previously was a golf driving range, miniature golf and golf course through approved conditional uses in 1995 and 2000. The property has since changed owners and changed the use to softball diamonds now.

Supervisor Gabert inquired about the stadium lights. Mr. Hamblin answered that only the southern ball diamond was lit and had speakers. C. Bauer added that the Zoning Code doesn't directly regulate lighting, but they are generally included in a Site Plan and Plan of Operation.

Supervisor Keller inquired about having concerts at the property. Mr. Hamblin answered that they generally have a couple per year, which are approved by the Town through a special use permit. They generally take place in a tent and are hosted until midnight on Fridays or Saturdays. It was pointed out that the closest house is 700-800ft away but that they would not have received specific notification of this meeting.

Mr. Hamblin explained that the conditional use permit request is drafted to match what is currently taking place and that the timeframe of softball events from April to November match the same as a golf course, as far as lighting is concerned. Mr. Hamblin added further than the speakers (for softball only) were moved and

directed west to correct a noise issue. Lighting was discussed further. The stadium lights were a part of the 1995 request. Lighting is mitigated by surrounding trees.

Committee members inquired if this approval would allow or encourage more entertainment uses. Mr. Hamblin answered that there are about 2-3 per summer but that it would also include volleyball tournaments and similar events. The Town would require a special use permit.

Thomas Kiesow of 8673 Clayton Avenue was sworn in. He explained to the Committee that his family needs their backyard for enjoyment but are unable to do so due to the use of the property. He explained that the baseball takes place 4 nights a week and that the lights that were approved with a golf course use are not the same as the lights for baseball. Mr. Kiesow added that traffic is also a concern as it comes from Martin Drive and then down Kline Street before entering Clayton Avenue. This avoids the main (police watched) intersection of County Rd II and Clayton Avenue. Mr. Kiesow stated that the noise, bass, and echo effect were also negative impacts of the use.

Tom Spierowski, Town of Clayton Building Inspector was sworn in. Mr. Spierowski noted that he has worked with the property owner on the noise complaints. Richard Johnston of the Town has returned emails to Mr. Kiesow regarding his complaints and they have also been to the complainant's property during evening hours. Mr. Spierowski noted that a lot of the noise heard came from surrounding uses. Noise from the ball diamonds hasn't been noticed since the speakers were turned down and rotated.

Supervisor Keller inquired if the Town had a nuisance ordinance. Mr. Spierowski added that the Town is addressing this and working to create one.

Richard Knapinski, property owner at 8605 Clayton Ave and Chairman of the Town Plan Commission, was sworn in. He started by saying that he was in favor of the request and that the Town approved.. Mr. Knapinski explained that when the speakers were turned down that the noise was negligible. He added that the lights are bright but that area vegetation helps. With regard to concert and tiki bar noise, which typically finish by midnight, the local warehousing and train track noise is louder after midnight. Mr. Knapinski noted that a Town nuisance ordinance would require multiple opponents to a nuisance but that this could help keep the number of concerts down.

Mr. Kiesow again approached the Committee. He voiced his frustrations with the area going from light housing to light industrial under previous administration. He had concerns for the Kline Street area uses, trucking, and trains. Mr. Kiesow stated that he was concerned that once this is approved, he will not be able to stop them from moving forward.

Mr. Hamblin approached the Committee to address Mr. Kiesow's concerns. He noted that the speakers were addressed and he feels that item #2 in the conditional use permit application language addresses the noise concerns properly.

## ADJOURNMENT

MOTION made by L. Kriescher to adjourn meeting. Seconded by R. Keller. Motion carried unanimously. Meeting adjourned at 7:57 P.M.

Respectfully submitted,  
Candace Bauer  
Recording Secretary