

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
PUBLIC HEARING

August 25, 2009

6:30 P.M.

Lounge Room – Courthouse

PRESENT: Supervisors, Patrick Brennand, Chairman, Joanne Sievert, Jeanette Diakoff, Thomas Egan and Claud Thompson. Cary Rowe, Zoning Administrator. Guests present.

The meeting was called to order by Patrick Brennand, Chairman at 6:30 P.M. Committee members introduced themselves and Zoning Administrator explained appeals procedure and stated that protests for rezoning must be made 24 hours prior to the County Board meeting.

1. Nature Conservancy Zoning Change – Town of Nepeuskun

Trish Stocking (owner) was present and sworn in. She explained the re-zoning request from A-2 to R-2. She stated that the proposed lot reconfigurations were a result of a court settlement and that the Winnebago County Zoning Administrator required the zoning change as a condition of csm approval. Ms. Stocking also stated that the land was going to be donated to the DNR for public use and that the Nature Conservancy was eligible for federal grants. Zoning Administrator stated the Town's position was read into the record the previous hearing and that the Town was advisory only in a shoreland area. Supervisor Sievert asked Zoning Administrator how a new lot could be created on a private road and why it had to be re-zoned to R-2. Zoning Administrator stated that existing lots were being reconfigured and no additional lots were being created. He said that the lot in question had to be re-zoned to R-2 because it was only 185-ft in width and was less than 5 acres. Supervisor Sievert said she was concerned about the potential to build a house on the lot in question. Zoning Administrator stated that the lot was already considered buildable under Winnebago County shoreland zoning jurisdiction. Supervisor Egan asked Ms. Stocking why the lot in question could not be joined with the adjacent property to create a lot over 5 acres. Stocking stated that the Zoning Administrator said that could not be done because the private road already divided the property. Lyndon Luker (Town of Nepeuskun Supervisor) – 156 Koro Rd, Ripon, was sworn in. He asked the Zoning Administrator for an explanation of the csm creation. Zoning Administrator gave Mr. Luker explanation on how csm was created. Zoning Administrator then asked Mr. Luker to confirm his (Zoning Administrator) understanding of the Town's position to deny which was in part due to the fact that the Town does not require agricultural parcels less than 5 acres to be re-zoned. Mr. Luker confirmed Zoning Administrator's understanding of Town's position as correct but stated the Town's future land use plan did not show the lot in question as residential. Zoning Administrator showed the audience the

County's future land use plan in this area and the lot in question was clearly shown as residential. Zoning Administrator stated that the Town of Nepeuskun's future land use plan was adopted as part of the County's plan in 2007. He also stated that there would only be a discrepancy between the two plans if the Town amended its plan since the County adopted it. There was no additional testimony and this portion of the hearing was closed.

2. Marjorie Olson Zoning Change – Town of Winchester

Shelley Podell (applicant) was present and sworn in. She explained her rezoning request from A-1 to A-2. Zoning Administrator stated that the Town of Winchester had approved the re-zoning request with the following findings: 1) The Town does have an adopted land use plan. 2) Action does agree with the adopted plan. 3) Zoning compatible. 4) Zoning same as surrounding. There was no additional testimony and this portion of the hearing was closed.

3. Algoma Sanitary District #1 Zoning Change – Town of Algoma

Chairman Brennand asked Zoning Administrator if proposed use could occur in a B-1 zoning district with a conditional use. Zoning Administrator said the proposed use could not occur in the B-1 zoning district with a conditional use. Kevin Mraz (applicant) was present and sworn in. He explained the rezoning request from R-1 to B-3. Mr. Mraz stated that the Algoma Sanitary District relocated to a different location and was selling the property to a buyer (David Dodge) who operates a lawn cutting / landscape business. Mr. Mraz said the use of the property would be similar to the use in the past with less traffic and customers at the site. He also testified the town's land use plan had been amended and that the Algoma Planning Commission and Town Board approved the re-zoning request to B-3. Jim Savinski – 2763 Oakwood Circle, Oshkosh, was sworn in. He spoke in opposition to the requested commercial district but not the proposed use. Mr. Savinski expressed concern about the potential uses of the property and associated traffic. He also asked if the proposed use could occur in a B-1 zoning district with a conditional use or if the zoning change could be conditioned. Zoning Administrator stated that the appropriate zoning district for the proposed use is B-3 and that it is not legal to place conditions on zoning changes. William Manske – 300 Division St, Oshkosh, was sworn in. Attorney Manske represents buyer of property (David Dodge). Mr. Manske described his client's business as it relates to traffic, customers and equipment. He also testified that the Town of Algoma amended its future land use plan and that all the legal channels were followed correctly to this point. Mr. Manske stated that his client is a contractor who provides a lawn service and does landscaping. Gary Lerch – 2919 Waldwic Lane, Oshkosh, was sworn in. He spoke in favor of the request and said that none of the adjoining residents appeared at the town meeting to oppose the re-zoning. He also said that most of the uses allowed in the B-3 zoning district could not occur on the property due to the small size. David Dodge – 1379 Lake Breeze Rd, Oshkosh, was sworn in. He described the

nature of his business. Supervisor Thompson asked Mr. Dodge how long he had been in his business. Mr. Dodge stated that he had been in this type of business for 17-years and has owned his own business for the past 8-years. Zoning Administrator stated that he had not received any response from the Town but previous testimony confirmed the Algoma Town Board approved the request. Chairman Brennand stated that town's response can be accepted up to 10 days after the public hearing. There was no additional testimony and this portion of the hearing was closed.

4. Mark & Susan Patchak Zoning Change – Town of Black Wolf

Chris Schmid (applicant) was sworn in. He explained the rezoning request from A-2 to R-1. Zoning Administrator stated that the Town of Black Wolf approved the zoning change with the following findings: 1) Town does have an adopted land use plan. 2) Action does agree with adopted Town plan. 3) Must be re-zoned to comply with Town of Black Wolf Zoning Ordinance for parcel size. 4) There are six residences within 900 feet of property to be re-zoned. 5) The Town of Black Wolf is also requesting a zoning change from A-2 to R-1 for Town Zoning.

ADJOURNMENT

MOTION made by T. Egan to adjourn the meeting. Seconded by J. Diakoff. Motion carried unanimously. Meeting adjourned at 8:10 P.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary