

DATE: 12/19/2023

R E S O L U T I O N

No. 002

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 12/002/23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF WINCHESTER in accordance with the petition of Kristi Dercks and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF WINCHESTER, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (Agricultural)** of said ordinance, which it now and heretofore had, to the zoned district of **R-1 (Rural Residential)**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby ☐ **ADOPTED** OR ☐ **DENIED**.

see attached documents

County Board Supervisor
(Town of Winchester)

PARCEL NO: **028-0920-03**; FROM **A-2** TO **R-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel – County Executive

County Board Supervisory district **36 - Miller**

Town of Winchester

Ordinance 2023-03

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

A. Property Owner: Kristi Dercks

028-0926-03

Legal description of property: The property located at 5641 Lakeview Road, Larsen, being specifically described as Tax ID 028-0920-01 and the additional lands immediately to the south as identified as LOT 1 on the attached CSM, all in Section 35, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows the parcel as Woodland and Natural Areas
3. R-1 (Rural Residential District) zoning is consistent with the aforementioned land use districts.
4. Therefore, a zoning change from A-2 to R-1 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

The above-described property is hereby rezoned from:

A-2 (General Agricultural District) to R-1 (Rural Residential District).

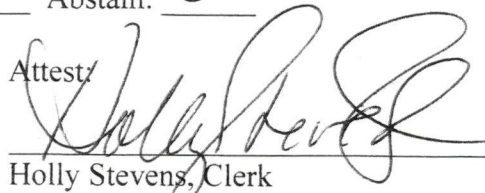
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21st day of August 2023

Vote: Yes: 2 No: 0 Absent: 1 Abstain: 0


Matthew J Olson, Chairman

Attest/


Holly Stevens, Clerk

Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948

August 22, 2023

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning application submitted by Kristi Dercks, for the property located at 5641 Lakeview Road, Larsen, being specifically described as Tax ID 028-0920-01, in Section 35, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin along with the addition of the lands immediately to the south of the property as identified as LOT 1 on the attached CSM. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,



Holly Stevens
Town of Winchester Clerk

CC County Clerk, Julie Barthels

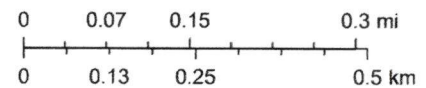
Part of 028-0920 and 028-0920-01 Kristi Dercks Rezoning



8/17/2023, 12:47:42 PM

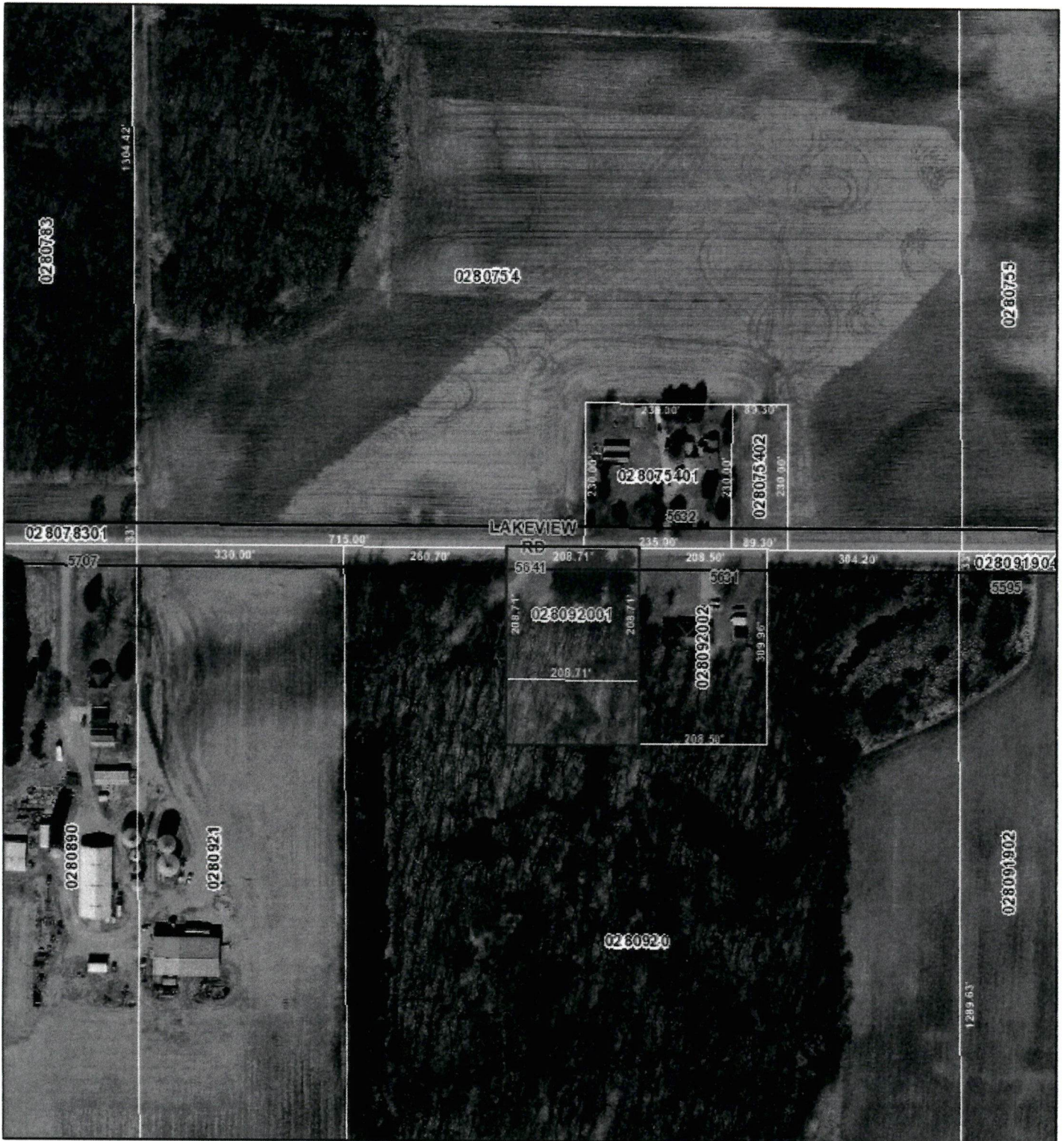
1:10,746

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
 - Navigable - Permanent (checked)
 - Navigable - Intermittent (checked)
 - Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Imagery Date: April 2020

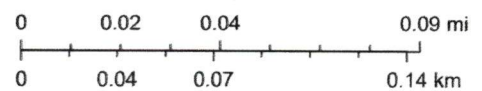
Part of 028-0920 and 028-0920-01 Kristi Dercks Rezoning



8/17/2023, 12:44:13 PM

1:2,686

- | | |
|--------------------------------------|------------------------------------|
| Adjacent Counties | Navigable - Permanent (checked) |
| Lakes, Ponds and Rivers | Navigable - Intermittent (checked) |
| Navigable Waterways | Navigable - Stream (checked) |
| Navigable - Permanent (unchecked) | Tax Parcel Boundary |
| Navigable - Intermittent (unchecked) | Road ROW |
| Navigable - Stream (unchecked) | Municipal Boundary |

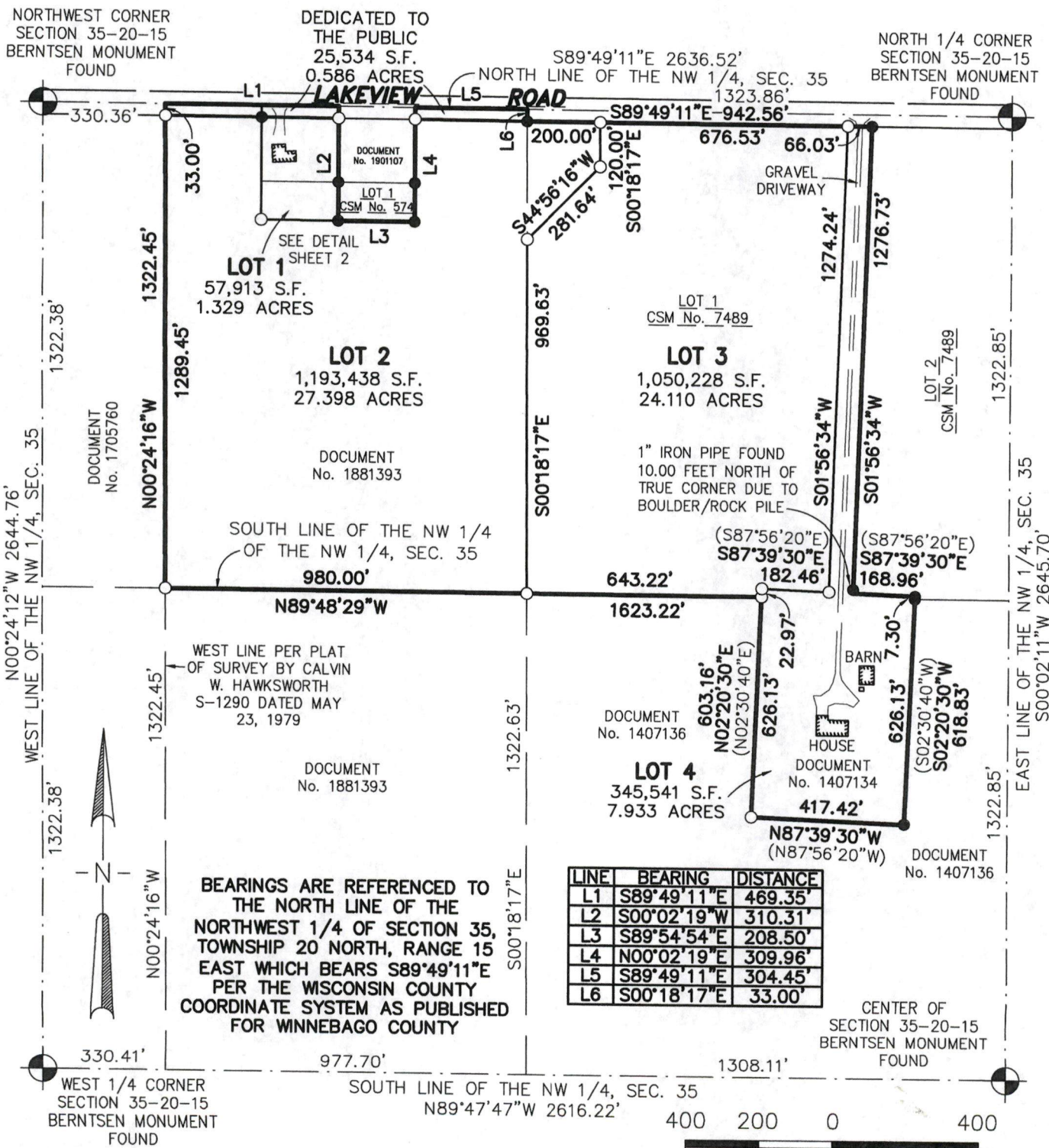


Winnebago County GIS, Imagery Date: April 2020

CERTIFIED SURVEY MAP NO. SHEET 1 OF 6

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS
RECORDED IN DOCUMENT No. 1792063, A PART OF THE
NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE
NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF
THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION
35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF
WINCHESTER, WINNEBAGO COUNTY, WISCONSIN

FOR: -RON DERCKS
-21 HOLLYHOCK COURT
-APPLETON, WI 54914

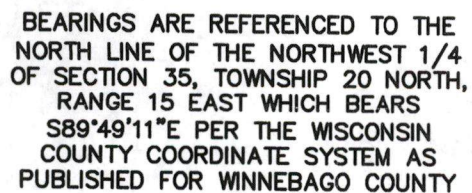


LEGEND


- - 3/4" x 18" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- - 1" IRON PIPE FOUND (1.315" O.D.)
- ⊕ - CERTIFIED LAND CORNER WINNEBAGO COUNTY
- () - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET

SHEET 2 OF 6

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS RECORDED IN DOCUMENT No. 1792063, A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN



LEGEND

- - 3/4" x 18" ROUND IRON REBAR
WEIGHING 1.5 lbs./lineal ft. SET
- - 1" IRON PIPE FOUND (1.315" O.D.)
-  - CERTIFIED LAND CORNER
WINNEBAGO COUNTY
- () - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS RECORDED IN DOCUMENT No. 1792063, A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Douglas E. Woelz, Wisconsin Professional Land Surveyor S-2327, certify that I have surveyed, divided and mapped all of Lot 1 of Certified Survey Map No. 7489 as recorded in Document No. 1792063, a part of the Northwest 1/4 of the Northwest 1/4, a part of the Northeast 1/4 of the Northwest 1/4 and a part of the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 20 North, Range 15 East, Town of Winchester, Winnebago County, Wisconsin containing 2,672,654 square feet (61.356 acres) of land and more fully described as follows:

Commencing at the Northwest corner of said Section 35; thence S89°49'11"E, 330.36 feet along the North line of the Northwest 1/4 of said Section 35 to the West line of a Plat of Survey by Calvin W. Hawksworth, dated May 23, 1979 and the Point of Beginning; thence continue S89°49'11"E, 469.35 feet along said North line to the Northeast corner of Lands described in Document No. 1872603; thence S00°02'19"W, 310.31 feet along the East line of said Lands to the Southwest corner of Lot 1 of Certified Survey Map No. 574 as recorded in Volume 1 of Maps on Page 574 as Document No. 534394; thence S89°54'54"E, 208.50 feet along the South line of said Lot 1 to the Southeast corner thereof; thence N00°02'19"E, 309.96 feet along the East line of said Lot 1 and its Northerly extension to said North line of the Northwest 1/4; thence S89°49'11"E, 304.45 feet along said North line to the Northwest corner of Certified Survey Map No. 7489 as recorded in Document No. 1792063; thence S00°18'17"E, 33.00 feet along the West line of said Certified Survey Map to the Northwest corner of Lot 1 of said Certified Survey Map No. 7489 and the South right-of-way line of Lakeview Road; thence S89°49'11"E, 942.56 feet along said South right-of-way line and the North line of Lot 1 of said Certified Survey Map No. 7489 to the Northeast corner thereof; thence S01°56'34"W, 1276.73 feet along the East line of said Lot 1 to the Southeast corner thereof; thence S87°39'30"E, 168.96 feet along the South line of Lot 2 of said Certified Survey Map No. 7489 to the Northeast corner of Lands described in Document No. 1407134; thence S02°20'30"W, 626.13 feet along the East line of said Lands to the Southeast corner thereof; thence N87°39'30"W, 417.42 feet along the South line of said Lands to the Southwest corner thereof; thence N02°20'30"E, 603.16 feet along the West line of said Lands to the South line of said Lot 1 of Certified Survey Map No. 7489; thence N89°48'29"W, 1623.22 feet along said South line of Lot 1 and the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 35 to the West line of a Plat of Survey by Calvin W. Hawksworth, dated May 23, 1979; thence N00°24'16"W, 1322.45 feet along said West line to the Point of Beginning.

That I have made this survey by the direction of the Owner(s) of said Land.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with s. 236.34 of the Wisconsin Statutes and the subdivision regulations of Winnebago County and Town of Winchester in surveying, dividing and mapping the same.

Given under my hand and seal this _____ day of _____, 20____.

Douglas E. Woelz, WI Professional Land Surveyor S-2327

CERTIFIED SURVEY MAP NO. _____

SHEET 4 OF 6

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS RECORDED IN DOCUMENT No. 1792063, A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN

TOWN OF WINCHESTER BOARD APPROVAL

We hereby certify that the Town of Winchester Board of Supervisors approved this Certified Survey Map by voice vote at their regular meeting of _____, with/without conditions, and we do hereby certify that all conditions were satisfied and the approval was granted and effective on this _____ day of _____, 20____.

Town Chairperson
Matt Olson

Date

Town Clerk
Holly Stevens

Date

CERTIFICATE OF PLANNING & ZONING COMMITTEE

Pursuant to the Land Subdivision Regulations of Winnebago County, Wisconsin, all the requirements for approval have been fulfilled. This minor subdivision was approved by the Winnebago County Planning and Zoning Committee.

Authorized Signature

Date

Printed Name

CERTIFICATE OF TREASURERS

I, being the duly elected, qualified and acting Treasurer, do hereby certify that in accordance with the records in my office there are no un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map.

Town Treasurer
Julie Sorenson

Date

County Treasurer
Amber L. Hoppa

Date

NOTES:

-THIS CERTIFIED SURVEY MAP IS ALL OF PARCEL ID'S 028092001, 0280920, 028091902 & 028092402.

-THE PROPERTY OWNERS OF RECORD ARE THE KRISTI L. DERCKS, RONALD A. & CINDY L. DERCKS REVOCABLE TRUST, GEORGE FAMILY PROPERTIES, LLC AND LONA L. GEORGE, TRUSTEE OF THE LONA L. GEORGE TRUST, LAND CONTRACT VENDOR.

-THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN PROPERTY DESCRIBED IN DOCUMENT No.s 1872603, 1881393, 1407136 & 1407134.

CERTIFIED SURVEY MAP NO. _____

SHEET 5 OF 6

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS RECORDED IN DOCUMENT No. 1792063, A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Kristi L. Dercks, As Owner, I hereby certify that I caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. I also hereby certify that this CSM is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

Town of Winchester
Winnebago County Planning & Zoning Committee

Dated this _____ day of _____, 20____.

Kristi L. Dercks

State of Wisconsin)
_____)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, _____

My commission expires _____

OWNER'S CERTIFICATE

Ronald A. & Cindy L. Dercks Revocable Trust, As Owners, We hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also hereby certify that this CSM is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

Town of Winchester
Winnebago County Planning & Zoning Committee

Dated this _____ day of _____, 20____.

Ronald A. Dercks—Trustee

Cindy L. Dercks—Trustee

State of Wisconsin)
_____)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, _____

My commission expires _____

CERTIFIED SURVEY MAP NO. _____

SHEET 6 OF 6

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7489 AS RECORDED IN DOCUMENT No. 1792063, A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN

OWNER'S CERTIFICATE

As Owners, George Family Properties, LLC, a Wisconsin Limited Liability Company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also hereby certify that this CSM is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

Town of Winchester
Winnebago County Planning & Zoning Committee

Dated this _____ day of _____, 20____.

Lona L. George, Managing Member

State of Wisconsin)
)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, _____

My commission expires _____

OWNER'S CERTIFICATE

Lona L. George Trust, As Owner(s), I/We hereby certify that I/we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. I/We also hereby certify that this CSM is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

Town of Winchester
Winnebago County Planning & Zoning Committee

Dated this _____ day of _____, 20____.

Lona L. George, Trustee of the Lona L. George Trust, Land Contract Vendor

State of Wisconsin)
)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, _____

My commission expires _____