

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE 7/30/2019

### TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Conditional Use which is regulated by either Chapter 23, the Town/County Zoning Code, or Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Planning and Zoning Committee will be holding a public hearing on 7/30/2019 at 6:30 p.m. in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office, where the application is available for viewing.

### INFORMATION ON CONDITIONAL USE REQUEST

**Application No.:**

2019-CU-4860

**Applicant:**

KAPPELL, GREGORY S

**Agent:**

None

**Location of Premises:**

8078 COUNTY RD B  
WINNECONNE, WI 54986

**Tax Parcel No.:**

020-00180702

**Legal Description:**

Being all of Lot 2 of CSM-5716, located in the SW 1/4 of the SW 1/4, Section 11, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

**Code Reference:**

Chapter 23, Exhibit 8-1, 17.43

**Description of Proposed Use:**

Applicant is requesting a conditional use permit to excavate a pond in a residential district.

## INITIAL STAFF REPORT

**Sanitation:**

Existing System  
Municipal System

**Overlays:**

Shoreland

**Current or Proposed Zoning:**

R-1 Rural Residential

**Code Reference:**

Chapter 23, Exhibit 8-1, 17.43

**Description of Proposed Use:**

Applicant is requesting a conditional use permit to excavate a pond in a residential district.

**Surrounding Zoning:**

**North:** R-1

**South:** A-2

**East:** R-1

**West:** R-1

### THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

**Describe the Proposed Use:**

To build a pond for water management. Approximately 90 feet north of back wall of garage. Rough dimensions of the kidney bean shape are 64 feet at its longest north to south and 91 feet at its longest east to west. The dirt excavated will be used to fill around the newly built house and graded for water flow.

**Describe How the Proposed Use Will Not Have Any Adverse Effects on Surrounding Property:**

There will be no adverse affects on surrounding properties. In fact, surrounding properties will more than likely benefit from the pond as run off water and excess water in the soil will migrate to the pond. In addition, we will be piping underground our roof runoff and our sump pump discharge to the pond. This will have a minimal pitch of 1 to 2 inches per 20 feet.

### SECTION REFERENCE AND BASIS OF DECISION

**23.7-114 Basis of decision**

The town board and town plan commission of the town in which the proposed conditional use is located in making their recommendation and Planning and Zoning Committee in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;

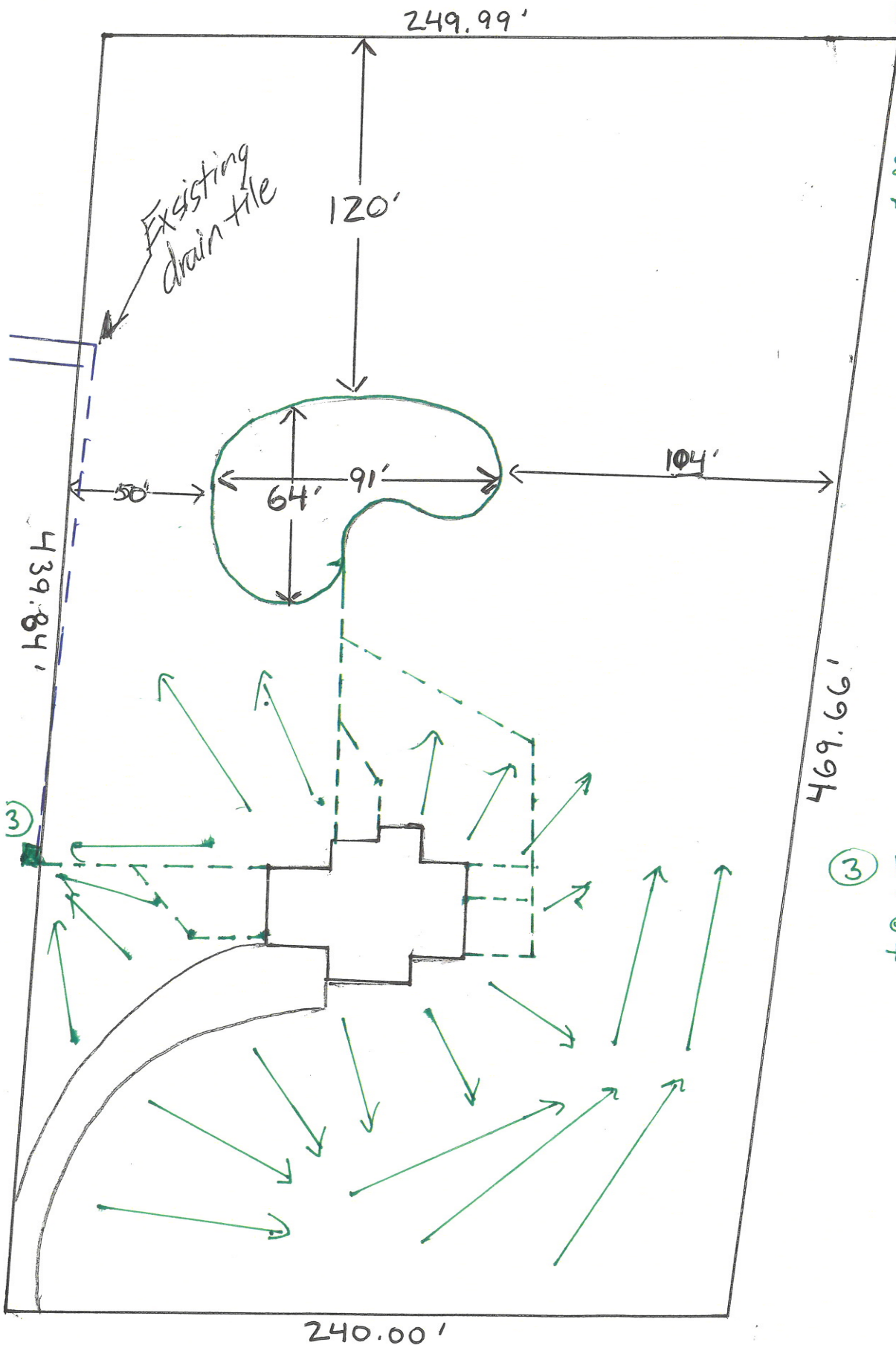
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.

Fill from pond will be utilized around new house for final grading.

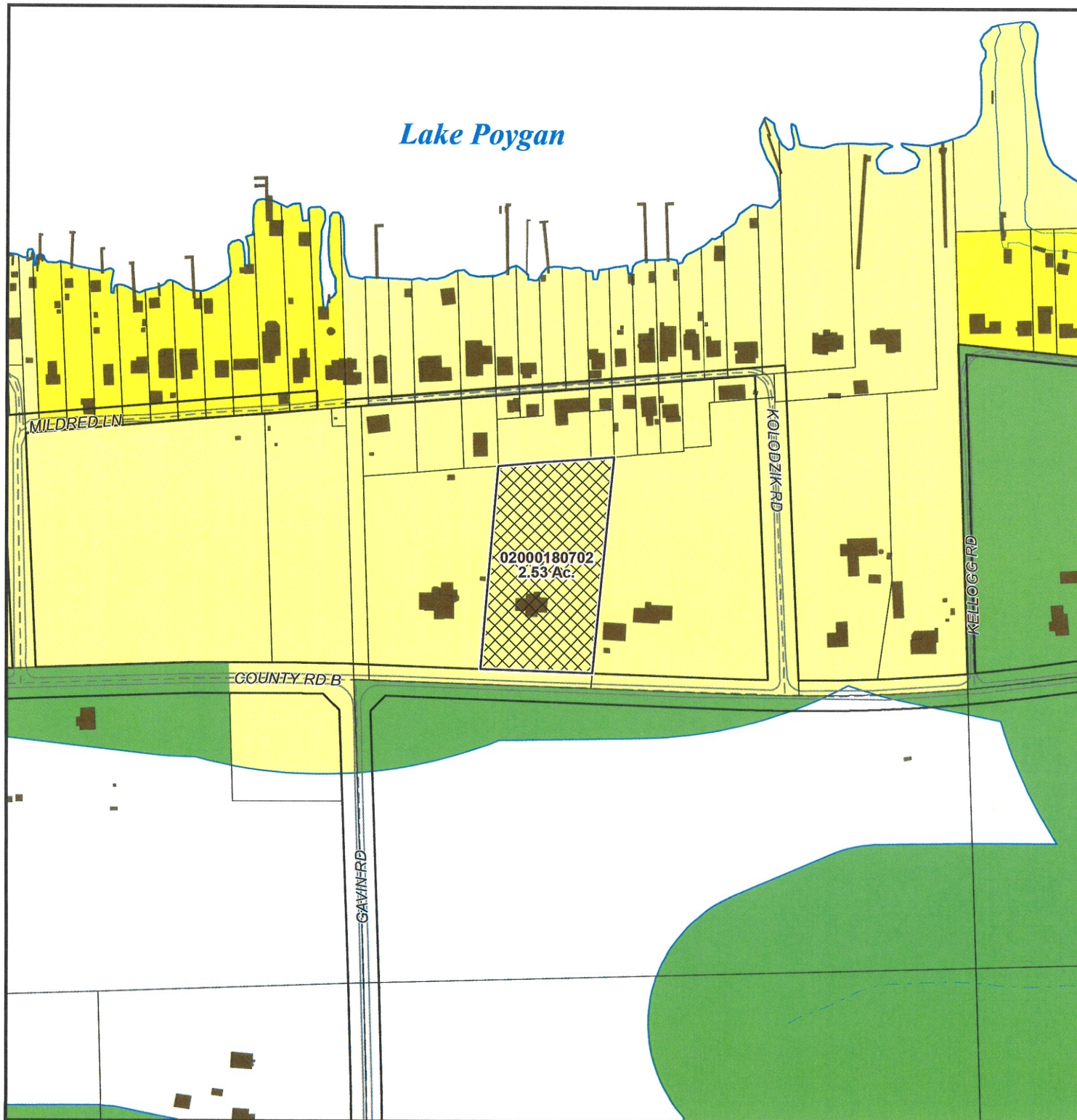
Green = proposed  
Green dotted = buried drain tile with at least a 1% pitch

Green arrows show grading + water flow.



③ Wash basin to connect to existing drain tile





# **Application #19-CU-4860**

Date of Hearing:

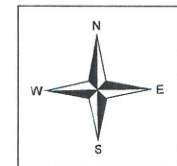
July 30, 2019

Owner(s):

Kappell, Gregory S

Subject Parcel(s):

02000180702



Winnebago County  
WINGS Project

**Scale**

1 inch : 300 feet

## **County Zoning Districts**

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area



○ = SITE

Application #19-CU-4860

Date of Hearing:

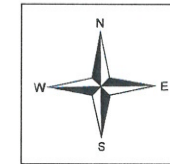
July 30, 2019

Owner(s):

Kappell, Gregory S

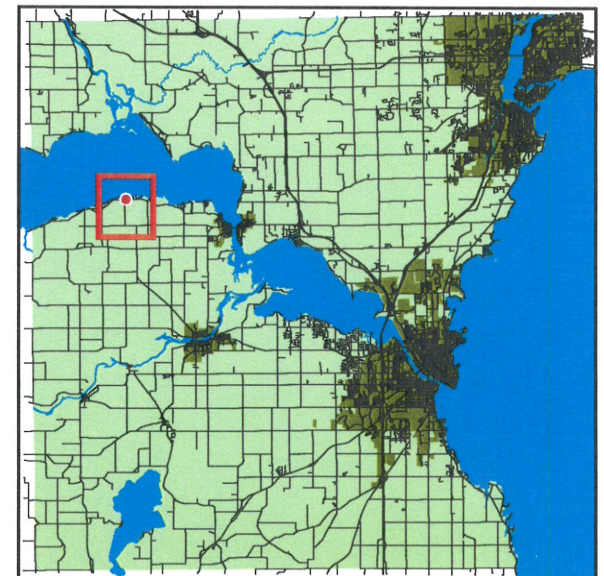
Subject Parcel(s):

02000180702

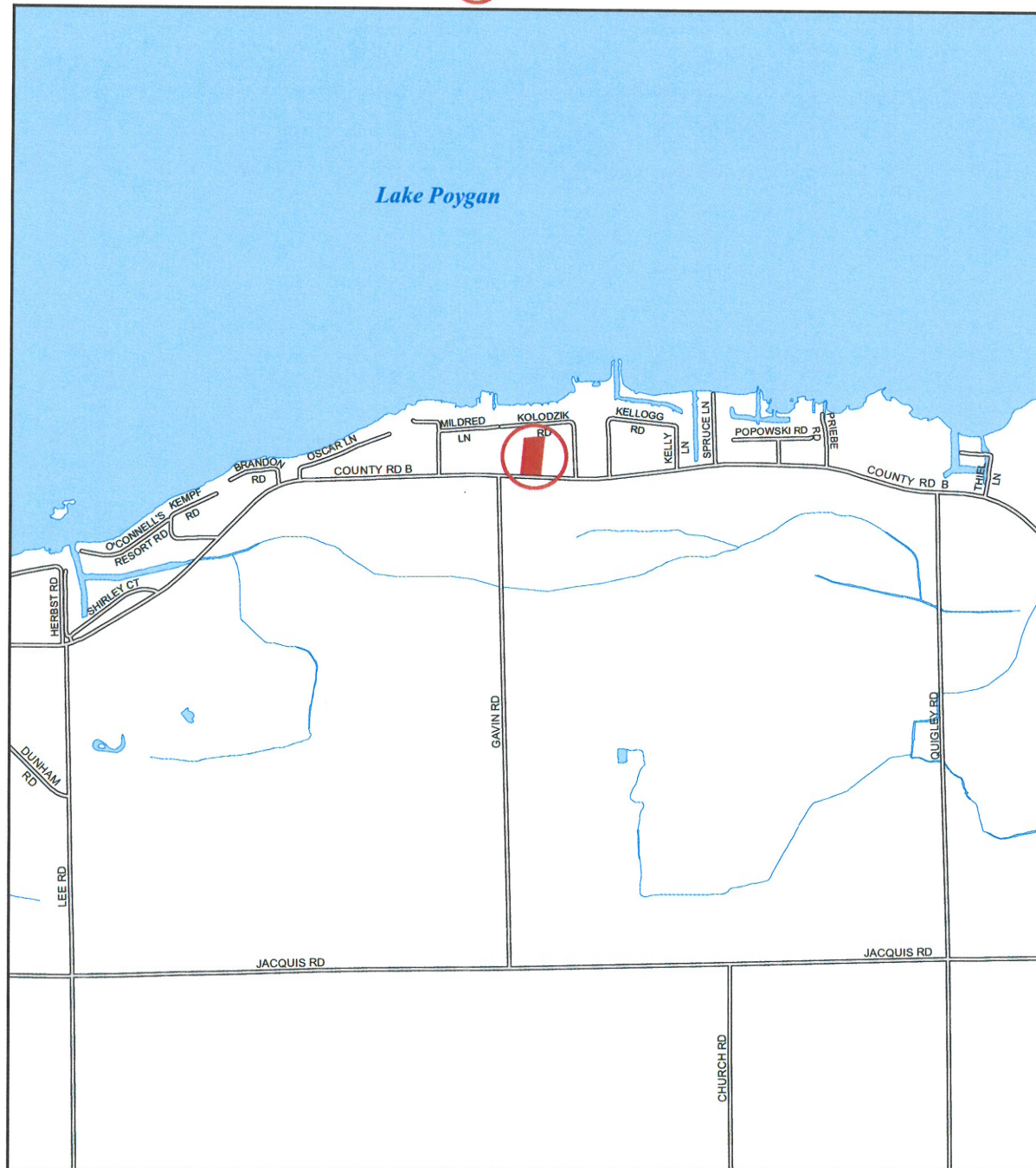


Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY



1 inch : 2,000 feet

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE 7/30/2019

### TO WHOM IT MAY CONCERN:

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All interested persons wishing to be heard at the public hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office, where the application is available for viewing.

### INFORMATION ON CONDITIONAL USE REQUEST

**Application No.:**

2019-CU-4880

**Applicant:**

KBS MARINE LLC

**Agent:**

None

**Location of Premises:**

7312 COUNTY RD B  
WINNECONNE, WI 54986

**Tax Parcel No.:**

020-003104

**Legal Description:**

Being a part of the SE 1/4 of the SE 1/4, Section 12, and also a part of the NE 1/4 of the NE 1/4, Section 13, all in Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

**Code Reference:**

Chapter 23, Exhibit 8-1, 5.02

**Description of Proposed Use:**

Applicant is requesting a conditional use permit for expansion of an existing campground.

## INITIAL STAFF REPORT

**Sanitation:**

Existing System  
Private System

**Overlays:**

Floodplain  
Shoreland  
Wittman Airport

**Current or Proposed Zoning:**

B-3 Regional Business

**Code Reference:**

Chapter 23, Exhibit 8-1, 5.02

**Description of Proposed Use:**

Applicant is requesting a conditional use permit for expansion of an existing campground.

**Surrounding Zoning:**

**North:** Lake  
**South:** A-2  
**East:** B-2  
**West:** A-2

### THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

**Describe the Proposed Use:**

KBS Marine, LLC is an active marina with 50 boat slips onsite. We wish to expand our operation to include conditional camping at 6 sites as indicated on the site plan.

**Describe How the Proposed Use Will Not Have Any Adverse Effects on Surrounding Property:**

Camping has been permitted on this site for the last 30+ years. The marina was purchased by KBS Marine, LLC on December 28, 2018. We have recently learned of the need to have the property zoned to be legal for camping.

The site is an operational private marina that has full electric, water, and toilet facilities available to its members. These same facilities will be available to marina residents that wish to camp on the property.

This is not a public campground and it never will be. Only marina residents and their families are permitted to use the 6 sites available on the property.

All marina residents must follow the lease agreement that outlines rules for camping, camp fires, noise ordinances, garbage disposal and site cleanup.

### SECTION REFERENCE AND BASIS OF DECISION

**23.7-114 Basis of decision**

The town board and town plan commission of the town in which the proposed conditional use is located in making their recommendation and Planning and Zoning Committee in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;

- (2) the presence of and compatibility with other uses on the subject property;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.

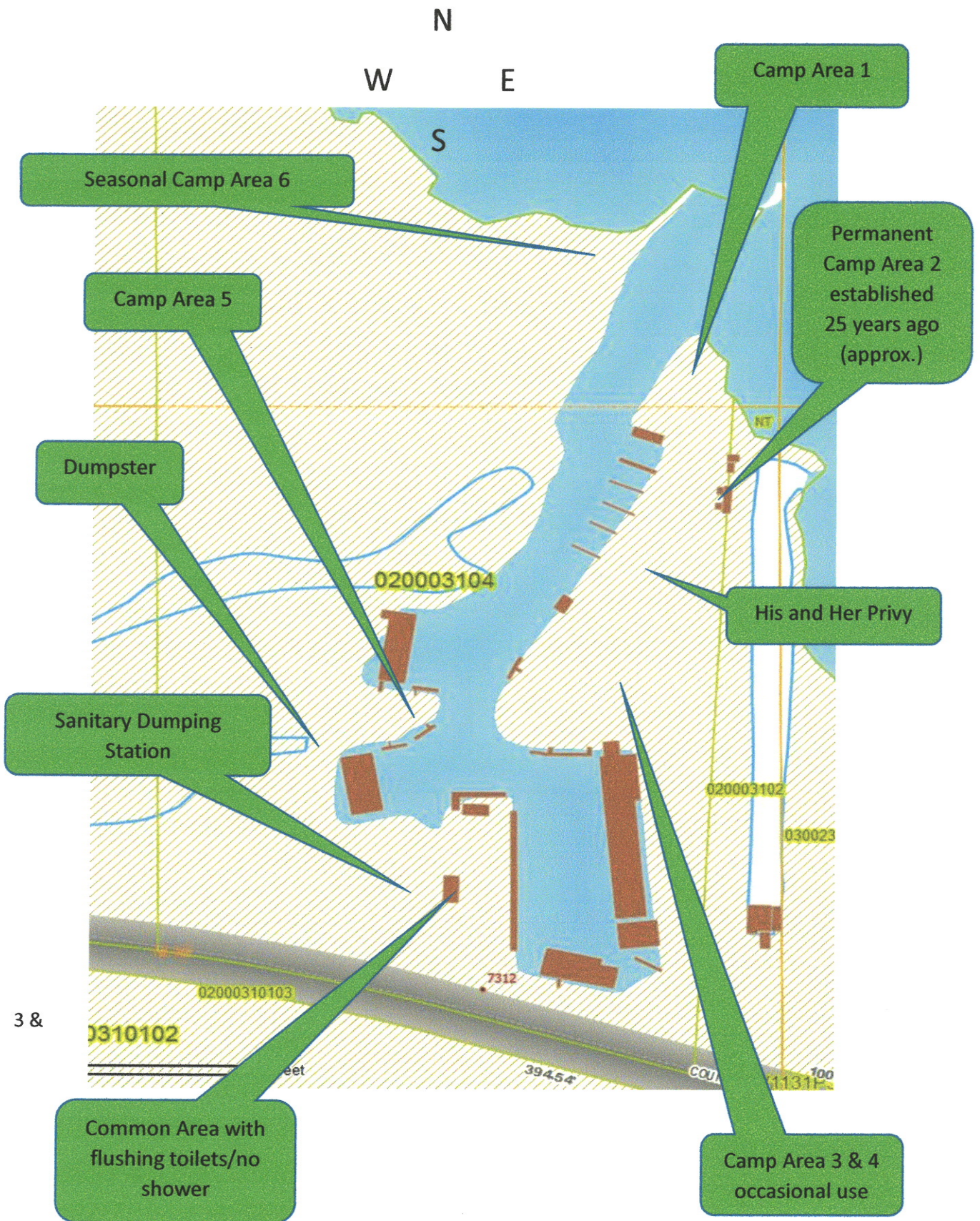
**KBS Marine, LLC.**  
**dba Hidden Harbor Marina**  
**Camping Request Plan**  
**May, 2019**

The map on the following page identifies areas currently used for camping and marina amenities onsite. It is not our intention to extend camping beyond these areas at this time.

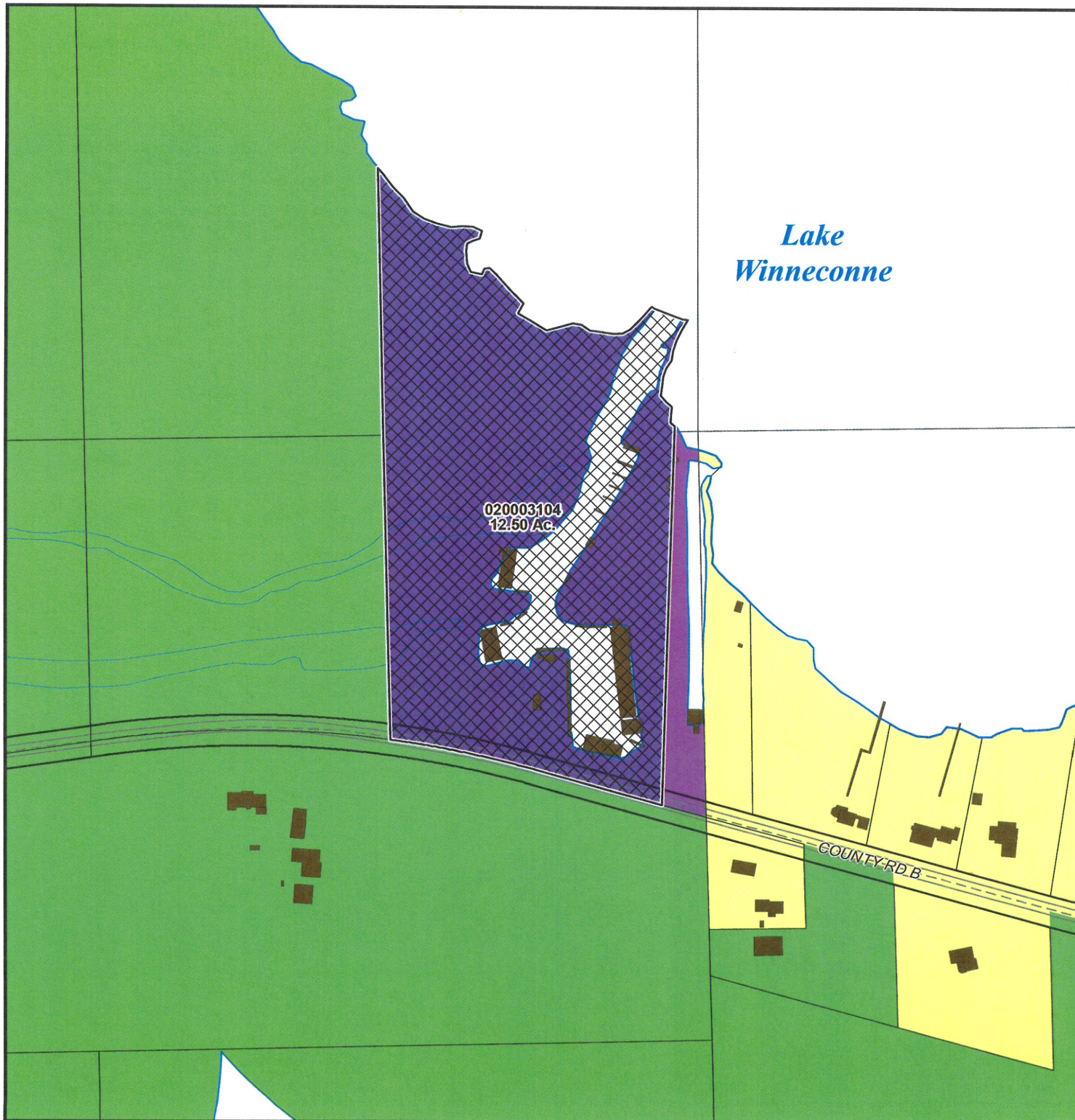
- #1 - Occasional use camp area
- #2 – Permanent camp area on premise for over 25 years (grandfathered)
- #3 – Occasional use camp area
- #4 – Occasional use camp area
- #5 – Occasional use camp area
- #6 – Seasonal use camp area

Based on feedback from Winnebago County Health Department (Morgan Peterson), this plan will require an onsite safety inspection by Winnebago County Health Department and an annual permit. As such, KBS Marine, LLC., will move forward to zone for camping.









## Application #19-CU-4880

Date of Hearing:

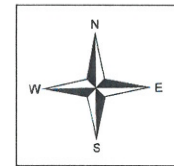
July 30, 2019

Owner(s):

KBS Marine, LLC

Subject Parcel(s):

020003104



Winnebago County  
WINGS Project

**Scale**

1 inch : 300 feet

## County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area



○ = SITE

**Application #19-CU-4880**

Date of Hearing:

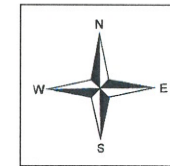
July 30, 2019

Owner(s):

KBS Marine, LLC

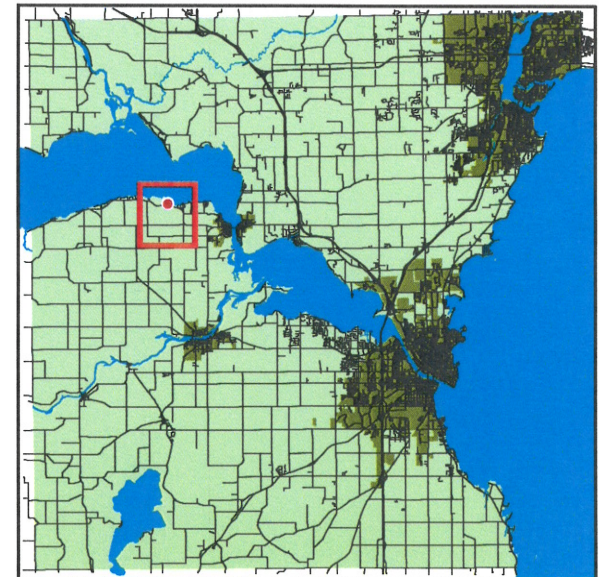
Subject Parcel(s):

020003104

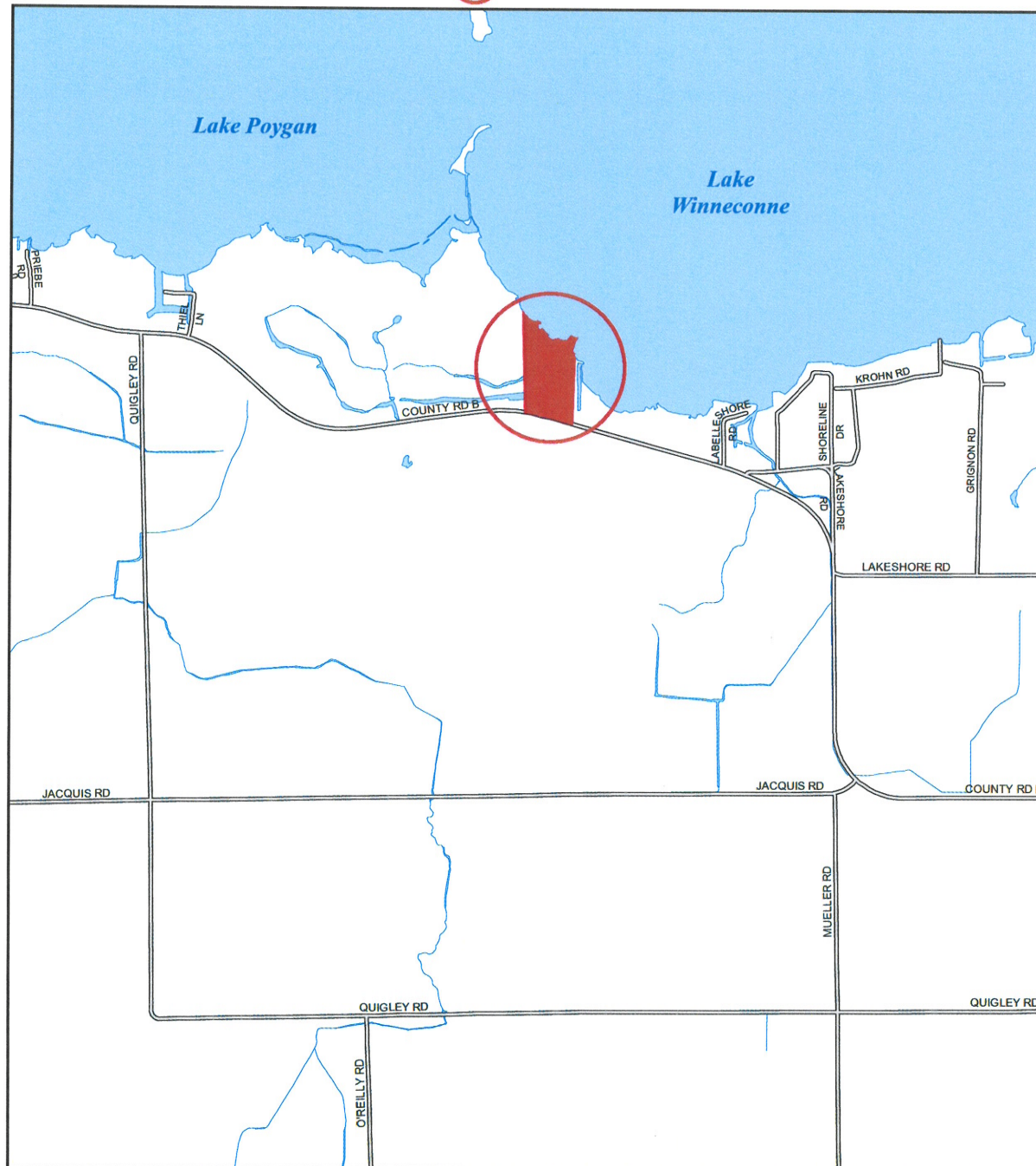


*Winnebago County  
WINGS Project*

● = SITE



**WINNEBAGO COUNTY**



1 inch : 2,000 feet

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE

7/30/2019

### TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Zoning Map Amendment which is regulated by the Town/County Zoning Code, Chapter 23. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

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All interested persons wishing to be heard at the public hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office, where the application is available for viewing.

### INFORMATION ON ZONING MAP AMENDMENT REQUEST

**Application No.:**

2019-ZC-4890

**Applicant:**

NORLIN, CRAIG A

**Agent:**

None

**Location of Premises:**

5079 WASHINGTON ST  
BUTTE DES MORTS, WI 54927

**Tax Parcel No.:**

030-0625

**Legal Description:**

Being all of Lot 1 of CSM-3347, located in the Plat of the Town of Butte des Morts, being a part of Government Lot 3, Section 24, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

**Explanation:**

Applicant is requesting a zoning map amendment from B-2 (Community Business) to R-2 (Suburban Residential).

**INITIAL STAFF REPORT**

**Sanitation:**

Existing System  
Municipal System

**Overlays:**

Floodplain  
Shoreland

**Current Zoning:**

B-2 Community Business

**Proposed Zoning:**

R-2 Suburban Low Density Residential

**Surrounding Zoning:**

**North:** B-2

**South:** lake

**East:** B-2

**West:** R-1

**THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT**

**Describe Present Use(s):**

As of now I use my property as a cottage.

**Describe Proposed Use(s):**

I would like to move and make it my primary residence. I would like to make it look better for my neighbors.

**Describe The Essential Services For Present And Future Uses:**

No change in sewer or water. Property has a well and municipal sewer.

**Describe Why The Proposed Use Would Be The Highest And Best Use For The Property:**

The lot is narrow and I would like to make the property look better on the outside as well as the inside.

**Describe The Proposed Use(s) Compatibility With Surrounding Land Uses:**

This will be my permanent residence. Other than Tilly's Bar to the east, most other properties are residential and have been improved in the last several years.

**SECTION REFERENCE AND BASIS OF DECISION**

**23.7-5 Basis of decision**

(b) **Zoning map amendment initiated by a property owner.** If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of a parcel not classified as A-1, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;

(2) the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and

(3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of land classified as A-1, the Planning and Zoning Committee shall only recommend approval and the Board of County Supervisors shall only approve the proposed amendment when all of the following findings can be made:

- (1) Such land is better suited for a use not otherwise allowed in the A-1 district.
- (2) The amendment is consistent with the county's comprehensive plan.
- (3) The amendment is substantially consistent with the county's farmland preservation plan as certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (4) The amendment will not substantially impair or limit current or future agricultural use of other protected farmland in the area.

The special requirements stated above relating to the rezoning of land in a A-1 district do not apply to a map amendment that (1) is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats., or (2) makes the zoning map more consistent with county's farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the amendment.

(c) **Zoning map amendment initiated by the county.** If a proposed zoning map amendment is initiated by the county, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Board of County Supervisors; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.





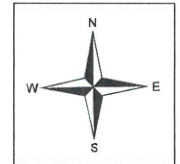
*Lake Butte  
des Morts*

# **Application #19-ZC-4890**

Date of Hearing:  
July 30, 2019

Owner(s):  
Norlin, Craig A /  
Norlin, Marrilyn

Subject Parcel(s):  
0300625



Winnebago County  
WINGS Project

**Scale**  
1 inch : 300 feet

## **County Zoning Districts**

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area



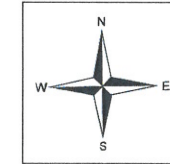
○ = SITE

Application #19-ZC-4890

Date of Hearing:  
July 30, 2019

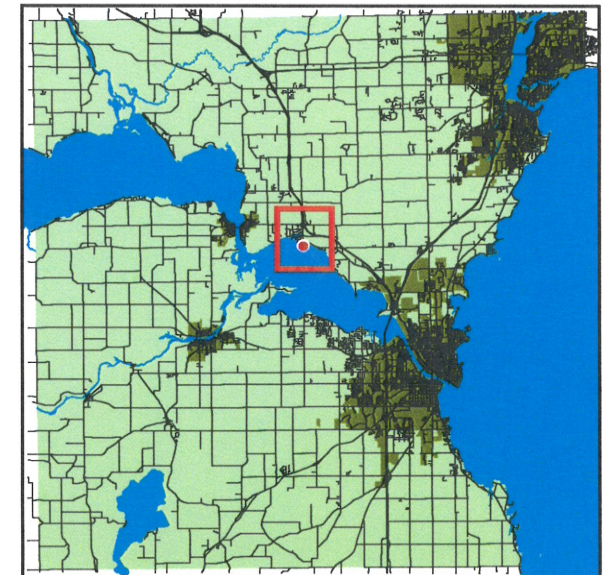
Owner(s):  
Norlin, Craig A / Norlin, Marrilyn

Subject Parcel(s):  
0300625



Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY



1 inch : 2,000 feet

**RURAL ACCESSORY BUILDING DETERMINATION**

**INITIAL STAFF REPORT**

**OVERLAYS:**

Shoreland NO  
Wetlands NO

Floodplain NO  
Microwave NO

SWDD NO  
Wittman Airport NO

Outagamie Airport NO

**SURROUNDING ZONING:**

North	R-1
South	A-2
East	R-2, R-1
West	R-2, R-1

**SECTION REFERENCE OF REGULATION:** Chapter 23, Article 7, Division 17 of the Winnebago County Town/County Zoning Code.

**ORDINANCE PROVISION:** The ordinance allows for qualifying buildings to be classified as “rural accessory buildings”. If a building is so designated, it is not counted towards the allowable number of accessory buildings on a lot or towards the allowable building square footage permitted on a lot.

**EXPLANATION:** Owner/Applicant is requesting a rural accessory building determination for a 25' x 80' farm out-building previously used as a machine shed, chicken coop, granary and pig/sheep barn.

**BASIS OF DECISION:**

23.7-334 Basis of decision

In making their decision, the Planning and Zoning Committee, and the Board of Adjustment on appeal, shall initially determine whether the building meets at least one of the following criteria:

- (1) The building is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design.
- (2) The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice.
- (3) The building is associated with a person of historic significance or with important historical events.
- (4) The building represents a notable work of a master builder, designer, or architect who influenced their age. If the committee (board) determines that the building meets one of the above criteria, the committee (the board) shall then consider, at a minimum, the following factors in making their final decision:
  - (1) effects of the building on the natural environment,
  - (2) effects of the building on surrounding properties,
  - (3) the overall appearance of the building; and
  - (4) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

Any building designated a rural accessory building is assumed to be structurally sound to meet minimum safety requirements for the proposed use. Such determination shall not relieve the property owner of any responsibility or liability as to the building and shall not form a basis of liability against any governmental official or entity.



**Winnebago County Zoning Department**  
P.O. Box 2808  
112 Otter Ave, 3<sup>rd</sup> Floor  
Oshkosh, WI 54903-2808  
(920) 232-3344  
(920) 232-3347 (fax)



For office use only

Receipt # \_\_\_\_\_

Application # \_\_\_\_\_

## RURAL ACCESSORY BUILDING DETERMINATION

(Please print or type. Please use black ink for duplicating purposes.)

**Fee: \$0.00**

**Payable to Winnebago County**

### A. PROPERTY OWNER:

A-1 NAME: Steven and Eileen Swanson

Mailing Address: 7320 Woodenshoe Rd.

Neenah, WI 54956

Phone: 920-216-6060 or 920-540-2620

E-mail: seas7320@gmail.com

Permission is hereby granted for appropriate County Staff to enter upon the property for the purpose of conducting inspections. Said permission is to remain in effect until the conclusion of the application and is binding upon all heirs and assigns.

Property Owner's Signature Steven & Eileen Swanson Date 6-28-19

### I HEREBY APPOINT THE FOLLOWING AS MY AGENT FOR PURPOSES OF THIS APPLICATION:

A-2 AGENT (NAME) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Agent's Signature: \_\_\_\_\_

Date \_\_\_\_\_

### B. PROPERTY INFORMATION:

B-1 Tax Key/Parcel # 0100344

B-2 Location of affected property: Northeast intersection of Woodenshoe Rd. and Breezewood Ln.  
(7320 Woodenshoe Rd., Neenah) (Town of Neenah)

B-3 Current Zoning: R-1

Zoning Code Legend			
<b>A-1</b>	Agribusiness district	<b>B-1</b>	Local Service Business district
<b>A-2</b>	General Agriculture district	<b>B-2</b>	Community Business district
<b>R-1</b>	Rural Residential district	<b>B-3</b>	General Business district
<b>R-2</b>	Suburban Residential district	<b>I-1</b>	Light Industrial district
<b>R-3</b>	Two-family Residential district	<b>I-2</b>	Heavy Industrial district
<b>R-4</b>	Multifamily Residential district	<b>M-1</b>	Mixed-Use district
<b>R-8</b>	Manufactured/Mobile Home Community district	<b>PDD</b>	Planned Development district

B-4 Current Use Storage for Tractors, lawn mowers, portable generator, wood, work shop

Use (Proposed) Storage for Tractors, lawn mowers, portable generator, wood, work shop



Applicant, please fill out of all the questions in your own words.  
Responses may be typed on a separate sheet and attached to this form.

**C-1 Describe the building (e.g. residence, garage, dairy barn, milk house), and any additions that have been made to the original building:**

The building we believe, was constructed approximately in the 1920's as a machine shed, chicken coop, granary and pig/sheep barn. We now use it for our tractors, lawn mowers, portable generator, wood storage and work shop.

We don't believe any additions were ever made to the structure.

**C-2 Explain how the building meets at least one of the following criteria:**

- The building is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historical significance, or design
- The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practices.
- The building is associated with a person of historic significance or with historical events.
- The building represents a notable work of a master builder, designer, or architect who influenced their age.

The building we believe, was constructed approximately in the 1920's/1930's as a machine shed, chicken coop, granary and pig/sheep barn. Some of the beams are hand hewn.

**C-3 Describe the following factors in relation to the approval of the request;**

- Effects of the building on the natural environment
- Effects of the building on surrounding properties
- The overall appearance of the building

It's an old building with character. Our neighbors to the north of us LOVE it's appearance. We do too.

This building has been here long before ANYONE in the surrounding neighborhoods and there has never been a complaint about it. When our son was in 4H in the 1990's, his dairy project of 2 calves, lived in the building - the neighbors LOVED it!!!

The buildings appearance is good. A new green metal roof was put on six years ago.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Southwest 1/4 of the Southwest 1/4, Section 31, Town 20 North,  
Range 17 East, Town of Neenah, Winnebago County, Wisconsin

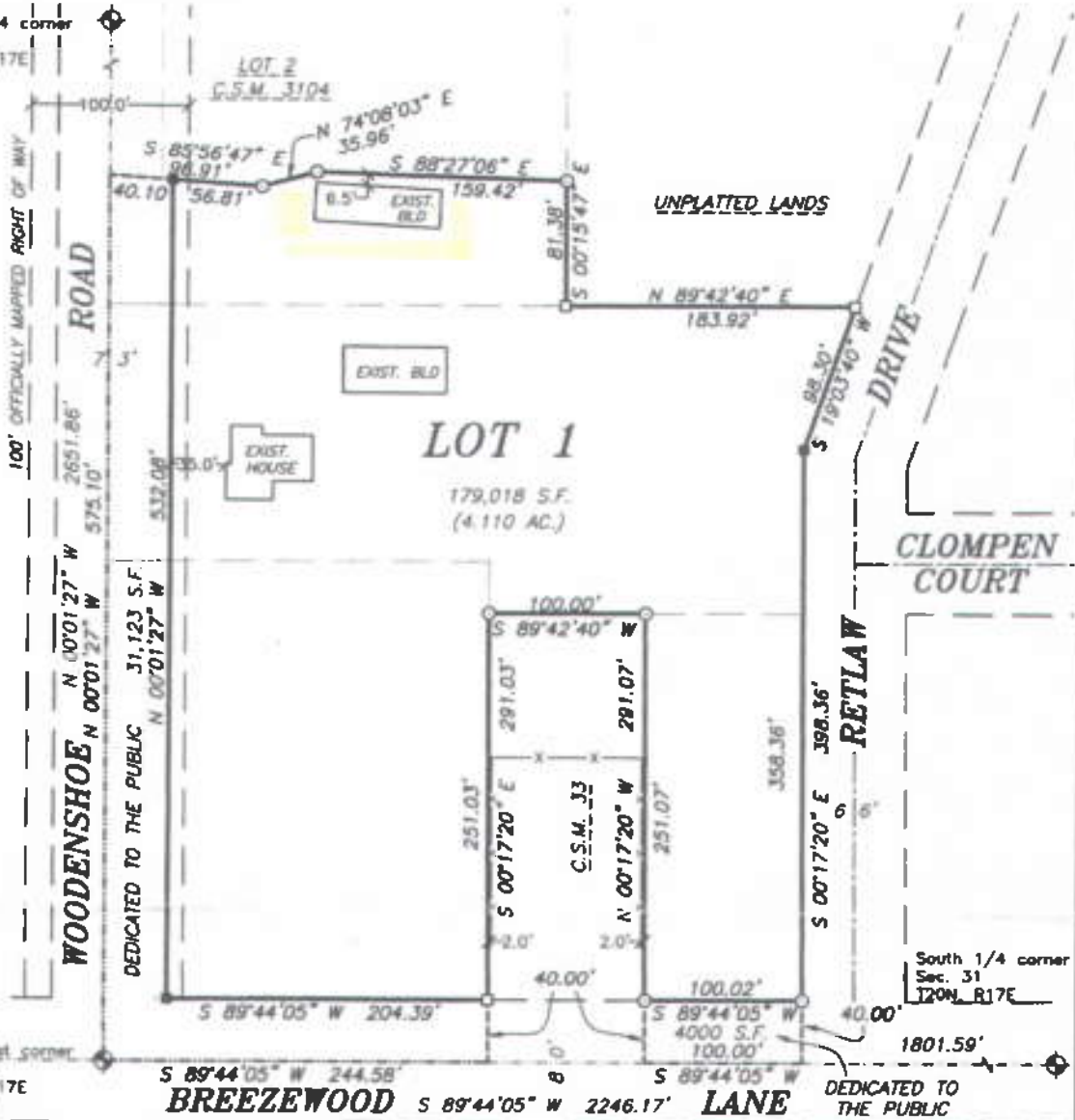
BEARINGS ARE REFERENCED TO THE WEST  
LINE OF THE SOUTHWEST 1/4, SECTION  
31, RECORDED TO BEAR N 00°01'27" W

SCALE 1"=100'

0 100 200  
SCALE IN FEET

Survey for:  
Steven and Eileen Swanson  
7320 Woodenshoe Road  
Neenah, WI 54956

West 1/4 corner  
Sec. 31  
T20N, R17E



## LEGEND

- 1" IRON PIPE SET, 24" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- 3/4" REBAR FOUND
- 1" IRON PIPE FOUND
- △ 1-1/4" REBAR FOUND
- ▣ 2" IRON PIPE FOUND
- ◇ GOVERNMENT CORNER
- FENCE LINE
- ( ) RECORDED AS



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PROJECT NO 265-312

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*Daniel W. Hoel*  
9/10/04





