

Date Mailed:

JULIE A BARTHEL  
Winnebago County Clerk  
112 Otter Ave, PO Box 2806  
Oshkosh, WI 54903-2806  
(920) 232-3430

**NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING**

**NAME OF COMMISSION,  
BOARD OR COMMITTEE:** PLANNING AND ZONING  
\*\* see below

**TIME OF MEETING:** 7:30 A.M.

**DATE OF MEETING:** Friday, August 4, 2023

**PLACE OF MEETING:** **WINNEBAGO COUNTY ADMINISTRATION BLDG**  
112 Otter Ave, 3<sup>rd</sup> Floor  
Oshkosh, WI

All interested persons wishing to attend this meeting may appear in person or via Zoom using the information below. A link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

**ZOOM MEETING INFORMATION LINK:** <https://www.co.winnebago.wi.us/planning-and-zoning/p-z-meeting-links>

Additional instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

**SUBJECT MATTER OF THE MEETING**  
**DELIBERATIVE AGENDA**

1. **METZ FAM TST** – 6435 Wiesner Rd S – Town of WINNECONNE – Conditional Use Permit - REVIEW
2. **HOT HEAD PROPERTIES LLC** – 1577 Deerwood Dr – Town of NEENAH – Zoning Change
3. **BAHN, ET AL** – 1747 & 1743 Burr Oak Rd – Town of UTICA – Zoning Change
4. **KRATZ, STEPHEN** – Parcels North & South of Duchess Ln – Town of ALGOMA – Zoning Map Amendment (Adjourned from June Public Hearing)
5. **DRUMMOND, JIM** – 3811 Red Oak Ct – Town of NEKIMI – Rural Accessory Building
6. **WISCOLABS LLC** – 416 State Rd 26 – Town of NEKIMI – Conditional Use Permit
7. **TREEHOUSE PROPERTIES, LLC** – 7258 Roys Rd – Town of WINNECONNE – Conditional Use Permit
8. **COTTRELL, STEVEN** – 5944 Gibbs Rd – Town of VINLAND – Zoning Map Amendment

**\*\* This meeting is also being posted as a Committee meeting for: Aviation Committee**

*The Committee reserves the right to take up any item on the agenda at any time after the meeting commences.*

*Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430.*

**ZONING MAP AMENDMENT**  
POST STAFF REPORT

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

1. The Town of NEENAH has: APPROVED

- Town action is advisory due to shoreland jurisdiction.
- Town has right of denial per terms of zoning ordinance.
- Town may approve, approve with conditions, or deny in non-shoreland area.

2. Town findings were as follows:

- Town has an adopted land use plan
- Action agrees with Town adopted Town plan  
Town has adopted land use plan.
- Action agrees with Town adopted Town plan.

3. There were no objections.

4. Proposed use is compatible with adjacent lands

**RECOMMENDATION:**

- Approval
- Denial
- Approval with an effective date to be upon the recording of the CSM, but in no case later than 1 month(s) after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors

FINAL VOTE: 5-0 Approved

BPO  
Staff Initials

**ZONING MAP AMENDMENT**  
POST STAFF REPORT

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

1. The Town of UTICA has: APPROVED

- Town action is advisory due to shoreland jurisdiction.
- Town has right of denial per terms of zoning ordinance.
- Town may approve, approve with conditions, or deny in non-shoreland area.

2. Town findings were as follows:

- Town has an adopted land use plan
- Action agrees with Town adopted Town plan
- 

3. There were no objections.

4. Proposed use is compatible with adjacent lands

**RECOMMENDATION:**

- Approval
- Denial
- Approval with an effective date to be upon the recording of the CSM, but in no case later than 1 month(s) after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors

FINAL VOTE: 5-0 Approved

BPO  
Staff Initials

**TO THE WINNEBAGO COUNTY BOARD SUPERVISORS**

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Map Amendment 2023-ZC-6370 filed with the County Clerk by:

BAHN, LINDSAY, ET AL, Town of UTICA and referred to the Planning and Zoning Committee on May 16, 2023 and

WHEREAS, a Public Hearing was held on May 30, 2023, pursuant to mailed and published notice as provided by law on the following:

**PROPERTY INFORMATION:**

*Owner(s) of Property:* BAHN, LINDSAY, ET AL

*Agent(s):* NONE

*Location of Premises Affected:* 1747 & 1743 BURR OAK RD

*Legal Description:* Being all of Lot 1 of CSM-811 located in the SW 1/4 of the SE 1/4 and also part of the unplatted SW 1/4 of the SE 1/4 of Section 10, Township 17 North, Range 15 East, Town of Utica, Winnebago County, Wisconsin.

*Tax Parcel No.:* 024-018102(p), 024-018101(p)

*Sewer:* Required; Private System

*Overlay:* Shoreland, floodplain, wetlands

WHEREAS, Applicant is requesting a rezoning to A-2 General Agriculture; R-2 Suburban Low Density Residential and

WHEREAS, we have received notification from the Town of UTICA recommending APPROVAL and

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, make the following findings:

There were no objections

Proposed use Is compatible with adjacent lands.

*Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3)*

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending APPROVAL by a vote of 5-0.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby:  ADOPTED  DENIED

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For the Planning and Zoning Committee

**AMENDATORY ORDINANCE # 06/005/23**

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2023-ZC-6370 as follows:

Being all of Lot 1 of CSM-811 located in the SW 1/4 of the SE 1/4 and also part of the unplatted SW 1/4 of the SE 1/4 of Section 10, Township 17 North, Range 15 East, Town of Utica, Winnebago County, Wisconsin.

FROM: A-2 General Agriculture; R-2 Suburban Low Density Residential  
TO: A-2 General Agriculture; R-2 Suburban Low Density Residential : An R-2 area is being rezoned to A-2 and an A-2 area is being rezoned to R-2

Adopted / Denied this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

Thomas Egan, Chairperson

ATTEST:  
Julie Barthels, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
JON DOEMEL, COUNTY EXECUTIVE

County Board Supervisory district: 32 - ZASTERA

**ZONING MAP AMENDMENT**  
POST STAFF REPORT

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

1. The Town of ALGOMA has: APPROVED

- Town action is advisory due to shoreland jurisdiction.
- Town has right of denial per terms of zoning ordinance.
- Town may approve, approve with conditions, or deny in non-shoreland area.

2. Town findings were as follows:

- Town has an adopted land use plan
- Action agrees with Town adopted Town plan  
Town has adopted land use plan.
- Action agrees with Town adopted Town plan.

3. There were no objections.

4. Proposed use is compatible with adjacent lands

**RECOMMENDATION:**

- Approval
- Denial
- Approval with an effective date to be upon the recording of the CSM, but in no case later than 1 month(s) after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors

FINAL VOTE: \_\_\_\_\_

\_\_\_\_\_  
Staff Initials

**RURAL ACCESSORY BUILDING DETERMINATION**

INITIAL STAFF REPORT

**OVERLAYS:**

Shoreland \_\_\_ Floodplain \_\_\_ SWDD \_\_\_ Outagamie Airport  
Wetlands \_\_\_ Microwave \_\_\_ Wittman Airport **X**

**SURROUNDING ZONING:**

<b>North</b>	R-2
<b>South</b>	R-2
<b>East</b>	R-2
<b>West</b>	I-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 hanger that was built in 1974 by Steve Wittman. The structure is unchanged from the original construction and is 40' by 40' with a bifold door on the south side. The structure is still in use as an airplane hanger.

**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

Application #: 23-RAB-001  
*[Signature]*

**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(S):**

A-1 NAME: James Drummond  
 Mailing Address: 3811 Red Oak Court  
Oshkosh WI. 54902  
 Phone: 920-279-5098 E-mail: jdummond1@att.net

**NOTE: all property owners must sign application (husband & wife; all co-owners). Use the additional page if necessary.**  
**Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.**

Property Owners' Signature *James Drummond* Date 5/26/23  
 Property Owners' Signature *Catherine Drummond* Date 5/26/23

**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 #: 012068201  
 B-2 Location of affected property: 3811 Red Oak Court Oshkosh WI Town of Nekimi  
 B-3 Current Zoning: R2

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

B-4 Current Use: Residential with hangar and airport access  
 Use (Proposed): Same: Residential with hangar and airport access



PROPERTY OWNER SIGNATURES

Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Name (printed): James D. Drummond

Owner Signature: *James D. Drummond*

Date: 5/26/23

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Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Name (printed): \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Name (printed): Catherine M. Drummond

Owner Signature: *Catherine M. Drummond*

Date: 5/26/23

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Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Name (printed): \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Name (printed): \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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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 hangar was built in 1974 by Steve Wittman. It is unchanged from the original construction. The structure is 40' by 40' with a bifold door on the south side. It is still in use as an airplane hangar.

**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 is an example of typical aircraft hangar construction. Steve Wittman had it constructed and used it to build experimental, innovative aircraft for transportation, sport and racing.

A partial list of Mr. Wittman's accomplishments is as follow:

- Air Race pilot going back to the Golden Age of Air Racing. 1930's.
- Airplane designer and innovator.
- Inventor. The Wittman gear is used on many general aviation aircraft including most light Cessna's
- Mr. Wittman was instrumental in relocating the EAA to Oshkosh.
- Wittman Field is named after Steve Wittman.

**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

This is an existing building which does not further impact the surrounding environment.

The building has never been an issue with surrounding landowners. It adds some color and interest due to it's history and use.

The building will retain it's original look and receive normal maintenance.



**SURVEYOR'S CERTIFICATE:**

I, Steven T. Chronis, Wisconsin Registered Land Surveyor of Aero-Metric Engineering, Inc., certify that I have surveyed, divided and mapped all of Lot 6 of Red Oak Acres Assessor's Plat in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and the South Quarter (S $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Two (2), Township Seventeen (17) North, Range Sixteen (16) East, Town of Nekimi, Winnebago County, Wisconsin containing 2.901 Acres of land and being described by: Commencing at the Northwest corner of said Lot 6, thence S00°-03'-00"W 599.84 feet, thence N88°-44'-23"E 206.87 feet thence N00°-01'-36"E 396.34 feet, thence Northwesterly, Northerly, and North-easterly 124.95 feet along the arc of a curve to the right having a radius of 50.00 feet and the chord of which bears N18°-29'-32.5"E 94.88 feet, thence N00°-02'-41"E 114.15 feet, thence S88°-44'-37"W 236.54 feet to the point of commencement.

Continued on Sheet 2

**CURVE DATA**

TYPE	RADIUS	CHD. DIST.	CHD. BEARING	ARC. DIST.	CENT. ANGLE	TANG. BEARING
B	50.00'	66.20'	N.10°-06'-33"W.	75.03'	88°-68'-30"	N.32°-52'-42"E
C	50.00'	47.87'	N.61°-28'-47.8"E.	49.92'	57°-12'-11"	S.89°-55'-07"E.
C	50.00'	94.88'	N.18°-29'-32.5"E.	124.95'	143°-10'-41"	S.89°-55'-07"E
C	50.00'	94.87'	N.18°-28'-00"E	124.91'	143°-08'-00"	

Lot 1 is buildable with a State approved alternative private sewage system, or public sewer only.

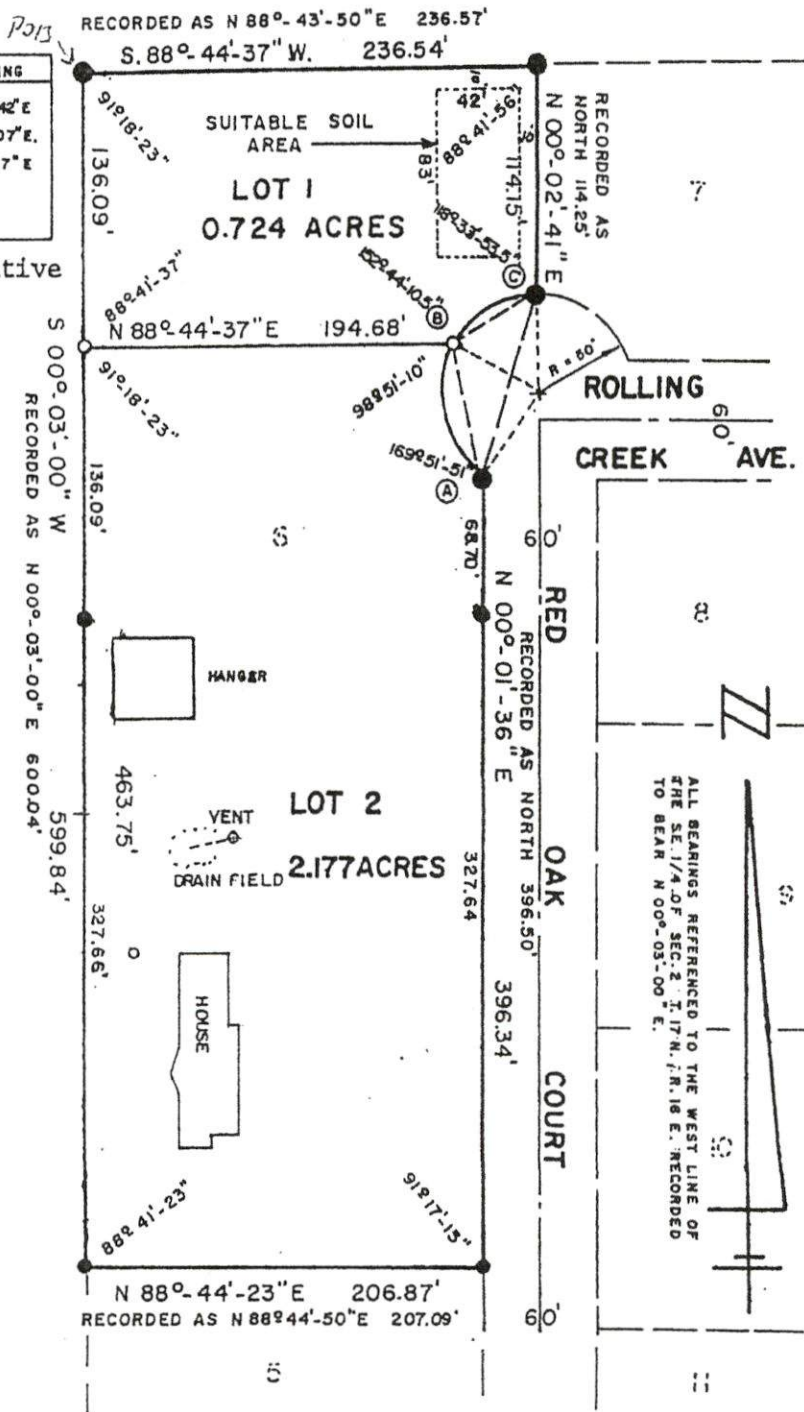


*Steven T. Chronis*  
 WISCONSIN REGISTERED LAND SURVEYOR S-913  
 STEVEN T. CHRONIS

DATED THIS 7<sup>th</sup> DAY OF July, 1980.

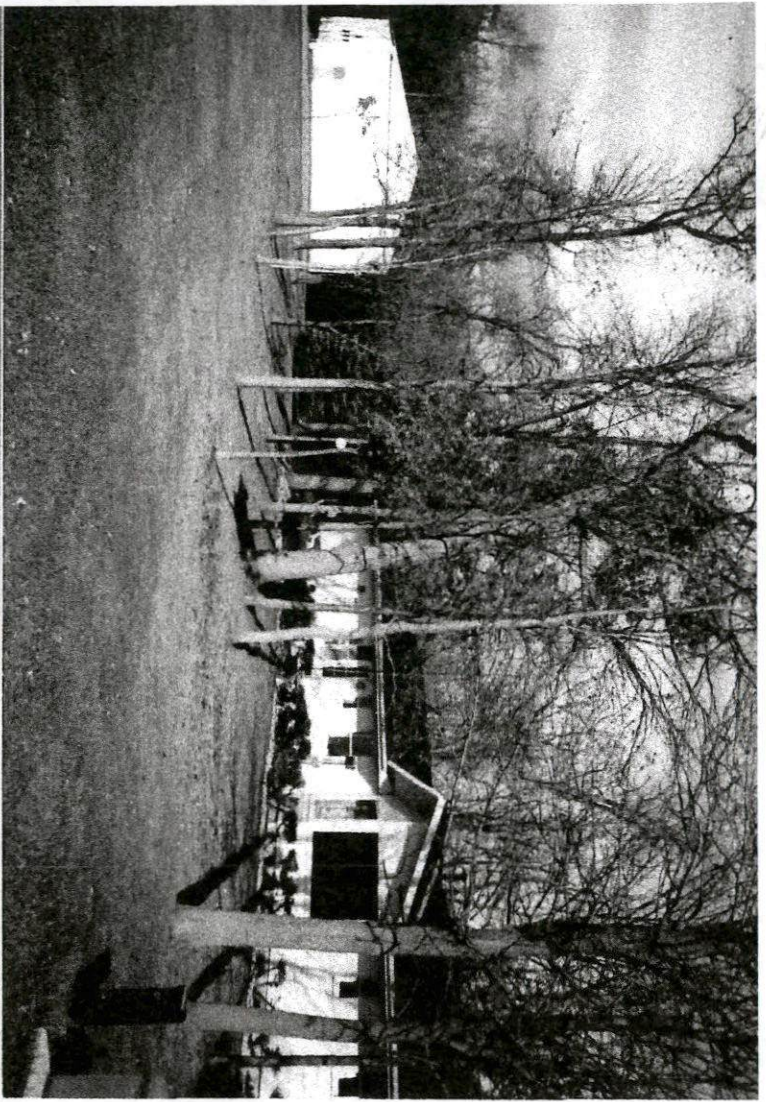
**LEGEND**

- = 2" I.P. FOUND
  - = 1" I.P. FOUND
  - = 1" x 24" IRON PIPE WEIGHING 1.68 LBS./LINEAL FOOT SET.
- SCALE: 1" = 100'  
 DATE: JULY 1, 1980  
 REVISED: AUGUST 19, 1980



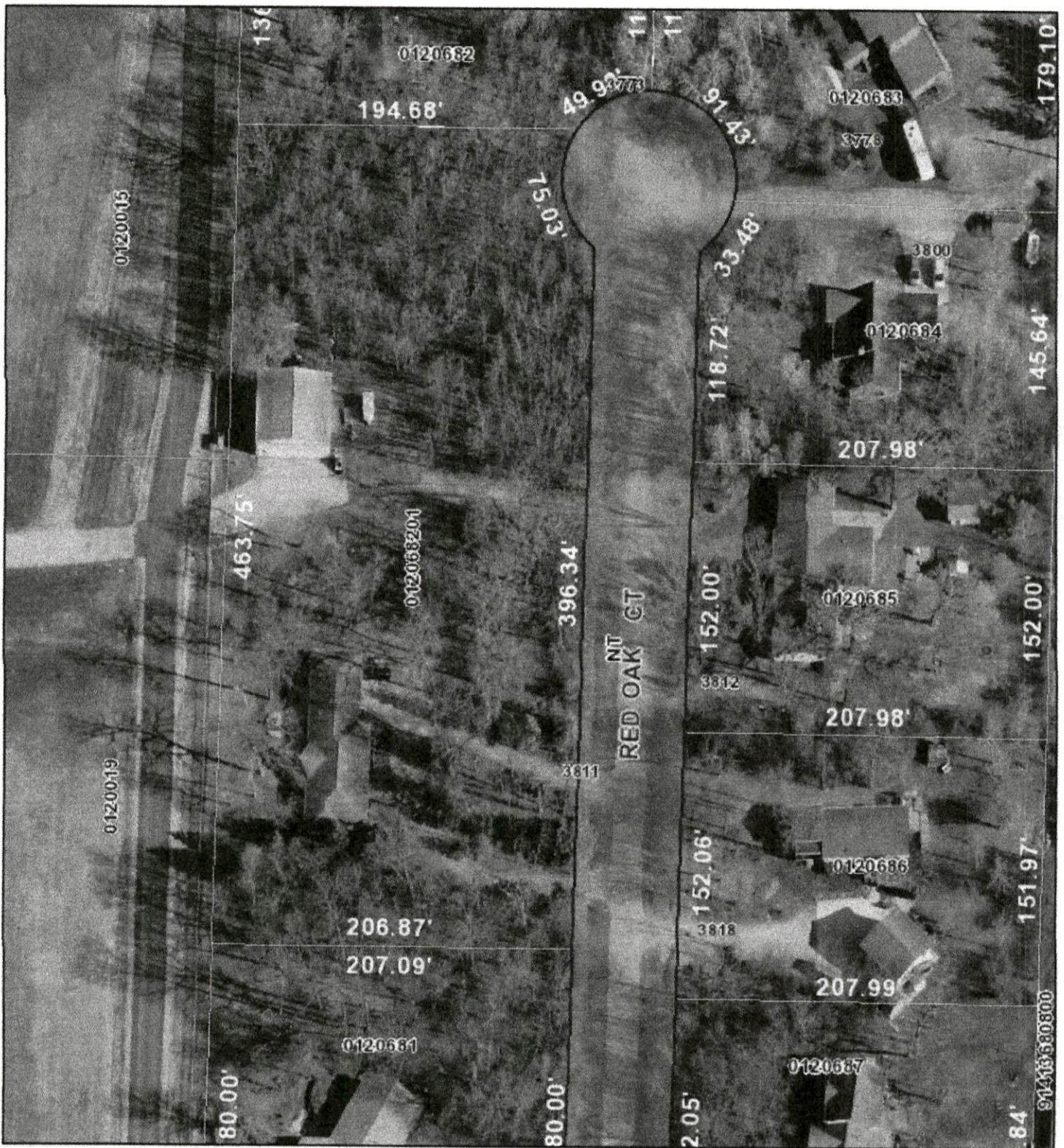
SCALE: 1" = 100'







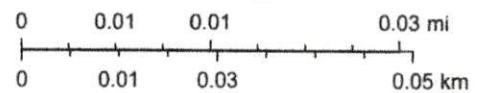
# Site Map



5/26/2023, 2:57:51 PM

1:966

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



Winnebago County GIS, Imagery Date: April 2020

**CONDITIONAL USE  
POST STAFF REPORT**

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.14-7(3)"

County Findings were as follows:

1. The Town of NEKIMI has: APPROVED
  - Town action is advisory due to shoreland jurisdiction.
  - Town has right of denial per terms of zoning ordinance.
  - Town may approve, approve with conditions, or deny in non-shoreland area.
2. Town findings for APPROVAL were as follows:
  - Town has an adopted land use plan
  - Action agrees with town land use plan
  -
3. There were no objections.
4. Proposed use is compatible with adjacent uses

**RECOMMENDATION:** APPROVAL

**CONDITIONS:**

TOWN: NONE

COUNTY: NONE

FINAL VOTE: \_\_\_\_ Yes \_\_\_\_ No ( \_\_\_\_ )

**CONDITIONAL USE  
POST STAFF REPORT**

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.14-7(3)"

County Findings were as follows:

1. The Town of WINNECONNE has: APPROVED
  - Town action is advisory due to shoreland jurisdiction.
  - Town has right of denial per terms of zoning ordinance.
  - Town may approve, approve with conditions, or deny in non-shoreland area.
2. Town findings for APPROVAL with conditions were as follows:
  - Town has an adopted land use plan
  - Action agrees with town land use plan
  - 1. No negative impact on town.
3. There were objections to: the establishment of the campground.
4. Proposed use is compatible with adjacent uses

**RECOMMENDATION:** APPROVAL with conditions

**CONDITIONS:**

TOWN: 1. Maximum units 4

COUNTY: 1. County shall review conditional use for compliance with condtions and Winnebago County Zoning Code annually for three years.

2. Campground owner shall obtain a license from the Winnebago County Health Department.

FINAL VOTE: \_\_\_\_ Yes \_\_\_\_ No ( \_\_\_\_ )

**ZONING MAP AMENDMENT**  
POST STAFF REPORT

**Applicable Ordinance**

- Chapter 23: "The following finds have been made in accordance with section 23.7-114"
- Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

1. The Town of VINLAND has: NO RESPONSE

- Town action is advisory due to shoreland jurisdiction.
- Town has right of denial per terms of zoning ordinance.
- Town may approve, approve with conditions, or deny in non-shoreland area.

2. Town findings were as follows:

- Town has an adopted land use plan
- Action agrees with Town adopted Town plan
- No Response

3. There were no objections.

4. Proposed use is compatible with adjacent lands

**RECOMMENDATION:**

- Approval
- Denial
- Approval with an effective date to be upon the recording of the CSM, but in no case later than 1 month(s) after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors

FINAL VOTE: \_\_\_\_\_

\_\_\_\_\_  
Staff Initials