

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
PUBLIC HEARING

February 25, 2020
6:30 P.M.

First Floor Conference Room – County Administration Building

PRESENT: Supervisors, Thomas Egan, Chairman, Rob Keller, Maribeth Gabert, Ben Joas and Brian Defferding. Cary Rowe - Zoning Administrator, Karen Fredrick - court reporter and guests present.

The meeting was called to order by Thomas Egan, Chairman at 6:30 P.M. Committee members introduced themselves and Zoning Administrator explained appeals procedure.

1. Howard Wojahn – West of 6009 Grandview Rd, Town of Winchester – Zoning Map Amendment.

Applicant is requesting a zoning map amendment from A-2 (General Agriculture) to R-1 (Rural Residential) to create a residential lot. Howard Wojahn – 8144 County Rd M, Larsen, was sworn in. Mr. Wojahn explained the zoning map amendment request. Mr. Wojahn stated that the town denied his certified survey map because of existing driveway access. Mr. Wojahn also said he has had the existing access for over 50-years and that the county highway department would not give him an access off from County Rd M because of the access already present on Grandview Rd. Mr. Wojahn then requested that this portion of the hearing be adjourned for 30-days so he could work with the town to resolve access issue. Motion by Gabert, seconded by Defferding, to adjourn the hearing for 30-days. Motion carried 5-0.

2. Horseshoe Storage LLC – 41 Horseshoe Rd, Town of Algoma – Zoning Map Amendment.

Applicant is requesting a zoning map amendment from I-2 (Heavy Industrial) to I-1 (Light Industrial) to expand an existing storage facility. Larry Schmick – Owner, was sworn in. Mr. Schmick explained the zoning map amendment request. Supervisor Gabert asked Mr. Schmick if the new portable storage units were over an interior property line. Mr. Schmick stated that they were not. Gregg Gerstmyer – 52 Horseshoe Rd, Oshkosh, was sworn in. Mr. Gerstmyer stated that he was opposed to the zoning map amendment because of traffic and noise. Mr. Schmick stated that this was the first time he heard of any complaints. Lois Gerstmyer – 52 Horseshoe Rd was sworn in. Mrs. Gerstmyer stated that she was opposed to the zoning map amendment because of traffic and noise. Christina – 4784 County Rd E, Oshkosh, was sworn in. Christina stated that she was opposed to the zoning map amendment. Sam Bostwick – 64 Horseshoe Rd, Oshkosh, was sworn in. Mr.

Bostwick stated that he was opposed to the zoning map amendment because of presence of trucks, flat tires and noise. Tom Beck – 76 Horseshoe Rd, Oshkosh, was sworn in. Mr. Beck was opposed to the zoning map amendment because of concerns about road conditions due to traffic. Zoning Administrator stated that the Town of Algoma requested that this portion of the hearing be adjourned for 30-days. Motion by Defferding, seconded by Joas, to adjourn the hearing for 30-days. Motion carried 5-0.

3. Horseshoe Storage LLC – 41 Horseshoe Rd, Town of Algoma – Conditional Use.

Applicant is requesting a conditional use permit for a vehicle repair shop. Larry Schmick – Owner, was sworn in. Mr. Schmick explained the conditional use permit request. Mr. Schmick stated that the repair business was there before he owned the property and that the current renter uses the shop to work on his own four trucks. Supervisor Egan asked Mr. Schmick if trucks used access off from County Rd E. Mr. Schmick stated that trucks accessed the property off from Horseshoe Rd. Gregg Gerstmyer – 52 Horseshoe Rd, Oshkosh, was sworn in. Mr. Gerstmyer stated that he was opposed to the conditional use permit request because of traffic and noise. Lois Gerstmyer – 52 Horseshoe Rd was sworn in. Mrs. Gerstmyer stated that she was opposed to the zoning map amendment because of hours of operation and potential change of renters. Tom Beck – 76 Horseshoe Rd, Oshkosh, was sworn in. Mr. Beck stated that he would expect a condition that limited the hours from 7:00 am to 5:00 pm. Sam Bostwick – 64 Horseshoe Rd, Oshkosh, was sworn in. Mr. Bostwick stated that he was opposed to the zoning map amendment because of presence of trucks, flat tires and noise. Christina – 4784 County Rd E, Oshkosh, was sworn in. Christina stated that she was concerned about the hours of operation. Bruce Noebel – 4705 County Rd E, Oshkosh, was sworn in. Mr. Noebel stated that he would be opposed to the truck repair shop if it was open to the public as opposed to private use only. Zoning Administrator stated that the Town of Algoma requested that this portion of the hearing be adjourned for 30-days. Motion by Keller, seconded by Defferding, to adjourn the hearing for 30-days. Motion carried 5-0.

4 & 5. Harve Ross et al – West of 3903 Sand Pit Rd, Town of Omro – Conditional Use & Zoning Map Amendment (adjourned from the January 28, 2020 public hearing).

Applicant is requesting a zoning map amendment to A-2 (General Agriculture District) and a conditional use permit to develop a personal storage facility. Charles Hertel – 4489 Sand Pit Rd, Oshkosh, was sworn in. Mr. Hertel stated that he and the applicant (Eric Wagner) met with the town of Omro and was told the it was illegal for the Town to approve the zoning change to A-2 since it would be in conflict with the town's comprehensive plan which mapped the area as commercial. Mr. Hertel argued that the Smart Growth Law (Sec.66.1001 Wis. Stats.) does not prohibit the town from rezoning a property where the proposed use is compliant with the plan. Rene Ross – 3871 County Rd FF, Omro, was sworn in. Mrs. Ross read a statement prepared by Harve Ross. According to the statement, Ross's have owned the

property which is currently zoned B-2, for five years. Eric Wagner is interested in purchasing the property and constructing a personal storage facility. Mr. Wagner petitioned the county for a zoning change to B-3 but the town debunked the request due to traffic, noise, and lighting. Mr. Wagner then modified plan to address concerns. Other more obtrusive uses are currently allowed in the existing zoning district. The planning commission did recommend approval of the modified plan. Mrs. Ross concluded the reading of the statement. Eric Wagner – 4314 Stonegate Ct, Oshkosh, was sworn in. Mr. Wagner read his statement into the record. According to the statement, the Town of Omro Planning Commission approved the requests 4-1 but the Town Board denied the requests based on lighting, elevation and infrastructure not being used. The town also turned down a request to rezone to B-3 on March 17, 2019. Mr. Wagner addressed all the town's concerns in October, 2019. The Planning Commission did approve outside storage. Mr. Wagner concluded the reading of the statement. Zoning Administrator stated that he received a request from the town for an adjournment. Motion by Keller, seconded by Gabert, to adjourn the hearing to the March public hearing date. Motion carried 5-0. John Abby – 5561 State Rd 21, Oshkosh, was sworn in. Mr. Abby spoke in favor of the requests. Brian Seaman – 3565 Sand Pit Rd, Oshkosh, was sworn in. Mr. Seaman spoke in favor of the request since he was also looking for commercial property to relocate a service garage. Sundee Wagner – 4314 Stonegate Ct, Oshkosh, was sworn in. Mrs. Wagner spoke in favor of the request and supported small business. Robert Giese, Omro, was sworn in. Mr. Giese spoke in favor of the requests stating that the process has been dragged on too long and that it is a good use that is being proposed. Anthony Potratz – 3866 County Rd FF, Omro, was sworn in. Mr. Potratz spoke in favor of the request. Mr. Potratz also stated that the subject property was already zoned commercial when Harve Ross purchased it and that the proposed use is a good use for the property. Mr. Wagner submitted documentation of his efforts to rezone the property and all correspondence with the town to the committee members. There was no additional testimony and this portion of the hearing was closed.

ADJOURNMENT

MOTION made by M. Gabert to adjourn the meeting. Seconded by B. Joas. Motion carried 5-0. Meeting adjourned at 8:14 P.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary