

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 BLACK WOLF 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 land use plan.

3. There were no objections.

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

Property Owner: Steve Delmarcelle
Parcel Number: 020-0670
Special Exception #: 22-SE-001

SPECIAL EXCEPTION
POST STAFF REPORT

EXPLANATION: The owner/applicant is requesting a special exception to construct a garage on a vacant lot adjoining a lot with a principal structure.

TOWN RECOMMENDATION: The Town of Poygan stated that the proposed request is not allowed under their zoning ordinance.

PRELIMINARY FINDINGS:

1. Propose special exception meets ordinance requirements allowing an accessory use on a vacant lot.
2. Proposed special exception meets the intent of Section 23.8-45 "Establishment of an accessory land use prior to establishment of a principal use", and Section 23.7-214, "Basis of Decision", in totality.

OTHER INFORMATION:

RECOMMENDATION:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | APPROVAL |
| <input type="checkbox"/> | DENIAL |
| <input checked="" type="checkbox"/> | APPROVAL with the following conditions: |

RECOMMENDED CONDITIONS:

1. Tax parcel 020-0670 shall be deed restricted to tax parcel 202-0671 for the lifetime of the proposed garage.
2. Deed restriction shall be recorded with the register of deeds prior to the issuance of any permits.

BRIAN P. O'ROURKE
Land Use Planner



112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3340
FOX CITIES (920) 727-2880
FAX (920) 232-3347

Winnebago County
Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

MEMO FOR P & Z DELIBERATIVE AGENDA OF NOVEMBER 4th

TO: Planning & Zoning Committee

FM: Brian P. O'Rourke, AICP – Land Use Planner

RE: Second Addendum to Willow Lane Condominium – Final Plat (Amendment to existing Planned Development District – PDD)

1. Second Addendum to Willow Lane Condominium

The final plat for Second Addendum to Willow Lane Condominium has been submitted for approval. Plat conforms to preliminary plat and is entitled to approval.

Recommendation: Approval

DOCUMENT NO.

FOURTH AMENDMENT TO
CONDOMINIUM DECLARATION OF
CONDITIONS, COVENANTS,
RESTRICTIONS AND EASEMENTS FOR
WILLOW LANE CONDOMINIUM

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Michael J. Lokensgard, Esq.
Godfrey & Kahn, S.C.
100 West Lawrence Street
Appleton, WI 54911

032-069603; 032-069604;
032-06960401

Parcel Identification Number

FOURTH AMENDMENT TO CONDOMINIUM DECLARATION OF CONDITIONS,
COVENANTS, RESTRICTIONS AND EASEMENTS FOR WILLOW LANE
CONDOMINIUM

THIS FOURTH AMENDMENT TO CONDOMINIUM DECLARATION OF CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS FOR WILLOW LANE CONDOMINIUM (the "Fourth Amendment") is made any entered into as of this ____ day of _____, 2022, by and among the undersigned Unit Owners, who represent the owners of all of the Units in the Willow Lane Condominium (the "Condominium").

WHEREAS, the Condominium was created pursuant to a Condominium Declaration (the "Original Declaration") recorded August 27, 1998 in the office of the Winnebago County Register of Deeds as Document No. 1023605; and

WHEREAS, a Plat of the Condominium was recorded on August 27, 1998 in the office of the Winnebago County Register of Deeds in Volume 4 of Condominium Plats on Page 29 as Document No. 1023604 (the "Plat"); and

WHEREAS, the Original Declaration has been amended by the following documents, each of which was recorded in the office of the Winnebago County Register of Deeds: (i) First Amendment to Declaration of Condominium for Willow Lane Condominium, recorded March 27, 2007 as Document No. 1429735; (ii) a Second Amendment to Declaration of Condominium for Willow Lane Condominium recorded July 2, 2008 as Document No. 1476367, (iii) a Ratification of First Amendment to Declaration of Condominium for Willow Lane Condominium recorded September 16, 2009 as Document No. 1518769, and (iv) a Third Amendment to Declaration of Condominium for Willow Lane Condominium recorded October 29, 2015 as Document No. 1700424 (the Original Declaration, as amended to date and by this Fourth Amendment, is referred to herein as the "Declaration"); and

WHEREAS, the Plat was amended by the recording of a First Addendum to Willow Lane Condominium recorded in the office of the Winnebago County Register of Deeds on March 27, 2007 in File 1 of Condominium Plats on Page 94C as Document No. 1429734; and

WHEREAS, the Plat was amended by the recording of a Second Addendum to Willow Lane Condominium recorded in the office of the Winnebago County Register of Deeds on _____, 2022 in File ___ of Condominium Plats on Page ___ as Document Number _____ (the "Second Addendum").

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE UNDERSIGNED HEREBY AGREE AS FOLLOWS:

1. Capitalized terms used in this Fourth Amendment without definition have the meanings ascribed to them in the Declaration.

2. All references to the "Plat," "Unit C," the "Common Elements," and any "Limited Common Elements" set forth in the Declaration shall be deemed to refer the Plat, Unit C, the Common Elements and the Limited Common Elements as shown on the Second Addendum.

3. The owner of Unit C (i) may erect a building thereon consistent with the requirements set forth in the Declaration, (ii) shall have full and exclusive use of the limited common elements appurtenant to Unit C, and (iii) shall have a thirty three and one third percent (33 1/3%) interest in the Condominium common elements. If any further amendment of the Plat is necessary in connection with the erection of a building on Unit C, the owner of Unit C shall be solely responsible for the cost of preparing and recording said amendment. The Owners of Units A and B shall be deemed to have consented to any amendment so long as the building proposed for Unit C is constructed within the building envelope shown on the Plat.

4. The Unit owners, as of the date of this Fourth Amendment, are as follows:

Unit A:	DAS Family Trust, David A. Sturm and Amy J. Sturm, Trustees
Unit B:	Dennis P. Schuh
Unit C:	Gary F. Schuh

5. Section 15 of the Declaration, pertaining to the Association's right of first refusal to acquire Units, is hereby deleted.

6. Except as set forth herein, the Declaration and Plat remain in full force and effect.

DAS FAMILY TRUST

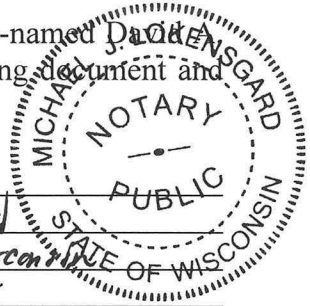
David A. Sturm
David A. Sturm, Trustee

Amy J. Sturm
Amy J. Sturm, Trustee

STATE OF WISCONSIN)
) SS
COUNTY OF *Outagamie*)

Personally came before me this *25th* day of *October*, 2022 the above-named *David A. Sturm* and Amy J. Sturm, to me known to be the persons who executed the foregoing document and acknowledged the same.

Michael J. Lokensgard
* *Michael J. Lokensgard*
Notary Public, State of *Wisconsin*
My commission: *is permanent*



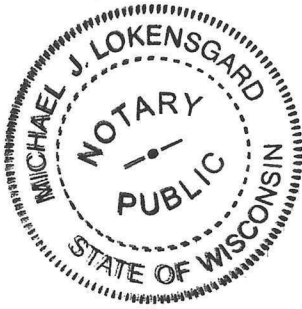
IN WITNESS WHEREOF, the Unit owners have executed this Fourth Amendment as of the date set forth above.

Dennis P. Schuh

Dennis P. Schuh

STATE OF WISCONSIN)
) SS
COUNTY OF Outagamie)

Personally came before me this 14th day of June, 2022 the above-named Dennis P. Schuh, to me known to be the person who executed the foregoing document and acknowledged the same.



Michael J. Lokensgard
* Michael J. Lokensgard
Notary Public, State of Wisconsin
My commission: is permanent

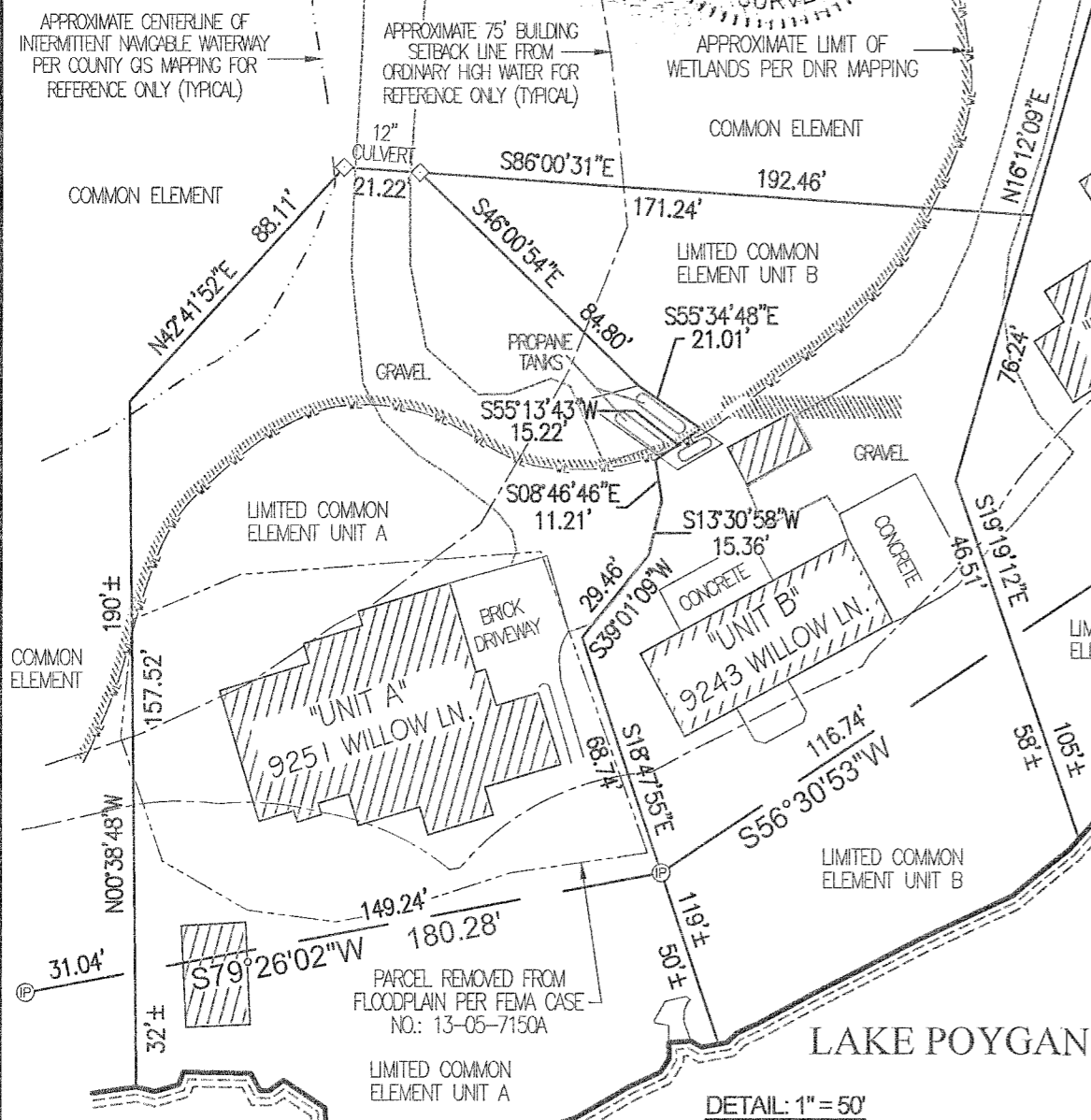
LEGAL DESCRIPTION:

PART OF GOVERNMENT LOT 4, SECTION 32, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 32; THENCE S00°47'41"W, 721.21 FEET ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32 TO THE WESTERLY EXTENSION OF A SOUTH LINE OF CERTIFIED SURVEY MAP NO. 5898 AND THE POINT OF BEGINNING; THENCE N85°11'18"E, 423.75 FEET ALONG SAID EXTENSION AND ALONG A SOUTH LINE OF CERTIFIED SURVEY MAP NO. 5898 TO A WEST LINE OF SAID CERTIFIED SURVEY MAP; THENCE S11°34'46"E, 367.15 FEET ALONG SAID WEST LINE TO A SOUTH LINE OF SAID CERTIFIED SURVEY MAP; THENCE N54°27'32"E, 224.41 FEET ALONG SAID SOUTH LINE TO A WEST LINE OF CERTIFIED SURVEY MAP NO. 6833; THENCE S00°20'02"W, 357.90 FEET ALONG SAID WEST LINE TO THE STARTING POINT OF A MEANDER LINE OF THE NORTH SHORE OF LAKE POYGAN, SAID POINT BEARS N00°20'02"E A DISTANCE OF 55 FEET MORE OR LESS FROM SAID NORTH SHORE; THENCE S56°30'53"W, 229.67 FEET ALONG SAID MEANDER LINE; THENCE S79°26'02"W, 180.28 FEET ALONG SAID MEANDER LINE; THENCE S72°18'09"W, 229.17 FEET ALONG SAID MEANDER LINE TO THE TERMINATION POINT OF SAID MEANDER LINE, SAID POINT BEARS N00°47'41"E A DISTANCE OF 37 FEET MORE OR LESS FROM SAID NORTH SHORE; THENCE N00°47'41"E, 335.95 FEET; THENCE N89°23'43"W, 100.20 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32; THENCE N00°47'41"E, 444.08 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. INCLUDING ALL THOSE LANDS LYING BETWEEN THE ABOVE-DESCRIBED MEANDER LINE AND THE NORTH SHORE OF LAKE POYGAN, BOUNDED BY THE EXTENSION OF THE RESPECTIVE LINES OF THE ABOVE-DESCRIBED PARCEL TO SAID SHORE. SAID PARCEL CONTAINS 9.72 ACRES OF LAND MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

I, MATTHEW C. REIDER, PROFESSIONAL WISCONSIN LAND SURVEYOR, CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT AND COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

M. C. Reider 9/8/2022
 MATTHEW C. REIDER, PLS-3245 DATED
 CAROW LAND SURVEYING CO., INC.
 615 N. LYNDALE DRIVE, P.O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168
 B2006.34CP DATED: 1-12-2022 REVISED: 9-8-2022



DETAIL: 1" = 50'

NOTES:
 - THE COMMON ELEMENT IS THE AREA AND FACILITIES INCLUDED IN THE CONDOMINIUM DECLARATION, EXCEPTING THE UNITS AND THEIR LIMITED COMMON ELEMENTS.
 - THERE SHALL BE SUCH PERMANENT EASEMENTS THROUGH AND OVER THE PROPERTY AND EACH OF THE UNITS AS MAY BE NECESSARY FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF THE COMMON ELEMENTS, UTILITIES, SEWERS AND OTHER UNITS.
 - CONDOMINIUM DECLARATION AND BY-LAWS AGREEMENT WILL BE RECORDED ALONG WITH THE CONDOMINIUM PLAT.

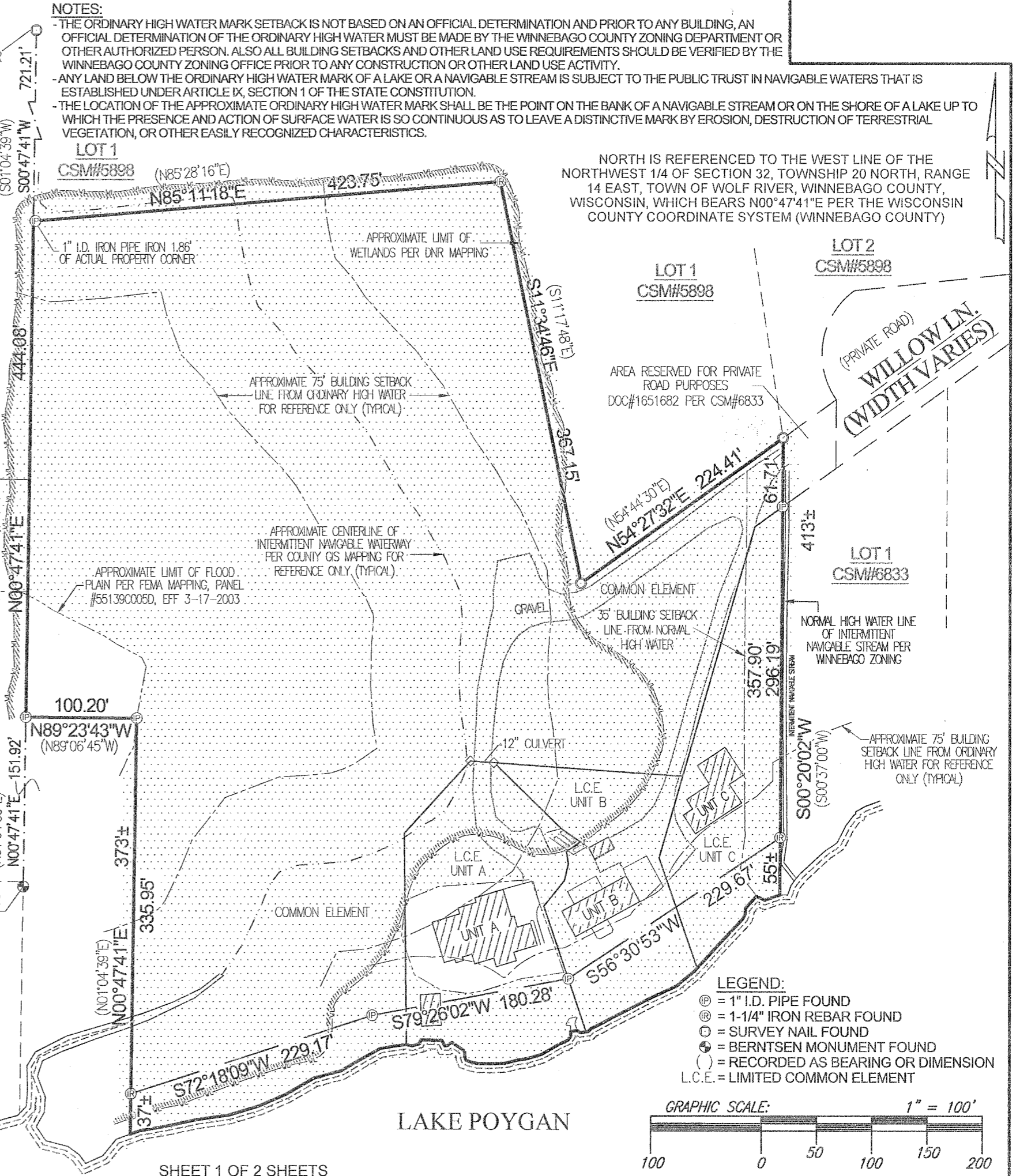
NOTE:
 - THIS CONDOMINIUM PLAT IS SUBJECT TO THE COUNTY IMPERVIOUS SURFACE STANDARDS.

THIS PLAT IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS:
 - PARCEL NO. 032069603: DOCUMENT NO. 1745302
 - PARCEL NO. 032069604: DOCUMENT NO. 1816148 & 1889517
 - PARCEL NO. 03206960401: DOCUMENT NO. 1886202

UNIT AREA NOT INCLUDING UNFINISHED BASEMENT OR GARAGE
 UNIT A:
 9251 WILLOW LANE: 4,140 SQ.FT.±
 UNIT B:
 9243 WILLOW LANE: 1,220 SQ.FT.±
 UNIT C:
 (PROPOSED) 1,400 SQ.FT.±

SECOND ADDENDUM TO WILLOW LANE CONDOMINIUM

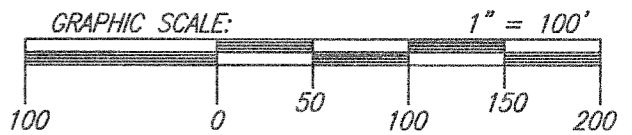
PART OF GOVERNMENT LOT 4, SECTION 32, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.



NOTES:
 - THE ORDINARY HIGH WATER MARK SETBACK IS NOT BASED ON AN OFFICIAL DETERMINATION AND PRIOR TO ANY BUILDING, AN OFFICIAL DETERMINATION OF THE ORDINARY HIGH WATER MUST BE MADE BY THE WINNEBAGO COUNTY ZONING DEPARTMENT OR OTHER AUTHORIZED PERSON. ALSO ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED BY THE WINNEBAGO COUNTY ZONING OFFICE PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY.
 - ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.
 - THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF A NAVIGABLE STREAM OR ON THE SHORE OF A LAKE UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS SO CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER EASILY RECOGNIZED CHARACTERISTICS.

NORTH IS REFERENCED TO THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS N00°47'41"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)

LEGEND:
 ⊕ = 1" I.D. PIPE FOUND
 ⊙ = 1-1/4" IRON REBAR FOUND
 ⊚ = SURVEY NAIL FOUND
 ⊛ = BERTNSSEN MONUMENT FOUND
 () = RECORDED AS BEARING OR DIMENSION
 L.C.E. = LIMITED COMMON ELEMENT



SECOND ADDENDUM TO WILLOW LANE CONDOMINIUM

PART OF GOVERNMENT LOT 4, SECTION 32, TOWNSHIP 20 NORTH, RANGE 14 EAST,
TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.

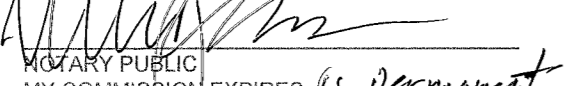
OWNER'S CERTIFICATE:

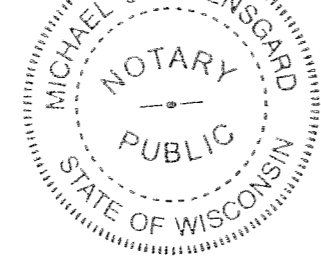
AS OWNER, I (WE) HEREBY CERTIFY THAT I (WE) CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS PLAT.
I (WE) FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.703.11 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.


GARY F. SCHUH

STATE OF WISCONSIN)
)SS

COUNTY OF WINNEBAGO)
PERSONALLY CAME BEFORE ME THIS 19th DAY OF October, 2022 THE ABOVE NAMED PERSON (S)
TO ME KNOWN TO BE THE PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC
MY COMMISSION EXPIRES is permanent




OWNER'S CERTIFICATE:

AS OWNER, I (WE) HEREBY CERTIFY THAT I (WE) CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS PLAT.
I (WE) FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.703.11 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.

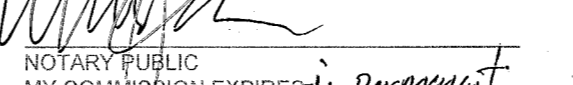
BY: DAS FAMILY TRUST

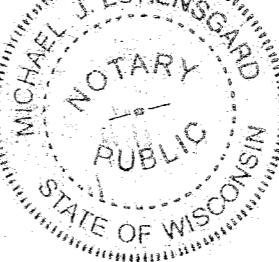
DAVID A. STURM (TRUSTEE)


AMY J. STURM (TRUSTEE)

STATE OF WISCONSIN)
)SS


COUNTY OF WINNEBAGO)
PERSONALLY CAME BEFORE ME THIS 25th DAY OF October, 2022 THE ABOVE NAMED PERSON (S)
TO ME KNOWN TO BE THE PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC
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OWNER'S CERTIFICATE:

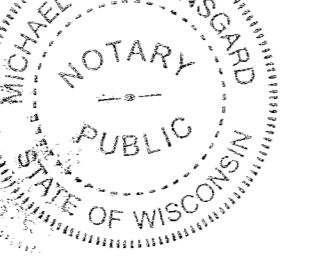
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I (WE) FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.703.11 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.


DENNIS P. SCHUH

STATE OF WISCONSIN)
)SS

COUNTY OF WINNEBAGO)
PERSONALLY CAME BEFORE ME THIS 19th DAY OF October, 2022 THE ABOVE NAMED PERSON (S)
TO ME KNOWN TO BE THE PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC
MY COMMISSION EXPIRES is permanent

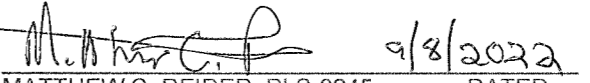


PLAN COMMISSION CERTIFICATE:

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF THE COUNTY OF WINNEBAGO, WISCONSIN, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS CONDOMINIUM WAS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE ON THIS _____ DAY OF _____, 20____.

CHAIRMAN, PLANNING AND ZONING COMMITTEE

I, MATTHEW C. REIDER, PROFESSIONAL WISCONSIN LAND SURVEYOR, CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT AND COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 9/8/2022
MATTHEW C. REIDER, PLS-3245 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNNDALE DRIVE, P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168
B2006.34CP DATED: 1-12-2022 REVISED: 7-7-2022

