

**County Zoning Agency**  
MINUTES  
**February 16, 2023 – 4:30 P.M.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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Chairman Ryan Simons called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons, Sue Pruessing- *via telephone*, Dennis Karbowski, Joanne Laufenberg- *via telephone*, Al Stanek- *via telephone*, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser- *via telephone*,. A quorum was present.

County Staff present Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director Mandy Bonneville, Senior Planner/Hearing Facilitator Matt Weidensee. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund and Code Enforcement Officer Darrin Schwanke.

A “sign-in” sheet listing attendees on February 16, 2023 is kept on file as a matter of record.

Details of the February 16, 2023 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website:  
[www.co.walworth.wi.us](http://www.co.walworth.wi.us)

**Dennis Karbowski motioned to approve the agenda as amended to table items 7.b.3.) 2477 Vista Drive, LLC/Mike Raboine; and 8.e.2.) RM Krueger Investments, LLC c/o Ron Krueger. Seconded by Richard Kuhnke, Sr. Motion to Approve the agenda carried. 7-favor 0-oppose**

**Richard Kuhnke, Sr. motioned to approve the January 19, 2023 CZA Meeting Minutes. Seconded by Sue Pruessing. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement  
Disc Count # 4:35:10 – 4:35:40

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **Shodeen Family Property Co., LLC** – Conservation Subdivision Development Joint Town and County Site Visit Scheduling potential dates on a Monday, Tuesday or Wednesday as per the Town – Matt Weidensee

**Staff discusses the status of the pre-application conference held with the applicant and the need to conduct a second conference with more complete information. The Town has indicated that they are available to meet on-site on any Monday, Tuesday or Wednesday. Staff indicated starting dates of March 3, 4, or 5 or later to schedule an on-site. Ryan Simons proposes March 20 week. Discussion by the Committee concerning potential dates. Staff to reach out to Committee members regarding week of April 3.**

Disc Count # 4:35:51 – 4:44:53

- 2. 18 MONTH REVIEW PER 9/16/21 CZA: Barbara J. Werhane – Owner**, Section 18, Sharon Township. The property owner is requesting rezone of 3.84 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a commercial stable with a maximum of 50 horses onsite. The property of concern is located on the north side of Hwy B approximately 2000 feet east of the intersection of Hwy B and South County Line Road identified as Tax Parcel A S 1800005.

**Staff discusses the need for the 18 month review as stated in the existing conditional use. Summary provided in the meeting packet regarding status of the nutrient management plan. Staff recommends taking the report as a request to begin the rescinding of the CU process. If the property is not in compliance with the requirements of the nutrient management plan by April 15, the property owner will have to attend the April CZA meeting to explain why the property continues to be in non-compliance. Failure to either bring the site into compliance or provide sufficient rational for non-compliance may result in rescinding of the conditional use. Kristine White/owner's daughter speaks regarding issues at the property regarding fencing, overgrazing, parking, horses on the highway, etc. with no response from the operator.**

**Committee asks staff to send a letter to begin the rescinding of a conditional use process.**

Disc Count # 4:44:56 – 5:01:18

**TABLED – INCOMPLETE SITE PLAN**

- 3. SCHEDULED FOR DISMISSAL: Public Hearing held 1/20/2022:**  
**2477 Vista Drive, LLC C/O Mike Raboine – Owner**, Section 19, Lyons Township. ~~Conditional use review and approval for light manufacturing and assembly of windows and window well products and outside storage area for window wells and equipment as a contractor storage yard on lands zoned M-1 Industrial District. Tax Parcel NIP-00012.~~

New Business - Ordinance Amendments –

1. Employee Housing Ordinance Amendment (Grand Geneva) discussion – Nick Sigmund

**Staff presents proposal for employee housing ordinance draft and intent of the ordinance. Discussion regarding zone districts and definitions, security, overnight guests, complaint process, parking, etc. Discussion by Committee regarding questions presented in the draft ordinance including time period, number of beds per room/people per room, etc. Committee members are requested to provide comment to staff to update proposal. This item to return at March, 2023 CZA meeting.**  
Disc Count # 5:01:20 – 5:25:10

New Business – Discussion Items –

1. **A-4 Businesses Zoning Requirements: When does an A-4 farm related use require business zoning?** – Ryan Simons

**Staff to provide definition of A-4 business zoning and the intent and purpose, and examples of businesses and difficulties, and proposed remedies. Chairman requests staff to provide this information for discussion at a future meeting. Request to have this discussion item at the end of the meeting, or an earlier start for a greater discussion. Chair recommends moving ordinance and A-4 business discussion to end of the public hearing in March, or starting CZA meeting early.**

Disc Count # 5:25:16 – 5:33:08

2. **Wetland Delineation Rezone Requests – County Requirements** – Jim Van Dreser

**Staff discusses the need to have a hearing for a rezone, towns going against assured delineators, citizens objecting to delineations.**

Disc Count # 5:33:12 – 5:36:41

3. **Township Zoning/Erosion Coverage Update** – Mandy Bonneville

**Staff discusses the division of coverage for townships concerning zoning and erosion control permits. New staff and duties discussed.**

Disc Count # 5:36:42 – 5:41:12

4. ~~Shodeen Joint Town / Committee Meeting status~~ – Matt Weidensee

**This item was discussed above.**

5. **Recognizing Zoning/Code Enforcement Officer Darrin Schwanke for setting the record for most permits issued in a single year – 609 in 2022!!** – Mandy Bonneville

**Staff recognizes Zoning Officer Darrin Schwanke for the outstanding number of zoning permits processed in 2022.**

Disc Count # 5:36:42 – 5:45:08

**6. Matt Weidensee upcoming retirement and recruitment of Senior Planner Position – Mandy Bonneville**

**Staff discusses the imminent retirement of Senior Planner Matt Weidensee.**

Disc Count # 5:45:09 – 5:46:19

5:30 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses –

1. **Henry E. Darr – Owner**, Section 15, LaGrange Township. Rezone approximately .79 acres of A-5 Agricultural-Rural Residential District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for trucking business as transportation-related activities primarily serving the basic agricultural industry. Part of Tax Parcel H LG1500013.

General:

1. Approved for a trucking business as a transportation activity primarily serving the basic agricultural industry with a maximum of **three trucks** and **six** trailers as per plans submitted on property zoned A-4 Agricultural Related Manufacturing, Warehousing and Marketing District with all additional conditions.
2. No storage of chemicals, petroleum products and flammable materials in the vehicle maintenance building shall occur unless stored in a containment facility meeting State requirements.
3. No general public sales allowed from the facility. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
4. All storage areas, materials and equipment shall be located as defined on the plan of operations.
5. The site shall meet all applicable Federal, State, County and local regulations.
6. The applicant must obtain all required zoning permit approvals.
7. No filling shall be allowed in any wetland areas.
8. No filling shall occur on site without a site grading plan and proper permit approval.
9. All areas shall be kept neat, clean and mowed.
10. All outside lighting shall be shielded and directed on site.

11. All fuel storage shall be located within a State approved containment facility.
12. Access approval must be obtained from the State Department of Transportation and be submitted for the conditional use file prior to operation on site.
13. All vehicles shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the vehicles capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be compliant with County requirements within 60 days of this approval.
14. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.
15. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Saturday with hours for return of equipment from off site until 9:00 p.m.
16. No burning shall be allowed on site without a State burning facility license and any required local approvals with submittal for the conditional use file.
17. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.
18. Sufficient adult supervision must be present at all times when facilities are in use.
19. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.
20. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if require by ordinance.
21. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Lyons and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.
22. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
23. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

24. There shall be no snow plowing business allowed on site without additional conditional use approval.
25. Only trucks, trailers and equipment owned by the property owner's trucking business as transportation activity primarily serving the basic agricultural industry shall be allowed to be stored on site.
26. Sign modification shall be allowed for up to a 24 sq. ft. sign on each side at a location meeting the Walworth County Zoning Ordinance height and setback requirements as per plan submitted.

27. The County reserves the authority to require any outside stored of vehicles to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
28. The A-4 area shall be deed restricted not to be divisible from the parent parcel without additional County approval.

**Staff presents request.**

**Henry Darr speaks via telephone regarding the application**

**Richard Kuhnke, Sr. motioned to approve with conditions as presented. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**  
Disc Count # 5:47:34 – 5:53:08

**TABLED – TO MARCH 2023 FOR A BOA DECISION**

2. ~~RM Krueger Investments, LLC C/O Ron Krueger – Owner, Tom Jurasinski – Applicant, Section 16, East Troy Township. Rezone approximately 2.6 acres of A-1 Prime Agricultural District land, 2.2 acres of C-4 Shoreland Wetland District land and 16.6 acres of C-2 Upland Resource Conservation District land to the B-5 Planned Commercial-Recreation Business District. Conditional use petition to bring an existing Planned Campground Development known as the Sheltering Oaks Campground into compliance with the Walworth County Zoning Ordinance. Tax Parcel PO 00011 and part of Tax Parcel P-ET 1600005A.~~
3. **North by Northwest Storage, LLC – Owner, C/O John Berget, SE ¼ of Section 25, Delavan Township. The property owner is requesting to rezone approximately 9.64 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District Property to the B-4 Highway Business District. The rezone is requested in order to obtain conditional use approval for off season storage facilities to include some commercial building’s with a limited number of storage units (17 units) that would be privately owned and be served by heat, water hose bibs and floor drains, holding tanks and single stall restrooms each limited to a toilet and sink. The property of concern is located on the north side of Hwy 50 approximately 700 feet west of the intersection of Hwy 50 and Hwy 67 identified as Tax Parcel FA499900001.**

General:

1. Approved as per plan submitted for mini-warehouse storage facilities with sanitation mound systems to serve the operations office and buildings 8 and 9 with all additional conditions.
2. Buildings 8 and 9 are approved for a limited number of storage units (17 units) that would be privately owned and be served by water hose bibs and floor drains, holding tanks and single stall restrooms each limited to a toilet and sink. The Plumbing provided to business buildings 8 and 9 is for use by the private unit owners for the sole purpose of storage. The buildings shall be required to remain in storage use and shall be required to be deed restricted preventing conversion to any other B-4 use without additional Town and County approval for removal of the deed restriction. There shall be no plumbing in any other storage units without additional Town and County approvals.

3. No general public sales allowed from the storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
4. Must meet all applicable Federal, State, County and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. No burning of waste materials shall occur on site.
8. The applicant must obtain the required Town, County and/or State Highway approval for the access.
9. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
10. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
11. There shall be no overnight outside storage or parking in front of the access door to the individual storage units. The private areas in front of the storage units are for loading and unloading purposes only.
12. The project site must be kept neat, clean, and mowed in all areas.
13. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
14. Failure to actively exercise this conditional use for mini-warehouse storage facilities within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals. Mini-warehouse storage building construction must be occurring in order to be exercising this conditional use.

Specific:

15. There shall be no changes to the covenants and restriction and or declaration for this development that affect the use allowed by this conditional use permit without further review and approval by the Town and County.
16. The requirements of the stormwater implementation plan and grading plan shall be followed regardless of the phased construction of the buildings. Phase I of the development plan or construction plan must include the construction of all the planned stormwater management practices to serve the facility under full built-out conditions.
17. There shall be no black dirt mixing and grinding, materials or contractor storage or other business activities requiring zoning approvals on site without first obtaining the required zoning approvals.
18. On site hours of operation shall be from 4:30 a.m. to 10:00 p.m. seven days a week and shall be posted on site as per the Town.
19. There shall be no flammable chemical storage on site as per the Town.
20. There shall be perimeter fencing required as per the Town.

21. The project shall follow new lighting ordinance guidelines as per the Town.
22. There shall be no engine repair on site as per the Town.
23. Future approval of landscaping and stormwater maintenance agreements shall be required as per the Town.
24. The approval is subject to final engineering and stormwater plans as per the Town.
25. The project must meet with all applicable requirements of the preliminary stormwater review letter.

**Staff presents request.**

**Warren Hansen and Attorney Nick Egert speak regarding the application. Atty Egert addresses the covenants and restrictions.**

**Dennis Karbowski motioned to approve with conditions as presented. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose.**  
Disc Count # 5:53:13 - 6:13:24

Rezoning –

1. **Therese Ann Fritz Trust – Owner** C/O Mary Peterson, Trustee, NE ¼ of Section 30, Walworth Township. The property owner is requesting to rezone 2.019 acres (1.723 exclusive of ROW) from the A-1 Prime Agricultural District to the A-5 Agricultural-Rural Residential District in order to split off an existing residence from a farm parcel without the farm buildings. The property of concern is located on the west side of Prairie View Road approximately 3400 feet south of the intersection of Prairie View Road and Beloit Road identified as part of Tax Parcel E W 3000001.

**Staff presents request and indicates rezoning a farm residence prior to a request for a farm separation for the remainder of the buildings exceeds the intent of the Farmland Preservation standards which requires removing all of the buildings with a farm separation. Staff indicated in order to be consistent with farm separation requirements, the property owner would do a farm separation first and then take the risk of requesting to rezone the house on the farm separation parcel.**

**Mary Peterson via telephone speaks regarding the application.**

**Jim Van Dreser questions appropriateness of approving based on Staff concerns and setting precedent on future requests.**

**Jim Van Dreser motioned to TABLE. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**  
Disc Count # 6:13:28 – 6:25:53



2. **Tyler Mill – Owner**, SW ¼ of Section 1, LaGrange Township. The property owner is requesting to rezone approximately 9.937 acres of C-2 Upland Resource Conservation District to the A-2 Agricultural District in order to add the rezone area to the adjacent A-2 zoned field to the east. The property of concern is located on the south side of Bluff Road approximately 3000 feet west of the intersection of Bluff Road and Hwy 67 identified a south part of Tax Parcel HA373300002.

**Staff presents request.**

**Shawn Williams speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Jim van Dreser. Motion carried. 7-favor 0-oppose.**

The rezone petition will move forward to the March 14, 2023 Walworth County Board for possible action.

Disc Count # 6:25:54 – 6:30:08

Conditional Uses – None

### **Adjournment**

**Dennis Karbowski motioned to adjourn. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

The meeting was adjourned at 6:30 p.m.

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Submitted by Sheril Oldenburg, Recording Secretary.  
Minutes are not final until approved by the committee at its next meeting.