

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

Chairman Ryan Simons called the meeting to order at 4:34 p.m.

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

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

Details of the March 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

Sue Pruessing motioned to approve the agenda as amended to hear item 8.b.1. to be heard after approval of the minutes, and to table items 8.d.1.) RM Krueger Investments, LLC c/o Ron Krueger; 8.f.1.) Toy Yard Storage, LLC; and 8.f..3.) America the Beautiful, LLC. Seconded by Dennis Karbowski. Motion to Approve the agenda carried. 6-favor 0-oppose

Richard Kuhnke, Sr. motioned to approve the February 16, 2023 CZA Meeting Minutes. Seconded by Sue Pruessing. Motion carried. 6-favor 0-oppose

8.b.1. to be heard out of order:
New Business – Discussion Items –

1. Committee Input for the SWOT Analysis Review as Part of the 2023 Walworth County Strategic Planning Process – Mark Luberda

County Administrator discusses the requested SWOT Analysis review and a request to continue discussion at Committee meetings.
Disc Count # 4:40:15 – 4:46:20

Zoning / Sanitation / Land Conservation Enforcement

Director discusses a Court of Appeals decision received regarding Delavan Lake Sanitary District and further discussion at the Executive Committee.
Disc Count # 4:46:21 – 4:48:05

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments –

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

Staff indicates per the discussion at the Workshop held at 3:30 this afternoon an updated and cleaned proposal will be presented at the April CZA meeting for further discussion.

Disc Count # 4:48:13 – 4:50:33

Old Business – Discussion Items –

1. **Town of Darien odor issues** – Walters & Sons Waste Hauling

Staff reviews previous discussions concerning odor issues and attendance by Walters & Sons for any questions by Committee.

James Walter appears to speak to the Committee regarding issues and the covers used. Indicates no complaints have been reported by the town or directly to Walters since 2019. Discussion regarding any blowing of the pucks out of the tanks which has not occurred. Mostly will blow to one side. Mostly cheese waste is accepted/industrial waste (food grade)/septage/sewage, no animal waste. Questions by County Board Chair Stacey regarding metering and reporting requirements. This is reported to the DNR.

Disc Count # 4:50:36 – 5:04:54

2. **Shodeen Family Property Co., LLC** – Conservation Subdivision Development Joint Town and County Site Visit: April 5, 2023; 1:30 p.m. – Matt Weidensee

Staff indicates another Pre-application conference has been held and a meeting date has been scheduled for April 5, 2023 at 1:30 p.m. Staff asks Committee if anyone needs a ride – no need indicated. Van Dreser requests any information that can be provided to prepare for discussion. Staff indicates “something” will be provided as things are shifting and changing, as this is a vast project.

Disc Count # 5:04:57 – 5:10:25

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.

General:

1. Approved as per plan submitted for a contractor storage yard for a window and window well light manufacturing and assembly business with indoor and outdoor storage of materials and equipment for the business with all additional conditions.
2. All uses of the site shall meet applicable Federal, State, County and local regulations.
3. Outside lighting shall be shielded and directed on site.
4. The applicant must obtain all required zoning permit approvals including sign permits.
5. The applicant must obtain the required Town and County approvals for any changes to the access.
6. No fill, debris, branches or leaves may be disposed of on-site without obtaining the required Land Disturbance and Erosion Control Permit.
7. All burning of waste wood materials shall obtain required State Commercial Burn Permit approvals. There shall be no burning of waste oils or trash.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office.
9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on a revised to be approved plan.
10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. Implementation of dust and noise control measures shall occur at all times on site.
12. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. with hours until 9:00 p.m. for return of equipment and materials from off site.
13. All perimeter fencing shall be maintained as identified on the project plan.
14. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
15. No business activities other than specified in the plan of operations may be conducted from out of the facilities. There shall be no snow removal business allowed without additional conditional use approval.
16. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
17. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
18. Outside storage is limited to the type, quantities and location of material associated with the business as identified on the plan of operations. No outside storage areas including displays of goods are allowed in the required setback areas.
19. No outside storage of chemicals shall occur on site.
20. 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.
21. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.
22. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
24. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
25. 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.
26. 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:

27. Only trucks, trailers and equipment owned by the property owner's window and window well light manufacturing and assembly business shall be allowed to be stored on site.
28. The County reserves the authority to require any outside stored materials 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.
29. There shall be no expansion of this contractor storage yard without new conditional use approval.
30. **The alterations to the access drives to meet the 35 ft. maximum width standards shall be made within 60 days of this approval, pursuant to the revised site plan provided on 3/13/2023.**

Staff indicates request that was previously heard and issues presented at the public hearing. Updated plan is provided to Committee in a supplemental packet addressing the concerns. Applicant is aware of conditions and agrees.

Jim Van Dreser motioned to approve with conditions as presented. Seconded by Dennis Karbowski. Motion carried. 6-favor 0-oppose.
Disc Count # 5:10:27 – 5:16:20

4. Tabled after the Public Hearing held 2/16/2023:

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 item heard at the 2/16/23 CZA hearing.

Sue Pruessing motioned to approve with conditions as presented. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.
Disc Count # 5:16:23 – 5:18:33

New Business - Ordinance Amendments – None

THIS ITEM HEARD AT BEGINNING OF MEETING AFTER APPROVAL OF MINUTES.

New Business – Discussion Items –

- ~~2. Committee Input for the SWOT Analysis Review as Part of the 2023 Walworth County Strategic Planning Process – Mark Luberda~~

Disc Count # 5:

3. Proposal regarding the creation of a new Code Enforcement Officer – Dennis Karbowski

Staff begins discussion regarding request of Supervisor Karbowski for a new Code Enforcement Officer and the requested support to the LURM department. Director Cotter expresses appreciation for the support and concerns regarding funding and creation of positions in the County, and funds ending.

Supervisor Karbowski expresses concerns regarding enforcement issues. If current staff is not capable of current enforcement needs, he would support a new position to enforce ordinances. Supervisor Pruessing indicates a conversation should be had regarding a possible LTE with no benefits similar to the STR LTE. Director Cotter indicates that the level of requested enforcement may not be attainable with current staff, though enforcement is occurring on a regular basis. The current part time employee cannot perform enforcement duties due to current funding source.

Chairman Simons indicates his understanding and does not support using outside funding to support a funded position without a tax levy.

Dennis Karbowski requests to have this matter put on the April, 2023 agenda for further discussion.

Disc Count # 5:18:47 – 5:40:20

5:40 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses –

TABLED – TO MARCH 2023 FOR A BOA DECISION

- ~~1. **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.~~

Rezoning –

1. **York Trust C/O Mary York – Owner**, Section 22, Linn Township. The property owner is requesting to rezone approximately 5.475 acres of C-1 Low Land Resource Conservation, C-4 Shoreland Wetland and A-1 Prime Agricultural District zoned property to the C-2 Upland Resource Conservation District in order to create a rural residential lot on the side of a hill at the location of a previously existing farmhouse. The property of concern is located on the west side of Hillside Road approximately 3300 feet north of the intersection of Hillside Road and Hwy B identified as part of Tax Parcel I L 2200009.

Staff presents request and indicates this is consistent with Farmland Preservation as the rezone area contains greater than 51% non-prime farm soils due to steep slopes.

Caroline York and Mary York appear regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Dennis Karbowski. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 18, 2023 Walworth County Board for possible action.

Disc Count # 5:43:33 – 5:48:30

2. **Ross & Alison Brugger – Owners**, Section 33, Geneva Township. The property owners are requesting to rezone approximately .15 acres of C-4 Shoreland Wetland District to the R-1 Single Family Residential District to match a wetland boundary to delineated field conditions in order to seek approval for the construction of a garage. The property of concern is located on the north side of South Shore Drive approximately 1800 feet east of the intersection of South Shore Drive and South Como Road identified as part of Tax Parcel JCON 00023.

Staff presents request.

Atty Christina Green speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by Dennis Karbowski. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 18, 2023 Walworth County Board for possible action.

Disc Count # 5:48:32 – 5:54:45

Conditional Uses –

TABLED – NO TOWN RECOMMENDATION

1. ~~**Toy Yard Storage, LLC C/O Mark Hetzler – Owner**, Section 1, Sugar Creek Township. The property owner is requesting conditional use permit review and approval for recreation vehicle and boat storage facilities in the M-1 Industrial District. The property of concern is located off of a private drive on the north side of Hwy A approximately 2000 feet east of the intersection of Hwy A and Hwy 12 identified as Tax Parcel GSBP 00001.~~

2. **South Shore Storage, LLC C/O Donna and David Gustafson – Owners**, Section 32, Delavan Township. The property owners are requesting to amend a conditional use for mini-warehouse storage facilities to delay construction of one of the approved storage buildings in order to allow parking area for a principle use wine bar in the B-2 general business district in an existing retail store. The wine bar use is replacing a principle use residence in a principal business structure. In addition, conditional use permit approval is being requested for outdoor food and beverage on a patio to allow the wine bar customers a place to smoke and drink outdoors and to allow up to six limited capacity music events per year in the courtyard between the buildings. The property of concern is located on the southeast corner of the intersection of South Shore Drive and Fox Lane and is identified as part of Tax Parcel FHO 00001.

General:

1. The Conditional Use for use of a patio for outdoor food and beverage consumption for a wine bar is approved as per the plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
3. The project must meet with all State, Federal and local approvals.
4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
5. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.
6. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
7. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
8. All lighting must be shielded and directed on to the property.
9. All parking must occur in the areas identified on the approved plan. Parking must be marked and meet with requirements of the county zoning ordinance. All parking must be graded and surfaced to be dust free. All parking for business on site must be in compliance with County requirements prior to use of the patio.
10. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
11. 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.

12. Failure 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:

13. Hours of operation on the patio seating area shall be 10:00 a.m. to 11:00 p.m.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. There shall be a maximum of six music events with up to 39 people in attendance at one time including band members allowed within the courtyard area between the retail building/wine bar, storage building and courtyard fences as depicted on the plan of operations. Hours of operation for the six events shall be from 10:00 a.m. until 10:30 p.m. on Fridays, Saturdays or Sundays. An event shall constitute one band performance between the hours of 10:00 a.m. until 10:30 p.m. on a single day.
18. The operator of the wine bar shall keep a yearly schedule of all events held on site in a book indicating the date and time of the event and who is performing on site. The book shall be made available to Town or County personnel for review upon request.
19. Use of the retail store area occupied by the wine bar shall be discontinued upon the issuance of a zoning permit for construction of the storage building located on the parking area provided for the additional retail use.
20. This CU Permit shall be subject to a one-year compliance review at the County Zoning Agency meeting in March 2024.

Staff presents request.

Jennifer Rendon speaks regarding the request.

Jim Van Dreser motioned to approve with conditions as presented with a condition for a 1 year review. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose.

Disc Count # 5:54:50 – 6:09:30

TABLED – NO TOWN RECOMMENDATION

3. ~~America the Beautiful, LLC – Owner, Natalie Chesebro for Your Personal Gardener & Arborist – Applicant, Section 21, East Troy Township. The property owner is requesting conditional use approval for a contractor storage yard on land zoned B-4 Highway Business District for a tree service, landscaping and snow removal business. The property of concern is located on the east side of Hwy ES approximately 850 feet north of the intersection of Hwy ES and Hwy 20 identified as Tax Parcel P ET2100004D.~~

Adjournment

**Dennis Karbowski motioned to adjourn. Seconded by Sue Pruessing. Motion carried.
6-favor 0-oppose.**

The meeting was adjourned at _____ 6:10 _____ p.m.

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