

County Zoning Agency

MINUTES

May 21, 2020 – 5:00 p.m.

100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 5:02 p.m.

Roll call – Committee members present in person were Supervisors Dave Weber , Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser. Appearing via telephone were Supervisors Susan Pruessing and Jerry Grant and Ryan Simons. Supervisor Rick Stacey was absent. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Department Deputy Director Shannon Haydin via video, Senior Planner/Hearing Facilitator Matt Weidensee via video.

A “sign-in” sheet listing attendees on May 21, 2020 was not presented due to the continued COVID-19 threat.

Details of the May 21, 2020 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

Richard Kuhnke, Sr. motioned to approve the agenda as amended to table item 6.b.1.) Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC.; 8.b.2.) Maple Lawn Estates, LLC; 8.e.1.) Casey and Bertha Mikrut Trust; 8.f.5.) ATS, Ltd. C/O Robert Allen – Owner; 8.f.6.) Steve S. Walter; and 8.f.7.) JHGKL, LLC. Seconded by Sue Pruessing. Motion carried. 6-favor 0-oppose.

Sue Pruessing motioned to approve the April 28, 2020 CZA Meeting Minutes. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter

Disc Count #5:08:02 – 5:10:21

Subdivision Items – Old Business – None

Subdivision Items – New Business –

THIS ITEM NOT HEARD – Tabled at Request of Applicant.

- ~~1. **Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2 out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (e) of the Walworth County Subdivision Ordinance.**~~

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **ZIOTO Enterprises, LLC – George Paziopolis** Review of all uses on the property as per Condition #1 on conditional use permit issued June, 2019. Tax Parcel(s) B D 800005.

Staff presents request.

Attorney Tim Brovold appears via telephone and discusses plans moving forward.

Discussion regarding stock pile and reincorporation to the property. Atty. will discuss with the property owner.

Jerry Grant motioned to TABLE this matter to the June, 2020 CZA Meeting.

Seconded by Sue Pruessing. Motion carried. 6-favor 0-oppose.

Disc Count #5:10:39 – 5:17:05

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Kari Lanser, LLC – Owner, Section 13, Sugar Creek Township.** Amendment of an existing conditional use for outdoor food and beverage for a drive up coffee shop by relocation of the parking and through traffic area to provide room for a fireworks stand on the parent parcel. Part of Tax Parcel G SC1300006.

Amended 5/21/2020 see #1 and elimination of # 13-16 below:

NAME: Kari Lanser, LLC

TOWN: Sugar Creek

The property owner is seeking conditional use approval for Outdoor Food and Beverage consumption for a drive up coffee shop. The business would be served by existing parking and access along with an existing sanitation holding tank. There would be up to four employees. **Outside use would include outside seating area with outdoor food and beverage for the seating and drive up window service.**

Part of Tax Parcel G SC1300006.

Has been APPROVED subject to the following conditions:

General:

1. The Conditional Use for ~~use of a deck/patio and~~ drive up window for outdoor food and beverage consumption for a coffee shop is approved as per the plan submitted **and revised May 21st, 2020 changing the drive access route and eliminating all outdoor seating** 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 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 so as to be dust free. All parking for business on site must be in compliance with County requirements within 60 days of this approval.
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 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:

- ~~13. The outdoor seating area shall be use from May 1st to October 31st of each year. Hours of operation on the deck/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. The property owner shall obtain a sanitary system inspection prior to use of the holding tank as per the Town.

Dated this 21st day of February, 2019.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

Staff presents request.

Kari Lanser speaks via telephone regarding the application.

Jerry Grant motioned to Approve. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose.

Disc Count #5:17:04 – 5:20:25

TABLED – NO TOWN DECISION

- ~~2. Maple Lawn Estates, LLC – Owner, Matt Polyock – Applicant AMENDED CU to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin resulting in less than 25% of the size of existing structures approved by a conditional use. Part of Tax Parcel LL 3300003.~~

Meeting paused until 5:30 portion of meeting.

Rick Stacey joins the meeting at 5:30 p.m.

5:34 p.m. meeting recalled by Chair Stacey.

Ordinance Amendments – None

Rezones with Conditional Uses – None

Rezones –

TABLED – NO TOWN DECISION

- ~~1. Casey and Bertha Mikrut Trust C/O John Mikrut Trustee – Owner, Diane Cocroft – Applicant, Section 27, Geneva Township. Rezone approximately .256 acres of C-4 Shoreland Wetland District property to the R-2 Single Family Residential District in order to match the wetland boundary to delineated field conditions for the creation of a potentially buildable residential lot. Part of Tax Parcel JLCB-00299.~~

Conditional Uses –

5:35 P.M.:

- Graham Adsit and Carla Galler – Owners, Section 20, Troy Township. Conditional use review for allowing buildings (barns and sheds) to remain on a farm separation remnant for farm purposes. Tax Parcel L T 2000004B.**

General:

- Approved per plan submitted to leave buildings for farm use on a farm separation remnant with all additional conditions.
- Must meet all applicable Federal, State, County and local regulations.
- The applicant must obtain Township approval for access prior to construction on site.
- No further land divisions of the parcel will be allowed without proper County approvals.
- The buildings shall serve the stated agricultural purpose.
- 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.
- 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:

Staff presents request and indicates this is consistent with Farmland Preservation. Carla Galler speaks regarding the application.

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

Disc Count #5:38:23 – 5:42:15

5:40 P.M.:

2. **Gurshaib Shingh, Satinder Kaur, Etal – Owners, Freedom Fireworks, LLC – Applicant,** Section 12, Richmond Township. Conditional use review for addition of a fireworks trailer to an existing gas station and convenience store (Uncle Buck's) as a second principle use through approval of a Planned Unit Development (PUD). According to the Town the applicant would also request use of the trailer to sell Christmas trees during the holiday season. Tax parcel C R 1200004A.

General:

1. The Conditional Use for a PUD for an existing gas station and convenience store and fireworks sale business on a single tax parcel is approved as per the plan submitted with the following conditions.
2. This conditional use contains an overall umbrella approval for the PUD for the fireworks and gas station/convenience store on one parcel and an individual conditional use for each enterprise. Enforcement actions may be taken on the PUD as a whole or the conditional use approvals individually.
3. The County reserves the right to rescind this conditional use upon any violation of County regulations.
4. Any changes to the PUD that may affect this conditional use must obtain additional County conditional use review and approval.
5. Hours of operation of the fireworks stand shall be from 9:00 a.m. to 9:00 p.m.
6. Warehousing of fireworks on this site for sales at different locations is not allowed in the business zone district.
7. The fireworks stand shall not be used for overnight stays.
8. Use of the grounds shall be limited to the uses as stated in the plan of operations.
9. The project must meet with all State, Federal and local approvals.
10. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
11. Sufficient adult supervision must be present at all times when facilities are in use.
12. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
13. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
14. All lighting must be shielded and directed on to the property.
15. All parking must occur in the areas identified on the approved plan. 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. All parking must be graded and surfaced so as to be dust free. All parking for business on site must be in compliance with County requirements within 60 days of this approval.
16. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
17. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Richmond 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.
18. 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.
19. 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:

20. After the fact zoning permit approval must be obtained for the fireworks stand including paying the double fee.

**Staff presents request.
Dustin Hein speaks regarding the application.**

**Jerry Grant motioned to approve. Seconded by Dave Weber. Motion carried.
7-favor 0-oppose.**

Disc Count #5:42:19 – 5:48:15

5:45 P.M.:

3. **Frederick Enterprises, LLC – Owner, Austin Pier Services, Inc. – Applicant**, Section 16, Walworth Township. Conditional use review for the expansion of a contractor storage facility for a pier construction and maintenance business by greater than 25% of existing structures requiring conditional use approval as if establishing the business anew. Tax Parcels E W 1600010 and 16.

NAME: FREDERICK ENTERPRISES LLC

TOWN: WALWORTH

A conditional use permit to add additional storage and buildings to an existing pier business **and further approved 5/21/2020 for a cold storage building to store the company barges so they can be worked on during the winter months in addition to a second building to include an office, breakroom, restroom, parts room and a pier manufacturing space as per plan submitted and** as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands ~~proposed to be~~ zoned M-1 Industrial District, and described as follows:

Tax Parcel #'s E W 1600010 and E W 1600016

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

1. Approved per plans submitted for a pier construction business with contractor storage and two caretaker/watchman quarters **and further approved 5/21/2020 for a cold storage building to store the company barges so they can be worked on during the winter months in addition to a second building to include an office, breakroom, restroom, parts room and a pier manufacturing space** with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. The site shall meet all applicable Federal, State, County and local regulations.
4. The applicant must obtain all required zoning permit approvals including a sign permit.
5. No filling shall be allowed in any wetland areas.
6. No filling shall occur on site without proper permit approvals.
7. Access approval must be obtained from the State Department of Transportation.
8. 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.
9. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Friday and 6:00 a.m. to noon on Saturday with hours for return of equipment from off site until 9:00 p.m.
10. No burning shall be allowed on site without a State burning facility license and any required local approvals.

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. Use of the residences shall be limited to use by a caretaker/watchman and shall be removed from premises at the time they no longer needed in connection with the operation.
13. If the residences are no longer used for housing a caretaker/watchman, the applicant must notify the Walworth County Zoning Office.

Specific:

14. 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 required by ordinance.
15. There shall be no storage allowed between the proposed new building on tax parcel E W 1600010 and Hwy 14 as per the Town.
16. The property owner shall plant trees for screening and filtering as per the Town.

Dated this 12th day of January, 2010.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Staff presents request.

Tyler Frederick speaks regarding the application.

**Sue Pruessing motioned to approve. Seconded by Jim Van Dreser. Motion carried.
7-favor 0-oppose.**

Disc Count #5:48:19 – 5:54:49

5:50 P.M.:

4. **OCI-BP, LLC – Owner, Dean and Reta Odling – Applicants, Section 36, Delavan Township.** Conditional use review for placing a temporary office trailer and parking area in an M-3 zoned gravel pit for use in the gravel pit operations. Part of Tax Parcel F D 3600107.

General:

1. Approved per plan submitted for a temporary office to serve personnel of the gravel grip operations with all additional conditions.
2. The temporary office shall either be removed from the gravel pit during restoration or new zoning approval to a permanent zone district for the office shall be required.
3. Must meet all applicable Federal, State, County and local regulations.
4. The applicant must obtain Department of Transportation (DOT) approval for access prior to office construction on site.
5. No further land divisions of the parcel will be allowed without proper County approvals.
6. 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.
7. 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:

8. The property owner shall obtain approval of a revised stormwater management plan for the gravel pit as a whole including review and approval of control of stormwater increase from the office and parking area prior to zoning permit approval for the new office structure.
9. The temporary gravel pit office buildings shall serve the stated gravel pit operations as purpose and shall not be used as an office for any off-site contractor business without additional rezone and conditional use permit approval.
10. **Provide documentation of Town favorable recommendation or return to County Zoning Agency.**

Staff presents request.

Dean Odling speaks regarding the application. Paul Van Henkelum available for questions concerning Stormwater.

Dave Weber motioned to approve as amended for Town approval. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.

Disc Count #5:54:52 – 6:07:00

TO BE TABLED - NO TOWN DECISION

5. ~~ATS, Ltd. C/O Robert Allen – Owner, Section 25, Delavan Township. Conditional use review for recreational vehicle and boat storage by construction of a 90 ft. by 500 ft. storage building on land zoned B-4 Highway Business District. Tax Parcel FA139700001.~~

TO BE TABLED - NO TOWN DECISION

6. ~~Steve S. Walter – Owner, Section 21, Darien Township. Conditional use review for expansion of a slurry storage facility for industrial wastes to be applied to agricultural farmland in excess of 25% of the size of the existing approved facility requiring conditional use approval as if establishing the facilities anew. The expansion would double the size of the storage facilities on site by addition of a second 131 ft. diameter 28 ft. tall storage tank and a 68 ft. by 68 ft. dry bunker. The property of concern is located on the northeast side of Hwy 14 approximately 1900 feet northwest of the Interstate Hwy 43 overpass of Hwy 14 and is identified as part of Tax Parcel B-D-2100005A.~~

TABLED – RENOTICE REQUIRED DUE TO PLAN CHANGES/NO TOWN DECISION

7. ~~JHGKL, LLC – Owner, Jack Pease (Super Aggregates, LLC) – Applicant, Section 9, Sugar Creek Township. Expand an existing gravel pit by enlarging an existing approved pond by sand and gravel extraction from 12.3 acres at a maximum depth of 32 feet to 27 acres at a depth of 45 feet in excess of 25% of existing approval requiring conditional use approval as if establishing the use anew. The request also includes grading, excavation and stockpiling of materials in the 200 foot required excavation setback and 100 foot storage setback requiring additional variance and conditional use approvals and a request for a ten year time extension for the life of the extraction operations. Tax Parcels G-SC-900004 and 4A.~~

~~**Super Aggregates (operator), JHGKL, LLC – owner** has applied for a Nonmetallic Mining Reclamation Plan modification for a nonmetallic mining site. The mining site is located on Tax Key Parcels # G-SC-900004 and G-SC-900004A, Town of Sugar Creek. The Walworth County Land Conservation Division has determined the reclamation plan is complete and complies with the Walworth County Nonmetallic Mining Reclamation Ordinance, contained in Chapter 26, Article VI of the Walworth County Code of~~

~~Ordinances. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.~~

Adjournment

**Dave Weber motioned to adjourn. Seconded by Jerry Grant. Motion carried.
7-favor 0-oppose**

The meeting was adjourned at 6:07 p.m.

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