

# County Zoning Agency

## MINUTES

**June 20, 2019** – 4:30 p.m.

100 West Walworth Street

Elkhorn, Wisconsin

---

Committee Chair Tim Brellenthin called the meeting to order at 4:30 p.m.

Roll call – Committee members present were Supervisors Tim Brellenthin, Dave Weber, Rick Stacey, Susan Pruessing and Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Jerry Grant was absent/excused. A quorum was present.

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

A “sign-in” sheet listing attendees on June 20, 2019 is kept on file as a matter of record.

Details of the June 20, 2019 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us)

**Dave Weber motioned to approve the agenda as amended to table items 8.b.3.) Transformative Arts, Inc. - Owner; 8.d.1.) Karl Sawyer – Owner; and 8.e.2.) Markehl Development, LLC - Owner. Seconded by Rick Stacey. Motion carried. 7-favor 0-oppose.**

**Richard Kuhnke, Sr. motioned to approve the May 16, 2019 CZA Meeting minutes. Seconded by Rick Stacey. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter  
Disc Count #4:34:15 – 4:34:31

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **Yggdrasil Land Foundation – Owner, Jeff Johnson – Applicant**, Section 11, LaFayette Township. Conditional use to allow the operator of a farm under a farm lease to operate a Farm Family Business Wedding Barn from out of an existing pole barn on the farm. Part of Tax Parcel K LF1100005. (*Public Hearing held on April 18, 2019. Tabled from May 16, 2019 for a full committee vote*).

General:

1. Approved as per plan submitted for use of an existing barn and ancillary outdoor use for seasonal rental for family events (weddings, baby showers, anniversaries, family reunions, and similar family related events) as a Farm Family Business Wedding Barn with all additional conditions.

2. The Farm Family Business Wedding Barn in the A-1 and A-2 zoning district is limited to a use that is conducted by the owner or operator of a farm that requires no buildings, structure or improvements other than the existing barn on the farm, is limited to two non-farm family employees and does not impair or limit the current or future agricultural use of the farm or of other protected farmland. Caterers and band members shall not be considered employees of the farm family business wedding barn if hired by the family renting the barn.
3. Farm Family Business wedding barn events shall be limited to 12 per year. The property owner shall keep of log of all family events held in the barn including the name of the family, purposes of the gathering, dates, times and total capacity proposed. The property owners shall make the log available to the Town and or County upon request. This conditional use approval is subject to annual review.
4. The site must meet all applicable Federal, State, County and local regulations.
5. Rental of the family event barn shall be by appointment only.
6. The barn must have been in existence on site as an agricultural structure five years prior to the request to use the barn for family events.
7. The structural design of the barn shall remain as a barn or (as it existed as a barn) with the exception of electrical, plumbing and ADA requirements necessary to meet the commercial building code. There shall be no furnaces, air conditioning or kitchens etc. installed in the barn.
8. The capacity of the wedding barn shall be no greater than that allowed by the State Commercial Building Code/Fire Code including caterers, band employees, and staff.
9. The property owner shall provide a copy of the commercial building permit and fire code permit approval from the appropriate building inspector/fire inspector for the County file prior to use of the barn for approved events. Bathrooms: No more than 2 bathroom stalls in a building. Portable toilets shall be provided for additional service and a pumping contract shall be provided to the county to assure maintenance and removal at the end of the season.
10. All food and beverages shall be brought on site by the family renting the barn for the specific family event or by a caterer hired by the family renting the barn.
11. No permanent liquor license shall be applied for or issued for the premises under this approval as a farm family business. The wedding barn shall not become a bar/tavern.
12. Alcoholic beverages sold on site must be purchased from and dispensed by a licensed provider. All alcoholic beverages sold on site must be served by a certified bartender in compliance with all laws and regulations established by appropriate governmental units including no service to underage or intoxicated guests.
13. No retail sales other than beverages during an event shall be allowed on site.
14. There shall be a detailed approved site plan identifying outdoor areas used for a farm family business wedding barn use such as but not limited to outside cooking, bonfires, outdoor music, party tents, the parking area and portable toilets if provided.
15. Outdoor bonfires shall be in an acceptable location within a fire ring as specified on the site plan.
16. There shall be no fireworks or firework displays launched from the Farm Family Business wedding barn during events.
17. Event hours shall be from Friday and Saturday from 9:00 a.m. to 12:00 a.m. (midnight) and Sundays 9:00 a.m. to 6:00 p.m. during the months of May, June, July, August, September and October.
18. Garbage shall be removed from the property on the Monday after the event, at the latest.
19. Parking shall be made available on site during the use of the wedding barn for family events. There shall be no parking on the public or private streets. Exclusive (non-burdened) access to the parking area must be provided. All parking shall meet the size, setback and separation distances of the County Zoning Ordinance. All parking must be graded and surfaced so as to be dust free. All parking must occur in the areas identified on the approved plan. All parking shall be marked on site by post and rope marking at a minimum.
20. Adult supervision must be present at all times when facilities are in use.
21. The property owner shall be responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.

22. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site. Signage is limited to one sign per parcel and does not exceed nine square feet in area, is located at least five feet from the road right-of-way, at least ten feet from a side property line and shall not exceed six feet in height and shall be located at least 50 feet from any intersection.
23. All lighting must be shielded and directed on to the property and extinguished at the close of each day's event.
24. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
25. Any changes in the proposed use of the property shall require additional Town and County approvals including potential need for a rezone review and new decision to a zone district that allows public assembly prior to continued operations. A rezone and conditional use approval will be required for any proposal to expand the facilities beyond the use of existing barn and designated outside area.
26. This conditional use or a farm family business wedding barn shall be subject to an annual staff zoning review for compliance with zoning issues subject to an annual \$100 zoning request review fee.
27. There shall be no more than four pets allowed on site at any time without approval for a kennel from the Town and County.
28. The conditional use only applies to the use of the barn and outside area. There shall be no wedding barn use of the house.
29. 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.
30. 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.
31. The owner of the property shall release, indemnify and hold harmless Walworth County and its 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 as a result of exercising this approval.

Specific:

**Staff provides reviews of presentation of drone footage and motion from May 16 CZA meeting and action to table for full committee vote.**

**Dave Weber motions to approve. Seconded by Rick Stacey. Motion carried. 4-favor 3-oppose (Susan Pruessing, Richard Kuhnke, Sr. and Jim Van Dreser voting in opposition.)**

Disc Count #4:34:37 – 4:34:47

2. **Birds Eye Foods:** Offensive Environmental Odors in the Darien Community Review, Tax Parcel B D 2800007/BA412100001, Darien Township – Michael Cotter

**Presentation of item by Michael Cotter. Item is returned for review from September 2018 CZA Meeting. Complaints received total 1-Sep '18, 1-Oct'18, 1-Apr '19 and 2-Jun '19. Three options are presented to Revoke, Place matter on file or continue the matter to a later date to monitor.**

**Kip Guyan/Supervisor at Birds Eye presents information to the Committee. Discussion is had by the committee regarding improvements.**

**Jim Van Dreser moves to bring this matter back in June 2020 for another review and further monitor. Seconded by Susan Pruessing. Motion carried.**  
**7-favor 0-oppose**

**No action needed.**  
Disc Count #4:35:48 – 4:56:05

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Catherine Duesterbeck – Owner, Benjamin Johnson - Applicant**, Section 29, Sugar Creek Township. Request for Amendment of microbrewery for expansion of the hours of operation for beer production and the tasting room. Tax Parcel G SC2900004.

Amended 6/20/2019 for new hours of operation for brewing 7:00 a.m. to 7:00 p.m. seven days a week and hours of operation of the tap (tasting) room 11:00 a.m. to 10:00 p.m. seven days a week. See # 14  
Amended 10/18/2018 for restroom and breeze way addition (See #1).

NAME: Catherine Duesterbeck – Owner  
(Benjamin Johnson – Applicant)

TOWN: Sugar Creek

The Property owner is requesting to rezone approximately .782 acres or 34,062 sq. ft. of A-1 Prime Agricultural zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a micro-brewery with a tasting room. The brewery would consist of one building (approx. 40' X 80') **with a 430 sq. ft. restroom and breeze way addition added by CU Amendment** replacing four existing buildings in the proposed A-4 area. The four existing buildings would be razed to make room for the new structure. The process of brewing beer will generally take place between the hours of 7 a.m. and ~~6:00~~ **7:00** p.m. ~~Mondays through Fridays~~ **seven days a week**. The hours of operation of the tasting room will generally take place between ~~4:00 p.m.~~ **11:00 a.m. and to** 10:00 p.m. ~~Tuesdays through Saturdays~~ **seven days a week**. The application indicates the brewery would produce 900 barrels of beer a year in the first year from a ten barrel system. The system would be considered micro due to time constraints it would never be capable of brewing more than 2000 barrels of beer in a year. There would be up to six employees. The brewery would create mostly organic waste. Solid waste can be truck to farms and be used as feed and the liquid waste once (ph) neutralized can be but through a septic system designed for the facility. The facility would have its own well for water and would be run on propane with a 1000 gallon tank and have 3 phase 400 amp electric. The tasting room would be a small area of 1080 sq. ft. with 500 sq. ft. of outside area. The site plan would allow for the required parking for the tasting room and outside area as retail sales area and temporary parking spaces would be made available for use for beer festivals or special events. The application proposes one summer and one fall festival or event. The parking lot and stalls would allow for up to 140 people on site at one time. The application requests a sign code modification to allow a 12 ft. by 4 ft. sign. The project would take about one year to complete and it takes about eight months to obtain the federal government license to brew beer.

Parts of Tax Parcel G SC2900004

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

General:

1. The Conditional Use for a micro-brewery with outdoor beverage consumption as part of the approved detailed retail sale plan is approved as per the plan submitted **and amended 10/18/2018 and date stamped received by LURM 10/04/2018** for a mixed use 40 ft. X 80 ft. building to contain 1080 sq. ft. tap (tasting) room, **430 sq. foot addition for expanded restrooms and a breeze way** with 500 sq. ft. of outdoor area and the remainder of the building to be used for production space for brewing of beer.
2. Beer production as a micro-brewery shall be set at a maximum ten barrel production facility with a capacity of up to 2000 barrels of beer per year.

3. Use of the grounds shall be limited to the uses as stated in the plan of operations.
4. The project must meet with all State, Federal and local regulations and approvals.
5. The applicant must obtain all required County Zoning permits including sanitation approvals and a sign permit for any proposed signage.
6. Sufficient adult supervision must be present at all times when facilities are in use.
7. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
8. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
9. All lighting must be shielded and directed on to the property.
10. All parking must occur in the areas identified on the approved 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.
11. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
12. 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.
13. 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:

14. Hours of operation for brewing beer shall be 7:00 a.m. ~~and 6:00~~ **to 7:00 p.m. seven days a week Mondays through Fridays.** The hours of operation of the tap (tasting) room shall be ~~4:00 p.m.~~ **11:00 a.m. to 10:00 p.m. seven days a week Tuesdays through Saturdays.**
15. All outdoor seating and beverage consumption must be within the A-4 zoned area as specified on the approved site plan.
16. The patio must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
17. This approval allows for a maximum of six beer festivals with no more than 140 people in attendance.
18. The conditional use approval includes modification of the sign code to allow a 12 ft. by 4 ft. sign with zoning permit approval.
19. Any alcohol served shall be limited to products produced on site unless otherwise approved by the committee. Any service of alcohol shall be for tasting, promotional, and/or educational purposes and such activity must be discernible from a bar or tavern. The committee may consider limited quantities served, site design, or other operational methods to make such a distinction. Any retail sales of ancillary items are subject to a detailed list of those items approved by the Committee. All outdoor activities are subject to Committee review and approval.

Dated this 16<sup>th</sup> day of November, 2017.

\_\_\_\_\_  
COUNTY ZONING AGENCY  
TIM BRELLENTHIN, CHAIRMAN

Dated this 18<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
COUNTY ZONING AGENCY  
TIM BRELLENTHIN, CHAIRMAN

cc: Benjamin Johnson, W8371 Springwood Lane, Delavan, WI 53115  
Town of Sugar Creek, David Duwe, Chairman, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121  
Town of Sugar Creek, Diane Boyd, Clerk, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121

**Staff discusses requested amendment.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Rick Stacey. Motion carried. 7-favor 0-oppose.**

Disc Count #4:56:15 – 4:48:08

2. **John S. and Frieda R. Berget – Owners**, Section 25, Delavan Township. Amendment of a conditional use permit to allow revision of condition #18 from a required CSM to a lot line adjustment approval. Tax Parcels FA329900001A and 2.

**Amended June 20, 2019 for lot line adjustment requirement (see #18).**

NAME: John S. and Frieda R. Berget

TOWN: Delavan

The property owner is requesting conditional use permit approval for construction of two buildings to be used for off season storage and mini-warehouse storage facilities. The application states the project is for warehousing for the owner and or rental as mini-warehouse storage. The two parcels involved would be combined to eliminate the lot line between them. A stormwater basin is proposed on the west of the property to serve the new buildings.

Tax Parcel #FA329900001A and FA329900002

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for mini-warehouse storage facilities with all additional conditions.
2. 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.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
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 and approvals for any proposed fencing.
7. 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, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
8. No burning of waste materials shall occur on site.
9. The applicant must obtain the required Town, County and/or State Highway approval for the access.
10. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
11. 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 so as 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.

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 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:

15. The construction of storage buildings shall be phased. The requirements of the stormwater implementation plan shall be followed with regard to the phased construction of the buildings.
16. The property owner must provide WI DOT approval for the access to the site.
17. There shall be no outside storage on site.
18. The property owner must obtain ~~C.S.M.~~ **lot line adjustment** approval for combining and changing the lots affected by the project.
19. **All requirements for installation of the stormwater basin under wet conditions shall be followed.**

Dated this 15<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
COUNTY ZONING AGENCY  
TIM BRELLENTHIN, CHAIRMAN

cc: Greg Diedzic, Pinno Buildings, W8856 County Road T, Rosendale, WI 54974  
Town of Delavan, Ryan Simons, Chairman, 5621 Town Hall Road, Delavan, WI 53115  
Town of Delavan, Dixie Bernstein, Clerk, 5621 Town Hall Road, Delavan, WI 53115

**Staff discusses requested amendment.**

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

Disc Count #4:58:12 – 5:00:30

**THIS ITEM NOT HEARD – No Town Decision**

- ~~3. **Transformative Arts, Inc. – Owner, Section 36, Delavan Township. Amend of a conditional use for the Belfrey Theater to allow addition of an employee break room, merchandise sales area and coat check area being less than 25% of the approved existing building size qualifying for amendment review. Tax Parcel F D 3600001.**~~

**Public Hearing: 5:30 p.m.**

**Ordinance Amendments** – None

**Rezones with Conditional Uses** –

**THIS ITEM NOT HEARD-Incomplete application-no Preliminary Stormwater Review**

1. ~~Karl Sawyer – Owner, Section 16, East Troy Township. The property owner is requesting to rezone approximately 9.85 acres of R-1 Single Family Residential (unsewered) property to the B-4 Highway Business District in addition to rezoning small areas of A-1 Prime Agricultural, B-4, and C-1 and C-4 shoreland and non-shoreland wetland areas to match wetland boundaries to delineated field conditions and correct zone boundaries to lot lines in order to obtain conditional use approval for a mini-warehouse storage facility. Parts of Tax Parcels P-ET1600001 and 6B.~~
2. **Teresa and Christopher Esser – Owners, Section 23, LaGrange Township. Rezone approximately 4.68 acres of A-2 Agricultural and B-1 Local Business District property to the B-4 Highway Business District to obtain a conditional uses for public assembly, outdoor food and beverage for an event venue and a residence outside a principle business structure. Part of Tax Parcel H LG2300009A.**

General:

1. Approved as per plan submitted for event use of an existing barn and ancillary outdoor use within the designated B-4 Highway Business District for public assembly events, outdoor food and beverage, a residence outside of the principle business structure and two on premise ground signs as specified with all additional conditions.
2. The property owner shall keep of log of all events held in the barn including the name of the family or group, purposes of the gathering, dates, times and total capacity proposed. The property owners shall make the log available to the Town and or County upon request.
3. The site must meet all applicable Federal, State, County and local regulations.
4. Rental of the barn and grounds shall be by appointment only.
5. The structural design of the barn must meet the electrical, plumbing and ADA requirements of the commercial building code. The site shall not be served by portable toilets.
6. The capacity of the event barn shall be no greater than that allowed by the State Commercial Building Code/Fire Code including caterers, band employees, and staff.
7. The property owner shall provide a copy of the commercial building permit and fire code permit approval from the appropriate building inspector/fire inspector for the County file prior to use of the barn for approved events.
8. All food and beverages shall be brought on site by the family renting the barn for the specific family event or by a caterer hired by the family renting the barn.
9. No permanent liquor license shall be applied for or issued for the premises under this approval. The event barn shall not become a bar/tavern.
10. There shall be no outside music, outside musical performances and or outside announcement speakers on the property.
11. Alcoholic beverages sold on site must be purchased from and dispensed by a licensed provider. All alcoholic beverages sold on site must be served by a certified bartender in compliance with all laws and regulations established by appropriate governmental units including no service to underage or intoxicated guests.
12. There shall be a detailed approved site plan identifying outdoor areas used for the public assembly event barn including but not limited to outside cooking, bonfires, party tents, and parking area.
13. Outdoor bonfires shall be in an acceptable location within a fire ring as specified on the site plan.
14. There shall be no fireworks or firework displays launched from the property.
15. Hours of operation shall be 9:00 a.m. to 12:00 a.m. (midnight).



16. Garbage shall be removed from the property by the day after all events.
17. Parking shall be made available on site during the use of the event venue. There shall be no parking on the public or private streets. Exclusive (non-burdened) access to the parking area must be provided. All parking shall meet the size, setback and separation distances of the County Zoning Ordinance. All parking must be graded and surfaced so as to be dust free. All parking must occur in the areas identified on the approved plan. All parking shall be marked on site by bumpers at a minimum.
18. Adult supervision must be present at all times when facilities are in use.
19. The property owner shall be responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
20. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site. Signage is limited to two on premise ground signs meeting the sizes presented in the application narrative and shall be located at least five feet from the road right-of-way, at least ten feet from a side property line and be located at least 50 feet from any intersection.
21. All lighting must be shielded and directed on to the property and extinguished at the close of each day's event.
22. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
23. Any changes in the proposed use of the property shall require additional Town and County approvals.
24. There shall be no more than four pets allowed on site at any time without approval for a kennel from the Town and County.
25. The conditional use only applies to the use of the barn and outside area. There shall be no event use of the house.
26. There shall be no adult entertainment activities allowed on site.
27. 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.
28. 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.
29. The owner of the property shall release, indemnify and hold harmless Walworth County and its 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 as a result of exercising this approval.

Specific:

30. **Modification of the sign code is approved for two on premise ground signs, one 3'x3' and the second 24"x42", meeting all other code requirements.**

**Staff presents request and indicates this is consistent with Farmland Preservation.  
Chris and Teresa Esser speak regarding the application.  
Dave Weber motioned to approve. Seconded by Rick Stacey. Motion carried.  
7-favor 0-oppose.**

The rezone petition will move forward to the July 9, 2019, Walworth County Board for possible action.

Disc Count #5:36:30 – 5:42:16

31. **William S. Cribben– Owner, Daniel and Karen Cribben – Applicants, Section 24, Darien Township. Rezone approximately 1.1 acres of A-3 Agricultural Holding District property to**

the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a contractor storage yard and caretaker's residence in a proposed pole building for a soil testing business. Part of Tax Parcel BA450600002.

General:

1. Approved per plans submitted for a contractor storage facility for a soil testing business with indoor storage for the business and a caretaker's quarters with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. No general public sales allowed from the indoor and outdoor contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the contractor storage facilities.
4. The site shall meet all applicable Federal, State, County and local regulations.
5. The applicant must obtain all required zoning permits.
6. No filling shall be allowed in any wetland areas.
7. No filling shall occur on site without a site grading plan and proper permit approval.
8. All areas shall be kept neat, clean and mowed.
9. All outside lighting shall be shielded and directed on site.
10. All fuel storage shall be located within a State approved containment facility.
11. Access approval must be obtained from the Wisconsin Department of Transportation and the Walworth County Highway Department as required and be submitted for the conditional use file prior to operation on site.
12. 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 so as 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.
13. 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.
14. The building contractor storage facilities hours of operation shall be from 6:00 a.m. to 6:00 p.m. with hours for return of equipment from off site until 9:00 p.m.
15. No burning shall be allowed on site without a State burning facility license and any required local approval with submittal of approvals to the County for the conditional use file.
16. 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.
17. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Sugar Creek 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. 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 caretaker's dwelling shall be removed from the pole building if a single family residence is built on the property.

**Dan Cribben 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 July 9, 2019, Walworth County Board for possible action.

Disc Count #5:42:22 – 5:47:35

### Rezones –

1. **ETRE Holdings, LLC C/O Paul Smyczek (member) – Owner**, Section 7, East Troy Township. Rezone approximately 25.33 acres of A-2 Agricultural zoned property to the C-2 Upland Resource Conservation District in order to divide the parcel into three lots. Tax Parcel P ET 700002D.

**Paul Smyczek speaks regarding the application.**

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

The rezone petition will move forward to the July 9, 2019, Walworth County Board for possible action.

Disc Count #5:47:37 – 5:50:19

### THIS ITEM NOT HEARD – No Town Decision

2. ~~**Markehl Development, LLC – Owner, James S. Markehl – Applicant**, Section 25, Troy Township. Rezone approximately 2.53 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District area of a dual zoned A-4 and R-1 zoned property to the R-1 Single Family Residential District (unsewered) in order to create a 4.52 acre R-1 zoned lot. Identified as the A-4 portion of Tax Parcel LHC 00001.~~
3. **Ronald E. English III and Janeen Jaskowiak - Owners**, Section 18, East Troy Township. Rezone adjacent lots from the C-4 Shoreland Wetland District to the R-1 Single Family Residential District (unsewered) to match Department of Natural Resources delineated field conditions. Tax Parcels P ET1800027 (English) and P ET1800028 (Jaskowiak).

**Ronald English speaks regarding the application.**

**Rick Stacey motioned to approve. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

The rezone petition will move forward to the July 9, 2019, Walworth County Board for possible action.

Disc Count #5:50:24 – 5:52:52

**Conditional Uses –**

1. **Zioto Enterprises LLC – Owner, George Paziopolis – Applicant, Section 8, Darien Township. Conditional use approvals for outside storage and sales of portable barn and sheds by Country Barns and temporary use for sales of firework from out of the inside of a truck. Part of Tax Parcel B D 800005.**

General:

1. Approved for ~~six years~~ **one (1) year** as per plan submitted for outside storage allowing a seasonal fireworks stand and sheds to be stored on site for sale. **The property owner shall apply for and return to the County Zoning Agency for a full plan review of all uses on the property in May, 2019 2020.**
2. All materials and parking of any nature will be as reflected in the Site Plan.
3. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management Permit from the County prior to any land disturbance activities taking place on the site.
4. All access to the site must be made as identified in the approved plan.
5. The applicant shall meet all applicable federal, state, and local regulations.
6. The applicant shall obtain all necessary permits for any temporary sanitary facilities and signs.
7. Storage-related activities, including parking, shall not occur within 25 feet of the right-of-way or within the required vision triangle.
8. With the exception of the shed display area and fireworks stand, no other uses shall be allowed on the site in conjunction with this approved temporary use. There shall be no other use of the premises during the term of the CUP without additional County approval.
9. Materials stored on site are limited to parking, a firework stand and the sheds for sale as per plan submitted.
10. Mini-storage sheds may be located on the premises for sale as reflected on the approved plan for six years starting on the date of this approval provided the applicant complies with all of the necessary conditions as itemized and the applicant provides the name contact phone number of the designated lessee displaying the sheds.
11. Hours of operation of the fireworks stand shall be from 9:00 a.m. to 9:00 p.m.
12. The fireworks shall be sold inside of an 8 ft. by 40 ft. shipping container as per the plan submitted.
13. The ~~shipping container~~ **Truck** and sales of fireworks shall be allowed on site for ~~six years~~ **one (1) year** starting on June 1<sup>st</sup> and must be removed from the site by July 15<sup>th</sup> of 2018. ~~Each of the six approved years starting June 1<sup>st</sup>, 2018 through July 15<sup>th</sup>, 2023.~~
14. No permanent buildings shall be allowed on site as part of this approval.
15. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific:

16. There shall be no contractor storage yard and related activities such as fabrication, painting, welding, washing of materials or equipment, cutting, milling, chipping, sorting etc. allowed on site.
17. Failure to make the required contact with the County and or provide the required information for review prior to use of the site shall result in County citation and/or enforcement.
18. The topsoil pile located on site shall ~~remain for use in final restoration of the property.~~ **be spread on the site.**
19. No topsoil, fill or other earthen materials may be mined and/or removed from the site.

20. No earthen materials, debris and or spoils may be disposed of on site.
21. All area utilized for temporary storage shall be covered by gravel prior to use.
22. The fireworks stand and or sheds shall not be used for overnight stays.
23. There shall be no more than 12 sheds stored on site for sale as per the Town

**George Paziotoplous speaks regarding the application. Jim Van Dreser questions plans for the property. Sue Pruessing indicates applicant was to have a full plan review, DOT plans. Applicant spoke with DOT regarding closures of Hwy 14 and Hwy 11. Hwy 11 is supposed to be closed next year for stop lights. He received no further information. Property is for sale/lease, possibly for the gas station or restaurant. Applicant believes something should happen soon. The property has been improved with gravel, culverts, etc. Explanation is given regarding returning in May 2020 with plans for the property.**

**Jim Van Dreser motioned to approve as presented for 1 year and amended paragraph 18. Seconded by Rick Stacey. Motion carried. 7-favor 0-oppose.**  
Disc Count #5:52:55 – 6:10:32

### **Adjournment**

**Rick Stacey motioned to adjourn. Seconded by Dave Weber. Motion carried.  
7-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.