

County Zoning Agency
MINUTES
September 17, 2020 – 5:00 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 5:01 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Susan Pruessing, Ryan Simons and Citizen Members Richard Kuhnke, Sr. Appearing via telephone was Supervisor Jerry Grant and Citizen Member Jim Van Dreser. 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 September 17, 2020 was not presented due to the continued COVID-19 threat.

Details of the September 17, 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

Dave Weber motioned to approve the agenda as amended to table item 8.d.1.) Michael Fields Agricultural Institute Inc. – Owner; 8.f.5.) Alex and Helen Wasyliw – Owners, S&P Premier Investments & Greg Dziejic of Pinno Buildings – Applicants; 8.f.4.) Jack Shaffer – Owner; and 8.f.5.) Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss – Owner. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the August 20, 2020 CZA Meeting Minutes. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Disc Count #5:06:34 – 5:06:51

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **Short Term Rental Fees** – Shannon Haydin

Shannon Haydin summarizes Finance changes to fees indicating new application cost at \$500.00; Renewal application cost at \$200.00

Disc Count #5:07:04 – 5:08:28

Hearing held in June, 2020 = Decision only

2. **JHGKL, c/o Helga Wantschik – Owner, Jack Pease of Super Aggregates – Applicant, Section 9, Sugar Creek Township.** Conditional use approval for expansion of a non-metallic mineral extraction site (gravel pit) by greater than 25% requiring conditional use approval as if establishing the project anew along with a requested 10-year time extension for operation within the gravel pit. The request is to enlarge a pond within the gravel pit from 12.3 acres 32 feet deep to 27 acres 45 feet deep requiring variances from exterior setbacks from the Walworth County Board of Adjustment. Part of Tax Parcels G SC 900004 and 4A.

Staff presents outcome of BOA decision. Staff presents options for motions including option no. 3 to have the property owner / applicant withdraw the site plan for the current application and pay a re-notice fee for a new public hearing. The owner / applicant shall then submit a new revised plan, meeting all required setback requirements to the extent practicable as determined by LURM. Statement by JHGKL/Jack Pease regarding options presented. JHGKL would like to present a new plan.

Ryan Simons motioned to have applicant follow option no. 3 as presented by staff. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.
Disc Count #5:08:33 – 5:19:49

3. **JMO Properties, LTD – Owner, Section 35, Walworth Township.** Amendment of a conditional use for Farm Family Business for recreational vehicle and boat storage, contractor storage with office and a caretaker’s residence by elimination of the caretaker’s residence by replacement with a full single family residence for the parcel and relocation of the office to the location of the eliminated caretaker’s residence. Part of Tax Parcel EA271100001
Amend 9/17/2020 to eliminate caretaker’s residence replacing it with SFR principle use and relocate office as per plan submitted (see #1, 13)

NAME: JMO PROPERTIES, INC. (JOHN M. O’NEILL, APP.)

TOWN: WALWORTH

A conditional use permit for contractor storage and recreational vehicle and boat storage as a farm family business in existing farm buildings as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-1 Prime Agricultural Land District, and described as follows:

Tax Parcel #EA271100001

Has been APPROVED after the appropriate findings were made as required by State Farmland Preservation Program s91.75(5) and subject to the following conditions:

1. Approved as per plan submitted and amended 9/17/2020 for use of existing farm building for a farm family business including and limited to indoor recreational vehicle and boat storage, indoor contractor storage, and office ~~and a caretaker’s residence for monitoring the storage~~ with all additional conditions.
2. Any changes in the proposed use of the property will require additional County approvals.
3. The site must meet all applicable Federal, State, County and local regulations.
4. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site.

5. A rezone and conditional use approval will be required for any proposal to expand the business beyond the use of existing buildings on site.
6. The business is limited to two non-farm family employees.
7. 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.
8. The property shall be kept neat, clean and mowed.
9. All lighting shall be shielded and directed on site.
10. 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:

11. 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.
12. All equipment and boats stored on site must be in the existing farm buildings as identified on the plan of operations.
13. **The boat storage, office and contractor storage shall be used/conducted by the farm family living on site and no more than two non-farm family member employees.**

Findings: Use of the buildings for a farm family business would be allowable and consistent with the farmland preservation statutes.

Dated this 15th day of July, 2010.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Staff presents request. Acreage is clarified (5 acres).

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

Disc Count #5:19:51 – 5:24:49

New Business - Ordinance Amendments – None

New Business – Discussion Items – None

5:39 p.m. meeting continues to public hearings.

Ordinance Amendments – None

Rezones with Conditional Uses –

TABLED – NEED VARIANCE / INCOMPLETE SITE PLAN

1. ~~Michael Fields Agricultural Institute Inc. — Owner, Section 30, East Troy Township. Rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property~~

~~on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses and retail uses on site including use by a church. P-2 portion of Tax Parcel PA120200001.~~

Rezones – None

Conditional Uses –

5:40 p.m.

1. **Maple Lawn Estates, LLC – Owner, Zenda Rail, LLC C/O Allen Polyock – Applicant**, Section 33, Linn Township. Conditional use permit review for the installation of new 156 diameter grain storage bin that will be capable of holding 1.4 million bushels of grain, relocation of an existing 15 ft. by 30 ft. block building and to expand an approved 27 ft. diameter storage bin to a 48 ft. diameter bin all as part of an existing grain storage facility as per plan submitted. A-4 portion of Tax Parcel I L 3300003.

Amended 9-17-20 for expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building. Amended for additional leg elevator and dump pit 3-20-2014

NAME: Maple Lawn Estates, LLC c/o Allen, Gail,– Owners, Zenda Rail, LLC C/O Jake Polyock - Applicant

~~Gordon Polyock Family Trust / Jeanette H Polyock Trust~~

TOWN: Linn

AMENDED Conditional Use 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 and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.

~~The application indicates: An amendment of the existing conditional use is proposed for the addition of a leg elevator and dump pit to serve existing approved grain silos. The elevator and dump pit will improve grain routing between the storage silos.~~

Tax Parcel(s) I L3300003

Has been APPROVED subject to the following conditions:

General:

1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin and a dual zoned driveway as recommended by the Town **and amended as per plan submitted March 14, 2013 to allow the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower and amended March 20, 2014 for an additional leg elevator and dump pit and further amended September 17th, 2020 to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building as per plan submitted** as a grain elevator facility with all additional conditions.
2. Must meet all 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 a sign permit.
5. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.
6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.

~~7. The applicant must submit a road access and maintenance agreements with the governing municipality prior to hauling to the site.~~

8. 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 for trucks arriving prior to operation hours shall be located as identified on the approved plan of operations.
9. 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, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
10. Implementation of dust and noise control measures shall occur at all times on site.
11. Any additional Office/trailer or structures shall obtain conditional use approval and an approved zoning and sanitary permit.
12. No general public sales allowed on premises.
13. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
14. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.
15. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
16. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
17. 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.

Specific conditions:

18. Grain elevators must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust systems shall meet all requirements of the State and Federal code including hours of operation and noise.
19. 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.
20. The property owner must provide a copy of the easement crossing the neighboring property for the railroad spur for the conditional use file prior to this conditional use being valid.
21. The property owner must provide a copy of the agreement with the railroad company providing for the installation and use of the railroad spur for the conditional use file.
- ~~22. Construction on the new approval on September 17, 2020 shall not start without an approved road maintenance agreement with the Town as per the Town.~~

Dated this 18th of April, 2013.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 20th day of March, 2014.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Staff presents request.

Atty Nick Egert representing Zenda Rail speaks regarding the application. Jake Polyock speaks regarding application and town meetings. Applicant reads letter from Farm City Elevator, Inc.

Speaking in FAVOR: Christine Jones, Kathy Leith, Allen Polyock, Matt Polyock.

Sue Pruessing motioned to approve removing condition #22 and amending to include striking #7. Seconded by Richard Kuhnke, Sr. Discussion by the Committee

concerning former and current storage amounts. Motion carried. 7-favor 0-oppose.

Disc Count #5:43:10 – 6:15:23

TABLED – INCOMPLETE SITE PLAN

2. ~~Alex and Helen Wasyliv – Owners, S&P Premier Investments & Greg Dziedzie of Pinno Buildings – Applicants, Section 23, Delavan Township. Conditional use review and approval for a Planned Unit Development for office space, retail and off season mini-warehouse storage facilities on lands zoned B-2 General Business District. Tax Parcel FA186700001.~~

6:15 p.m.

3. **Caryn and Alan Hayden – Owners, Section 11, Sugar Creek Township.** Conditional use permit review and approval for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service including routers, switches, servers and battery backup systems for Edge Broadband on lands zoned A-2 Agricultural. Part of Tax Parcel G SC11000091C.

General:

1. Approved as per plan submitted for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service equipment including routers, switches, servers and battery backup systems with all additional conditions as added.
2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).
3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
4. Construction related activities are only allowed on site between sunrises to sunsets.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.
10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
11. The pre-existing contours of all floodplain areas affected by the utility installation must be adequately matched during restoration so as to meet the requirements of the County shoreland/floodplain regulations.
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.
14. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.

15. 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 presents request.
Brian Madl speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.
Disc Count # 6:15:52 – 6:19:38**

TABLED – NO TOWN DECISION

4. ~~Jack Shaffer — Owner, Section 36, East Troy Township. Conditional use review and approval for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils berms. Part of Tax Parcel P-ET3600007.~~

TABLED – NEED WETLAND DELINEATION / INCOMPLETE SITE PLAN DRAINAGE ISSUES

5. ~~Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss — Owner, Section 7, Darien Township. Conditional use review and approval to allow Payne & Dolan, Inc. to conduct nonmetallic mining for sand and gravel along with earthmoving, crushing, washing, sorting, sizing stockpiling, transporting and reclamation on the site. Operations are also proposed to conduct intermittent use of a portable hot mix asphalt plant and temporary concrete plant and associated trucking and loading of asphalt and concrete products from the site. Tax Parcel B-D-700003.~~

Nonmetallic Mining Reclamation Permit

~~Payne & Dolan, operator, (Daniel Boss Trust — owner), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a new non-metallic mining site covering 29.74 acres. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel B-D-700003, Town of Darien. 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 Ryan Simons. Motion carried.
7-favor 0-oppose**

The meeting was adjourned at 6:19 p.m.