

**County Zoning Agency**  
MINUTES  
**January 20, 2022 – 4:30 P.M.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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Committee Chair Rick Stacey called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Sue Pruessing, Ryan Simons, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Jerry Grant appeared via phone. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, 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 January 20, 2022 was not presented due to the continued COVID-19 threat.

Details of the January 20, 2022 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website:  
[www.co.walworth.wi.us](http://www.co.walworth.wi.us)

**Dave Weber motioned to approve the agenda as amended to table item 10.d.2) Christian League for the Handicapped, Inc. dba Inspiration Ministries. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose**

**Dave Weber motioned to amend and approve the December 16, 2021 CZA Meeting Minutes removing “and Josie Hanrahan controlling telephonic appearances.” Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement  
Disc Count # 4:32:53 – 4:35:11

Court Cases Update – Delavan Lake Sanitary District / View Crest  
Staff provides update on current status and notice of appeal, and potential resolution. Discussion by the Committee regarding what was done and what to do now.  
No action is taken.  
Disc Count # 4:35:20 – 4:47:56

Wendeberg Violation Update – Michael Cotter  
Staff indicates contract has been extended for completion. No further update.  
Disc Count # 4:47:56 – 4:48:42

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments –

1. Possible ordinance amendment regarding food trucks – Matt Weidensee

**Staff discusses responses from Township that were received from East Troy, Bloomfield, Walworth and Richmond. Options are presented from Staff. Committee discusses different options regarding numbers of food trucks allowed, hours, time limits.**

**Ryan Simons moves to have this item put into ordinance form with the density added for residential and B-1 added to the zones. Last item on page 27 – NO outside cooking items - All cooking contained in the food truck, and no alcohol sales without proper permits. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose  
Disc Count # 4:48:48 – 5:08:31**

Old Business – Discussion Items – None

New Business - Ordinance Amendments –

1. Amendments to Chapter 74, Walworth County Shoreland/Floodplain Zoning Ordinance. Proposed ordinance text and map amendments will be considered related to floodplain management. These amendments are being proposed at the direction of the Wisconsin Department of Natural Resources and Federal Emergency Management Agency.

**Staff reviews the proposed DNR required floodplain zoning ordinance amendment.**

**Richard Kuhnke, Sr. motions to approve and send to County Board. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.**

This item will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 5:08:34 – 5:10:15

New Business – Discussion Items –

1. Zioto Enterprises, LLC C/O George Paziopolis – Owner, Section 8, Darien Township. Amendment of a conditional use for a three year time extension for outside storage of sheds/small barns in addition to agreement to amend an existing conditional for a gas station and convenience store on the same tax parcel by addition of a condition for three years to actively exercise the conditional use with potential for one year extension or need for new approval. Tax Parcel B D 800005.

Amended 12-16-2021 for three years to actively exercise or get extension or expires (See # 13)

AMENDED PLAN 12-21-01 \*\*

NAME: Zioto Enterprises Inc. - GEORGE PAZIOTOPOULOS (DEPIETRO DESIGN ASSOCIATES,APPL.)

TOWN: DARIEN

A conditional use permit for a gas station and convenience store as specified in Section 4.0 of the Zoning Ordinances, Walworth County, Wisconsin, on lands zoned B-4 Highway Business District and described as follows:

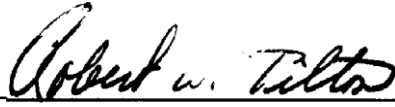
Tax Parcel #B D 800005

Beginning at the center of the intersections of Hwy 11 & 14, running thence South 405 feet along the center of Hwy 14, thence East 375 feet to a point, thence North 285 feet to the center of Hwy 11, thence in a Westerly direction along the centerline of said Hwy 420 feet to the Place of Beginning. All in Section 8, Township 2 North, Range 15 East, Darien Township, Walworth County, Wisconsin.

has been APPROVED subject to the following conditions:

- \*\* 1. Approve as per plans submitted.
2. No outside storage of goods or materials will be allowed onsite as part of business operations.
3. Parking and gas pump protection measures shall conform with all State, local and Federal regulations.
4. Outside lighting to be shielded and located as per plans submitted.
5. The general location, operation and design of the proposal approved per plans submitted.
6. Adequate noise and dust control measures to be taken during construction and continued measures shall be taken to keep the parking area clean and dust free,
7. Hours of operation will allow for 24-hour service.
8. A landscaping plan must be submitted to the County for approval prior to installation.
9. Must meet all applicable Federal, State, County and local regulations.
10. The petitioner shall be responsible for meeting all State Highway regulations for access to the site and the location of fuel tanks and canopy structures within the proposed future State highway right-of-way.
11. Must meet the County's Land Disturbance Erosion Control and Stormwater Management standards.
12. Must meet State storage requirements for fencing of garbage/waste area.
13. **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 (Starting 12-16-2021). 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.**

Dated this 21st day of May, 1999.



PLANNING, ZONING, AND SANITATION COMMITTEE

ROBERT W. TILTON, CHAIRMAN

\*\* The Committee has approved the amended plan as in the file as of 12-21-01.

**Staff presents request. Discusses request and agreement by Applicant to incorporate the 3 year condition to exercise the existing conditional use, with potential of future extension.**

**Phil Wenger speaks regarding his rental of the location for the sheds, for about 10 years.**

**Sue Pruessing motioned to TABLE this matter to contact the applicant to attend the meeting for discussion of uses and options. Seconded by Jim VanDreser. Motion carried 7-favor 0-oppose.**

**Disc Count # 5:10:17 – 5:25:53**

5: 30 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses –

1. **Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners**, Section 25, Spring Prairie Township. Rezone approximately 91.48 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District on four different parcels in order to get conditional use review and approval for the expansion of an existing nonmetallic mineral extraction site (gravel pit). Parts of Tax Parcels O SP2500001A, 1C, 2 and 5.

**Nonmetallic Mining Reclamation Permit** –

Johnson Sand & Gravel, Inc. (Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 91.48 acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcels O SP2500001A, 1C, 2 and 5, Town of Spring Prairie. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

General:

1. Approved as per the conditional use plan submitted and approved for non-metallic mining services; sand and gravel quarrying, washing, refining or processing of rock, slate, gravel, sand and minerals and approval of a reclamation plan

- detailing restoration back to agricultural use towards rezone of the property back to the original A-1 zone district following reclamation with all additional conditions as stated.
2. Time limit for completion of the project shall be set at 10 years from the date of this approval being September 16, 2031.
  3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from The Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance and mining reclamation standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all County fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.
  4. A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.
  5. The post mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use /zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.
  6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on Sundays or holidays.
  7. Road access and maintenance agreements shall be filed with the Town and County road maintenance authorities prior to hauling materials off site.
  8. The property owner shall provide verification from the County Highway Department of access permit approval to Hwy JS for the conditional use file prior to the conditional use being valid.
  9. Implementation of dust and noise control measures shall occur at all times on site.
  10. The County will not be liable for any damage to neighboring wells due to the operation of the project.
  11. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
  12. Approval of the project shall be subject to all applicable gravel pit policies.
  13. The project shall meet all applicable Federal, State and local regulations.
  14. All material storage locations must be in an approved zoning district.
  15. No materials allowed to be brought in from off-site other than those materials specified in the approved operations plan.
  16. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be re-graded evenly on the disturbed area.
  17. All site dewatering shall be conducted to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the pit.
  18. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.
  19. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front application and fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration

the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.

20. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit because the M-3 use is temporary and the signs must be consistent with the required agricultural zoning upon restoration.
21. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting State requirements.
22. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
23. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
24. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.
25. The Zoning Administrator or respective designees may enter the pit in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.
26. All corners of the 200-foot excavation boundaries (buffer area) and every 400-foot between the corners shall be staked prior to excavation within 200 ft. of the 200-foot excavation boundary. Stakes use to verify the 200 ft. excavation limit must be a minimum of four feet in height from existing ground level. The excavation limit stakes shall be made of a material that will not deteriorate under normal weather conditions. The 200 ft. excavation stakes shall remain on site during the remaining life of the project.
27. 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.
28. 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.
29. 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 that the Farmland Preservation Plan allows for rezone to M-3 subject to restoration standards and determination that the expansion area provides the best alternative for the location of gravel extraction in the agricultural area.**

**Randy Johnson speaks regarding the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 5:35:41 – 5:46:44

**TABLED – NO TOWN DECISION**

2. ~~Christian League for the Handicapped, Inc. dba Inspiration Ministries – Owner, Abbey Provident Venture, LLC C/O Richard Donner – Applicant, Section 2, Walworth Township. Rezone approximately 4.13 acres of P-2 Institutional Park District land to the C-2 Upland Resource Conservation District with conditional use for a separate approximately 20.9 acres parcel for an existing recreational camp to operate as the Lake Geneva Hospitality Academy. Part of Tax Parcel E W 200013.~~
  
3. **Cobblestone Cemetery Association, Inc. C/O Betty Schacht, President – Owner, Section 25, Walworth Township. Rezone approximately .5 acres of A-1 Prime Agricultural Property to the P-2 Institutional Park District in order to obtain conditional use approval for expansion of the Cobblestone Cemetery. Part of Tax Parcel E W 2500005A.**

General:

1. Approved per plans submitted for a cemetery with expansion area as identified with all additional conditions.
2. Outdoor lighting shall be shielded and directed on site.
3. Must meet all Federal, State, County and local regulations.
4. The Town of Walworth must approve the access to the cemetery if different from the existing access locations.
5. The applicant must obtain a Land Disturbance, Erosion Control and stormwater approval if required by Ordinance.
6. The applicant must meet all requirements for cemetery expansion under State Statute 157.065 Location and ownership of cemeteries.
7. All grave monuments that do not meet the definition of a minor structure will need to meet with the required side, rear and street yard setbacks for structures.
8. 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.
9. 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 and County 2050 Land Use Plan.**

**Atty David Rasmussen speaks regarding the application.  
Speaking in FAVOR: David Patzelt**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 5:46:52 – 5:53:00

Rezoning –

1. **AC Meisner Investments, LLC C/O Christopher Meisner** – Owner, Section 26, LaFayette Township. Rezone approximately .16 acres of P-2 Institutional Park District land that was once a Town garage to the M-1 Industrial District in order to use the existing garage for car repair or warehousing as principle uses. Tax Parcel K LF2600011.

**Staff presents request.**

**Atty Nick Egert speaks regarding the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 5:53:03 – 5:57:30

2. **Paul C. Mueller and Dennis P. Tully – Owners**, Section 10, Lyons Township. Rezone approximately 6 acres of B-4 Highway Business District zoned property to the R-3 Two-Family Residence District (Sewered) in order to get plat approval for a 12 lot and one outlot residential duplex development. Tax Parcel NA287500001.

**Staff presents request.**

**Ryan Cardinal speaks regarding the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 5:57:33 – 6:01:27

3. **Shodeen Family Property Co., LLC; Beth C. Shodeen Trust No. 1 C/O David Patzelt – Owners**, Sections 23, 25, 26, Walworth Township. Rezone the wetland zone district boundaries around Lake Petite to match delineated field conditions according to a digital map available for review at the Walworth County Land Use and Resource Management Department. Parts of tax parcels E W 2300008, E W 2500005, 7, 7C, 7D, E W 2600001, 2, 2A, 5, 6, EA148800001, EA428400001, 2, and EA313600002, 3, and 4.

**Staff presents request and indicates this is consistent with Farmland Preservation.**



**David Patzelt speaks regarding the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 6:01:29 – 6:08:51

4. **Sorg Holdings, LLC C/O John Sorg – Owner**, Section 8, Darien Township. Rezone approximately .1 acre of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District zoned property to the A-2 Agricultural Land District to correct the dual zoning on an existing building. Part of Tax Parcel B D 800012.

**Staff presents request.**

**No one appears for the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 6:08:54 – 6:11:45

5. **Colton Meisinger Trust & Daniel Meisinger Trust C/O David Patzelt**, Section 32, Delavan Township. Rezone approximately 7260 sq. ft. of B-2 General Business District Property to R-2A Single-Family Residence District (Sewered) in order to create a single family residential lot. Tax Parcel FA 12300001.

**Staff presents request.**

**David Patzelt speaks regarding the application.**

**Speaking in FAVOR: Deena Spiess**

**Speaking in REBUTTAL: David Patzelt**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 6:11:48 – 6:16:04

6. **Walworth Homes, LLC C/O David Patzelt – Owner**, Section 32, Delavan Township. Rezone approximately 9000 sq. ft. of land zoned B-2 General Business District to the R-2A Single-Family Residence District (Sewered) in order to create two residential single family lots. Tax Parcel FSS 00062.

**Staff presents request.**

**David Patzelt speaks regarding the application.**

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

The rezone petition will move forward to the February 8, 2022 Walworth County Board for possible action.

Disc Count # 6:16:15 – 6:18:44

Conditional Uses –

1. **Brian Bickle – Owner**, Section 9, Delavan Township. Conditional use review and approval for conducting indoor mini-warehouse and outdoor recreational vehicle and boat storage on property zoned M-1 industrial according to locations shown on a specified plan of operations. Part of Tax Parcel F D 900008C.

General:

1. Approved as per plan submitted for an indoor mini-warehouse storage facility, outdoor recreational vehicle and boat storage and a caretaker's residence as per plan submitted 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 if different from the present sign.
7. No burning of waste materials from the storage facilities shall occur on site.
8. The applicant must obtain the required Town, County and/or State Highway approval for the access.
9. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
10. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced 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.
11. The project site must be kept neat, clean, and mowed in all areas.
12. No equipment other than recreational vehicles and boat storage may be stored in the outside storage area without additional County approval.

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. There shall be no more than 12 vehicles or boats in the outside storage area as per the Town.

**Staff presents request.**  
**Brian Bickle speaks regarding the application.**

**Dave Weber motioned to approve. Seconded by Jim VanDreser. Motion carried.**  
**7-favor 0-oppose.**  
Disc Count # 6:18:49 – 6:422:38

2. **John E. Neighbors – Owner, Section 25, Delavan Township.** Conditional use review and approval for public assembly and outdoor food and beverage in order to hold weddings and other similar events outside on land zoned B-2 General Business District. Part of Tax Parcel F D 2500019.

General:

1. Approved per plans submitted for seasonal use of an outdoor events area for public assembly and outdoor food and beverage in conjunction with a principle use indoor event/wedding facility.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
3. All public assembly outdoor seating and food and beverage consumption must be within the area as specified on the approved site plan.
4. All storage areas, materials and equipment shall be located as defined on the plan of operations.
5. The site shall meet all applicable Federal, State, County and local regulations.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
8. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.
9. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
10. All lighting must be shielded and directed on to the property.
11. 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 to be dust free. All parking must be in compliance with County requirements prior to use of this approval.
12. No filling shall occur on site without proper permit approvals.
13. Access approval must be obtained from the State Department of Transportation.

14. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.
15. No burning shall be allowed on site without a State burning facility license and any required local approvals.
16. 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.
17. 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:

18. Outdoor public assembly and outdoor food and beverage hours shall be allowed on Fridays, Saturdays and Sundays from 9:00 a.m. to 11:00 p.m. each day during the months of May, June, July, August, September and October.
19. Food trucks may be located as specified during events only as part of outdoor food and beverage.
20. There shall be no more than three food trucks allowed on site during an event.
21. Food trucks used on site shall be licensed by the State and be completely self-contained regarding water, electric and waste.
22. A minimum of two trashcans with 40-gallon minimum capacity shall be available in the outdoor food and beverage area.
23. Outdoor use for events shall only occur during indoor event use of the commercial buildings with exception for the separate approved outdoor food and beverage for the coffee shop.
24. The people using the proposed conditional use outdoor area shall be the same people using the principle use indoor area for the same event.
25. The maximum capacity of the events shall be ~~250~~ **300** guests with 71 parking stalls, **with the potential to have up to 50 guests arriving by alternate transportation (limousine, shuttles, bus, Uber, Lift) by use of a 24-foot wide continuous commercial drop off and pickup access loop**
- ~~26. There shall be the potential to have up to 50 additional guests arriving by alternate transportation (limousine, shuttles, bus, Uber, Lift) by use of a 24 foot wide continuous commercial drop off and pickup access loop.~~
27. There shall be no fireworks or firework displays launched from the site during events.
28. All music for onsite events both indoors and outdoors shall end by 11:00 p.m.
29. Use of the outside area for events shall conclude by 11:00 p.m. as per the Town
30. Outdoor amplified music in conjunction with a wedding may occur between noon and 5:00 p.m. only as per the Town.
31. The Town and County shall review the conditional use for public assembly and outdoor food and beverage in one year as per the Town.

**Staff presents request.**

**John Neighbors speaks regarding the application.**

**Speaking in FAVOR: Chris Meisner, Karl Sorvick, Gary Meisner, Trisha Pellmann**

**Speaking in OPPOSITION: Dr. Bob Gerson, Bob Waddell, Cathleen Nateghi.**

**Speaking in REBUTTAL: John Neighbors**

**Questions by Committee concerning hours of operation and noise.**

**Jim VanDreser motioned to approve as amended. Seconded by Ryan Simons. Motion carried. 6-favor 1-oppose. Voting in opposition: Dave Weber. Disc Count # 6:22:42 – 7:05:45**

**Small break for room to clear.**

3. **Alex Martzke – Owner**, Section 14, Lyons Township. Conditional use review and approval to expand and existing recreational vehicle and boat storage facility by greater than 25% of the existing facility requiring conditional use review and approval as if establishing the use anew. Tax Parcel N LY1400004.

**Amended 1/20/2022 by approval of a CU for greater than 25% expansion see #1.**

The application indicates: The property owner is requesting conditional use approval for indoor off season storage of recreational vehicles and boats for a boat rental business in addition to an existing caretaker's residence separate from the business structure on lands zoned B-2 General Business District.

Part of Tax Parcel N LY-14-4

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for an indoor recreational vehicle and boat storage facilities and to bring and existing residence outside the principle business structure into compliance with all additional conditions. **Amended 1/20/2022 for expansion of the boat storage facility on the north and south ends of the existing building as per revised plan submitted with all additional conditions.**
2. No general public sales allowed from the boat storage facility. No business activities other than specified in the plan of operations may be conducted from out of the boat 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. Boats to be stored indoors may be located outside for drop-off and pick-up only.
6. Outside lighting shall be shielded and directed on site.
7. The applicant must obtain all required zoning permit approvals including a sign permit.
8. No burning of waste materials shall occur on site.
9. The applicant must obtain the required Town 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. No permanent outside storage of boat trailers or other equipment shall be allowed. The temporary outside spring pick up and fall drop off area designated on the site plan behind the storage structures shall be allowed to be used from April 1<sup>st</sup> to June 1<sup>st</sup> each spring and September 1<sup>st</sup> to November 1<sup>st</sup> each fall.
16. No Maintenance of equipment (i.e. acid washing, engine overhauling, boat repairs) shall be allowed on site without specific conditional use approval for vehicle sales and service.
17. The building must be earth tone in color as per the Town.
18. The building shall be screened on the north, east and south sides as per the Town.
19. Brush and any other visual obstructions shall be cleared where the private drive and Gail Lynne Drive meet to allow a 400 foot sight line meeting Town standards as per the Town.

Dated this 20<sup>th</sup> day of October, 2016.

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COUNTY ZONING AGENCY  
TIM BRELLENTHIN, CHAIRMAN

cc: Town of Lyons, William Mangold Chair, 6339 Hospital Road, P.O. Box 337, Lyons, WI 53148  
Town of Lyons, Karla Hill, Clerk, 6339 Hospital Road, P.O. Box 337, Lyons, WI 53148

**Staff presents request.**

**Atty Patrick DeMoon speaks regarding the application.**

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

Disc Count # 7:06:53 – 7:11:10

4. **WRS Holdings, LLC – Owner, Home Town Auto Exchange, LLC C/O Tyler Winikates – Applicant, Section 19, Lyons Township. Conditional use review and approval to allow vehicle sales on land zoned M-1 Industrial District. Tax Parcel NIP 00011.**

General:

- 1.Approved as per plan submitted for vehicle sale and service with all additional conditions.
- 2.There shall be no outside storage of stock or trade other than the cars for sale.
- 3.All storage areas, materials and equipment shall be located as defined on the plan of operations.
- 4.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. All parking must be setback 25 feet from the roadway. 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.
- 5.The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by ordinance.
- 6.All outside lighting shall be shielded and directed on site. No additional lighting shall be allowed in the street yard setback areas.

7. The owner must provide a waste disposal plan stating where all trash, drain oil and other auto fluids are disposed.
8. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
9. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
10. There shall be no painting of vehicle or vehicle parts on site without first installing a State approved ventilated painting booth.
11. No burning of waste materials shall occur on site.
12. Hours of operation shall be Monday through 8:00 a.m. to 6:30 p.m. and closed on Sunday for the vehicle sale and service.
13. The project must meet all applicable Federal, State, County and local regulations.
14. The applicant must obtain all required zoning permit approvals including a sign permit. .
15. The project site must be kept neat, clean, and mowed in all areas.
16. 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.
17. 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:

18. This conditional use shall replace the existing conditional use for the production and sales of CBD oils in the M-1 district.

**Staff presents request.**

**Tyler Winikates speaks regarding the application.**

**Speaking in FAVOR: Mike Raboine**

**Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried.**

**7-favor 0-oppose.**

Disc Count # 7:11:13 – 7:16:04

5. **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.

**Staff presents request.**

**Mike Raboine speaks regarding the application.**

**Speaking in FAVOR: Tyler Winikates**

**Committee discusses issues at the site with Staff that don't meet the zoning code.**

**Jerry Grant motioned to TABLE. Seconded by Jim VanDreser. Motion carried.**

**7-favor 0-oppose.**

Disc Count # 7:16:06 -7:30:07

### **Adjournment**

**Ryan Simons motioned to adjourn. Seconded by Dave Weber. Motion carried.**

**7-favor 0-oppose**

The meeting was adjourned at 7:30 p.m.

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Submitted by Sheril Oldenburg, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.