

County Zoning Agency
MINUTES
January 21, 2021 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

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, Ryan Simons, and Citizen Members Richard Kuhnke, Sr., Jim Van Dreser Supervisor Jerry Grant and Sue Pruessing appear by telephone. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Senior Planner/Hearing Facilitator Matt Weidensee via video. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund, Senior Urban Conservation Technician/Fay Amerson, and Conservation Technician Brian Smetana.

A “sign-in” sheet listing attendees on January 21, 2021 was not presented due to the continued COVID-19 threat.

Details of the January 21, 2021 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 9.b.1.) Como Road Storage, LLC; 9.d.5.) John Leek Trust; 9.e.1.) Brian Madl; and 9.f.1.) The Salvation Army – Army Lake Camp. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.

Dave Weber motioned to approve the December 17, 2020 CZA Meeting Minutes Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Staff provides info on DLSD, we have not received the transcript. Summary provided regarding decision of Court. This matter will be revisited with Atty Huempfer.
Disc Count #4:33:22 – 4:35:49

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Middleton Irrevocable Trust**, proposed 2 lot Certified Survey Map, Located in Section 26, T4N, R18E, Town of East Troy, Tax Parcel # P ET2600003. The property is zoned C-2, Upland Resource Conservation District; C-4, Shoreland Wetland District; and A-1, Prime Agricultural Land District. This CSM requires County Zoning Agency review and approval because additional lots are being proposed on an existing private road that does not meet current design standards per sections 58-11.10 and 58-12.14 of the Walworth County Subdivision Ordinance.

Nick Sigmund presents request.

Ron Middleton speaks regarding the request.

Jim Van Dreser motioned to approve with the following conditions: 1) Approval is subject to preparing and recording a maintenance agreement for the ingress and egress Private Way/Easement that is approved and signed by all users of the Private Way/Easement; 2) Written approval of the proposed road shall be obtained from emergency service units, such as fire and police departments. A copy of which shall be recorded with the plat; 3) Any encroachments of the traveled surface outside of the easement area shall be corrected; 4) All other corrections required by LURM staff shall be addressed; 5) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

Disc Count #4:35:58 – 4:46:29

2. **Charles E. Miller and KBJ Investments LLC**, proposed 2 lot, Certified Survey Map, Section 35, Town 4 North, Range 16 East, Town of LaGrange. Parcel #'s HCO 00001 and H LG3500034. The proposed CSM contains 1.48 acres of land, and is zoned R-1 Single Family Residence District (unsewered). This CSM requires County Zoning Agency review and approval because it crosses the exterior boundary of Cooper's Mid-Lakes Subdivision plat.

Nick Sigmund presents request.

Randy Thelen representing KBJ speaks regarding the request.

Jim Van Dreser motioned to approve with the following conditions: 1) Approval is subject to showing the soil boring on proposed lot 2; 2) Approval is subject to confirmation that the existing septic system meets the required setback from the proposed lot line, or is otherwise addressed by relocation or sanitary easement; 3) Approval is subject to meeting all requirements of state statutes and county ordinances. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

Disc Count #4:46:34 – 4:52:36

Revisit Zoning / Sanitation / Land Conservation Enforcement – DLSD suit and Wendeberg Violation Update – Lee Huempfer – discussion by Atty Huempfer regarding court case with DLSD. This matter will return for further discussion on receipt of transcript.

Discussion of Wendeberg case by Staff and Atty Huempfer and status of clean-up and potential options for the County. Time frame for scraping clean-up would be spring. Atty Huempfer reviews stipulation and order that was entered. Recommends providing written notice. Reviews options available to have the stipulation and order enforced. Discussion by Committee regarding removal of items and listings of items to be removed. A-1 area to be cleaned up first, then moving to A-4. Statement regarding bidding process through Purchasing for contracting clean-up.

Jim Van Dreser motions to contact the Defendant in writing with a 7 day notice indicating imminent clean-up of the A-1 zoned area. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.

Disc Count #4:52:42 – 5:28:35

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

TABLED – NO TOWN DECISION

1. ~~Como Road Storage LLC C/O Erwin Hintz – Owner, Section 21, Geneva Township. Amend CU to add a five car storage building that is less than 25% of existing buildings to an existing approved storage facility. Tax Parcel J-G 2100008A.~~
2. Farmland Preservation Recertification Update – Matt Weidensee / Fay Amerson

Staff discusses Farmland Preservation Recertification and discussions with DATCP regarding update and potential grant application to help subsidize the plan update.

No action is taken by committee.

Disc Count #5:28:40 – 5:38:00

5:38 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses –

5:38 p.m.

1. **L & G Farms, LLC – C/O Heritage Group Investments – Emily Krauklis – Member,** Section 25, LaFayette Township. Rezone a 75 ft. by 395 ft. or a .69-acre area from the A-1 Prime Agricultural District to A-4 Agricultural Related Manufacturing Warehousing and Marketing District. The rezone area is proposed to be added to an existing 4.24 acre A-4 area in order to obtain conditional use approval to expand a barn board recovering business by greater than 25% of existing building. The rezone area would provide room for the construction of a 90 ft. by 120 new pole building to be used for additional storage for the business. Part of Tax Parcel K LF2500007 for the rezone and includes KA274600001 for the Conditional Use.

Amended 1/21/2021 for addition of a .69 acre A-4 area to the south and expansion for addition of a storage building for the barn board business (see # 1, 26 and 27).

NAME: ~~Sasha Farm Fresh LLC, C/O Dean Smith – Owner, Heritage Beam and Board LLC C/O Emily Krauklis and Scott Hanson – Applicants~~ **Owner**

TOWN: LaFayette

The property owner is requesting to rezone approximately 4.24 acres 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 indoor and outdoor contractor storage for a barn board refurbishing business. Heritage Beam & Board, LLC dismantles and salvages local barns and preserves the history by repurposing the wood. The LLC is a barn wood supplier and custom furniture builder using reclaimed

barn boards. There would be a maximum of eight employees with hours of operation for the indoor and outdoor activities from 7:00 a.m. to 6:30 p.m. Outside area is needed for the storage of larger barn beams. Furniture is constructed in the workshop which would be the first story of the barn. Employees go off site to install barn wood in homes. Customers and builders are allowed to come on site to see the wood stock and make orders by appointment.

Tax Parcel KA274600001.

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

General:

1. Approved per plans submitted for a contractor storage facility for a barn board refurbishing and furniture production business **and revised 1/21/2021 for addition of a .69 acre A-4 area to the south and expansion for a storage building for the barn board business** with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. The site shall meet all applicable Federal, State, County and local regulations.
4. Any changes to the conditional use permit shall require Town review prior to County approval.
5. The applicant must obtain all required zoning permit approvals including a sign permit.
6. All lighting shall be shielded and directed on site.
7. No filling shall be allowed in any wetland areas.
8. No filling shall occur on site without proper permit approvals.
9. Access approval must be obtained from the Wisconsin Department of Transportation prior to use of the site by the business.
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 prior to use of the property as specified by this approval.
11. 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.
12. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Saturday with hours for return of equipment from off site until 9:00 p.m.
13. No burning shall be allowed on site without a State burning facility license and any required local approvals.
14. 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.
15. 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.
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/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.
18. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
19. 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.

20. 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:

21. Any painting and finishing area within the buildings must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
22. No outside storage of chemicals shall occur on site.
23. There shall be no drying of rags or materials outside of the buildings.
24. There shall be no salt storage or snow plowing business allowed on site.
25. The approval includes a modification for a larger sign on-site as submitted for review. The sign is proposed to be 4' x 8', 10' in height in order to be tall enough to be seen over the landscape berm along Hwy 11.
26. **The applicant shall check with the Wisconsin Department of Natural Resources regarding wetlands shown on the State Surface Water Data Viewer prior to construction of the proposed new storage shed.**
27. **The roadside berm shall be appropriately landscaped to further deal with weed control as per the Town.**

Dated this 21st day of September, 2017.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Heritage Beam & Board, c/o Emily Krauklis & Scott Hanson, W2644 Loveland Road, Elkhorn, WI 53121
Town of LaFayette, Daniel Cooper, Chairman, N6221 Tamarack Court, Elkhorn, WI 53121
Town of LaFayette, Barbara A. Fischer, Clerk, N6221 Tamarack Court, Elkhorn, WI 53121

**Staff presents request and indicates this is consistent with Farmland Preservation.
NO ONE APPEARS regarding the application.**

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

The rezone petition will move forward to the February 9, 2021 Walworth County Board for possible action.

Disc Count #5:38:18 – 5:45:20

5:45 p.m.

2. **SDC Properties, LLC C/O Anthony Lynn, sole member – Owner**, Section 23, Delavan Township. Rezone approximately 1.43 acres of R-5 Planned Residential Development District and 3.98 acres of B-2 General Business District property to the B-4 Highway Business District in order to obtain conditional use approval for an auto repair shop. Part of Tax Parcel FA195000002.

Auto repair shop

General:

Possible Conditions:

1. Approved per plans submitted as an auto repair shop with all additional conditions as stated.

2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. Must meet all applicable Federal, State, County and local regulations.
4. No outside storage other than cars waiting to be serviced shall be allowed.
5. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation if required by Ordinance.
6. The owner must provide a waste disposal plan stating where all trash, drain oil and other auto fluids are disposed.
7. No business activities other than specified in the plan of operations may be conducted from out of the auto repair garage.
8. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
9. Outside lighting shall be shielded and directed on site.
10. The applicant must obtain all required zoning permit approvals including a sign permit.
11. No burning of waste materials shall occur on site.
12. The applicant must obtain the required Town, County and/or State Highway approval for the access.
13. 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.
14. The project site must be kept neat, clean, and mowed in all areas.
15. 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.
16. 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:

17. **Lighting will be dark sky and follow Yerkes Observatory standards, Cross access easement for a private driveway extending to the West property line if the Lynn property is divided; Drainage easement should be provided for stormwater management purposes; work with DOT on any necessary state highway 50 permitting; copies of all applicable permits will be provided to the Town, and operation and maintenance plan for the stormwater basin needs revisions as noted in the review letter dated 12-31-20 from Baxter & Woodman, as per the Town.**

Staff presents request.

Atty Dale Thorpe speaks regarding the application.

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

The rezone petition will move forward to the February 9, 2021 Walworth County Board for possible action.

Disc Count #5:45:22 – 5:50:37

5:50 p.m.

3. **Dan D. Kalusche – Owner**, Section 31, LaGrange Township. Rezone approximately .4 acres of A-2 Agricultural Zoned 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 for a tree trimming and small landscaping business with Farm Family Business approval to use an existing shed for equipment maintenance for the business. Parts of Tax Parcel HA177700001.

General:

1. Approved as per plan submitted for a contractor storage yard for a tree cutting and landscaping business and farm family business for use of an existing shed for maintenance of 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 County Highway Department approval for any changes to the access.
6. No fill, debris, branches or leaves may be disposed of on-site outside of designated storage areas.
7. All burning of waste wood materials shall obtain required burn 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 if required by ordinance.
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 the approved plan of operations.
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.
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 tree cutting and landscaping business shall be allowed to be stored on site.
28. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
29. There shall be no expansion of this contractor storage yard without new conditional use approval.
30. There shall be no extension of use on-site into industrial use without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

Staff presents request.

Dan Kalusche speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the February 9, 2021 Walworth County Board for possible action.

Disc Count #5:50:42 – 5:55:45

5:55 p.m.

4. **Elizabeth A. Lanham – Owner**, Section 9, East Troy Township. Rezone approximately 15.60 acres of A-3 Agricultural Holding District property to the C-2 Upland Resource Conservation District in order to split an existing residence and garage from the parent parcel with a conditional use for a Planned Residential Development (PRD) to allow for a deed restriction from further division of the parent parcel. Tax Parcel P ET 900040B.

General:

1. Approved as per plan submitted for a two lot PRD with one single family homes on lot meeting the density and setback requirements if the County Zoning Ordinance with all additional conditions.

2. The owner must meet all Town, County and/or State highway access requirements.
3. The project must meet all Federal, State, County and local Ordinances.
4. The proper preservation, care and maintenance by the original and all subsequent owners of the design of the PRD and all common structures, facilities, essential services, access and open spaces shall be assured by **deed restriction referencing the parcel and shall be recorded meeting standard document format as per 59.43(2m)**. All property within the PRD must remain as part of the PRD and may not be removed from the PRD without County approval.
5. The County reserves the right to rescind this conditional use upon any violation of County regulations.
6. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
7. Application for a two lot C.S.M. with the required restrictions must be made for the PRD within one year of this approval.

Specific:

8. The CSM must include a reference to the required deed restriction limiting the larger lot from further division.

Staff presents request.

Elizabeth Lanham 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 9, 2021 Walworth County Board for possible action.

Disc Count #5:55:52 – 5:58:57

TABLED – AT REQUEST OF APPLICANT

5. ~~**John Leek Trust – Owner**, Section 26, Sharon Township. Rezone approximately 1.654 acres 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 using existing and proposed pole buildings for Recreational Vehicle and Boat Storage. Part of Tax Parcel AA411700001.~~

Rezoning –

TABLED – NO TOWN DECISION

1. ~~**Brian Madl – Owner**, Section 17 & 18 Lafayette Township. Rezone approximately two acres of C-4 Shoreland Lowland Resource Conservation District and C-1 Non-Shoreland Lowland Resource Conservation District to the A-2 Agricultural Land District to match the wetland boundary to delineated field conditions and remove portions of an existing house and accessory structure from the designated wetland area. Part of Tax Parcel KA300700001.~~

Conditional Uses –

TABLED – INCOMPLETE APPLICATION

- ~~1. The Salvation Army – Army Lake Camp, Sections 9 and 16, East Troy Township. Expansion of the Army Lake Camp by review and approval of a conditional use request for a new master plan to add 93 additional camp beds, by addition of seasonal staff housing, additional adult housing, staff residences, a health center, a chapel, recreation pavilion, pool and pool house and maintenance building along with remodeling of some existing camp housing and addition of a boat ramp. Tax Parcels PA348300001, PA348300002, PA348300003, PA348300004.~~

Adjournment

**Ryan Simons motioned to adjourn. Seconded by Jim Van Dreser. Motion carried.
7-favor 0-oppose**

The meeting was adjourned at 5:59 p.m.

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