

County Zoning Agency
MINUTES
March 17, 2022 – 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, Sue Pruessing, Jerry Grant, Ryan Simons, and citizen member Jim Van Dreser. Citizen member Richard Kuhnke, Sr. was absent. 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 March 17, 2022 was not presented due to the continued COVID-19 threat.

Details of the March 17, 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

Dave Weber motioned to approve the agenda, moving item 8.d.2 Cleveland to be heard after 8.e.4 Net Worth at the request of the applicant as she may not arrive in time. Seconded by Jerry Grant.

Jim Van Dreser motioned to Amend the agenda so that item 8.d.1. Christian League for the Handicap be tabled to the April agenda. Seconded by Jerry Grant. Discussion was had by the Committee regarding the options available concerning tabling this matter or leaving it on the agenda for further consideration.

Vote on Motion for Amend the Agenda to Table 8.d.1. failed. 2-Favor (Jim Van Dreser and Jerry Grant) 4-opposed. (Dave Weber, Sue Pruessing, Ryan Simons and Rick Stacey).

Motion to Approve the agenda carried. 6-favor 0-oppose

Jerry Grant motioned to approve the February 17, 2022 CZA Meeting Minutes. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Disc Count # 5:04:41 – 5:05:22

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Patricia McKeska Trust**, proposed 1 lot Certified Survey Map, Located in Section 36, T4N, R16E, Town of LaGrange, Tax Parcel #'s H LG3600017 and HW 00002. The purpose of the proposed CSM is to combine the two parcels. The property is zoned R-1 (Single-Family Residential). A CSM is required with County Zoning Agency review and approval because the combination crosses the exterior boundary of a subdivision plat.

Nick Sigmund presents request.

Joe McKeska speak regarding the request for questions.

Dave Weber motioned to approve with the following conditions: ~~1) Approval is subject to correcting the error in the legal description;~~ 1 2) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

CSM is presented for signature.

Disc Count # 5:05:29 – 5:08:20

Old Business - Ordinance Amendments –

1. Shoreland zoning amendments / Shorepath – Nick Sigmund

Staff discusses the proposed ordinance amendment concerning DNR requirements and shore path issues concerning BOA fee waiver based upon public good.

Jim Van Dreser motioned to move the proposed ordinance amendment to a public hearing at the County Zoning Agency meeting. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

This item will move forward to the April 26, 2022 County Zoning Agency meeting for a public hearing.

Disc Count # 5:08:51 – 5:11:57

2. Richmond request for a “one-time event” ordinance amendment – Nick Sigmund

Staff discusses the proposed ordinance amendment concerning one-time events and options. Discussion by the Committee regarding the necessity for the county-wide amendment and amendments to parking.

Sue Pruessing motions to forward any proposal to the townships to receive comments and return at April CZA meeting. Jim Van Dreser requests Sheriff or police department commentary also. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

Disc Count # 5:11:58 – 5:20:57

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **John Neighbors – Owner**, Section 25, Delavan Township. Amendment of a conditional use for a request for a one time exemption for a Thursday wedding using the outdoor food and beverage area, a one-time yearly spring (March) music event called “Cabin Fever”, outdoor food and beverage for rehearsal dinners, clarification of non-event outdoor activities and activities that may occur under the outdoor food and beverage conditional use approval for a bible study group. Tax Parcel F D 2500019.

NAME: John E. Neighbors

TOWN: Delavan

The property owner is requesting 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 in conjunction with a principle use indoor event facility. All infrastructure (parking, lighting, pavement, lawn, indoor and outdoor restrooms) needed for the outdoor use are existing on the property. Outdoor use for events would only occur during indoor event use of the commercial buildings. The people using the proposed conditional use outdoor area would be the same people using the principle use indoor area for the same event. The maximum capacity of the events would be 250 with 71 parking stalls and the potential to have up to 50 additional guests arriving by alternate transportation (limousine, shuttles, bus, Uber, Lift etc.). The application indicates intent to allow food trucks on the site during outdoor event use in the area depicted on the site plan. Alcohol served on site complies with a liquor license issued by the Town of Delavan for the last five years. No outdoor amplified music is proposed beyond 5:00 p.m. Events/wedding receptions conclude by 11:00 p.m. The business employs seven full time and up to 18 part-time employees seasonally.

Amended March 17th, 2022 to allow one wedding to use the public assembly and outdoor food and beverage conditional use on Wednesday October 13, 2022. (See # 18)

Amended March 17th, 2022 to allow public assembly and outdoor food and beverage use of the patio and lawn area for wedding rehearsals for up to 20 wedding party members between the hours of 1:00 p.m. to 7:00 p.m. on Wednesdays and Thursdays. (See # 18)

Amended March 17th, 2022 to allow Bible study for up to 25 people to use the patio as part of the outdoor food and beverage for the coffee shop. (See # 18)

Amended March 17th, 2022 to allow for one event in March (during the closed season) called “Cabin Fever” consisting of live music for 3 hours between 7:00 p.m. and 10:00 p.m. in the barn with the use of a food truck and the patio area for outdoor food and beverage and public assembly. (See # 18)

Amended March 17th, 2022 to clarify the extent of music allowed (see # 27 & 29)

Tax Parcel # F D 2500019

Has been APPROVED subject to the following conditions:

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.

Amended March 17th, 2022 to allow one wedding to use the public assembly and outdoor food and beverage conditional use on Wednesday October 13, 2022.

Amended March 17th, 2022 to allow public assembly and outdoor food and beverage use of the patio and lawn area for wedding rehearsals for up to 20 wedding party members between the hours of 1:00 p.m. to 7:00 p.m. on Wednesdays and Thursdays.

Amended March 17th, 2022 to allow Bible study for up to 25 people to use the patio as part of the outdoor food and beverage for the coffee shop.

Amended March 17th, 2022 to allow for one event in March called "Cabin Fever" consisting of live music for 3 hours between 7:00 p.m. and 10:00 p.m. in the barn with the use of a food truck and the patio area for outdoor food and beverage and public assembly.

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 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 no fireworks or firework displays launched from the site during events.
27. All music for onsite events both indoors and outdoors shall end by 11:00 p.m.
28. Use of the outside area for events shall conclude by 11:00 p.m. as per the Town
29. Outdoor amplified music in conjunction with a wedding may occur between noon and 5:00 p.m. only as per the Town.
30. The Town and County shall review the conditional use for public assembly and outdoor food and beverage in one year as per the Town.

Dated this 20th day of January, 2022.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Town of Delavan, Larry Malsch, Chairman, 5621 Town Hall Road, Delavan, WI 53115
Town of Delavan, Kristy McChristy, Clerk, 5621 Town Hall Road, Delavan, WI 53115

Staff presents request.

Jim Van Dreser motioned to approve. Seconded by Dave Weber. Motion carried 6-favor 0-oppose.
Disc Count # 5:21:01 – 5:26:58

2. **North by Northwest, LLC C/O John Berget – Owner**, Section 25, Delavan Township. Amendment of a conditional use for storage facilities in the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District for modification of an allowable nine sq. ft. sign to a 40 sq. ft. sign. Tax Parcel FA499900002.

NAME: Michael Landers

TOWN: Delavan

The property owner is requesting to rezone approximately 8.72 acres of A-2 Agricultural Land District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a storage facility. In conjunction, the property owner is requesting approval to rezone .92 acres of A-2 Agricultural Land District to A-5 Agricultural-Rural Residential District to split off an existing dwelling on a residential lot. John Berget is the applicant and contract purchaser of the property and would purchase the property and conduct the project activities when the proper approvals are potentially granted.

Amended March 17th, 2022 to allow larger 40 sq. ft. sign (See #1, 5, 23)

Tax Parcel #F D 2500021A

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

General:

1. Approved as per plan submitted for mini-warehouse storage facilities **and amended ~~February~~ March 17, 2022 to allow modification of an allowable nine sq. ft. sign to a larger 40 sq. ft. non-illuminated sign** 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. Must meet all applicable Federal, State, County and local regulations.
4. Outside lighting shall be shielded and directed on site.
5. The applicant must obtain all required zoning permit approvals including a sign permit. **A sign in the A-4 zone district may not be illuminated.**
6. No burning of waste materials shall occur on site.
7. The applicant must obtain the required Town, County and/or State Highway approval for the access.
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 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.
10. The project site must be kept neat, clean, and mowed in all areas.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use for mini-warehouse storage facilities 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. Mini-warehouse storage building construction must be occurring in order to be exercising this conditional use.

Specific:

13. The requirements of the stormwater implementation plan and grading plan shall be followed regardless of the phased construction of the buildings. Phase I of the development plan or construction plan must include the construction of all the planned stormwater management practices to serve the facility under full built-out conditions.
14. There shall be no black dirt mixing and grinding, materials or contractor storage or other business activities requiring zoning approvals on site without first obtaining the required zoning approvals.
15. On site hours of operation shall be from 4:30 a.m. to 10:00 p.m. seven days a week and shall be posted on site as per the Town.
16. There shall be no flammable chemical storage on site as per the Town.
17. There shall be perimeter fencing required as per the Town.
18. The project shall follow new lighting ordinance guidelines as per the Town.

19. There shall be no engine repair on site as per the Town.
20. Future approval of landscaping and stormwater maintenance agreements shall be required as per the Town.
21. The approval is subject to final engineering and stormwater plans as per the Town.
22. The project must meet with all applicable requirements of the preliminary stormwater review letter.
- 23. The property owner must change the note on the site plan for the sign to reference the 40 sq. ft. modification approval prior to applying for the required sign permit.**

Dated this 20th day of May, 2021.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: John Berget, 5011 State Road 50, Delavan, WI 53115
Farris Hansen & Associates Inc, P.O. Box 437, Elkhorn, WI 53121
Town of Delavan, Larry Malsch, Chairman, 5621 Town Hall Road, Delavan, WI 53115
Town of Delavan, Kristy McChristy, Clerk, 5621 Town Hall Road, Delavan, WI 53115

Staff presents request.

Jerry Grant motioned to approve. Seconded by Ryan Simons. Motion carried 6-favor 0-oppose.
Disc Count # 5:27:01 – 5:29:33

3. **Faye Blakeley – Owner, Kelsey Hartland – Applicant**, NE ¼ of Section 6, Walworth Township. Amendment of a conditional use on property zoned B-2 General Business District to allow expansion of an athletic club called The Lofty Life Aerial Dance, LLC by less than 25% of the existing structure by construction of a 770 sq. ft. addition to the back of a dance studio barn. Tax Parcel EA135900001.

Amended March 17th, 2022 for a 770 sq. ft. addition and expansion of the parking lot (see #1).

NAME: Faye Blakeley

TOWN: Walworth

The property owner is requesting conditional use approval on property zoned B-2 General Business District for an athletic club called The Lofty Life Aerial Dance, LLC used for teaching circus-based fitness classes including aerial dance and other fitness classes such as yoga. The athletic club for teaching dance would be operated by the applicant and future owner of the property. There would be three dance instructors and up to 22 students on site at one time. Parking is available in the front and back of the barn meeting County parking requirements. The barn would be used for the dance studio. A bathroom is proposed to be installed on the first floor of the barn and the ceiling above the first floor would be removed in portion to allow for the height needed for aerial classes. Rigging will be inspected by a structural engineer and installed by a professional aerial rigger from Performance Rigging Solutions. The house would be used as a caretaker's residence and owners dwelling. The site is served by well water and a septic system.

Tax Parcel # EA135900001

Has been APPROVED subject to the following conditions:


General:

1. The Conditional Use for a dance studio in a barn as an athletic club with caretaker's residence in the existing house is approved as per the plan submitted and amended March 17th, 2022 for a 770 sq. ft. addition and expansion of the parking lot as per revised plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
3. The project must meet with all State, Federal and local approvals.
4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
5. Sufficient adult supervision must be present at all times when facilities are in use.
6. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
7. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
8. All lighting must be shielded and directed on to the property.
9. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced to be dust free. All parking for business on site must be in compliance with County requirements. Use of the site shall limited by the number of parking spaces available as shown on the approved site plan.
10. The property owner must obtain the required County sanitary permit approval for use of the sanitary facilities on site.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

13. Classes shall be held on Mondays through Fridays from 9:00 a.m. to 9:00 p.m. and on Saturdays and Sundays from 9:00 a.m. to 4:00 p.m.
14. The property owner shall obtain any required commercial building permit prior to making alterations of the barn into a dance studio. This condition is specifically regarding approval needed prior to the remove of portion of the barn ceiling between the first and second floor of the barn structure.
15. Maximum capacity of the athletic club as a dance studio shall be three instructors and 22 students.

Dated this 17th day of February, 2022.



COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Kelsey Hartland, 911 S. Grant Street, Lake Geneva, WI 53147
Town of Walworth, David Rowbotham, Chairman, W6741 Brick Church Rd, P.O. Box 386, Walworth, WI 53184
Town of Walworth, Marie Baker, Clerk, W6741 Brick Church Rd, P.O. Box 386, Walworth, WI 53184

Staff presents request.

Jim Van Dreser motioned to approve. Seconded by Sue Pruessing. Motion carried 6-favor 0-oppose.

Disc Count # 5:29:35 – 5:31:52

4. **CONAGRA Foods Package Foods, LLC – Owner, Dave Barrett – Applicant**, NW ¼ of Section 33, Darien Township. Amendment of an existing conditional use to expand a vegetable processing facility in the A-4 District by less than 25% of the existing structure size for a 4,272 sq. ft. corridor addition, a 1600 sq. ft. EQ Tank, a 684 sq. ft. North Dock and a 3900 sq. ft. South Dock. Tax Parcel BA412100001.

Amended March 17th, 2022 for a 4,272 sq. ft. corridor addition, a 1600 sq. ft. EQ Tank and a 3900 sq. ft. South Dock. (See # 1)
Amended December 21, 2017 for enclosure of an interior court yard area with a precast concrete roof See #1, 16, and 17
below

Amended 11/19/2015 see #1 below

NAME: Conagra Foods Packaged Foods, LLC- Darien ~~LARSON COMPANY c/o BIRDS EYE FOODS, A~~
~~SUBSIDIARY OF PINNACLE FOODS, INC. (WARREN HANSEN, APP.)~~

TOWN: DARIEN

A conditional use permit for an addition to the Birds Eye Foods vegetable and other foods processing business as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-4 Agricultural Related Manufacturing, Warehousing and Marketing District, and described as follows:

Tax Parcel #BA412100001

Has been APPROVED subject to the following conditions:

1. Approved as per plan submitted with all additional conditions for adding approximately 45,000 sq. ft. of productions space, 3000 sq. ft. of dock space and a 6,000 sq. ft. pole building for machinery storage to the existing vegetable processing facility with parking as shown **and amended 11/19/2015 for addition of 7680 sq. ft. of new warehouse and dock enclosure as per plan submitted dated received October 5, 2015 and amended December 21, 2017 for enclosure of a 1470 sq. ft. interior court yard area with a precast concrete roof as per plan submitted and further amended March 17th, 2022 as per plan submitted for a 4,272 sq. ft. corridor addition, a 1600 sq. ft. EQ Tank, and a 3900 sq. ft. South Dock reconfiguration.**
2. No general public sales allowed on premises.
3. Storage limited to material and goods directly associated with business. Outside storage shall not be allowed. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
4. On site hours of operation shall be 24 hours a day, seven days a week.
5. Must meet all applicable federal, state, county and local regulations.
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 fill, debris, branches or leaves may be brought back and disposed of on site. No burning of waste materials shall occur on site.
9. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater Management Permit from the Walworth County Land Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the Walworth County Land Conservation Office, including a landscaping berm and screening for headlights as requested by the town.
10. The project site must be kept neat, clean, and mowed.

11. Any changes to the character, intensity or use of this site, not capable of being discerned by the Walworth County Land Use and Resource Management Department as consistent with this approval, must be brought before the Walworth County Zoning Agency for additional conditional use review.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

13. The conditional use permit is not valid until such time as the applicant receives a permit from the Department of Natural Resources for grading adjacent to the stream. No zoning permit will be issued until the Chapter 30 Permit is submitted for the file.
14. The property owner will need to address potential errors in the floodplain mapping with FEMA prior to construction of additions in the areas currently identified as 100 year floodplain. A letter from FEMA addressing the floodplain correction and removal of the floodplain area of concern shall be provided for the conditional use file.
15. The operations plan must show any additional needed parking and access space meeting with county requirements. The truck and trailer parking area must be used for all truck and trailer parking on the property. The number of truck and trailer parking stalls may need to be increased at the designated parking area. Trucks and trailers may not be parked on the access road around the building. All parking and access to the site shall meet county requirements. All parking shall be installed according to county requirements within one year of this approval.
16. **The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.**
17. **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.**

Dated this 17th day of February, 2011.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 19th day of November, 2015.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 21st day of December, 2017.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Town of Darien, Cecil R. Logterman, Chairman, N2826 Foundry Rd, Darien, WI 53114
Town of Darien, Marilyn Larson, Clerk, N2826 Foundry Rd., Darien, WI 53114

Staff presents request.

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

Disc Count # 5:31:56 – 5:34:30

5: 34 p.m.:

Ordinance Amendments –

1. Walworth County - Amendment to Section(s) 74-38, 74-55, 74-61,74-62, 74-64, 74-65, 74-74, 74-114, 74-118, and 74-131 of the Walworth County Code of Ordinances - Zoning and Section(s) 74-165, 74-178, 74-180, 74-181, 74-182, 74-188, 74-189, 74-191, 74-192, 74-203, 74-243, 74-247, and 74-263 of the Walworth County Code of Ordinances - Shoreland Zoning to clarify food truck usage, define junk yard, amend marina definition, allow 12 foot high sheds in planned campgrounds, amend parking requirements for residences and public assembly uses, and correct section references and typos.

Staff presents review of ordinance amendment.

Jim VanDreser motioned to move forward to the April CZA meeting for a vote. Seconded by Dave Weber. Motion carried 6-favor 0-oppose.

This item will move forward to the April 26, 2022 Walworth County Zoning Agency meeting for possible action.

Disc Count # 5:38:58 – 5:40:49

Rezoning with Conditional Uses –

1. **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.

General:

1. The Conditional Use for a recreational camp is approved as per the plan submitted for use by a groups of association identified as the Lake Geneva Hospitality Academy for educational opportunities for students interested in careers in the hospitality industry and culinary arts programs. The recreational camp may be used occasionally by Inspiration Ministries for events, activities, meetings, short term housing programs and other agreed upon arrangements in furtherance of Inspiration Ministries mission to assist developmentally disabled adults transition to independent living.
2. Use of the grounds shall be limited to the recreation camp activities as stated in the plan of operations. No business activities other than those specified in the plan of operations may be conducted from the recreational camp.
3. Application with Walworth County for approval of **a parcel split** ~~a certified survey map (CSM)~~, recording of the **parcel split CSM** and the entire project plan shall occur within one year of this conditional use approval.
4. All housing for the recreational camp users shall occur in the buildings identified on the plan for housing. There shall be no overnight stays in any structure not identified on the site plan as a camping cabin, the lodge or caretaker's residence.
5. The project must meet with all State, Federal and local requirements prior to use as a recreational camps.
6. The applicant must obtain all required County Zoning permit including a sign permit for an entrance sign to the recreational camp. Signage must be identified on the plan of operations and the applicant must obtain the required sign permit from the County Zoning Office.

7. Hours of operation shall be 24 hours per day with quiet hours between the hours of 11:00 p.m. to 7:00 a.m. The property owner shall be responsible for enforcing quiet hours.
8. No outside announcement speaker system may be used on site. Acoustical musical instruments may be played outside between the hours of 10:00 a.m. and 11:00 p.m. All performance by the camping clients requiring amplifiers or speaker systems must be conducted in the cabins or lodge buildings only.
9. Sufficient adult supervision must be present at all times when the camp is used by children.
10. The total capacity of the camp shall be ~~80~~ **124** camp guests and 12 staff as identified in the plan of operations per the available parking.
11. The Recreational Camp conditional use permit allows for non-camp day users during specific stated and conditional use permit approved yearly recreational, educational, or religious purposes events so long as the non-camping day visitors do not exceed the number of on-site camping individuals. There shall be no more than ~~80~~ **124** non-camping day visitors allowed on site during recreational camp events.
12. The number of recreational camp events allowing non-camping day visitors shall be set at 12 per year. When events are held the entire recreational camp must be used by a single associated camping group.
13. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
14. The project site must meet with all sanitary sewerage requirements. The applicant shall provide verification of available sewerage capacity for the project prior to use of the site as a recreational camp under this conditional use approval.
15. All perimeter fencing shall be maintained as identified on the project plan.
16. The applicant must obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
17. All lighting must be shielded and directed on to the property.
18. Parking must meet with requirements of the county zoning ordinance. All parking shall meet the exterior boundary setbacks established for a recreational camp. All parking must be in compliance with County requirements within 60 days of this approval.
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. The parking standards have been modified by this conditional use to allow overflow parking on the grass during the occasions of events as stated in the project narrative and depicted of the project plan. Normal recreational camp (non-event) use shall use the surfaced parking as depicted on the project plan.
22. Outdoor campfires shall be located in the specified fire ring areas identified on the recreational campsite plan.
23. The required exterior buffer for the recreational camp as shown on the approved site plan shall be a no mow area allowed to become a natural buffer.
24. There shall be no commercial use of the recreational camp for weddings, conferences and or other non- Lake Geneva Hospitality Academy or non- Inspiration Ministries use or events without additional zoning review and approval by the Town and County.
25. The existing RV Site Area has not been included in the plan of operations and shall not be used without specific approval from the Town and County.

Staff presents request.

Attorney Richard Donner speaks regarding the application.

Speaking in FAVOR: Kerry Kerger/Abbey Provident Venture. (also provides responses to questions of committee); Michael Lucero reads in letter from WalCo. Economic Development Alliance; Erik Barber reads in letter from Inspiration Ministries;

Speaking in OPPOSITION: Jonathan Voss; Robert Stewart; Jerry McCoy; John Bria; Heather Bria; Jeremy Bria; Lisa Stewart; Marilyn Bria;

Speaking in REBUTTAL: Attorney Richard Donner.

Discussion by the Committee – Van Dreser questions difference between dormitory and camp. Response by Staff. Answers provided by the applicant regarding the plan of operation.

Jim Van Dreser motioned to DENY as not consistent with the land use plan and not an appropriate use for this property. Seconded by Dave Weber for discussion. Statements made by Committee members. Discussion of issues with Committee and Staff. CZA asks - at a one year review, can a CU be revoked if there are complaints. CU's cannot be automatically revoked. The same formal revocation process would need to be followed. It cannot be an automatic revocation. A hearing would be required. The motion to Deny is withdrawn by movant, approved by second.

Discussion is had with the Committee and Staff regarding if this matter is tabled to the next regular CZA Meeting or if a special meeting would be held.

**Jim Van Dreser motions to TABLE this matter until the next CZA meeting on Tuesday, April 26. Information to be obtained for the Committee: neighboring distances, other park/rec camps in Walworth County, law enforcement records, drone footage, comparison of proposed Town conditions with Staff recommended conditions. Second by Ryan Simmons. Motion carried. 5-favor 1-oppose (Sue Pruessing voting in opposition).
Disc Count # 5:41:20 – 7:28:40**

- Michelle Cleveland – Owner, SW ¼ of Section 10, Richmond Township. Rezone approximately .55 acres of A-1 Prime Agricultural Zone District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District. The rezone is requested in order to obtain conditional use approval for a commercial green house with sales of agricultural plant and ancillary non-agricultural items (decorative garden item such as pottery, concrete statuary, metal signs, sculptures and garden spinners) subject to a detailed plan approved by the Committee. Part of Tax Parcel CA337600001.**

1. Approved per plans submitted for a commercial greenhouse with ancillary retail sales of decorative garden item being pottery, concrete statuary, metal signs, sculptures and garden spinners with all additional conditions as stated.
2. Use of the A-4 area shall be limited to the uses specified in the plan of operations. There shall be no additional uses allowed on site without specific additional conditional use approval.
3. Retail sales shall remain ancillary to the commercial greenhouse sales.
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. No filling shall be allowed in any wetland areas.
8. No filling shall occur on site without proper permit approvals.
9. 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 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.
10. The project site must be kept neat, clean, and mowed in all areas. 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. The County reserves the authority to require any outside storage 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.
12. Access approval must be obtained from the County Highway Department.
13. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. Any construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.
14. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday –Saturday.
15. No burning shall be allowed on site without a burning facility license and any required local approvals.
16. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
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.
18. 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:

19. All retail sales must be plants and decorative garden item being pottery, concrete statuary, metal signs, sculptures and garden spinners and shall occur from the designated outdoor A-4 area, the lean too and the small shed as shown of the site plan. There shall be no sales from out of the greenhouse or barn in the A-4 area or from the remaining A-1 area.
20. The A-4 area may not be separated from the A-1 parent parcel.

21. Any change in use of the A-4 area inconsistent with the approved agricultural related use of the commercial greenhouse and ancillary retail sale must come back to the Town and County for additional review.
22. There shall be no parking allowed on County Hwy A road right of way.
23. Only equipment owner and used by the property owner shall be stored on site.
24. There shall be no items for sale within 25 feet of the parcel boundary and or Hwy A.

Staff presents request and indicates this is consistent with Farmland Preservation and County 2050 Land Use Plan.

Michelle Cleveland speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 21, 2022 Walworth County Board for possible action.

Disc Count # 7:28:40 – 7:32:48

Rezones –

1. **Justin and Mary Rohrer – Owners**, SE ¼ of Section 31, East Troy Township. Rezone 17.98 acres of A-1 Prime Agricultural Zone District property to the C-2 Upland Resource Conservation District in order to create three rural density residential single-family lots. Tax Parcel P ET3100008.

Staff presents request and indicated the request would be consistent with the 2050 Land Use Plan as the area is designated for rural density residential use even though the area is shown as prime agricultural on the Farmland Preservation Plan. It is staff's assumption the intent was to allow rural density residential use adjacent to the Village.

Atty Patrick DeMoon/Sweet & Maier speaks regarding the application.

Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 21, 2022 Walworth County Board for possible action.

Disc Count # 7:32:52 – 7:38:03

2. **Jennifer Hahn – Owner**, NW ¼ of Section 3, LaFayette Township. Rezone approximately 21.27 acres of the parcel being predominantly 20 plus acres of A-2 Agricultural District and smaller areas of A-5 Agricultural-Rural Residential District and A-1 Prime Agricultural District areas to the C-2 Upland Resource Conservation District in

order to divide off an approximately 6.5 acres parcel as a new single family lot. Tax Parcel K LF 300006A.

Staff presents request.

Jennifer Hahn speaks regarding the application.

Jerry Grant motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 21, 2022 Walworth County Board for possible action.

Disc Count # 7:38:06 – 7:40:53

3. **Robert Kruger and Kevin Kruger - Owners**, SW ¼ of Section 25, Delavan Township. Rezone approximately .9 acres of C-3 Conservancy-Residential District and A-4 Agricultural-Related Manufacturing, Warehousing & Marketing District to the A-4 and C-3 district to allow a trade of portion of lots between family members. Parts of Tax Parcels FA482500001 and 2.

Staff presents request and indicates this is consistent with Farmland Preservation and County 2050 Land Use Plan.

Kevin Kruger speaks regarding the application.

Dave Weber motioned to approve. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the April 21, 2022 Walworth County Board for possible action.

Disc Count # 7:40:56 – 7:43:28

4. **Net Worth, LLC C/O Chad J. Karl – Owner**, NW ¼ of Section 12, Sugar Creek Township. Rezone approximately .37 acres of R-1 Single Family Residential District property to the B-2 General Business District property to make the tax parcel all B-2 zoned. Part of Tax Parcel GBH 00001.

Staff presents request.

No one appears to speak on this application.

Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

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

Disc Count # 7:43:32 – 7:45:42

Conditional Uses –

1. **Daniel Bocock and Ailena Baum – Owners**, SW ¼ of Section 21, Spring Prairie Township. Conditional use approval for an indoor kennel on lands zoned C-2 Upland Resource Conservation District in order to have up to seven sled dogs use in sled dog racing. The C-2 portion of Tax Parcel OA310600001.

General:

1. Approved per plans submitted and modified as dog kennel for up to 7 dogs as the property owner’s pets with all additional conditions.
2. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking must comply with County requirements within 60 days of this approval.
3. The kennel must meet all applicable Federal, State, County and local regulations.
4. The kennel is approved to board a maximum of seven dogs indoors as the property owner’s pets.
5. No dogs may be housed outside as the kennel is not a minimum of 1000 feet from the nearest neighboring residential structures existing at the time of this approval.
6. Dogs must be accompanied by the owner/trainer when outside.
7. Dogs cannot be housed within 100 feet of a property line.
8. All outdoor lighting shall be shielded and directed on site.
9. The site must be kept neat, clean and mowed.
10. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

13. The property owner must seek amendment of this conditional use prior to running this kennel as a commercial facility.
14. There shall be no dog doors from the kennel to the outside runs. The kennel operators shall take the dogs to the outdoor run and return the dogs to the indoor kennel through the same door used by the operators thereby eliminates having dogs outside by the sole mobility of the dog/s.

Staff presents request.
Daniel Bocock speaks regarding the application

Sue Pruessing motioned to approve. Seconded by Jim van Dreser. Motion carried. 6-favor 0-oppose.

Disc Count # 7:45:42 – 7:51:52

2. **Ryan J. and Kristin L. Cardinali – Owners**, NE ¼ of Section 28, Delavan Township. Conditional use approval for vehicle sales with a maximum of two cars stored indoor for sale in an existing structure on lands zoned B-2 General Business District. Tax Parcel FA161600001.

General:

1. Approved as per plan submitted for vehicle sale with ~~two~~ indoor cars for sale storage locations and a car sales office within an existing structure with all additional conditions.
- 2.No business activities other than specified in the plan of operations may be conducted from out of the facilities.
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. Any new parking must be setback 25 feet from the roadway which is not possible. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be compliant 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 burning of waste materials shall occur on site.
9. Hours of operation shall be Monday through 8:00 a.m. to 6:30 p.m. and closed on Sunday.
- 10.The project must meet all applicable Federal, State, County and local regulations.
- 11.The applicant must obtain all required zoning permit approvals including a sign permit.
- 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.There shall be no outside cars for sale, as the location of cars for sale outside would not meet the required 25 ft. street yard setbacks.
- 16.There shall be no expansion of the parking areas, as new parking stalls would not meet the required 25 ft. setbacks.

**Staff presents request.
Christopher Hanna speaks regarding the application**

Jerry Grant motioned to approve. Seconded by Jim Van Dreser. Motion carried.
5-favor 0-oppose 1-Abstained (Ryan Simons abstains).
Disc Count # 7:51:55 – 7:57:03

Adjournment

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

The meeting was adjourned at 7:59 p.m.

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