

County Zoning Agency
MINUTES
March 18, 2021 – 5:00 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 5:00 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, and Ryan Simons. Supervisor Jerry Grant, Sue Pruessing and citizen member Jim Van Dreser appear by telephone. Citizen Member Richard Kuhnke, Sr. is absent/excused. 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.

A “sign-in” sheet listing attendees on March 18, 2021 was not presented due to the continued COVID-19 threat.

Details of the March 18, 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.d.1.) John Leek Trust; 9.f.1.) The Salvation Army – Army Lake Camp; and 9.f.2.) Joseph and Wendy Staller is Withdrawn. Motion is made to have item 9.b.2. Trinity Estates to be heard before the Subdivision - New Items. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

Sue Pruessing motioned to approve the February 18, 2021 CZA Meeting Minutes Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Disc Count #5:02:56 – 5:03:09

Wendeberg Violation Update – Michael Cotter -
Contract is out to the company for removal. Waiting for a response.

This matter will return for further discussion at future meetings. No action is taken by the Committee.

Disc Count #5:03:10 – 5:05:41

Subdivision Items – Old Business – None

New Business – Discussion Items –

*** This item of New Business Discussion Item has been motioned to be heard before the Subdivision Items New Business - Edwin C. Meltzer Art Foundation, Inc.*

1. **Trinity Estates Homeowner’s Association, Inc. C/O Salvatore J. Dimiceli, Sr.,** Section 13, Geneva Township. Request for Amendment of an existing conditional use for a Planned

Residential Development (PRD) by less than 25% to allow addition of adjacent CSM lots proposed on part of Tax Parcel J G 1300010A to the maintenance agreement for use of a private road within Trinity Estates on Tax Parcel JTR 00022 and JTR 00024.

NAME: ~~SALVATORE J. DIMICELI, SR. TRUST~~ **TRINITY ESTATES HOMEOWNER'S ASSOCIATION, INC., c/o SALVATORE J. DIMICELI, SR.**

TOWN: GENEVA

Amend 3/18/2021 for allowing access to the Trinity Mt. Estates private road for three CSM lot to the east of the development (See #1).

A conditional use permit for creation of a Planned Residential Development with 20 homesites and approximately a 30 acre parcel of C-2 for future lots as specified in Section 4.0 of the Zoning Ordinances, on lands proposed to be zoned C-2 Upland Resource Conservation District, and described as follows:

Tax Parcel #'s J G 1300010 and J G 2400001B

A parcel of land located in the NW1/4, NE1/4, SW1/4 and SE1/4 of the Southeast ¼ of Section 13, and the NW1/4 of the Northeast ¼ of Section 24, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin. Commencing at the East ¼ corner of said Section 13, said point being the Point of Beginning; thence S 00°46'52" E, a distance of 355.92 feet; thence S 79°22'15" W, a distance of 599.73 feet; thence S 10°13'09" W, a distance of 1325.42 feet; thence S 01°00'51" E, a distance of 993.12 feet; thence S 58°00'24" W, a distance of 1072.22 feet; thence N 44°21'19" W, a distance of 400.56 feet; thence N 12°17'29" W, a distance of 327.92 feet; thence N 01°18'15" E, a distance of 264.33 feet; thence N 59°31'31" E, a distance of 90.04 feet to the point of curvature of a non-tangent curve, concave to the east, having a radius of 60.00 feet a central angle of 96°52'10", and a chord of 89.78 feet bearing S 06°30'41" W; thence Northwest along said curve, a distance of 101.44 feet; thence S 83°35'38" W, a distance of 100.00 feet; thence N 00°55'25" W, a distance of 1074.45 feet; thence N 69°29'04" E, a distance of 100.00 feet to the point of curvature of a non-tangent curve, concave to the east, having a radius of 60.00 feet a central angle of 98°04'44", and a chord of 90.62 feet bearing N 02°41'09" W; thence Northwest along said curve, a distance of 102.71 feet; thence N 02°46'36" W, a distance of 165.53 feet; thence N 15°31'03" W, a distance of 63.18 feet; thence N 68°25'24" W, a distance of 634.95 feet; thence N 01°03'20" W, a distance of 637.48 feet; thence N 89°07'18" E, a distance of 2622.28 feet to the Point of Beginning; said described tract containing 4700540.2 square feet, more or less.

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

1. Approved as per plan submitted **for creation of a Planned Residential Development with 20 homesites and approximately a 30 acre parcel of C-2 for future lots and amended 3/18/2021 to allow three additional CSM lots to the east of Trinity Mt. Estates to have legal access to the private roadways within the Trinity Mt. Estates development including agreement to include the three CSM lots in the maintenance agreement for the Trinity Mt. Estates roadway** with all additional conditions.
2. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction. The applicant will need to identify all stormwater easements on the subdivision plat and indicate that the maintenance of the basins to County standards shall be the responsibility of the subdivision association.
3. The applicant must obtain all required zoning and sanitary approvals prior to construction.
4. The applicant must obtain an approval of the access to the site from the Township. The requirement for the roadway to be dedicated to the Town has been varied to allow the roadway to remain as a private road to be maintained to township road standards by the subdivision association.
5. The open space shall be restricted to remain open, jointly owned and used by the owners of the subdivision for park and recreational purposes. No structures shall be placed in the open space without additional Committee approval.
7. The project must meet all Federal, State, County and local Ordinances.
8. The applicant must provide a tree cutting and restoration plan meeting ordinance requirements for review and approval. Tree cutting shall be limited to that specified on the approved plan of operations.
9. The roads shall meet with County road standards as provided for in the County Land Division Ordinance. The applicant must obtain a variance to the road grade standard if the roadway exceeds the ordinance requirement.

10. This Planned Residential Development (PRD) is approved as a 20 lot single family subdivision subject to subdivision association rules. The governing rules for the subdivision association shall be submitted to the County Land Management Department for review for consistency with County ordinances and requirements. Any changes to the subdivision association rules that may affect County approval of the PRD must obtain additional County conditional use review and approval. The subdivision association covenants must indicate how the expansion area may be brought into the subdivision in the future.
11. 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 subdivision plat and association rules. All property within the subdivision must remain as part of the subdivision and may not be removed from the subdivision without County approval.
12. The County reserves the right to rescind this conditional use upon any violation of County regulations.
13. The property owner shall be held solely responsible for addressing all restrictive covenants or association rules beyond those enforceable under County ordinance and regulations.
14. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the Land Management Committee for additional conditional use review.

AND SUBJECT TO ALL REQUIRED CONDITIONS ON THE PRELIMINARY STORMWATER REVIEW LETTER:

1. **An as-built survey of the wet detention pond will be prepared and submitted to the Walworth County Land Conservation Division.**
2. **Cardinal Engineering will verify the built wet detention pond complies with Wisconsin Department of Natural Resources Technical Standard 1001.**
3. **A long term operation and maintenance plan and agreement for the wet detention pond will be prepared and recorded according to Section 26-16 of the Walworth County Code of Ordinances related to stormwater management.**
4. **A drainage easement will be located, surveyed and recorded to accommodate the conveyance of water discharge from the wet detention pond to a legal, viable and safe outlet.**

Dated this 14th day of May, 2002.

LAND MANAGEMENT COMMITTEE
ROBERT W. TILTON, CHAIRMAN

Staff presents request. Response has been received from the property owner stating they agree to the four additional conditions.

Atty Richard Torhorst via phone/Ryan Cardinal in person available for any questions.

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

Disc Count #5:05:48 – 5:09:59

Subdivision Items – New Business –

1. **Edwin C. Meltzer Art Foundation, Inc.**, proposed 3 lot Certified Survey Map, Located in Section 13, T2N, R17E, Town of Geneva, Tax Parcel # J G 1300010A. The property is zoned C-2, Upland Resource Conservation District. This CSM requires County Zoning Agency review and approval because these lots are being proposed on an existing private road currently serving over 10 lots.

Nick Sigmund presents request.

Atty Richard Torhorst via telephone speaks regarding the request.

Dave Weber motioned to approve with the following conditions: 1) Approval is subject to the proposed lots being incorporated into the maintenance agreement for the private road(s) located within Trinity Mountain Estates Subdivision; 2) Approval is subject to satisfying any storm water concerns of the Walworth County Land Conservation Division; 3) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

Disc Count #5:10:04 – 5:15:57

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. Plat review language concerning written approval for proposed private roads from emergency service units – Nick Sigmund

Discussion by Staff of contacts with Dept. of Administration concerning roadway specification language in local ordinances. Discussion by the Committee regarding extra-territorial plat review and interactions with Villages/Cities. This matter may return if beneficial information is obtained.

Disc Count #5:16:08 – 5:32:43

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Jack Shaffer – Owner, Jeff Johnson – Applicant**, Section 36, East Troy Township. Request to expand an existing land restoration conditional use by less than 25% of existing approval for a pond and spoils disposal area by addition of four wetland scrapes adjacent to the approved pond within adjacent wetlands. Part of Tax Parcel P ET3600007.

NAME: Jack Shaffer (Kathryn Babcock Shaffer Trust)

TOWN: East Troy

Amended 3/18/2021 for wildlife scrapes (see #1, 18).

The property owner is requesting conditional use review and approval for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils area and berms. The pond is intended to serve as a recreational pond and wildlife viewing area. **The request includes amendment of the conditional use to allow for wildlife scrapes within the wetland adjacent to the approved pond subject to a revised site plan.**

Part of Tax Parcel # P ET3600007

Has been APPROVED subject to the following conditions:

General:

1. This facility is approved per plan submitted for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils area and berms **and amended 3/18/2021 to allow for wildlife scrapes per and amended site plan** with all additional conditions.

2. Use of the site shall be strictly limited to the materials specified in the plan of operations. All materials generated from the site must remain on site.
3. There shall be no other users of the pond other than recreation and wildlife viewing.
4. The owner/operator must comply with all Federal, State, County and local regulations. The property owner shall meet all testing and monitoring requirement prior to land application of the spoils.
5. There shall be no filling in designated wetlands without first obtaining the required agency approvals.
6. Proper access and any required road maintenance approval must be granted by the Town prior to operations.
7. There shall be no signage for the project.
8. 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 placed on site.
9. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
10. If applicable conditions are violated, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
11. Staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.
12. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the spoils loading and storage areas.
13. The owner/operator shall provide a copy of all required approval from D.N.R. for the conditional use file.
14. 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.
15. The County will not be liable for any damage to neighboring wells due to the project.
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. **The wildlife scrapes shall meet the General Design Guidance provided for by the State of Wisconsin Department of Natural Resources approved general permit GP-SE-2021-65-00525 and the Wetland Conservation Activities General Permit Application Checklist as specified by the general permit.**

Dated this 19th day of November, 2020.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Town of East Troy, Joe Klarkowski, Chairman, N9330 Stewart School Road, P.O. Box 872, East Troy, WI 53120
Town of East Troy, Kim Buchanan, Clerk, N9330 Stewart School Rd, P.O. Box 872, East Troy, WI 53120

Staff presents request.

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

Disc Count #5:32:47 – 5:35:38

****See Minutes Above - This item heard before Subdivision Items - New Business**

- ~~2. Trinity Estates Homeowner's Association, Inc. C/O Salvadore J. Dimiceli, Sr., Section 13, Geneva Township. Request for Amendment of an existing conditional use for a Planned Residential Development (PRD) by less than 25% to allow addition of adjacent CSM lots proposed on part of Tax Parcel J G 1300010A to the maintenance agreement for use of a private road within Trinity Estates on Tax Parcel JTR 00022 and JTR 00024.~~
3. Possible ordinance amendment related to increasing the height restriction for certain structures in Walworth County from 70 feet to 150 feet – Ryan Simons.

Staff presents request. Ryan Simons discusses contact by the manufacturer and need for a taller building height. Committee requests staff to review options for varying building heights without variances, and potential conditional use conditions and return for discussion of options.

Disc Count #5:35:40 – 5:47:25

Ordinance Amendments – None

Rezones with Conditional Uses –

TABLED – AT REQUEST OF APPLICANT

- ~~1. 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.~~

Rezones – None

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.~~

APPLICATION WITHDRAWN

- ~~2. Joseph and Wendy Staller – Owners, Section 17, Richmond Township. Conditional use review and approval to have a wine tasting bar with outdoor food and beverage area on a property zoned B-4. Tax Parcel C R 1700021.~~

Adjournment

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

The meeting was adjourned at 5:47 p.m.

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