

**County Zoning Agency**  
MINUTES  
**April 22, 2021 – 4:30 P.M.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Jerry Grant, and Ryan Simons, and citizen member Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Sue Pruessing and citizen member Jim Van Dreser appear by phone. 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 April 22, 2021 was not presented due to the continued COVID-19 threat.

Details of the April 22, 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](http://www.co.walworth.wi.us)

**Dave Weber motioned to approve the agenda as amended to table item 9.d.1.) John Leek Trust; 9.d.3.) Adam and Jennifer Friemoth; 9.f.1.) The Salvation Army – Army Lake Camp; and 9.f.2.) Yggdrasil Land Foundation. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

**Dave Weber motioned to approve the March 18, 2021 CZA Meeting Minutes, amending the second on the Meltzer subdivision item to Ryan Simons. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement  
Disc Count #4:33:39 – 4:34:36

Wendeberg Violation Update – Michael Cotter -  
**Discussion concerning status of the contract. Awaiting final signature. Hopefully contract will be returned next week. Summary of contact with defendant.**  
Disc Count #4:34:37 – 4:38:55

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Hill, Jeffery and Maureen**, proposed 1 lot Certified Survey Map, Located in Sections 34 & 35, T4N, R16E, Town of LaGrange, Tax Parcel #'s HBS1 00043 and HBS2 00023. The property is zoned R-1, Single Family Residence District. This CSM requires County Zoning Agency review and approval because it changes the exterior boundary of 1<sup>st</sup> Addition to Bubbling Springs Subdivision and 2<sup>nd</sup> Addition to Bubbling Springs Subdivision. Lots 74 and 102 are proposed to be combined together into one larger lot.

**Nick Sigmund presents request.**

**Jeffery Hill speaks via phone regarding the request.**

**Dave Weber motioned to approve with the following conditions: 1) Approval is subject to resolving the discrepancy with the common ownership of the lots; 2) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances.**

**Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.**

Disc Count #4:39:03 – 4:41:26

- 2. Mary Lindsey Carlson Trust, CF Holdings LLC, Francine C Inbinder Trust, proposed 3 lot Certified Survey Map, Located in Section 33, T2N, R16E, Town of Delavan, Tax Parcel #'s FSH 00001, FSH 00002, FSH 00003 and FSHJ 00002. The property is zoned R-2A, Single Family Residence District. This CSM requires County Zoning Agency review and approval because it crosses the exterior boundary of Shady Side Park Subdivision and James Weed Subdivision of the Shady Side Park Subdivision. Lot 7 of Shady Side Park is being eliminated and absorbed by lots 6 and 8 of Shady Side Park and lot 6 of James Weed Subdivision of Shady Side Park.**

**Nick Sigmund presents request. Condition no. 1 has been met.**

**Chad Pollard / Clair Law speaks regarding the request.**

**Richard Kuhnke, Sr. motioned to approve with the following conditions: 1) ~~Approval is subject to correcting the street name typo;~~ 2) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose. Staff presents CSM for signature.**

Disc Count #4:41:29 – 4:48:59

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. Possible ordinance amendment options(s) related to increasing the height restriction for certain structures in Walworth County from 70 feet to 150 feet – Nick Sigmund.

**Potential draft ordinance proposal concerning height restrictions for structures is discussed by staff and committee. Discussion is had regarding the reasoning behind the request previously presented on the maximum height of buildings in the ordinance. Staff presents the potential of a conditional use and approvals. Questions by the Committee regarding the actual project and discussions.**

**Ryan Simons motions to query Town of Darien on this proposed approach for consideration and input on definition of structure and setbacks, for follow up with towns. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.**

Disc Count #4:49:32 – 5:23:33

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Cournoyer/Hernandez** - Zenda Tap Outdoor food and beverage one year review.

**Staff indicates applicant did not appear at the Town. Staff is recommending tabling and requesting the applicant to appear at the town for review.**

**Richard Kuhnke, Sr. motions to TABLE this matter and direct the applicant to appear at the Town for a review. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.**

Disc Count #5:23:39 - 5:25:19

2. **AMENDMENT TO NAVIGABILITY DETERMINATION (Due to Scrivener’s Error from August, 2018)**, SE ¼ of Section 18 of Linn Township. The underlined and bold words stating: The new Shoreland boundary is **245 feet along the stream corridor** south of the culvert at Summit Drive, were missing in the description of the boundary voted on by the County Board. The request is to send the correct location of the shoreland boundary back to the County Board for a new vote. The water course of concern is identified as map #77 and is available at the Walworth County Land Use and Resource Management Department. The point of navigability is on Tax Parcel IMH 00017.

**Staff presents the scrivener’s error in description approved that did *not* include the additional 245 feet south of the culvert, as was determined in the study provided by the DNR.**

**Jerry Grant motioned to approve staff request and send to County Board for amendment. Seconded by Ryan Simon. Motion carried. 6-favor 0-oppose.**

Disc Count #5:25:22 – 5:28:45

3. **Darien Partners, II – owner, Aldridge Electric – Applicant**, Section 28, Darien Township. Amendment of a conditional use for an industrial office and storage building by addition of a pump house connected to a stormwater basin to be used for a sprinkler system for the building. Tax Parcel B D 2800004.

Amended 4/22/2021 for addition of a pump house for sprinkler system. (see #1)

New approval granted expanding the conditional use 10/15/2020 for construction of an office/storage building (see #1, 9, 16 and 17).

NAME: Darien Partners II, LLC (ALDRIDGE ELECTRIC, INC., APP.)

TOWN: DARIEN

A conditional use permit for outdoor contractor storage as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned M-1 Industrial District, and described as follows:

Tax Parcel #'s B D 2100005 and B D 2800004

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted **and amended 10/15/2020 for construction of an office/indoor storage building and further amended 4/22/2021 for a pump house for the sprinkler system for the building** 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. The owner/applicant must obtain all required zoning and sanitary approvals prior to construction. Permits shall be required for the office trailer.
5. No filling shall be allowed in any wetland areas.
6. No filling shall occur on site without proper permit approvals.
7. Access approval must be obtained from the town highway department.
8. The applicant must obtain a Walworth County Land Disturbance, Erosion Control & Stormwater approval from Walworth County 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. An operation and maintenance plan for each stormwater best management practice must be prepared. The plat prepared for this property must show the location and label each stormwater best management practice planned to serve the development. All grading must be conducted consistent with the approved Walworth County Land Disturbance Erosion Control and Stormwater Management plan. All topsoil generated from the site must be evenly distributed back onto the site on the areas from which it was removed or in areas in need of the topsoil. No materials may be removed from the site without county approval. The applicant must submit and obtain approval of a landscaping plan from the Walworth County Conservation Office.
9. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Friday and 6:00 a.m. to noon on Saturday **with return of equipment from off site work up to 9:00 p.m.**
10. No burning shall be allowed on site without a state burning facility license and any required local approvals.
11. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth County Land Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

Specific Conditions:

12. The owner/applicant must obtain Walworth County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site.
13. The landscape plan must include trees for screening of the site and must obtain approval from the town.
14. The applicant shall upgrade Foundry Road to Class A standards from Highway 14 to the second driveway as required by the town.
15. The storage area may not be leased to other users without amendment of this conditional use.
16. **All lighting shall be shielded and directed on the site as per the Town.**
17. **The outside storage area shall be fenced as per the Town.**

Dated this 18<sup>th</sup> day of January, 2007.

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/s/  
COUNTY ZONING AGENCY  
RICHARD KUHNKE, SR., CHAIRMAN

Dated this 15<sup>th</sup> day of October, 2020.

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COUNTY ZONING AGENCY

RICK STACEY, CHAIRMAN

cc: David Roberts, W238 N1610 Busse Rd, Ste 100, Waukesha, WI 53188  
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.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.**  
Disc Count #5:28:48 – 5:31:35

**5:31 p.m.:**

Ordinance Amendments – None

Rezones with Conditional Uses –

**TABLED – AT REQUEST OF APPLICANT (No Stormwater/Incomplete Plan)**

- ~~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.~~
- Christopher D. and Anna G. Meisner – Owners, Robert Herrman – Applicant**, Section 25, Delavan Township. Rezone 16.7 acres of A-5 Agricultural-Rural Residential District zoned property to the A-1NC Prime Agricultural Land Holding District. Accompanied by a conditional use to build on the farm separation parcel. Identified as the A-5 portion of Tax Parcel F D 2500015.

General:

- Approved per plan submitted to build a residence and out building for farm use on a farm separation remnant with all additional conditions.
- Must meet all applicable Federal, State, County and local regulations.
- The applicant must obtain Township approval for access prior to construction on site.
- No further land divisions of the A-1 area of the parcel will be allowed without proper County approvals.
- The buildings shall serve the stated agricultural purpose.
- 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.
- 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:

8. The property owner shall withdraw the four lot C.S.M. application currently pending with the County if the rezone to A-1NC passes at County Board.

**Staff presents request.**

**Atty Christina Green speaks regarding the application.**

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

The rezone petition will move forward to the May 11, 2021 Walworth County Board for possible action.

Disc Count #5:31:54 – 5:40:50

**TABLED – NO TOWN DECISION**

3. ~~Adam and Jennifer Friemoth — Owners, Randy Johnson, Johnson Sand & Gravel, Inc. — Applicant, Section 2, LaFayette Township. Rezone approximately 32.94 acres of A-1 Prime Agricultural land to the M-3 Mineral Extraction District in order to expand an existing sand and gravel mining operation by approval of a conditional use permit. Part of Tax Parcel K LF 200002.~~

**Nonmetallic Mining Reclamation Permit**

~~Johnson Sand & Gravel, Inc. (Adam and Jennifer Friemoth — owners), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 32.94 acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 200002, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.~~

Rezoning – None

Conditional Uses –

**TABLED – NO TOWN DECISION / INCOMPLETE PLAN**

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.~~

**TABLED – NO TOWN DECISION**

2. ~~Yggdrasil Land Foundation — Owner, Charles A. Self — Applicant, Section 36, Troy Township. Conditional use to expand an existing conditional use for Farm Food Service by~~

~~greater than 25%. The expansion would allow for construction of an addition on to a lean to to create a State approved commercial kitchen for the purpose of prepping, storing and assembling and cooking pizzas on the farm on the A-4 zoned portion of Tax Parcel L T 3600003.~~

Staff addresses the Committee regarding calls received regarding permit turnaround time and increased volume of permits submitted.

**Adjournment**

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

The meeting was adjourned at \_\_\_\_\_ 5:43 \_\_\_\_\_ p.m.

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