

County Zoning Agency
MINUTES
June 17, 2021 – 5:00 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 5:02 p.m.

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

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director/County Conservationist Lindsay Motl and 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 June 17, 2021 was not presented due to the continued COVID-19 threat.

Details of the June 17, 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

Introduction of New LURM Deputy Director / County Conservationist: Lindsay Motl

Dave Weber motioned to approve the agenda as amended to table item 10.f.1.) Adam and Jennifer Friemoth; 10.f.2.) John Trossen – Owner, Patrick Hogan, Applicant; 10.f.4.) Unilock Aggregates, LLC; 10.h.1.) The Salvation Army – Army Lake Camp; and 10.h.4.) S.T. Eveniasiak, LLC. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose

Richard Kuhnke, Sr. motioned to approve the May 20, 2021 CZA Meeting Minutes. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement

Discussion regarding clean-up of Shottlander/East Troy property with judgment.

Disc Count #5:07:45 – 5:11:20

Wendeberg Violation Update – Nicholas Sigmund

Disc Count #5:11:21 – 5:12:33

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **John and Elzbieta Sieminski** restriction removal request on lot 1 of Certified Survey Map #721, also identified as Tax Parcel # FA 72100001, located in Section 31, Town 2 North,

Range 16 East, Town of Delavan. The applicant is requesting the County Zoning Agency to remove a previously recorded access restriction identified on the Certified Survey Map.

Nick Sigmund presents request.
Warren Hansen speaks regarding the request.

Dave Weber motioned to approve with the following conditions: 1) Approval is subject to the applicant recording the Correction Instrument with the Register of Deeds Office; 2) Approval is subject to meeting all applicable state statutes and Walworth County Ordinances. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.
Disc Count #5:12:34 – 5:17:21

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.

Jim Van Dreser motioned to publish and set for a public hearing. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.
Disc Count #5:17:28 – 5:28:15

2. **Transformative Arts** – Review from February, 2021: amended 2/18/2021 for temporary reduction in the number of parking stalls required due to reduced capacity during the Covid-19 pandemic from 64 stalls to 24 stalls serving a capacity of the theater of 120 total occupants to be reviewed again in June, 2021.
Tax Parcel F D 3600001.

Staff indicates the applicant is requesting 34 spaces for this season, and return in June 2022 for further review.

Jim Van Dreser motioned to approve. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.
Disc Count #5:28:43 – 5:31:30

3. **Birds Eye Foods:** 1 YEAR UPDATE: Offensive Environmental Odors in the Darien Community Review, Tax Parcel B D 2800007/BA412100001, Darien Township – Michael Cotter

Staff reports the amount of complaints have decreased but there are still a few complaints.

Jim Van Dreser motioned to review / monitor annually. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.
Disc Count #5:31:32 – 5:39:18

New Business - Ordinance Amendments – None

New Business – Discussion Items –

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

Staff presents item. Applicants have appeared at the Town and requested to be tabled until June, 2022 stating no events would be held in 2021. Staff recommends amending the Conditional Use to have a review in June, 2022 and #31 shall be no events until the review is complete.

Jerry Grant motioned to amend the Conditional Use permit as outlined by staff. Seconded by Ryan Simmons. Motion carried. 7-favor 0-oppose.
Disc Count #5:39:43 - 5:43:56

5:41 p.m.:

Ordinance Amendments – None

Rezoning with Conditional Uses –

TABLED – NO TOWN DECISION / NO BOA DECISION

1. ~~**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.~~

**TABLED BY TOWN FOR LAND USE PLAN MAP AMENDMENT –
NOVEMBER, 2021 CZA**

2. ~~John Trossen – Owner, Patrick Hogan – Applicant, Section 10, Linn Township. The property owner is requesting to rezone approximately 1.66 acres of R-1 Single Family Residential zoned property to the P-1 Park District. The rezone is requested in order to have principle use of playfields and athletic fields for two volleyball courts, two pickleball courts and two future platform tennis (paddle) courts. The requested includes conditional use petition for outdoor food and beverage, a food truck and public assembly for up to three limited (no more than 100 people) music events from a stage. The property of concern is located on the east side of Linn Road approximately 335 feet north of the intersection of Linn Road and Linnwood Avenue identified as Tax Parcel LL 1000004B.~~

3. **Shea Real Estate, LLC C/O Steven Anderson – Owner, Section 35, Walworth Township. Rezone approximately 9.08 acres of R-1 Single Family Residential property to the C-2 Upland Resource Conservation District to be added to additional C-2 zone land. The rezone is accompanied by a conditional use petition for a three lot Planned Residential Development (PRD) with five acre lot size averaging on 16.09 acres of C-2 land exclusive of road right of way. Part of Tax Parcel E W 3500001G.**

General:

1. Approved as per plan submitted for a three lot PRD allowing one single family homes per lot meeting the density and setback requirements of 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 C.S.M. with the required restrictions must be made for the PRD within one year of this approval.

Specific:

8. **No trees shall be planted within 20' of E W 3500001, as per the Town.**

Staff presents request.

Steve Anderson speaks regarding the application. Warren Hansen speaks regarding the application.

Speaking in OPPOSITION: Paula Sass.

Speaking in REBUTTAL: Warren Hansen.

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

The rezone petition will move forward to the July 13, 2021 Walworth County Board for possible action.

Disc Count #5:52:00 – 6:00:16

TABLED – NO TOWN DECISION

4. ~~Unilock Aggregates, LLC C/O Bob Moser, Director of Project Management, US Operations, Section 6, LaFayette Township. The property owners are requesting to rezone approximately 32.68 acres of A-1 Prime Agricultural zoned property to the M-3 Mineral Extraction zone district in order to request conditional use approval for expansion of an existing gravel pit. The property of concern is located on the north side of Hwy A approximately 1500 feet west of the intersection of Hwy A Hodges Road identified as the northern most portion of Tax Parcel K LF 600005.~~

Nonmetallic Mining Reclamation Permit

~~Unilock Aggregates has applied for modification to a Nonmetallic Mining Reclamation Plan and permit for a 32.68 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 600005, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.~~

Rezones – 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.~~
2. **Zioto Enterprises, LLC C/O George Paziopolis, Section 8, Darien Township.** Conditional use approval for a fireworks stand as part of a Planned Unit Development (PUD) with a convenience storage/gas station and sheds for sale on land zoned B-4 Highway Business District. Part of Tax Parcel B D 800005.

Staff presents request. Applicant missed the Town hearing deadline and did not appear at the Town.

Dave Weber motioned to DENY. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.
Disc Count #6:00:25 – 6:12:24

3. **TL Capital, LLC C/O John G. Schehl – Owner**, Section 12, Richmond Township. Conditional use review and approval for outdoor food and beverage to allow food and drink service on a 12 ft. by 30 ft. patio at the Turtle Lake Tap and grill zoned B-3 Water Front Business District. Part of Tax Parcel CCR 00069.

General:

1. The Conditional Use for use of a patio for outdoor food and beverage consumption for a bar/restaurant is approved as per the 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 by on site workers 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 keeping 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 be marked and 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 within 60 days of this approval.
10. The property owner must obtain the required County sanitary permit approval for facilities to be located 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 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. Hours of operation on the patio seating area shall be 10:00 a.m. to ~~11:00~~ **10:30** p.m.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. **The area will only be used for outdoor dining, as per the Town.**
18. **Dining service on the patio will be cut off at 9:00 p.m., as per the Town.**

19. Only piped in dining music is allowed on the patio. No live bands or musicians, as per the Town.
20. No cocktail or food service allowed on this patio after 10:30 p.m., as per the Town.

Staff presents request. Supplemental materials are provided.

John Schehl speaks regarding the application.

Speaking in SUPPORT: Linda Szramiak

Speaking in OPPOSITION: Kim Alba

Speaking in REBUTTAL: John Schehl

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

Disc Count #6:12:33 – 6:30:30

TABLED – NO TOWN DECISION

4. ~~S.T. Evenignasiak, LLC C/O Steven Ignasiak – Owner, Bulk Materials Trucking – Applicant, Section 26, LaFayette Township. Conditional Use to add a trucking company office, repair shop and parking area to an existing Planned Unit Development (PUD) providing for other similar uses on property zoned M-2 Heavy Industrial District. Part of Tax Parcel K-LF-2600001.~~
5. **Scott Simer – Owner, Freedom Forever WI, LLC C/O Nicole Czmiel – Applicant, Section 19, Darien Township. Conditional use review and approval for installation of a 20.79 kW ground mounted solar system being 1120 sq. ft. in area to cover the homeowner’s personal electricity usage at the property zoned A-1 Prime Agricultural District. Part of Tax Parcel BA104500001.**

General:

1. Approved as per plan submitted for a 20.79 KW ground mounted solar system being 1120 sq. ft. in area to cover the homeowner’s personal electricity usage at the property and overproduction of electric power fed to the Alliant Energies grid with all additional conditions as stated.
2. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
3. Construction related activities are only allowed on site between sunrise to sunset.
4. All easements must be use for the purpose for which they were granted.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.
10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
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 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.
13. The applicant is responsible for removal of the solar panel array if it is no longer in use. If the solar panel array is not operated during a 12 months period, it shall be considered abandoned. Abandoned solar panel arrays may be required to be removed within 90 days.
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. All installation of the solar panel array must comply with Wisconsin Administrative Code Chapter PSC 119 for interconnection distributed generation facilities.

Specific:

**Staff presents request and indicates this is consistent with Farmland Preservation.
Michael Walkins speaks regarding the application.**

**Ryan Simons motioned to approve. Seconded by Dave Weber. Motion carried.
7-favor 0-oppose.
Disc Count #6:30:35 – 6:36:50**

Adjournment

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

The meeting was adjourned at 6:37 p.m.

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