

County Zoning Agency

MINUTES

July 20, 2023 – 5:00 P.M.

100 West Walworth Street
Elkhorn, Wisconsin

Chair Ryan Simons called the meeting to order at 5:00 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons, Dennis Karbowski, Al Stanek, Joanne Laufenberg and citizen member Jim Van Dreser. Supervisor Sue Pruessing and Citizen member Richard Kuhnke, Sr. were absent. A quorum was present.

County Staff present Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director Mandy Bonneville, Senior Planner/Hearing Facilitator Katelyn Miner and Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on July 20, 2023 is kept on file as a matter of record.

Details of the July 20, 2023 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

JoAnne Laufenberg motioned to approve the agenda as amended to table items 8.e.1.) Stephen Russo; and 8.f.3.) Whitewater Limestone Inc. Seconded by Dennis Karbowski. Motion to Approve the agenda as amended carried. 5-favor 0-oppose

Dennis Karbowski motioned to approve the June 15, 2023 CZA Meeting Minutes. Seconded by JoAnne Laufenberg. Motion carried. 5-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement

Discussion of displeasure of Town of Darien and enforcement actions. Discussion regarding resolution of outstanding issues and providing information to the public. Discussion regarding how items are entered on the violation listing and how they are removed and/or updated.

Disc Count # 5:09:07 – 5:28:27

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Iligene Anderson**, proposed 1 lot Certified Survey Map, Located in Section 26, T4N, R16E, Town of LaGrange, Tax Parcel #'s HHP 00001, H LG600042 and H LG2600042A. The property is zoned R-1: Single-Family Residence District. This CSM requires County Zoning Agency review and approval because the proposal changes the exterior boundary of Highland Park of Lauderdale Subdivision.

Staff presents request and indicates staff has no recommended conditions.

No one appears regarding the application – staff spoke with the surveyor earlier in the day who thought a rep may appear.

Dennis Karbowski motioned to approve. Seconded by Jim Van Dreser. Motion carried. 5-favor 0-oppose. CSM is signed by the Chairman. Disc Count # 5:28:33 – 5:33:00

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. A-4 Businesses Zoning Requirements Findings – Nick Sigmund

Staff discusses findings regarding business zoning requirements in other communities and historic changes to the Walworth County ordinances provided in supplemental packet.

Staff indicates holding another workshop is an option if the Committee feels a need for a workshop.

No further action is taken.

Disc Count # 5:33:06 – 5:45:06

New Business - Ordinance Amendments – None

New Business – Discussion Items – None

5:45 p.m.:

Ordinance Amendments – None

Rezoning with Conditional Uses –

- 1. Beber Camp Property Inc. C/O Harrell Wittenstein – Owner, Section 4, East Troy Township. Rezone approx. 1.2 acres of R-1 Single-Family Residence District (Unsewered) to C-2 Upland Resource Conservation District to match rest of camp area and amend current conditional use to remove and replace certain camp buildings/facilities. Tax Parcels P ET 400007, P ET 400008, P ET 500003, P ET 500006C, P ET 500010, and P ET 500011.**

AMENDED 7.20.2023 – renovations, additions, and removal of camp buildings/facilities. (See #1)

Amended 11/17/2022 for addition of a high ropes course and climbing wall

1-17-2019 – Amended for Staff Housing Building, see condition #1, 16.

2-18-16 – Amended re seasonal yurt platform complex and associated restroom, shower and recreational building, conditions #1, 17.

4-16-09 – Amended re addition of health center, conditions #1, 15, & 16.

NAME: Beber Camp Property, Inc.

TOWN: EAST TROY

A conditional use permit for the addition of a Health Center to a children's summer camp for non-winterized summer use as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned C-2 Upland Resource Conservation District, and described as follows:

Tax Parcel #'s P ET 400007, P ET 400008, P ET 500002, P ET 500003, P ET 500006C, P ET 500010, P ET 500011

Has been APPROVED subject to the following conditions:

1. The Conditional Use for the recreational youth camp and conference center with a new health center and amended 2-18-2016 for a seasonal yurt platform complex and associated restroom, shower and recreational building and amended January 17, 2019 for addition of a 2018 Staff Housing Building as shown on a site plan dated Received December 27, 2018 is approved as per the plan submitted **and amended 11/17/2022 for addition of a high ropes course and climbing wall with self-belay system as per plan submitted. In addition, this is amended 7/20/2023 for renovation of the dining hall, patio, amphitheater, crown hall, boardwalk, and shelter as well as the addition/renovation of high ropes, archery, recreational pool, pavilions, courts, welcome center, parking, storage barn, workshop, shed, field, gates, fence, path, docks, commons, canoe launch, new cabin, and turnaround as per plan submitted** with all additional conditions.
2. Use of the grounds shall be limited to normal recreation youth camp and conference center use as stated in the plan of operations.
3. All housing for the youth camp and conference center users shall occur in the buildings identified on the plan.
4. The project must meet with all State, Federal and local approvals.
5. The applicant must obtain the required County Zoning permits.
6. Hours of operation shall be as stated in the plan of operations.
7. Sufficient adult supervision must be present at all times when the camp or center is used by children.
8. The total capacity of the camp and conference center shall be as identified in the plan of operations.
9. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
10. The project site must meet with all County sanitary requirements.
11. All perimeter fencing shall be maintained as identified on the project plan.
12. The applicant obtaining adequate liability insurance and keep the insurance current during the life of this conditional use.
13. All lighting must be shielded and directed on to the property.
14. Parking must meet with requirements of the county zoning ordinance. All parking across from residential zoning must be setback 25 feet from the roadway. All parking must be in compliance with County requirements within 60 days of this approval.
15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific Conditions:

16. The existing health center must be removed from the site by September 15, 2009.
17. There shall be a noise curfew enforced at 10:00 P.M. for the benefit of the surrounding neighbors as per the Town.

Dated this 21st day of August, 2008.

/s/
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 21st day of August, 2008.

/s/
COUNTY ZONING AGENCY
RICHARD BRANDL, CHAIRMAN

Dated this 17th day of November, 2022.

/s/
COUNTY ZONING AGENCY
RYAN SIMONS, CHAIRMAN

Dated this 20th day of July, 2023.

COUNTY ZONING AGENCY
RYAN SIMONS, 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.

Harrell Wittenstein speaks regarding the application.

Jim Van Dreser motioned to approve with staff conditions as amended. Seconded by Dennis Karbowski. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the August 8, 2023 Walworth County Board for possible action.

Disc Count # 5:49:47 – 5:54:05

Rezones –

TABLED – NO TOWN DECISION

1. ~~**Stephen Russo – Owner**, Section 18, East Troy Township. Rezone approximately 0.365 acres of A-3 Lane Holding land to C-4 Shoreland Wetland District and 0.641 acres of C-4 Shoreland Wetland lands to A-3 Land Holding District in order to correct the wetland boundary on the property to build a house with a patio, sidewalk, and driveway in the A-3 Land Holding District. Tax Parcel P-ET1800019.~~
2. **Alex Martzke – Owner**, Sections 11 & 14, Lyons Township. Rezone approximately 1.56 acres of C-3 Conservancy Residential land to B-2 General Business District, 0.8 acres of C-3 Conservancy Residential land to C-2 Upland Resource Conservation District, and 6.72 acres of B-2 General Business land to C-2 Upland Resource Conservation District in order to keep the residence and business portions of the properties separate. Tax Parcels N LY1100007A and N LY1400004.

Staff presents request.

Alex Martzke speaks regarding the application.

Dennis Karbowski motioned to approve. Seconded by Jim Van Dreser. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the August 8, 2023 Walworth County Board for possible action.

Disc Count # 5:54:12 – 5:58:05

- 3. Paul & Patricia Beran and L&DP Investments LLC C/O Lance Petrasek – Owners,** Section 13, Whitewater Township. Rezone approx. 4.9 acres of P-1 Recreational Park District to C-2 Upland Resource Conservation District, 0.123 acres of A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District, 3.02 acres of P-1 Recreational Park District to C-1 Lowland Resource Conservation District, 5.2 acres of P-1 Recreational Park District to C-2 Upland Resource Conservation District, and 2.75 acres of P-1 Recreational Park District to C-1 Lowland Resource Conservation District in order to build a single-family residence on each parcel. Tax Parcels D W 1300008A, DA364200001, and DA346200002.

Staff presents request.

Lance Petrasek speaks regarding the application.

Jim Van Dreser motioned to approve. Seconded by JoAnne Laufenberg. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the August 8, 2023 Walworth County Board for possible action.

Disc Count # 5:58:06 – 6:02:11

- 4. James Alexander Trust C/O James Alexander – Owner,** Section 13, Lyons Township. Rezone approx. 19.6 acres of C-3 Conservancy-Residential District to C-2 Upland Resource Conservation District and 2.6 acres of M-3 Mineral Extraction District to C-2 Upland Resource Conservation District in order to build a single-family residence and a lot line adjustment. Tax Parcels NA 69200001 and N LY1300002A.

Staff presents request.

James Alexander speaks regarding the application.

Al Stanek motioned to approve. Seconded by Dennis Karbowski. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the August 8, 2023 Walworth County Board for possible action.

Disc Count # 6:02:12 – 6:05:18

5. **Geneva Territory Inc. C/O William Bensheimer – Owner**, Section 29, Lyons Township. Rezone approx. 16.6 acres of C-1 Lowland Resource Conservation District to P-1 Recreational Park District in order to provide a park area for members of the Geneva Territory Association. Tax Parcel NDA1 00036A.

Staff presents request and indicates this property was a previous violation and remains a violation until inspected and approved by the Conservation staff.

Steve Wolf speaks regarding the application. Indicates violations have been addressed and he has been in contact with Conservation staff and expects approval next week after providing pictures.

Questions by Stanek regarding dry weather conditions and establishment of plantings. Applicant indicates plants are blooming. Stanek confirms staff will approve the repairs.

Speaking in FAVOR: Ted Harig, Douglas Rohde

Dennis Karbowski motioned to approve. Seconded by JoAnne Laufenberg. Motion carried. 5-favor 0-oppose.

The rezone petition will move forward to the August 8, 2023 Walworth County Board for possible action.

Disc Count # 6:05:19 – 6:16:04

Conditional Uses –

1. **MaryBud, LLC C/O Mark MacDonald – Owner**, Section 23, Lyons Township. Conditional use review and approval for a free standing solar array in the northwest portion of the site on approx. 90 acres of A-2 Agricultural Land and 17 acres of C-2 Upland Resource Conservation land. Tax Parcel N LY2300001.

General:

1. Approved as per plan submitted as a 382.59 kW, pole-mounted racking system solar array consisting of 702 panels in 5 rows 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 used 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 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 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, **at the discretion of the County Zoning Agency.**
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.

Staff presents request. Chairman speaks regarding paragraph 13 indicating “may” be required to removed instead of “shall”.

Mark MacDonald speaks regarding the application.

**Al Stanek motioned to approve with conditions as presented, amending paragraph #13 to add “at the discretion of the County Zoning Agency”. Seconded by Jim Van Dreser. Motion carried. 5-favor 0-oppose
Disc Count # 6:16:05 – 6:24:09**

2. **Dean & Amy Schoenleber – Owners**, Section 2, East Troy Township. Conditional use review and approval for a hobby farm 0with a building for approx. 7 goats and 2-3 horses and a modification request for the building setback from the side lot line on approximately 12 acres (9.45 usable acres) of C-2 Upland Resource Conservation land. Tax Parcel PA306800004.

General:

1. Approved as per plan submitted with all additional conditions as a hobby farm.
2. The site must meet all applicable Federal, State, County and local regulations.
3. The applicant must obtain any required zoning permits prior to construction.

4. Any changes in the proposed use of the property may require additional County approvals.
5. All outside lighting must be shielded and directed on site.
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. 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 total number of animals in the animal housing structure shall be limited to no more than 4 horses and 14 goats based upon 9.5 usable acres. The total number of animals allowed on the site shall be detailed in a deed restriction referencing the parcel and shall be recorded. A copy of the deed restriction must be submitted to the Land Use and Resource Management Department.**
9. **Upon approval from the County Zoning Agency, the side yard setback for the animal housing structure shall be modified from the standard 100 ft. minimum to 35 ft. minimum as per plan submitted.**

Staff presents request.

Amy Schoenleber speaks regarding the application.

Supervisor Karbowski questions applicant regarding distances – applicant indicates both neighbors provided support at the Town level.

Dennis Karbowski motioned to approve with conditions as presented. Seconded by Jim Van Dreser. Motion carried. 5-favor 0-oppose
Disc Count # 6:24:10 – 6:27:51

TABLED – NO TOWN DECISION

- ~~3. **Whitewater Limestone Inc. C/O Robert Mann – Owner, Section 9, Whitewater Township. Conditional use review and approval for increase in the depth of the gravel pit by approx. 40 feet on approx. 26 acres of M-3 Mineral Extraction land. Tax Parcel D W 900004.**~~

Adjournment

Dennis Karbowski motioned to adjourn. Seconded by Jim Van Dreser. Motion carried. 5-favor 0-oppose.

The meeting was adjourned at 6:31 p.m.

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