

# County Zoning Agency

## MINUTES

July 21, 2022 – 4:30 P.M.

100 West Walworth Street  
Elkhorn, Wisconsin

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Chairman Ryan Simons called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons, Sue Pruessing, Dennis Karbowski, Joanne Laufenberg, Al Stanek, and citizen members 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 Mandy Bonneville, 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 July 21, 2022 is kept on file as a matter of record.

Details of the July 21, 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](http://www.co.walworth.wi.us)

**Sue Pruessing motioned to approve the agenda as amended to table items 8.f.2.) Treetops Funding, LLC C/O Mark McClain – Owner. Seconded by Dennis Karbowski. Motion to Approve the agenda carried. 7-favor 0-oppose**

**Richard Kuhnke, Sr. motioned to approve the May 17, 2022 CZA TRAINING and June 16, 2022 CZA Meeting Minutes. Seconded by Sue Pruessing. Motion carried. 7-favor 0-oppose**

**Supervisor Laufenberg requests to rescind her Aye vote approving the June 2022 minutes and makes a motion to amend the Minutes to reflect: Supervisor Laufenberg requested to allow for acoustic music in the tent. Seconded by Dennis Karbowski. Motion failed to approve the minutes as amended. 2-favor 5-oppose. Vote on the Motion to approve the minutes as presented carries. 6-favor 1-oppose (JoAnne Laufenberg votes in opposition based upon motion indicated above).**

### Zoning / Sanitation / Land Conservation Enforcement

Discussion by Committee concerning issues of navigability and potential citations on certain properties.

Disc Count # 4:42:33 – 4:51:14

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Pinnow Family Trust**, proposed 3 lot Certified Survey Map, Located in Section 27, T3N, R15E, Town of Richmond, Tax Parcel # C R 2700001B. The property is zoned C-2, Upland

Resource Conservation District. This CSM requires County Zoning Agency review and approval because more than 2 lots are being proposed on a shared private driveway easement.

**Nick Sigmund presents requested modification.**

**James Duquette and Steve Pinnow speak regarding the request for questions.**

**Jim Van Dreser motioned to approve with the following conditions: ~~1) Approval is subject to adding the 300 foot width line to lot 3.; 2) Approval is subject to adding the wetland notation;~~ 3) Approval is subject to revising or replacing the access easement to reflect the additional benefitted parcels; 4) Approval is subject to meeting the requirements of the Land Conservation Department; 5) Approval is subject to meeting all requirements of state statutes and county ordinances. Seconded by Al Stanek. Motion carried. 7-favor 0-oppose.**

Disc Count # 4: 51:18 – 5:02:03

2. **4D Development, LLP**, proposed 2 lot Certified Survey Map, Located in Section 31, T2N, R16E, Town of Delavan, Tax Parcel #'s FDUT 00023 and F D 3100004. The property is zoned R-2: Single-Family Residence District, A-1: Prime Agricultural Land District, and A-1NC: Prime Agricultural Land Holding District. This CSM requires County Zoning Agency review and approval because the proposal changes the exterior boundary of Dutch Meadows Subdivision.

**Nick Sigmund presents request.**

**Kristin Belonga speaks regarding the request for questions.**

**Sue Pruessing motioned to approve with the following conditions: ~~1) Approval is subject to making the changed requested by staff; and 2) Approval is subject to meeting all requirements of state statutes and county ordinances.~~ Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose. Plat is presented to the Chairman for signature.**

Disc Count # 5:02:04 – 5:15:15

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. **Cournoyer/Hernandez – Owner**, Section 27, Linn Township. - Zenda Tap Outdoor food and beverage one year review. Tax Parcel I L 2700012. - Matt Weidensee.  
**6/17/21 meeting minutes:** 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.

NAME: Marion J. Cournoyer, Leonor I. Hernandez

TOWN: Linn

The property owners are requesting conditional use approval for outdoor food and beverage consumption in the back of the bar when the bar is open along with public assembly use to allow free open microphone/ open jam sessions on Fridays and Saturdays and karaoke on Sundays on an outdoor stage behind the Zenda Tap from March to October. There are six picnic tables in the fenced area used for normal outdoor food and beverage seating for small gathering and people who go outside to smoke. The request also includes a proposal for three organized music events per year with a capacity of up to 120 people inside of the outdoor fenced area of the bar. One event is called Zenda Polooza and is held each year in July by the bar. A second event is held by the bar on Halloween and one event is left open. The events would be held by the property owner and no tickets or admissions are charged. The events are free not paid ticket events. Event would begin at 1:00 p.m. and end at 12:00 a.m. (midnight). Six employees work during the three music events. There would be four portable toilets in the outdoor fenced backyard area to serve the events. There are two outdoor exits from the fence area and a fire extinguisher is located in the outdoor area. Part of the back yard area is used for parking. During events that need more parking Melges Boat Company next door allows parking through a signed agreement for up to 30 cars.

Tax Parcel # I L 2700012.

Has been APPROVED subject to the following conditions:

General:

1. The Conditional Useg for outdoor food and beverage consumption **and public assembly are approved as per plan submitted with all additional conditions.** Outdoor food and beverage use includes use of six picnic tables in the fenced area used for normal outdoor food and beverage seating for small gathering of bar customers and people who go outside to smoke while the bar is open. All approvals are subject to the plan submitted and with the following conditions.
2. Approval is also granted for public assembly use for not paid admission events to be held by the bar. All approvals are subject to the plan submitted and with the following conditions.
3. Use of the grounds shall be limited to the uses as stated in the plan of operations.
4. A minimum of six employees shall be on site working during the music events held by the bar owner for the customers of the bar.
5. All outdoor seating and all outdoor food and beverage consumption must be within the fence backyard area.
6. The stage/deck/pavilion must meet with the commercial building code including all proposed lighting.
7. There shall be a minimum of four portable toilets in the outdoor fenced backyard area to serve the events. The property owner must obtain the required County sanitary permit approval for facilities to be located on site. The property owner must provide copy of the contract for maintenance of the portable toilets.
8. There shall be two outdoor exits from the backyard fence area available as emergency exits.
9. There shall be fire extinguishers located in the outdoor area as required by State and local requirements.
10. There shall be no retail sales of any type from the backyard fenced event area.
11. There shall be no camping or overnight stays of any type allowed on site outside of the caretaker's residence behind the bar.
12. The project must meet with all State, Federal and local requirements.
13. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage including signs visible from the roadway on the backyard fenced area.
14. Sufficient adult supervision must be present at all times when facilities are in use.
15. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
16. All lighting must be shielded and directed on to the property.

17. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.
18. 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 so as to be dust free. All parking including temporary parking on the grass shall be marked as shown on the approved plan of operations. All parking for business on site 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. Driveway access and designated parking areas for the event shall be located outside of the designated patron attendance fenced area.
22. There shall be a minimum of three parking attendants working the parking area inside the fenced area prior to and after the music events.
23. The owner shall keep a record of the type, dates and times and occupancy of the approved events and make the record available to the County upon request.
24. The property owner shall be responsible for an onsite security plan and shall be responsible for sharing the plan with the designated fire and police departments prior to use of the site for events.
25. There shall be no camping of any type on the property.
26. **Approval is granted for three large outdoor events with a maximum of 120 people with hours of operation from 3 p.m. to 12 a.m. (midnight) as per the Town.**
27. **Approval is granted for three smaller events of less than 120 people with hours of operation from 3 p.m. to 10 p.m. as per the Town.**
28. **All events shall take place on a Saturday as per the Town.**
29. **All events shall be approved by the Linn Police Department as per the Town.**
30. **There shall be no outdoor open microphone nights as per the Town, outside of the specified conditions no. 27 and 28.**
31. **The conditional use shall be reviewed by the Town and County in one year as per the Town.**

Dated this 28<sup>th</sup> day of April, 2020.

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COUNTY ZONING AGENCY  
RICK STACEY, CHAIRMAN

cc: Town of Linn, James Weiss, Chairman, W3728 Franklin Walsh Street, P.O. Box 130, Zenda, WI 53195  
Town of Linn, Rose Miller, Clerk, W3728 Franklin Walsh Street, P.O. Box 130, Zenda, WI 53195

**Staff presents materials for review, explaining the current item for review and the applicant appearing at the Town. Staff had discussion with the Town and staff's**

**recommendation for the Committee is to have this matter referred to the Town for a final recommendation.**

**JoAnne Laufenburg makes a motion to approve as presented. Chairman indicates this is not presented for approval, but here on a one-year review. Committee discusses options based upon the applicant not appearing at the Town.**

**Al Stanek motions to request a final recommendation from the Town concerning the current request copying property owner. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:06:25 -

New Business - Ordinance Amendments – None

New Business – Discussion Items –

**1. Car Charging Stations**

**Staff summarizes current discussions regarding the use and possible placement of stations; information obtained from research and conversations with industry representatives. Staff indicates we may not be in a place to prepare an ordinance concerning charging stations in discussions with industry reps. Staff recommends waiting for a higher demand and business models for operation prior to crafting a formal ordinance, and operate under the current ordinance.**

**No action is taken by the Committee at this time.**

Disc Count # 5:16:35 – 5:26:38

**2. Solar Panel Projects – Large and Small Project Jurisdiction – Matt Weidensee**

**This discussion was requested by County Board Chair Rick Stacey. Staff summarizes conditional use review and size requirements, and different types of solar panel projects. Federal government provides guidelines for different sized projects.**

**No action is taken by the Committee at this time.**

Disc Count # 5:26:39 – 5:30:28

**3. Exotic Enterprises – Delavan Lake Enterprises – Owner, Peter Jurgens – Applicant, Section 25, Delavan Township. Amendment of an existing conditional use for installation of a tot lot playground set less than 25% of existing structures on land zoned P-1. Tax Parcel F D 2500003A.**

Amended 6/16/2022 for addition of a tot lot (See #1, 56, 57).

NAME: Exotic Enterprises, Inc. C/O DELAVAN LAKE ANIMAL PARK, LLC (DANA MONTANA, APP.)

TOWN: DELAVAN

A conditional use permit to allow expansion of hours of operation to have horse shows in the existing arena during the winter months as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned P-1 Recreational Park District, and described as follows:

Part of Tax Parcel #F D 2500003A

Has been APPROVED subject to the following conditions:

1. **Approved as per plan submitted for an animal park with the following uses and amended 7-21-2022 for addition of a tot lot as per plan submitted meeting all ordinance requirements:**
  - a. A conditional use for amusement activities (horse shows, miniature train, horse drawn wagon, trolley and pony rides, exotic animal demonstrations, petting zoo in the P-1 zoned area)
  - b. A kennel/dog grooming facility, retail/gift store and caretakers residence in the B-4 area
  - c. Concession stands (kiosks) for the amusement park in the P-1 zoned area
  - d. An eatery for the amusement park in the P-1 zoned area
  - e. Multiple family housing for three seasonal animal amusement park laborers in an existing residential structure in the P-1 area
  - f. Outside food and beverage consumption in the P-1 zoned area as picnicking.
2. The project site must be in compliance with the project plan and narrative as approved within 60 days of this approval.
3. 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. All parking must be setback 25 feet from the roadway. 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.
4. The kennel is approved to board a maximum of 100 dogs/cats overnight indoors. No dogs/cats will be boarded outside. The kennel must comply with all zoning requirements. Any outside dog run fenced areas must be located 1,000 feet from the nearest neighboring residence or obtain a variance from the Walworth County Board of Adjustment. (all dogs must be housed within the kennel)
5. The entire project site must meet all applicable federal, state, county and local regulations.
6. The property owner must obtain the required county sanitary permit approval for facilities to be located on site. No temporary (Port-a-Potties) will be allowed on site.
7. The owner/applicant must obtain proper access approval from the Wisconsin State Highway Department prior to new use of the driveway.
8. Hours of operation for the kennel shall be from 8:00 a.m. to 5:00 p.m. for drop off and pick up of dogs.
9. All outdoor lighting shall be shielded and directed on site.
10. The site must be kept neat, clean and mowed.
11. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.
12. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation if required by Ordinance.
13. 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:

14. All storage materials and equipment shall be located as defined on the plan of operations. The ticket booth, gazebo and a tee pee located in the streetyard setback may not be located in the 85 foot State Hwy 50 right-of-way and must be relocated within 30 days of this approval.
15. The owner must provide a waste disposal plan stating where all trash and fecal matter shall be disposed.
16. All sales beyond concessions/souvenirs shall occur in the B-4 zoned area. No general public sales, other than concession/souvenirs, shall occur in the area zoned P-1. No business activities, other than specified in the plan of operations, may be conducted on site. Retail sales shall be allowed on site to customers of the amusement park only. The gift shop and restaurant shall not promote off street traffic sales.
17. The roadway labeled on the plan of operations as “existing drive to be used and resurfaced” for access to the large parking lot shall be paved contemporaneously with the use of the large parking lot. The larger 204 stall parking lot shall be surfaced as to be dust free at the time as the large parking lot is used or at the time that the large amusement building is constructed. The large parking lot (204 stalls) shall be paved within two years of the initial use of all or any portion of said proposed parking lot.
18. Prior to paving of the roadways and parking lots, the owner will minimize the impact of dust by the use of aggregate and dust management practices as adopted by Walworth County.
19. All front parking lots and roadways (located in the B-4 zoned area) must be paved within two years of this approval as per the town.
20. All parking lot lighting must be turned off by 9:00 p.m. Lighting of the parking lots shall be low-level lighting and shall be on poles not to exceed ten feet in height as per the Town.
21. The animal park shall operate with summer hours of 10:00 a.m. to 9:00 p.m. from May 1<sup>st</sup> through October 31<sup>st</sup> each year. All guests, invitees, or customers shall be off the premises by 9:00 p.m. Staff hours shall be between 6:00 a.m. and 9:00 p.m. with hours after 9:00 p.m. for animal related emergencies. The conditional use is amended to allow horse shows with winter hours of 10:00 a.m. to 6:00 p.m. November 1<sup>st</sup> through April 30<sup>th</sup>. All winter shows activities shall be in the existing amusement building. The last show must end before 6 p.m. The lot must be cleared by 6 p.m. Shows shall not be conducted on legal holidays during the winter period. The kennel shall be a year round operation.
22. The on site staff housing shall be for no more than four people who shall be employees. Overnight housing shall only be allowed as stated in the plan of operation and must meet all required zoning and building codes. Use of the existing residence for laborer’s quarters shall be limited for use by seasonal laborers and the laborer’s quarters are to be removed from premises at the time it is no longer needed in connection with the animal amusement park and kennel. The owner/applicant must notify the Walworth County Land Use and Resource Management Office if the existing residence or kennel will no longer be used for housing of seasonal laborers.
23. The path/route for horse drawn wagons, trolley rides, pony rides and miniature tractor drawn rides as depicted on the plan of operations may not change without additional conditional use approval. No new rides of any type may be added to this site without additional conditional use approval.
24. The catered picnic dinners shall occur in the area of the plan identified as the picnic area. Picnicking may not occur in the State Hwy 50 setback.
25. The owner/applicant must obtain approval of a nutrient management plan from the Walworth County Land Conservation division of the Walworth County Land Use and Resource Management Department. The owner must follow all required manure removal practices to eliminate obnoxious odors, including time limits for incorporation with the soil on spreading sites.
26. The animal totals and size make up is approved as provided in section F of the narrative. There shall be a total of 100 large animals, 100 small animals, 150 birds, 50 reptiles, and 100 amphibians. The plan must identify the location for housing of all animals on the site and a description of all enclosures for animal housing meeting USDA standards. The owner/applicant will need to come back to the Walworth County Zoning Agency for additional conditional use approval for expansion of animal types and numbers beyond those identified in the project narrative. Tiger, lions, bears, wolfs or similar potentially dangerous animals shall not be located on the park if they are older than six months of age. All animal enclosures shall be double fenced so as to prevent escape. The owner/applicant must construct a minimum three-foot high secondary fence, meeting USDA standards around all outside animal cages. The enclosures must receive zoning review and permit approvals if applicable under the code.

27. There shall be no outside public announcement system or amplified music in any outside area including no whistles or bells. Sound or noise emanating from any of the buildings or structures shall not exceed 30 decibels measured 50 feet away from any such building or structure as per the town.
28. The proposed 150 foot landscape berm as set forth on the concept plan shall be modified such that the berm shall be roughly triangular in shape measuring approximately 250 feet from north to south and 200 feet from east to west and shall be located in the area designated for such on the concept plan. Said landscape berm and required plantings shall be constructed before the construction of any buildings other than the kennel addition and future addition to the existing amusement building. The berm and plantings shall also be constructed before the use of the roadway labeled as existing drive to be used and resurfaced on the concept plan. The berm shall be no less than six feet in height and shall contain a minimum of 35 evergreen trees staggered along the ridge of said berm so as to create a sufficient visual screen and buffer between the animal park and residential areas. The trees, when planted, shall be no less than six feet in height as per the town.
29. The owner shall use parking attendants and manage traffic from Highway 50 onto the property as needed to eliminate any traffic congestion or buildup on Highway 50. Any ticket sales shall be conducted in areas that will not cause traffic delays or congestion as per the town.
30. All temporary tenting must obtain zoning permits and comply with applicable commercial building permits requirements. All tents shall be located as identified on the approved project plan. Temporary tents may only be located on site from April 15<sup>th</sup> to November 7<sup>th</sup> of each year. Temporary tents may only be used for three years and must be taken down and replaced in the fall and spring of each year. Extension of time for continued use of tents on site must receive additional conditional use approval prior to 3 years from the date of this approval.
31. All permanent structures on site shall be earth tone in color (i.e. beige or tan).
32. All structures shall be enclosed consisting of walls and a roof. No outside open amphitheater shall be allowed on site.
33. The C-2 zoned area on the parcel shall remain in its natural state and there shall be no clearing of brush or trees in this area as per the town.
34. No signage for this project shall be allowed along Bailey Rd.
35. Any entrance/exit onto Bailey Rd. shall be only for emergency use and use by the property owner not associated with the animal park.
36. Sufficient adult supervision must be present at all times when facilities are in use. The number of required employees to operate the park shall be as indicated in the narrative.
37. The total use capacity of the site shall be set at 1350 people on site at once indoors for amusement activities, the horse shows, for use of the outside animal park/picnic areas and kennel as specified in the project narrative.
38. All perimeter fencing and landscaping shall be maintained and identified on the project plan. A security fence must be placed around the pond prior to use of the site to prevent access to the pond.
39. The owner/applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use. A copy of all required insurance must be on file at the Walworth County Land Use and Resource Management Office at all times.
40. A combination deceleration and pass-by lane shall be built on both sides of Highway 50 when the large amusement building is added to the site. There shall be no construction of the large parking lot or large amusement building and no building permit shall be issued for such building unless approval is granted by the Wisconsin Department of Transportation regarding the deceleration and pass by lane on Highway 50 as per the town. In addition, a 35-foot wide commercial drive is required, allowing one entrance and two exit lanes. The owner/applicant must obtain Wisconsin State Highway Department approval for required lanes. The access drive must be constructed prior to use of the site. No landscape berms blocking the vision triangle shall be allowed in a 100-foot vision triangle from the intersection of the access drive and Highway 50.
41. All parking lots and roadways are to be graded away from residential areas to minimize water runoff to those areas as per the town.
42. All security lighting shall be of low level and directed away from residential areas as per the town.
43. The kennel shall be built according to sound proofing standards as set forth in Special Study and Report on Sound Control for Parking Lots and Driveways prepared on January 15, 2005 by E. John Knapp, AIA as per the town.
44. The property owner shall execute a permanent deed restriction on the property prohibiting any adult entertainment in the B-4 zoning area as per the town.



45. Signs must be posted at the entrance and exits to the petting zoo, notifying customers to wash hands after petting the animals. Commercial sanitary facilities must be provided at which the animal park customers may wash their hands.
46. The commercial kennel may not be open to the public as a petting zoo.
47. Any changes in the phasing not capable of being determined to be consistent with this approval must obtain additional Walworth County Zoning Agency approval.
48. The interior roadway, parking lots and paths/trails shall have posted speed limits of no greater than five miles per hour.
49. No alcoholic beverages shall be allowed on the site except for within the caretaker's facility for consumption by the caretakers.
50. The town and/or county can require an animal or animals to be removed from the site within 24 hours for any reason with or without cause.
51. No poisonous animals of any type shall be allowed on site.
52. The town and/or county shall not be responsible for any injury resulting from the operation on or off the site.
53. This approval requires an annual staff review for consistency all conditions of approval. The annual review must be applied for prior to the anniversary of this approval each year. The county shall charge an annual review fee consistent with the annual review fee for campgrounds.
54. The owner must submit all licenses required for the animal park and keep the licenses current in the file at the Walworth County Land Use and Resource Management Department.
55. The approval of the conditional use for winter horse shows is valid for six months from the date of the approval and must be brought back to the Walworth County Zoning Agency for review and possible amendment.
56. **The fence must be maintained between all driveways and the playground equipment as per the Town.**
57. **The prior conditions listed to prior ownership (Delavan Lake Animal Park, LLC) are still current and in effect as per the Town.**

Dated this 16<sup>th</sup> day of November, 2006.

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COUNTY ZONING AGENCY  
RICHARD KUHNKE, SR., CHAIRMAN

**Staff presents request for tot lot.**

**Peter Juergens speaks regarding the questions of the Committee.**

**Committee questions currently issued conditional use for staff/laborer housing. Staff can provide housing information at next month's meeting.**

**Jim Van Dreser motions to approve as amended. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

**Disc Count # 5:30:32 – 5:37:05**

**THIS MATTER TO BE HEARD AFTER THE PUBLIC HEARING ITEMS:**

4. **Reliable Materials Corp of Illinois – Owner, Southwind RAS, LLC – Applicant, Section 20, Lafayette Township. Expiration of five year time extension per condition #1 on conditional use for recycling of asphalt shingles, Tax Parcel KA457600001 - Matt Weidensee.**

5:37 p.m.:

Ordinance Amendments – None

Rezones with Conditional Uses – None

Rezones –

1. **PL1987, LLC C/O Thomas R. Neshek – Owner**, Section 25, LaGrange Township. Rezone approximately 8 acres of C-4 Shoreland Wetland District zoned property to the C-2 Upland Resource Conservation District in order to match the zoned wetland boundary to Wisconsin DNR assured wetland delineated field conditions. Part of Tax Parcel H LG2500003.

**Staff presents request.**

**Tom Neshek speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

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

Disc Count #5:40:15 – 5:45:51

Conditional Uses –

1. **Christopher and Isamar Rohloff – Owners**, Section 13, Geneva Township. Conditional use approval for land restoration for the construction of an approximately 1.2 acre pond on property zoned C-2 Upland Resource Conservation District. Part of Tax Parcel JA495500001.

General:

1. This facility is approved per plan submitted for land restoration for the creation of a 1.2 acre, 16 foot deep pond and associated spoils area and berms 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. No additional well on the property allowed for filling the pond as per the Town.
19. No trucking in water for filling the pond as per the Town.
- ~~20. Any possible fencing or safety measures as required by the Building Inspector as per the Town.~~

**Staff presents request.**

**Chris Rohloff in person and Corey Zickert/WI Lake & Ponds on the phone speak regarding the application and questions of the Committee, including filling and well.**

**SPEAKING IN FAVOR: Michele Batz addressing well concerns.**

**SPEAKING IN OPPOSITION: Bill Farwell questions well and increased wildlife concerns.**

**SPEAKING IN REBUTTAL: Corey Zickert/ WI Lake & Ponds on the phone.**

**Jim Van Dreser motioned to approve, striking condition no. 20. Seconded by Dennis Karbowski. Al Stanek questions well permitting and any issued permit or applications. Staff indicates wells are under DNR jurisdiction. Response by applicant/rep. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:49:58 – 6:12:11

**TABLED – NO TOWN DECISION/NEEDS RE-NOTICE**

2. ~~Treetops Funding, LLC C/O Mark McClain – Owner, Sections 23, 24, 25, 26, Geneva Township. Conditional use approval for two new uses on property zoned P-1 Recreational Park District and C-2 Upland Resource Conservation District. The first use is for the construction of a 60 ft. by 100 foot pavilion that is greater than 25% of existing approved structures requiring conditional use review as if approving the conditional use for a recreational facility anew. The second use is to allow a stargazing astronomer’s club with up to 250 members to use the site to view the sky from the top of a hill after dark until 12:01 a.m. Parts of Tax Parcel JA458600002.~~

Return to Item 8.b.4.

4. **Reliable Materials Corp of Illinois – Owner, Southwind RAS, LLC – Applicant, Section 20, Lafayette Township. Expiration of five year time extension per condition #1 on conditional use for recycling of asphalt shingles, Tax Parcel KA457600001 - Matt Weidensee.**

**Staff presents review materials. Indicates applicant is asking to release the bond for shingle removal which can be done at this time.**

**No action is taken by the Committee.**

Disc Count # 6:12:18 – 6:24:18

**Adjournment**

**Dennis Karbowksi motioned to adjourn. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose**

The meeting was adjourned at 6:24 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.