

County Zoning Agency
MINUTES
September 15, 2022 – 4:30 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

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, Al Stanek, Joanne Laufenberg, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser. Supervisor Dennis Karbowski was 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. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on September 15, 2022 is kept on file as a matter of record.

Details of the September 15, 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

Richard Kuhnke, Sr. motioned to approve the agenda as amended to table items 8.b.1.) Hackler Gardens, LLC; 8.b.2.) Reeds Marine Real Estate Holdings, LLC; 8.b.5.) Benjamin Buser; 8.d.1.) Braun Passler Properties, LLC; 8.d.2.) Henry E. Darr; and 8.f.1.) Hard Rock Farms, Inc. Seconded by Al Stanek. Motion to Approve the agenda carried. 6-favor 0-oppose

Sue Pruessing motioned to approve the August 18, 2022 CZA Meeting Minutes. Seconded by JoAnne Laufenberg. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement

Discussion of pending lawsuits filed and update on pending issues. Discussion of fair discharge issue and contacts with the DNR; wine bar in Delavan issues with conditional use approval and parking and outdoor uses.

Disc Count # 4:32:43 -

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Dennis Oshaughnessy Trust**, proposed 1 lot Certified Survey Map, Located in Section 4, T1N, R17E, Town of Linn, Tax Parcel #'s IGO 00022 and I L 400003E1. 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 Geneva Oaks Subdivision.

Nick Sigmund presents requested modification.

Paul Van Henkelum/Cardinal Engineering speaks regarding the request for questions.

JoAnne Laufenberg motioned to approve with the following conditions: 1) Staff has no recommended conditions. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose.

Disc Count # 4:44:51 – 4:47:40

2. **Richard H Sorenson Trust and Peggy G Sorenson Trust**, proposed 1 lot Certified Survey Map, Located in Section 26, T4N, R16E, Town of LaGrange, Tax Parcel #'s HPE 00048 and HA476600001. 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 Pebble Beach Subdivision.

Nick Sigmund presents requested modification.

Paul Van Henkelum/Cardinal Engineering speaks regarding the request for questions.

Richard Kuhnke, Sr. motioned to approve with the following conditions: 1) Staff has no recommended conditions. Seconded by JoAnne Laufenberg. Motion carried. 6-favor 0-oppose.

Disc Count # 4:47:42 – 4:49:42

3. **1725 South Shore LLC**, proposed 1 lot Certified Survey Map, Located in Section 22, T2N, R16E, Town of Delavan, Tax Parcel #'s FMS 00006 and F D 2200058. The property is zoned B-3: Waterfront Business District and R-2A: Single-Family Residence District (*sewered*). This CSM requires County Zoning Agency review and approval because the proposal changes the exterior boundary of Mereness Subdivision.

Nick Sigmund presents requested modification.

Atty. Patrick DeMoon/Sweet & Maier speaks regarding the request for questions.

Jim Van Dreser motioned to approve with the following conditions: 1) Staff has no recommended conditions. Seconded by JoAnne Laufenberg. Motion carried. 6-favor 0-oppose.

Disc Count # 4:49:43 – 4:51:33

Chairman signs CSM's as presented.

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

TABLED – NO TOWN DECISION

1. ~~**Hackler Gardens, LLC C/O Debra Hackler – Owner**, Section 26, Geneva Township. Amendment of an existing Planned Unit Development (PUD) in the B 2 General Business zone district for a flower shop and farmers market to include a principle use restaurant and two proposed free standing ground signs meeting a 100 sq. ft. per two sides or 200 sq. ft. total size as allowed for a single free standing sign. Tax Parcel JGRM 00001.~~

TABLED – NO TOWN DECISION

2. ~~**Reeds Marine Real Estate Holdings, LLC C/O Marc and Jason Shallcross – Owners**, Section 9, Delavan Township. Amendment of an existing conditional use on B 2 General Business zoned property to allow expansion by construction of a new 60 ft. by 104 ft. boat storage building that is less than 25% of existing structures on site at a boat storage and maintenance facility. Tax Parcel F D 900010A.~~

3. **Delavan Sportsmen’s Club – Owner, Oscar Mueller – Applicant**, Section 1, Darien Township. Amendment of an existing conditional use permit for a sportsmens club /shooting range on land zoned P-1 Park District for expansion of a storage shed by 15 ft. by 30 ft. which is less than 25% of existing structures. Tax Parcel B D 100001A.

Amended 9/15/2022 for expansion of an existing storage shed for the Sportsmen’s club by 15 ft X 30 ft. See #1.

NAME: Delavan Sportsmen’s Club, Inc. (Jerry Farnsworth, Pres., App.)

TOWN: Darien

A conditional use permit for an existing sportsmen’s club including an archery range and firearm ranges as specified in Chapter 74, Division 4, Walworth County Code of Ordinances on lands zoned P-1 Recreational Park District, C-1 Lowland Resource Conservation District, and C-4 Lowland Resource Conservation District (Shoreland), and described as follows:

Tax Parcel #B D 100001A

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted **for a sportsmen’s club and amended September 15th, 2022 for expansion of an existing storage shed for the Sportsmen’s Club by 15 ft. X 30 ft.** with all additional conditions.
2. All signage must be identified on the plan of operations and the applicant must obtain the required sign permit from the County Zoning Office.
3. The project shall meet with all applicable Federal, State, County and local regulations.
4. All chemicals for gun cleaning shall be disposed of according to State standards.
5. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Parking must meet with requirements of the county zoning ordinance. All parking must be set back 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.

6. 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 County Zoning Agency for additional conditional use review.

Specific:

7. All storage of explosive materials and ammunition must be stored in a secure locked compartment when not being used.
8. Adequate adult supervision must be present at all times when the site is in use. Gun Club appointed range safety supervision must be present when the rifle range is in use.
9. The Club shall be open seasonally from March through the first week of November each year. Hours of operation shall be Tuesdays from 4:00 p.m. – 10:00 p.m., Saturdays from 9:00 a.m. – 5:00 p.m., plus eight special events during the year of no more than three consecutive days each, and no holidays.

Dated this 20th day of August, 2004.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

Staff presents request.

Richard Kuhnke, Sr. motioned to approve. Seconded by Al Stanek. Motion carried. 6-favor 0-oppose.
Disc Count # 4:54:02 – 4:55:25

4. Town Of Walworth Short Term Rental Ordinance Amendment Request

Staff presents request of the Town of Walworth concerning County conditioning the issuance of a short term rental permit. Staff gives thoughts regarding request. No issues have been reported as of this time.

Discussion by staff regarding township alternatives, STR violations concerning law enforcement issues and potential revocation of STR permits.

Al Stanek motioned to deny the request – put this matter on file. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.
Disc Count # 4:55:29 – 5:18:00

TABLED – NO TOWN DECISION

5. ~~Benjamin Buser – Owner, Section 24, Sugar Creek Township. amended conditional use for a contractor storage yard for a roofing company to allow two signs. One free standing sign at 3 ft. by 5 ft. and one wall sign at 3 ft. by 5 ft. Tax Parcel G-SC2400003.~~

6. **Farmland Preservation Plan Update** - Invite CZA member to the public hearing for the Draft Farmland Preservation Plan update which will be held on October 17th, 2022 at 1:00 p.m. during the normal LCC meeting.

Staff presents information to the committee concerning the prepared draft plan and an invitation to the public hearing at the LCC meeting in October.

Disc Count # 5:18:02 – 5:19:55

5:30 p.m.:

Ordinance Amendments –

1. Walworth County - Amendment to Section(s) 74-74 of the Walworth County Code of Ordinances - Zoning and Section(s) 74-203 of the Walworth County Code of Ordinances - Shoreland Zoning to exempt certain temporary events from the general parking requirements of the ordinances.

Staff presents review of ordinance amendment.

This ordinance amendment will move forward to the October CZA meeting for a vote.

This item will move forward to the October 20, 2022 Walworth County Zoning Agency meeting for possible action.

Disc Count # 5:33:39 – 5:39:17

Rezoning with Conditional Uses –

TABLED – NO TOWN DECISION

1. ~~**Braun Passler Properties, LLC C/O Jim Braun** – Owner, Section 12, Sugar Creek Township. The property owners are requesting to rezone approximately 26.6 acres of land zoned A-2 Agricultural, C-1 Low Land Resource Conservation and C-4 Shoreland Wetland Districts to the approximately 17 acres of B-4 Highway Business and 9.6 acres of C-1 and C-4 wetland districts. The rezoning is requested in order to obtain conditional use approval for a Planned Unit Development (PUD). The PUD would allow for both private and for lease offices and contractor storage facilities, a maintenance shop for the property owner's business, recreational vehicle and boat storage facilities and mini-warehouse storage facilities on one business parcel. The property of concern is located on the south side of Hwy A approximately 500 feet east of the intersection of Hwy A and Highways 12/67 identified as Tax Parcel GA434000002.~~

TABLED – NO TOWN DECISION

2. ~~**Henry E. Darr** – Owner, Section 15, LaGrange Township. The property owner is requesting to rezone approximately .79 acres of A-5 Agricultural Rural Residential District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in~~

~~order to obtain conditional use approval for trucking business as transportation related activities primarily serving the basic agricultural industry. The property of concern is located on the north side of Hwy 12 approximately 500 ft. east of the intersection of Hwy 12 and Hwy H identified as part of Tax Parcel H LG1500013.~~

Rezoning –

1. **Jacob Ehlen – Owner**, Section 12, Bloomfield Township. The property owner is requesting to rezone approximately 1 acre of A-1 Prime Agricultural Property to the C-2 Upland Resource Conservation District. The rezone area is located on the west side of an intermittent stream within shoreland area resulting from floodplain and is proposed if rezoned to be included with other lands to the west under Town zoning jurisdiction as a future C-2 zoned lot. The property of concern is located on the east side of East Side Road approximately 900 ft. north of the intersection of East Side Road and Hwy U identified as part of Tax Parcel MB 1200003.

Staff presents request and indicates the area of the rezone in the County Shoreland jurisdiction is separated from larger areas of farmland by an intermittent stream and a wooded area in the floodplain and has wet soils. The rezone area has marginal utility for agricultural production and may be considered better suited for a non-farm use consistent with other lots to the south of the rezone area.

Jacob Ehlen speaks regarding the application.

Jim Van Dreser motioned to approve based on the report and findings of staff. Seconded by JoAnne Laufenberg. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the October 11, 2022 Walworth County Board for possible action.

Disc Count # 5:45:02 – 5:49:22

2. **Lauderdale Farm, Inc. C/O Gene Lauderdale – Owner**, Section 6, LaFayette Township. The property owner is requesting to rezone approximately 5 acres of A-1 Prime Agricultural District land to the C-2 Upland Resource Conservation District for the future creation of a rural residential lot. The property of concern is located on the west side of Hodges Road approximately 1,000 feet south of the intersection of Hodges Road and Hwy A identified as part of Tax Parcel K LF 600004.

Staff presents request and indicates the rezone area is covered in brush, as it was part of a pasture and not historically cultivated. The northern portion of the rezone area is low lying and may be wet. Adjacent parcels to the south and parcel cross the road to the east are zoned C-2 district and used for rural residential lots.

Gene Lauderdale speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the October 11, 2022 Walworth County Board for possible action.

Disc Count # 5:49:24 – 5:52:53

Conditional Uses –

TABLED – NO TOWN DECISION

1. ~~**Hard Rock Farms, Inc. C/O Jim Bolton – Owner**, Section 4, Spring Prairie. The property owners are requesting conditional use approval for a ten-year time extension for completion and reclamation of an existing non-metallic mining sand and gravel site including washing of sand and stone on lands zoned M-3. The property of concern is located on the north side of Hwy D directly crossed from the intersection of Hwy D and Hargraves Road identified as the M-3 portion of Tax Parcel O-SP 400005.~~

NON-METALLIC MINING

~~Reesman’s Excavating & Grading, Inc. has applied for modifications to a Nonmetallic Mining Reclamation Plan and permit for 45 acres of an existing non-metallic mining site. Modifications include the duration of excavation and date of final reclamation. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel O-SP 400005, Town of Spring Prairie. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.~~

2. **MaryBud, LLC C/O Mark A MacDonald – Owner**, Section 23, Lyons Township. The property owner is requesting conditional use review and approval for a kennel as a conditional use on land zoned A-2 Agricultural District. The property of concern is located on the west side of Knob Road approximately 1500 ft. north of the intersection of Knob Road and Warren Road identified as part of Tax Parcel N LY 2300001.

General:

1. Approved per plans submitted for a dog kennel with up to 25 adult dogs and associated puppies with all additional conditions.
2. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking must comply with County requirements within 60 days of this approval.
3. The kennel must meet all applicable Federal, State, County and local regulations.
4. The kennel is approved to board a maximum of 25 adult dogs and resulting puppies up to the age of six months.
5. Dogs must be accompanied by the owner/trainer when outside and within 1000 feet of a neighboring residence.
6. Dogs cannot be housed within 100 feet of a property line.
7. All outdoor lighting shall be shielded and directed on site.
8. The site must be kept neat, clean and mowed.

9. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.
10. 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.
11. 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:

Staff presents request.

Mark MacDonald speaks regarding the application.
Speaking in FAVOR: Sherry Millay

Al Stanek motioned to approve. Seconded by Jim Van Dreser. Motion carried.
6-favor 0-oppose.
Disc Count # 6:00:12 – 6:04:39

Adjournment

JoAnne Laufenberg motioned to adjourn. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose

The meeting was adjourned at _____ 6:04 _____ p.m.

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