

FILED
05-06-2025
Walworth County
Clerk of Circuit Court
2025CV000298

TOWN OF EAST TROY

N9330 Stewart School Road • P.O. Box 872
East Troy, Wisconsin 53120
Telephone (262) 642-5386
Fax (262) 642-9701

RESOLUTION APPROVAL PETITION CONDITIONAL USE

Whereas, the Planning Commission for the Town of East Troy convened on March 19, 2025; and

Whereas, John Stoss, applicant, West Rod Cottage Industries LLC, Owner, is requesting a Conditional Use under the description of a Marina Conditional Use. The applicant's goal is to allow 8 parking stalls for commercial use, allow 8 commercial use mooring spaces along with 2 personal use mooring spaces (total of 10 mooring spaces); and

Whereas, a motion was made to deny the CUP with the following cited reasons for denial 1) Under Walworth County Shoreland Zoning Ordinances, within a C-4 shoreland wetland district, a marina is not a permitted use nor is it an allowed Conditional Use and per section 74-179, C-4 paragraph 3, a marina is a "prohibited use" within a C-4. 2) Under Walworth County Shoreland Zoning Ordinances, whereas a marina is an "allowed Conditional Use" within C-2 upland resource conservation district, a marina development within C-2 is subject to the criteria for "Conventional Design" which requires a minimum lot area of 5 acres and a minimum lot width of 300 feet. The applicant's parcel is significantly smaller than required coming to 10% of the required acreage and 20% of the minimum width. 3) The Wisconsin Administrative Code Chapter NR 103, requires for the purpose of environmental protection, that the DNR review and approve any project within an Area of Natural Resource Special Interest. The applicant has not provided us with evidence that approval was given by the DNR; and

Whereas, the Planning Commission voted to DENY the applicants' CONDITIONAL USE REQUEST as stated on March 19, 2025; Cook, Russell, Gordon, Denhart, Celley -Aye. Smith -Nay Commissioner Jahner recused himself from the vote.

Whereas, the Town Board met on March 24, 2025 and there was discussion amongst Supervisors. Supervisor Wales recused himself from the vote as he has only been filling in as a supervisor for a portion of this request and did not feel informed enough to make a decision. There was a motion to deny the CONDITIONAL USE as advised by the Planning Commission. That motion failed 3 to 1; and

Whereas, the following seventeen conditions were listed by supervisors as a part of their approval citing that a marina was an approved use for a C-2 property and as cited in the correspondence with Attorney Michael Cotter, there is case law to suggest that marina foot traffic may cross a parcel that is zoned C-4. The applicant stated that he would abide by all of the Federal, State and Local Laws and Ordinances. The applicant stated that he will not do anything contrary to the Walworth County Zoning Ordinances and he will follow all Conditions set forth by the County Zoning Agency.

1. Approved as per plan submitted as a private commercial marina for the lease of 8 boat slips and vehicle parking spaces as shown on the site plan with no storage of boat supplies in the shoreland area and all additional conditions.
2. Parking must meet with the requirements of the county zoning ordinance. All parking must be in compliance with County requirements within 60 days of this approval. On-site parking shall be used exclusively for the purpose of the marina as specified.
3. The applicant shall submit an outdoor lighting plan for review and approval prior to construction. Outside lighting shall be shielded and directed on site and located as identified on the approved plan.
4. The hours of operation shall be 24 hours per day. The property owner shall be responsible for implementing quiet hours after 10:00 p.m. until 6:00 a.m. every day.
5. The property must be kept neat, clean, and mowed.
6. There shall be no alterations of the shoreland setbacks or wetlands.
7. Must meet all applicable Federal, State, County, and local regulations.
8. The property owner shall be responsible for acquiring and submitting adequate liability insurance for the use of the property as a private marina and keep the insurance current during the life of this conditional use.
9. If the Walworth County 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.
10. Failure to actively exercise this conditional use within 12 months of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively

EXHIBIT

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Defendant's Ex. A

exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original 12-month period.

11. Use of the parking lot shall be limited to the owner and leasers of the commercial boat slips. The total capacity of the marina shall be limited to the occupants of the vehicles parked in the leased vehicle parking spaces. One vehicle parking space shall be leased in conjunction with one leased boat slip on a seasonal basis. Vacancies may be filled for the remainder of the season. The property owner shall keep a written log of the individuals leasing the vehicle parking spaces in conjunction with the leased boat slips and make the written log available to the Town and County upon request.
12. Outside storage of boat trailers or equipment shall not be allowed. Boat trailers shall not be parked and/or stored in the vehicle parking spaces.
13. No heavy equipment to be parked or operated on this property. This includes, but not limited to Forklifts/telehandlers/dump trucks or any other equipment that could potentially harm the C4 shoreland/wetland area of this property.
14. Permanent fencing to be installed from the lake area on the roadside of the property continuing north to the parking lot area to restrict access to pedestrian street crossing.
15. The County reserves the right to rescind this conditional use upon any violation of County regulations.
16. The property to be reviewed by Walworth County Land Management every 12 months for the first 5 years to ensure that the owner is complying with the conditional use permit.
17. Pier Registrations must be submitted within 12 months.

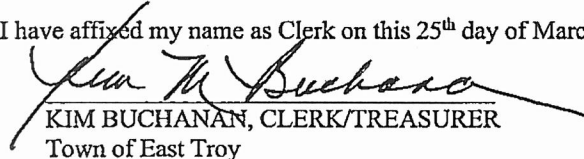
Whereas, the Town Board voted in a roll call vote to APPROVE the applicants' CONDITIONAL USE REQUEST with the above listed conditions on March 25, 2025; Leonard, Reyes, Jahner -Aye. Church -Nay

NOW, THEREFORE, BE IT RESOLVED that The Town of East Troy, Town Board moved to APPROVE the CONDITIONAL USE Request with the above listed seventeen conditions at N8828 Stringers Bridge Road East Troy, WI 53120 Parcel No: P ET 1800006A.

STATE OF WISCONSIN
SS
COUNTY OF WALWORTH

I, KIM BUCHANAN do hereby certify that I am the duly qualified and acting Clerk of the Town of East Troy and that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Board of Supervisors of the Town of East Troy held in said Town on the 24th day of March, 2025, at which meeting a quorum was present and that said resolution is duly recorded in the minutes of said meeting.

IN WITNESS WHEREOF, I have affixed my name as Clerk on this 25th day of March, 2025.


KIM BUCHANAN, CLERK/TREASURER
Town of East Troy