

E-MAIL MEMORANDUM

TO: Michael McKinney (Michael@villageofyorkville.com)
Village of Yorkville Administrator/Clerk

FROM: Shaun Maiter
Development Services Specialist

SUBJECT: Maria Sandoval, Owner
Maria Sandoval, Agent
Parcel Id. No. 194032125013010
14800 Braun Road

April 11, 2022 Conditional Use request to occupy an existing barn with an event venue business and to exceed the accessory structure maximum aggregate total footprint area.

DATE: April 4, 2022

Overview:

The subject ±7.88-acre proposed parcel is located at 2730 S. Sylvania Avenue. The subject parcel is zoned A-2, General Farming and Residential District II and is serviced by a Private Onsite Wastewater Treatment System (POWTS) and private well. There is currently one single-family residence and ±14,966 square feet of permitted accessory structures located on the property. On January 26, 2022, a complaint was received by this office which indicated that a commercial event venue was being conducted at the property without zoning approval, in addition to multiple accessory structures that had been constructed without zoning approval. Subsequently, the Development Services department on behalf of the Village of Yorkville issued Notice of Violation 2022-07 to the property owner requesting the correction of the zoning violations of the Racine County Chapter 20 Zoning Ordinance, as applicable to the Village of Yorkville. The applicant has been working with this office to correct the zoning violations that presently exist on the property. There are currently two zoning violations that have yet to be resolved, which brings the applicant before the Village of Yorkville Board today. The first zoning violation is the commercial event barn; event venues of this nature within the Village of Yorkville require conditional use approval as an "unclassified, unspecified use" from the Village of Yorkville Board to be permitted. The second zoning violation is a 20' x 24' open sided accessory structure that was constructed without zoning approval. The total square footage of accessory structures allowed on the property is 4% of the lot area (exclusive of any portion of the property within the Braun Road right-of-way). According to our records, the property area exclusive of the Braun Road right-of-way is 7.56-acres, which would allow for 13,172 sq. ft. of accessory structures. Currently, the total square footage of accessory structures on this lot is 14,966 sq. ft., which is ±1,794 over the allowed 13,172 sq. ft. It should be important to note that, with the

aid of historical aerial photography, it appears that this property was part of an agricultural operation, and all the current permitted accessory structures were on the property at the time when formerly "Town of Yorkville" adopted Racine County Zoning. In addition, section 20-1115(c) of the Racine County Chapter 20 Zoning Ordinance as applicable to the Village of Yorkville reads: "A greater amount of square footage per lot size may be allowed if approved as part of a conditional use permit or site plan review when needed as an integral part of the plan of operation and where said structure(s) is used solely accessory to the permitted principal or conditional use on said lot." At this time, the applicant is requesting conditional use approval from the Village of Yorkville Board to occupy an existing barn with an event venue business and to exceed the accessory structure maximum aggregate total footprint area. The applicant is proposing an event venue (maximum of 300 patrons) with an operating season of May through October, with events to be only held on Saturdays between the hours of 4:00pm to 12:00am. There will be no additional employees other than the applicant and members of the applicant's family. There are three parking areas defined on the site plan and the delineated areas appear to have sufficient parking for the proposed use. If approved, the applicant will be subject to the requirement of obtaining a sanitary permit from this office for a new POWTS to service the proposed use, prior to the issuance of a zoning permit. A holding tank will not be allowed unless this office is in receipt of a soil and site evaluation conducted by a certified soil tester that shows there is not a suitable area for a POWTS dispersal component. Portable toilets will not be allowed as a substitution for a permanent POWTS.

If the Village feels that the proposed use is appropriate approval is subject to
****DRAFT CONDITIONS**:**

1. **Zoning Permits.** The applicant must obtain a zoning permit from the Racine County Development Services Office for the commercial event venue and the open sided accessory structure after paying a zoning permit fee of \$730.00 (\$250.00 for the commercial event barn and \$480 for the open sided accessory structure). These cards must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Private Onsite Wastewater Treatment System.** Prior to the issuance of the zoning permit for the commercial event barn, a sanitary permit must be obtained from the Racine County Development Services Department to service the commercial event barn. Please contact their office at (262) 886-8440. Industrial wastes and wastewater may not be introduced into a plumbing drain system that is served by a POWTS unless approved by the Wisconsin Department of Natural Resources (WDNR) under chapter 214 regulations.
3. **Buffer Plantings.** Prior to issuance of a zoning permit for the event venue, a landscaping plan shall be submitted to the Racine Count Development Services office. Buffer plantings shall be provided along a property line where there is an abutting residence and that are intended to screen views, lights and noise from the operation.

4. **Parking.** Parking areas may be graveled or paved. Overflow parking on grass or hay areas is permissible. Parking on public right-of-way is prohibited. Parking must be provided as shown on the submitted site plan. Each automobile parking space must be a minimum of nine feet wide and 180 square feet in area, exclusive of the space required for ingress and egress. Handicapped spaces must be provided in accordance with State requirements. Aisles and spaces must be clearly marked. The driveways serving this operation must be located according to the submitted plan. The driveways and all parking areas must be maintained in an all-weather, dust-controlled condition.
5. **Stormwater/Grading Plan.** The property owner or designated agent must contact the Village of Yorkville regarding stormwater/grading regulations in relation to any site work for the parking areas. Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.
6. **Hours of Operation/Season Operation.** Hours of operation shall be limited to 4:00pm-12:00am on Saturdays only. The event barn season shall be May through October.
7. **Music/Activities.** Music, dining and dancing permitted only within the barn structure. Fires may only be within a contained area made specifically for outdoor fires and must be illustrated on accompanying site plan if applicable. Outdoor fires must also comply with local municipality regulations and local fire department.
8. **Camping.** Overnight camping is prohibited. This includes overnight camping within any accessory structure on this property.
9. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
10. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as "Applicant" or "Property Owner") with respect to the uses on the Property.
11. **Expiration.** This approval will expire nine (9) months from the date of the Village of Yorkville's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Yorkville grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
12. **Plans.** The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on March 11, 2022, unless otherwise amended herein.

13. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville (copy attached).
14. **Loading Requirements.** Adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way. Reference Section 20-1087, Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville.
15. **Operation Requirements.** The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.
16. **Outside Storage.** Outside Storage. Except for the vehicle parking area as shown on the submitted plans, outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Refuse bins and/or scrap material (recycle) bins must be screened from public view. This includes the Village of Yorkville's prohibition on the outside storage of aged vehicles, wrecked vehicles, or parts vehicles.
17. **Exterior Lighting.** All exterior lighting must be arranged, oriented, or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way. The source of such illumination must be arranged, oriented, or shielded in a manner that will not endanger the safety of pedestrian or vehicular traffic.
18. **Property Requirements.** This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.
19. **Signs.** Any advertising sign on this property must conform to the Racine County Ordinance standards, as applicable to the Village of Yorkville, and will require a separate zoning permit(s) prior to installation.

20. **Fire Alarm and/or Sprinkler Plan Review.** If this approval is for an activity that requires fire alarm and/or sprinkler system plan review, written confirmation shall be provided to the Village Administrator/Clerk by Fire Safety Consultants, Inc. stating that the applicant and/or agent has submitted acceptable fire alarm and/or sprinkler system plans to Fire Safety Consultants, Inc. for review pursuant to Chapter 26 of the Village of Yorkville Municipal Code. No building or zoning permit shall be issued for this activity until such time as said confirmation is provided. For the purposes of this condition, the term “building permit” shall mean any permit including, but not limited to, site preparation, building, electrical, plumbing, HVAC, and erosion permits. The applicant must first obtain Fire Safety Consultants, Inc. fire alarm and/or sprinkler system plan approval prior to submitting those plans to the State of Wisconsin for state review. Failure to abide by any part of this condition shall not constitute a basis for an appeal to the Village Board of any sprinkler system and/or fire alarm requirements contained within Chapter 26 of the Village of Yorkville Municipal Code. The building inspector may issue a stop work order if, in his/her opinion, construction cannot proceed any further without impeding the installation of the required fire alarm and/or sprinkler systems.
21. **Access.** The applicant must allow any Racine County or Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
22. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations.
23. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Yorkville's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Yorkville or the Racine County Development Services office in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
24. **Reimburse Village Costs.** Applicant shall reimbursement to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
25. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Maria Sandoval, her heirs, successors, and assigns are responsible for full compliance with the above conditions.

Maria Sandoval, Owner
Maria Sandoval, Applicant
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26. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
27. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant's expense.

c: Tim Pruitt, Eileen Zaffiro, Doug Nelson, Mark Madsen
File