



Public Works & Development Services

14200 Washington Avenue
Sturtevant, WI 53177
262-886-8440
fax: 262-886-8480

Certified Mail – Return Receipt Requested (# 7020 1970 0001 8267 8331)

DATE: April 10, 2024

TO: Stewart & Sons Construction LLC
2037 Howe Street
Racine, WI 53403

Stewart & Sons Construction, LLC
15516 Ives Grove Road
Union Grove, WI 53182

RE: 15516 Ives Grove Road
Parcel Id.#194032111017003

Village of Yorkville

ZONING: A-2, General Farming and
Residential District II

Dear Stewart & Sons Construction LLC:

On behalf of the Village of Yorkville, this office is giving notice that the Village of Yorkville Board will be holding a public hearing on May 13, 2024, to address the unresolved Notice of Zoning Violation 2024-02, and to address numerous complaints related to the conditional use permit on the above referenced property, which was approved by the Village of Yorkville Board on August 12, 2019 (Copy of Conditional Use Approval Enclosed). The list of complaints and violations is as follows:

1. On March 11, 2020, this office sent Notice of Zoning Violation 2020-05 due to non-compliance of condition # 11 of your conditional use approval, which states *"Vehicles/Equipment. This approval is only for the indoor parking/storage of vehicles or equipment associated with the business known as "Stewart and Sons Construction, LLC."* On July 9, 2020, this office turned over Notice of Zoning Violation 2020-05 to the Village of Yorkville for follow-up legal action due to the failure to resolve Notice of Zoning Violation 2020-05.
2. In response to a separate complaint, which indicated that Stewart and Sons Construction may be operating outside of the approved hours of operation, this office sent you a letter dated September 14, 2023, reminding you of that condition # 12 of your conditional use approval states *"Hours of Operation. The hours of operation for this project will be Sunday through Saturday 7:00 a.m. to 5:00 p.m. Should Racine County receive substantiated reports that hauling is occurring outside of approved hours, the County and Village could re-visit the conditional use permit and impose more restrictive hours and/ or days of operation."*
3. On January 10, 2024, this office sent Notice of Zoning Violation 2024-02 due to the construction of a lean-to addition to the existing 40' x 72' pole barn without first obtaining zoning approval. On March 20, 2024, this office turned over Notice of Zoning Violation 2024-02 to the Village of Yorkville for follow-up legal action due to the failure to resolve Notice of Zoning Violation 2024-02.

4. On March 25, 2024, this office received a complaint from the Village of Yorkville that a concrete storage bin has been constructed on the above referenced property. The photo sent to this office also showed a refuse dumpster within view of the public right-of-way. These are possible violations of conditions #8, #9, and #10 of your conditional use approval.

Given the fact that this office has a record of previous and current violations and complaints, this matter will be brought before the Village of Yorkville Board on May 13, 2024, to discuss possible methods of resolution to resolve the issues. It is recommended that Stewart and Sons Construction, LLC be present at the May 13, 2024, Village of Yorkville Board meeting to discuss the ongoing issues. This matter will be presented to the Village Board as a public hearing item, so that any member of the public may attend and have their opinion of the matter be heard by the Village of Yorkville Board.

The public hearing to address the complaints at the above referenced property will begin at 6:00pm on May 13, 2024, in the Village Board Room at the Union Grove Municipal Center, located at 925 15th Avenue, Union Grove, Wisconsin.

Sincerely,



Shaun T. Maiter
Senior Development Services Specialist

stm

c: D. Nelson, Village President
M. McKinney, Village Administrator/Clerk
Scott Maier, Sup. Dist. # 16

VILLAGE OF YORKVILLE

925 15th Avenue, Union Grove, Wisconsin 53182

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Douglas Nelson
President

Robert Funk
Trustee

Daniel Maurice
Trustee

Cory Bartlett
Trustee

Steve Nelson
Trustee

August 23, 2019

RECEIVED

Brian Jensen
Development Services Superintendent
Racine County Public Works and Development Services Department
14200 Washington Avenue
Sturtevant, Wisconsin 53177

AUG 27 2019

RACINE COUNTY

Re: Conditional Use request submitted by Stewart and Sons Construction, LLC for 15516 Ives Grove Road

Brian,

The Yorkville Village Board and Plan Commission met on August 12, 2019, and approved the request submitted by Stewart and Sons Construction, LLC (with Marcelino Maldonado as applicant/agent) for conditional use approval for the parcel located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A-2 (General Farming and Residential II) Zoning District. This approval is for the razing of two accessory structures and a silo, the construction of a 40-foot by 72-foot (2,880-square foot) pole barn, and the use of a portion of said pole barn for the storage and maintenance of construction equipment and vehicles for Stewart and Sons Construction.

The Village Board and Plan Commission approved this request as:

1. Storage and maintenance of construction equipment and vehicles is allowed in the A-2 zoning district through the conditional use process.
2. The use does not appear to be hazardous or harmful to surrounding properties.

This approval is subject to the following conditions:

1. **Zoning Permit.** The applicant must obtain a zoning permit card from this office after paying the required \$250.00 fee. This card 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.** Portable restrooms are not allowed for use associated with this approval. If additional sanitary facilities are needed or required,

connection to a code-compliant Private Onsite Wastewater Treatment System is required. Contact the Development Services department for more information at (262) 886-8440.

3. **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.
4. **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.
5. **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.
6. **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 July 11, 2019, unless otherwise amended herein.
7. **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).
8. **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.
9. **Outside Storage.** Outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris.
10. **Stockpiling.** Storage of materials, not contained within the dump truck, is not allowed on-site.
11. **Vehicles/Equipment.** This approval is only for the indoor parking/storage of vehicles or equipment associated with the business known as "Stewart and Sons Construction LLC".
12. **Hours of Operation.** The hours of operation for this project will be Sunday through Saturday 7:00 a.m. to 5:00 p.m. Should Racine County receive substantiated reports that hauling is occurring outside of approved hours, the County and Village could re-visit the conditional use permit and impose more restrictive hours and/ or days of operation.
13. **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.

14. **Exterior Lighting.** All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.
15. **Signs.** Any advertising sign on this property must conform to Racine County Ordinance standards, as applicable to the Village of Yorkville, and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.
16. **Drain Tiles.** Do not break or damage any underground tile. If encountered, any underground agricultural tile line must be rerouted or fixed. If any underground tile is encountered that has anything but clean water flowing through it, contact Racine County Development Services at (262) 886-8440 to investigate.
17. **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.
18. **Substantiated Complaints.** The Village of Yorkville Plan Commission reserves the right to require the owner to appear before the Plan Commission to address substantiated complaints involving this operation. The Village of Yorkville Plan Commission may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.
19. **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.
20. **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.
21. **Liability.** Racine County and the Village of Yorkville does not warrant that the plans for this project are functionally and/or structurally adequate. Racine County and the Village of Yorkville does not certify that the design is adequate for this site and Racine County and the Village of Yorkville accepts no liability through this approval.
22. **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.

23. **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, Stewart and Sons Construction, LLC, Marcelino Maldonado, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
24. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
25. **Stormwater Inspection.** The Village's engineer shall, at the applicant's expense, conduct a site visit prior to the start of any work at this site to document the current condition of the stormwater inlets adjacent to this site.
26. **Setback.** The minimum property line setback for the pole barn permitted by this approval shall be fifteen feet.

Feel free to contact our office if you have any questions.

Thank you,

Michael McKinney
Clerk-Treasurer

Cc: Marcelino Maldonado
Jim DeLuca
Jim Henke