



Special Exception
Town of Mukwonago

Version: February 10, 2022

Town of Mukwonago
W320 S8315 Beulah Road
Mukwonago, WI 53149

Overview: The Town Board may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in the zoning code.

Governing regulations: The procedures and standards governing the review of this application are found in Article 5 of the Town's zoning code (Chapter 36).

General instructions: Application materials should be submitted to the Town Clerk at the mailing address shown above or online at https://townofmukwonago.zoninghub.com/tools/OnlineApplication.aspx.

1. Applicant and agent contact information. Include the names of those agents, if any, that helped prepare this application including the supplemental information.

Table with 2 columns: Applicant and Agent (if any). Rows include Name, Company, Street address, City, state, zip code, Daytime telephone number, and Email.

2. Subject property information

Physical address 578 W303710 Red Oak Circle
Tax key number(s) MUKT-1912011

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Town Clerk.

Parcel size 831641 square feet

Is the subject property currently in violation of the Town's Zoning Code?

- No
Yes

If yes, please explain.

The home does not meet the 50 ft EC District Separation requirements

Comment: Pursuant to Section 36-136 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
Yes

If yes, please explain.

Comment: Pursuant to Section 36-137 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

3. Zoning information

The subject property is located in the following zoning district(s). (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> C-1 Conservancy | <input checked="" type="checkbox"/> R-1 Residential | <input type="checkbox"/> EC Environmental corridor (overlay) |
| <input type="checkbox"/> A-1 Agricultural | <input type="checkbox"/> R-2 Residential | <input type="checkbox"/> HS Hydric soils (overlay) |
| <input type="checkbox"/> RH Rural home | <input type="checkbox"/> B-2 Local business | |
| <input type="checkbox"/> SE Suburban estates | <input type="checkbox"/> P-1 Public | |

Is the subject property located within Waukesha County's shoreland jurisdiction (generally defined as being within 300 feet of a stream or 1,000 feet of a lake)?

- Yes No

4. Type of special exception. Select the special exception(s) you are requesting as referenced in the zoning code.

- s. 36-686(b) Parking of trucks and equipment as an ancillary use to a residential use
- s. 36-702 Reasonable accommodations
- s. 36-713 Modify depth-to-width ratio for lots
- s. 36-718 Increase in maximum attached garage size
- s. 36-719 Increase in maximum detached accessory building
- s. 36-726(b) Reduction in separation to EC overlay zoning district
- s. 36-733 Allow detached accessory building in front of principal building
- s. 36-764 Allow a second driveway
- s. 36-773(b)(4) Modification of requirements for decorative facing on the side of a principal building
- s. 36-773(b)(12) Allow overhead doors to face a public street
- s. 36-1504 Allow construction within an offset area
- Appendix B (1.03) Modify minimum lot area for intensive animal production
- Appendix B (4.01) Modify requirements for exterior materials for duplexes
- Appendix B (4.02) Modify requirements for exterior materials for multifamily buildings
- Appendix B (4.03) Modify requirements for exterior materials for single-family dwellings
- Appendix B (9.04) Modify offset requirements for commercial kennels
- Appendix B (9.20) Modify offset requirements for veterinary clinics
- Appendix B (13.14) Modify provisions for home occupations for operator with a disability
- Appendix B (13.25) Modify offset and setback requirements for a free-standing solar energy system
- Appendix B (13.25) Modify placement requirements for a free-standing solar energy system
- Appendix B (14.01) Grant an extension of time for an earth materials stockpile
- Appendix C Increase height of detached accessory building (Footnote #14)

5. Previous special exception applications for the subject property. Describe any special exception applications that have been submitted for the property; include the year, a general description, and whether the application was approved or not.

none.

6. **Proposed project.** Describe what you would like to do if the special exception is granted.

Build a single family residence with a deck in the
relief up to 20ft.

7. **General evaluation criteria.** The following general factors are considered in reviewing your application:

- (1) the size of the subject property in comparison to other properties in the area;
- (2) the extent to which the issuance of the special exception permit would be in keeping with the overall intent of the zoning regulations;
- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception permit;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception permit was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception permit; and
- (8) any other factor that relates to the purposes of this chapter as set forth in s. 36-5 or as allowed by state law.

In the space below, address each of these to the extent necessary to show why you believe the special exception should be granted. Add additional pages if necessary.

See attached sheet

8. **Specific evaluation criteria.** In addition to the general evaluation criteria listed in section 7 above, specific evaluation criteria are often listed in the zoning code for each of the different types of special exceptions (refer to section 4 above for the corresponding zoning code section number). In the space below, list those factors and why you believe the special exception should be granted. Add additional pages if necessary.

This property has an incline due to rolling hills - if house has to get pushed closer to road, driveway would have over 10% slope. A lot of trees would need to be cut down owner wants to keep trees. The necessity of encroachment is that area is flat + buildable. This will have no effect on neighboring properties.

7. General evaluation criteria.

We are planning a home build on MUKT1912016. I've attached the preliminary survey for where we would like the house. Our issue revolves around the INRA zone first established in 2015 on our property (that my grandfather has owned since ~1991).

I believe we have very reasonable standing to apply for a variance, due to a multitude of factors, but I'm not sure what my course of action should be regarding first steps. A short list of details:

- the INRA line plus 50ft away renders roughly 50% of our property unusable out of the gate
- placing a house, septic, well, and outbuilding would be difficult if not impossible on the remaining land due to the topography of the lot (steep hills). The flattest, most empty land on the property is where we have the house currently positioned
- the house as placed on the preliminary survey **does not require any alterations to the wooded area whatsoever**. The entirety of the house falls in what has been my grandfathers mowed lawn area for decades
- the INRA line on GIS isn't even close to the reality of the land. The actual drip line begins anywhere from 30-50' away from the INRA line as placed by GIS, as well as from any point of the house as placed on the preliminary survey (picture attached of the official northeast corner flag, that directly intersects with the INRA line on GIS, showing reality of distance to drip line)
- As of 2014, none of our lot fell into an INRA zone. In 2015 our property was added, but none of the neighboring properties. They all share the same woods area

9. **Project map.** Attach a project map. It can consist of a single page or multiple pages depending on the complexity of the features that need to be depicted.

The following items need to be included **as appropriate** to the project and the special exception that is being requested.

Background Project Information

- Project name
- Applicant name
- Preparation date

Buildings and Outdoor Storage/Activity Areas

- Existing and proposed
- Existing within 50 feet of subject property

Survey Information

- North arrow and graphic scale
- Address of subject property or legal description
- Property boundaries
- Acreage of subject property

Required Setbacks

- Yard setbacks (front, side, rear and shore)
- On-site septic systems
- On-site wells and off-site wells within 10 feet of the perimeter of the subject property

Project Development Information

- Easements/rights-of-ways (location, width, purpose, ownership)

Utilities (existing and proposed)

- Location
- Type (sewer, telephone, etc.) (buried or overhead, if applicable)

Setting

- Property boundaries within 50 feet of the subject property
- Land uses within 50 feet of the subject property
- Zoning district boundaries within 50 feet of the subject property
- Municipal boundaries within 50 feet of the subject property

Transportation Facilities (existing and proposed)

- Streets
- Driveways and road access onto public and private roads
- Parking lots
- Sidewalks / trails
- Fire lanes (i.e., fire apparatus access)
- Clear visibility triangles (location and dimensions)

Site Features (existing and proposed)

- Ground contours when any slope exceeds 10 percent
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.)
- Floodplain boundaries
- Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines

10. **Attachments.** List any attachments included with your application.

Garrett Freiburger + Kelsey Golden owners
Espace Homes Inc - Applicant
Preparation date -
Survey

11. **Other information.** You may provide any other information you feel is relevant to the review of your application.

12. Applicant certification

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with sections 2-2 and 2-3 of the Town of Mukwonago municipal code.
- I understand that submission of this application authorizes town officials, Plan Commission members, Town Board members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner Signature:

Garrett Freiburger

Garrett Freiburger (Mar 9, 2026 19:34:42 CDT)

Date:

Mar 9, 2026

Kelsey Gelden

Kelsey Gelden (Mar 9, 2026 19:35:39 CDT)

Mar 9, 2026