



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. (See section 4 of this application for a listing). In making its decision, the Town Board must consider a variety of factors. General evaluation criteria apply to all special exceptions and special evaluation criteria may also apply as listed for the special exception.

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>. If you have any questions, do not hesitate to contact the Town Planner at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com.

- 1. **Applicant and agent contact information.** Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Applicant	Agent (if any)
Name	David Mersfelder	
Company	Morton Buildings, Inc.	Sam Santknyl
Street address	W1190 American St.	
City, state, zip code	Ixonia, WI 53036	
Daytime telephone number	(920) 309-3480	
Email	Samuel.Santknyl@mortonbuildings.com	Damfe lder@gmail.com

- 2. **Subject property information**

Physical address S79W29059 Frog Alley Rd

Tax key number(s) MUKT- 1925999003 MUKT- _____ MUKT- _____ MUKT- _____

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 6.814 acres OR square feet

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

- No
- Yes

If yes, please explain.

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 type="checkbox"/> R-1 Residential | <input type="checkbox"/> EC Environmental corridor (overlay) |
| <input checked="" 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.

N/A

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

Build a 42' x 18' x 64' detached Accessory structure to house trailers and campers that are currently parked outside.

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.

1. This parcel is comparable to other parcels w/ A-1 zoning with similar structures
2. Several surrounding properties have detached Accessory structures of similar or larger footprints
3. The trailers and campers currently sitting outside require this size structure
4. No negative environmental impacts.
5. Positive: A nice looking building, trailers/campers/cars no longer parked outside.
6. N/A
- (7-8). These exceptions have been previously granted for similar projects that positively impact the overall look & function of the town.

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.

Section 36-719

- (1) Building is not visible from Road
- 1b. Structure is exclusively private use

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

Survey Information

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

Project Development Information

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

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

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

Buildings and Outdoor Storage/Activity Areas

- Existing and proposed
- Existing within 50 feet 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

Utilities (existing and proposed)

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

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)

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

• Site Plan ~~with enlarged Site Plan~~

• Conceptual Building Renderings.


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:

Date:



3/13/26

****SCAM ALERT** See below**



Town of Mukwonago

W320 S8315 Beulah Road, Mukwonago, WI 53149

www.TownOfMukwonago.wi.gov


Phone (262)363-4555 Fax (262)363-8377

TOWN OF MUKWONAGO PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Municipal Code of the Town of Mukwonago, Wisconsin, Section 2-2 and 2-3, the Town of Mukwonago Town Board has determined that whenever the services of the Town Attorney, Town Engineer, Town Planner, or any other of the Town's professional staff results in a charge to the Town for that professional's time and services and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town to the property owner incurring those fees, even if the request is not approved. Also, be advised that pursuant to the Municipal Code of the Town of Mukwonago, Wisconsin, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges; however, is subject to the property owner's appeal rights as described in said Municipal Code of the Town of Mukwonago, Wisconsin,

I, the undersigned, have been advised that pursuant to said Municipal Code of the Town of Mukwonago, Wisconsin, if the Town Attorney, Town Engineer, Town Planner, or any other Town professional provides services to the Town because of my activities, whether at my request or at the request of the Town, **I shall be responsible for the fees incurred by the Town, even if the request is not approved.** In addition, I have been advised that pursuant to said Municipal Code of the Town of Mukwonago, Wisconsin, certain other fees, costs, and charges are my responsibility even if the request is not approved. By signing this document; however, I am not waiving my appeal rights that are described in said Municipal Code of the Town of Mukwonago, Wisconsin.

Name and Billing Address of Property Owner responsible for any outstanding Invoicing	
Property Owner	Authorized Agent (If different than property owner)
Name: <i>David Mersfelder</i>	Name: <i>Sam Santkuyl</i>
Address: <i>579 W2905 Frog Alley Rd.</i>	Address: <i>W1190 American St. Ixonia 53036</i>
Phone: <i>414-861-4873</i>	Phone: <i>920-309-3480</i>
Email: <i>Damfelder@gmail.com</i>	Email: <i>Samuel.Santkuyl@mortonbuildings.com</i>
Tax Key Number of the Property involved in the Request: <i>MUKT 192599003</i>	
Description of project: <i>42'x18'x6' detached Accessory structure</i>	



Signature of Property Owner

3/13/26

Date

Signature of Authorized Agent

Date

Signature of Town Official

Date

ATTENTION:
We only except payments to the Town of Mukwonago by cash or check. Beware of scams. We DO NOT take ACH or credit cards. Call the clerk's office anytime if you have questions regarding an invoice.

Planner \$150/hr
Attorney \$216/hr
Engineer up to \$150/hr
Updated 11/25/25

A copy of this completed form shall be provided to the Town Clerk for billing purposes.

filed in the county register of deeds office, prior to issuance of the building permit indicating that a special exception has been granted and recording any conditions of approval, including the reduction in the permitted square footage of accessory buildings and a statement that the attached garage may only be used for personal use and cannot be used for any type of commercial or industrial purpose unless otherwise permitted by this chapter.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-719. Floor area of detached accessory buildings.

- (a) *Generally.* The total floor area of detached accessory buildings, whether temporary or permanent, shall comply with the standards in appendix C or D. As stated in section 36-511, the floor area of rural accessory buildings is not included in this total.
- (b) *Exception.* The plan commission may approve a special exception, consistent with the procedures and requirements of article V, to allow a greater floor area, provided:
 - (1) a. The detached building has no more than four side-by-side vehicles facing the right-of-way from which the dwelling unit has street access;
 - b. The detached building is not used for any commercial or industrial purposes, except as otherwise allowed by the chapter; and
 - c. The detached building complies with all other requirements of this chapter.
 - (2) In making their decision, the plan commission shall consider the factors enumerated in article V and must make the following determinations:
 - a. The architecture of the accessory building is compatible with the dwelling unit;
 - b. The accessory building will not be adverse to the public health, safety or welfare;
 - c. The accessory building will not be in conflict with the spirit or intent of this chapter; and
 - d. The accessory building will not otherwise be detrimental to the town or the immediate neighborhood where the structure would be located.
 - (3) The plan commission may impose such conditions it deems necessary including a requirement for screening and/or landscaping.
- (c) *Deed restriction required with approval of special exception.* If the plan commission approves a special exception under subsection (b) above, a deed restriction, in a form approved by the town attorney, shall be filed in the Waukesha County register of deeds office, prior to issuance of the building permit indicating that a special exception has been granted and recording any conditions of approval, including a statement that the accessory building may only be used for personal use and cannot be used for any type of commercial or industrial purpose unless otherwise permitted by this chapter.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020; Ord. No. 2021-O-55 , § 9, 7-14-2021)

Sec. 36-720. Building coverage.

The total footprint of all buildings on a lot shall comply with the standards in appendix C or D. For the purposes of this subsection, all buildings are included including accessory buildings. Decks and patios are specifically not included.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Secs. 36-395—36-400. Reserved.

DIVISION 10. RESERVED

Secs. 36-401—36-420. Reserved.

DIVISION 11. SPECIAL EXCEPTION

Sec. 36-421. Generally.

Upon written petition, the plan commission may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in this chapter.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-422. Initiation.

The owner of the subject property may submit an application for a special exception.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-423. Review procedure.

The general steps outlined below shall be used in the review of a special exception application.

- (1) *Submittal of application materials.* The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the town board.
- (2) *Completeness determination.* The zoning administrator reviews the submittal within ten days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has three months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
- (3) *Review date.* When the zoning administrator determines the application is complete, he or she schedules the review with the plan commission consistent with its adopted calendar.
- (4) *Staff report preparation and distribution.* The zoning administrator may prepare a written staff report as described in this division and provide a copy of it to each member of the plan commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

Created: 2022-06-07 09:27:01 [EST]

(Supp. No. 2)

-
- (5) *General notice.* Consistent with division 2 of article IV, the zoning administrator places the matter on the meeting agenda of the plan commission.
 - (6) *Plan commission meeting.* Allowing for proper notice, the plan commission considers the application at a regular or special meeting.
 - (7) *Recommendation.* The plan commission makes a recommendation to the town board based on the decision criteria in this division to
 - a. Approve the application;
 - b. Approve the application with conditions; or
 - c. Deny the application.

The plan commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days after the initial public meeting unless the applicant agrees to an extension of a specified duration.

- (8) *Town board meeting.* Allowing for proper notice, the town board considers the application at a regular or special meeting.
- (9) *Decision.* After considering the plan commission's recommendation, the town board makes a decision based on the decision criteria in this division to:
 - a. Approve the application;
 - b. Approve the application with conditions; or
 - c. Deny the application.

The town board may render its decision at the same meeting the matter was initially considered or at a subsequent meeting.

- (10) *Preparation of decision notice.* Based on the action of the town board, the zoning administrator prepares a decision notice consistent with this division, subject to the direction provided to the zoning administrator from the town board.
- (11) *Applicant notification.* Within a reasonable time following the town board's decision, the zoning administrator mails the decision notice to the applicant by regular mail.
- (12) *Acceptance by property owner required.* If an approval includes one or more condition of approval, the property owner must sign the decision notice to acknowledge the terms of the approval and return the same to the zoning administrator within six months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the town clerk requesting an extension and the town board may, with cause, extend the period within which the decision notice must be signed. If the signed decision notice is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the town at the expiration of such time limit. The decision notice shall only become effective when all required signatures have been obtained and the original signature copy is returned to the town clerk.
- (13) *Public record copy.* A duplicate copy of the decision notice is retained as a public record.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-424. Basis of decision.

The plan commission in making its decision shall consider the following factors:

-
- (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 this chapter;
 - (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 section 36-5 or as allowed by state law.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-425. Imposition of conditions.

- (a) *Generally.* In approving a special exception, the plan commission may recommend and the town board may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, and hours of operation.
- (b) *Effect on contracts with another party.* The town board shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

State law reference(s)—Wis. Stats. § 62.23(7)(gm).

Note(s)—The town, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

Sec. 36-426. Limitations on issuing a special exemption permit.

A special exception shall only be approved in those instances where issuance is specifically authorized in this chapter.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-427. Application form and content.

The application submittal shall include an application form as used by the town and a site plan depicting the information listed in appendix F.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-428. Staff report content.

The staff report should include the following:

- (1) A description of the requested special exception;
- (2) Information related to the decision criteria listed in this division;
- (3) A recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) A preliminary list of conditions whether the staff recommendation is for approval or denial; and
- (5) Other information deemed necessary.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-429. Content of decision notice.

(a) *Approval.* If the application for a special exception is approved, the decision notice should include the following:

- (1) A statement that the application is approved;
- (2) A description of the special exception;
- (3) Reasons for the decision based on the decision criteria listed in this division;
- (4) Conditions of approval, if any;
- (5) If one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator to acknowledge acceptance of the same;
- (6) A statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (7) A statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (8) Other information the town board or administrator deems appropriate;
- (9) The signature of the zoning administrator on behalf of the town board; and
- (10) The date of the decision.

(b) *Denial.* If the application for a special exception is denied, the decision notice should include the following:

- (1) A statement that the application is denied;
- (2) A description of the special exception;
- (3) Reasons for the decision based on the decision criteria listed in this division;
- (4) A statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration;
- (5) A statement that the decision may be appealed as provided for in this division;
- (6) Other information the town board or zoning administrator deems appropriate;
- (7) The signature of the zoning administrator on behalf of the town board; and

(8) The date of the decision.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-430. Effect of approval.

If the town board approves the special exception, such approval shall run with the land.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-431. Revocation or modification of a prior approval.

The town board may revoke or modify the approval of a special exception if it determines that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-432. Expiration of approval.

If the zoning administrator determines that substantial work as authorized by a special exception approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to division 8 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed six months.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-433. Violation of a condition of approval.

If a property owner does not comply with the terms of an approval such action constitutes a violation of this chapter.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Sec. 36-434. Appeal.

An aggrieved person may appeal a final decision of the town board that is made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

(Ord. No. 2020-O-48 , § 1(Exh. A), 9-16-2020)

Secs. 36-435—36-440. Reserved.

DIVISION 12. VARIANCE