

Date: March 22, 2026

To: Town of Mukwonago Plan Commission and Town Board

From: Ben Greenberg, AICP - Town Planner

Subject: Special exception requests to exceed the allowable detached accessory building floor area, allowable building height and exemption of decorative cupola; David Mersfelder, owner; Sam Santkuyl, agent;

Property Location: S79 W29059 Frog Alley Rd

Application: 2026-07; <https://s.zoninghub.com/9ZK9VT4DQC>

Meeting: April 1, 2026 Plan Commission and Town Board meeting

Description The subject property is a 6.814-acre parcel located at S79W29059 Frog Alley Road and is zoned **A-1 Agricultural District**. The parcel is developed with an existing single-family residence containing approximately 2,000 square feet on the first floor, 1,000 square feet on the second floor, and an attached garage of approximately 960 square feet. There are currently no detached accessory buildings on the property.

The surrounding development pattern is characterized by lower-density residential and agricultural uses. State-owned conservancy lands are located directly to the south. The property is not affected by wetlands or environmental corridors based on the County GIS.

The applicant has submitted a zoning permit application and special exception request to construct a new detached accessory structure in the rear yard behind the existing home. The proposed building is approximately 42 feet by 64 feet, with an additional approximately 400 square foot open-sided lean-to. The building is proposed to be used for indoor storage of recreational vehicles and related personal residential storage. The building would have a proposed height of 22 feet 4 inches, where 18 feet is otherwise allowed absent special exception approval. A decorative cupola, approximately 4 feet tall, is proposed as a decorative element, but it was not included in the regulated height calculation. The structure would be set back approximately 52 feet from the nearest common lot line. There is an existing tree line along the north lot line. Appendix C, Note 13 also authorizes the Plan Commission, through the special exception process, to exempt certain architectural elements from district height regulations. Staff has treated the proposed decorative cupola as a separate architectural feature and not part of the stated building height.

Location Map:



The proposed accessory building complies with the **A-1 District** standards as follows:

	Allowed/Required	Existing	Proposed	Complies? Yes/No
Maximum Building Coverage	29,664 sq. ft. (10%)	~2,960 sq. ft. (1.0%)	~8,048 sq. ft. (2.7%)	Yes
Maximum Floor Area of Detached Accessory Buildings	1.650 sq. ft.	n/a	3,088 sq. ft.	No - Special Exception Required
Max. Detached Accessory Building Height	18 ft. (non-farm buildings)	n/a	22' 4" ~26' 4" w/cupola	No - Special Exception Required
Total Allowable Accessory Buildings	Maximum 2, no limit on lots over 15 acres with PC approval.	0	1	Yes
Minimum Offsets	20 feet min.	n/a	~52 feet (north)	Yes

As noted in the table, the property currently exceeds the allowable detached accessory building floor area and height and will require a special exceptions to exceed those limits.

Analysis The proposed detached accessory structure would be located in the rear yard behind the home and would maintain a setback of approximately 52 feet from the nearest common lot line, which is approximately 32 feet greater than the district's 20-foot minimum offset standard. In addition, no private neighboring property is located directly to the south, as the parcel abuts state-owned conservancy lands in that direction.

The applicant has indicated the building is intended for indoor storage of recreational vehicles and related personal property. Based on the information provided, the request appears to be for personal residential storage use rather than any commercial or industrial use. Staff notes that bringing materials and vehicles currently stored outdoors into an enclosed building may reduce outdoor visual clutter on the property.

The proposed location behind the principal structure, together with the existing tree line along the north lot line, should help limit visibility from adjoining properties and reduce the visual effect of the building.

No wetlands or environmental corridors have been identified and no direct impacts to such resources are anticipated as part of this request.

With respect to height, the request is for a building with a regulated height of 22 feet 4 inches, exceeding the otherwise permitted 18-foot maximum. For any special exception to exceed accessory building height, the applicant is required to provide an additional foot of offset relief for every additional foot of height beyond the permitted 18 feet (up to ten additional feet). The applicant is providing greater separation from adjacent property lines than would otherwise be required, which helps mitigate the increased apparent mass associated with the additional height.

Required Standards

A special exception for additional detached accessory building floor area is only allowed when:

1. The detached accessory building has no more than four side-by-side vehicles facing the right-of-way from which the dwelling unit has street access;
2. The detached accessory building is not used for any commercial or industrial purposes, except as otherwise allowed by the chapter;
3. The detached accessory building complies with all other requirements of this chapter.

A special exception for additional detached accessory building height is only allowed when:

1. The setback is increased one foot for each additional foot in height (up to a maximum of 10 additional feet).
2. For height special exceptions, the Plan Commission may require screening to break up the view of the building from adjacent properties or from a public road.

Notice requirements Aside from being shown on the meeting agenda, no other public notice is required.

Review procedure The Plan Commission is advisory and the Town Board makes the final decision. In reviewing this matter, the Plan Commission and Town Board need to consider the following factors as set forth in s. 36-424 of the zoning code:

- (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 s. 36-5 or as allowed by state law.

To approve the special exception, the following determinations are also required:

1. The architecture of the proposed detached accessory building is compatible with the dwelling unit;
2. The proposed detached accessory building will not be adverse to the public health, safety or welfare;
3. The proposed detached accessory building will not be in conflict with the spirit or intent of this chapter; and
4. The proposed detached accessory building will not otherwise be detrimental to the town or the immediate neighborhood where the structure would be located.

Imposition of conditions 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.

Possible Motion by Plan Commission: Recommend to the Town Board approval of the special exception requests to exceed the maximum allowable accessory building floor area and maximum allowable accessory building height, and approval of the exemption for the decorative cupola, based on the findings and conditions listed below.

Required Findings:

1. The architecture of the proposed detached accessory building is compatible with the dwelling unit;
2. The proposed detached accessory building will not be adverse to the public health, safety or welfare;
3. The proposed detached accessory building will not be in conflict with the spirit or intent of this chapter; and
4. The proposed detached accessory building will not otherwise be detrimental to the town or the immediate neighborhood where the structure would be located.

Required Conditions of Approval:

1. The property owner shall file a deed restriction, in a form approved by the town attorney, with the Waukesha County register of deeds office, prior to issuance of the building permit indicating that special exception approval has been granted for the detached accessory building 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.
2. Prior to the issuance of the Special Exception, 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 (6) 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.

3. If the zoning administrator determines that substantial work as authorized by a special exception approval did not commence within twelve (12) months of the date of approval or if substantial work did commence within twelve (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 (6) months.

Motion by Town Board: Accept the Plan Commission's recommendation

Attachments:

1. Application materials



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) (Footnote #13)

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

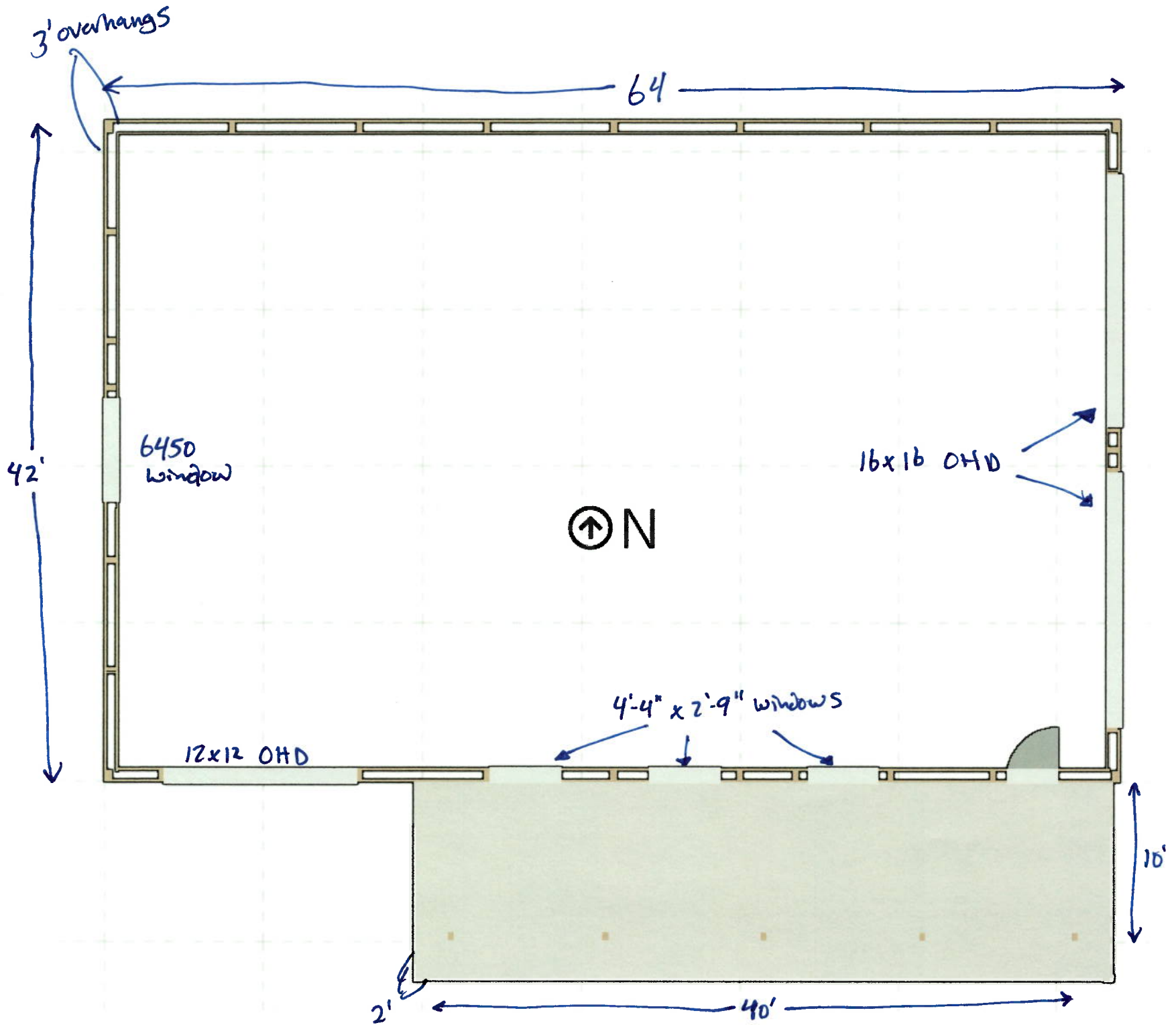
- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with sections 2-2 and 2-3 of the Town of 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:

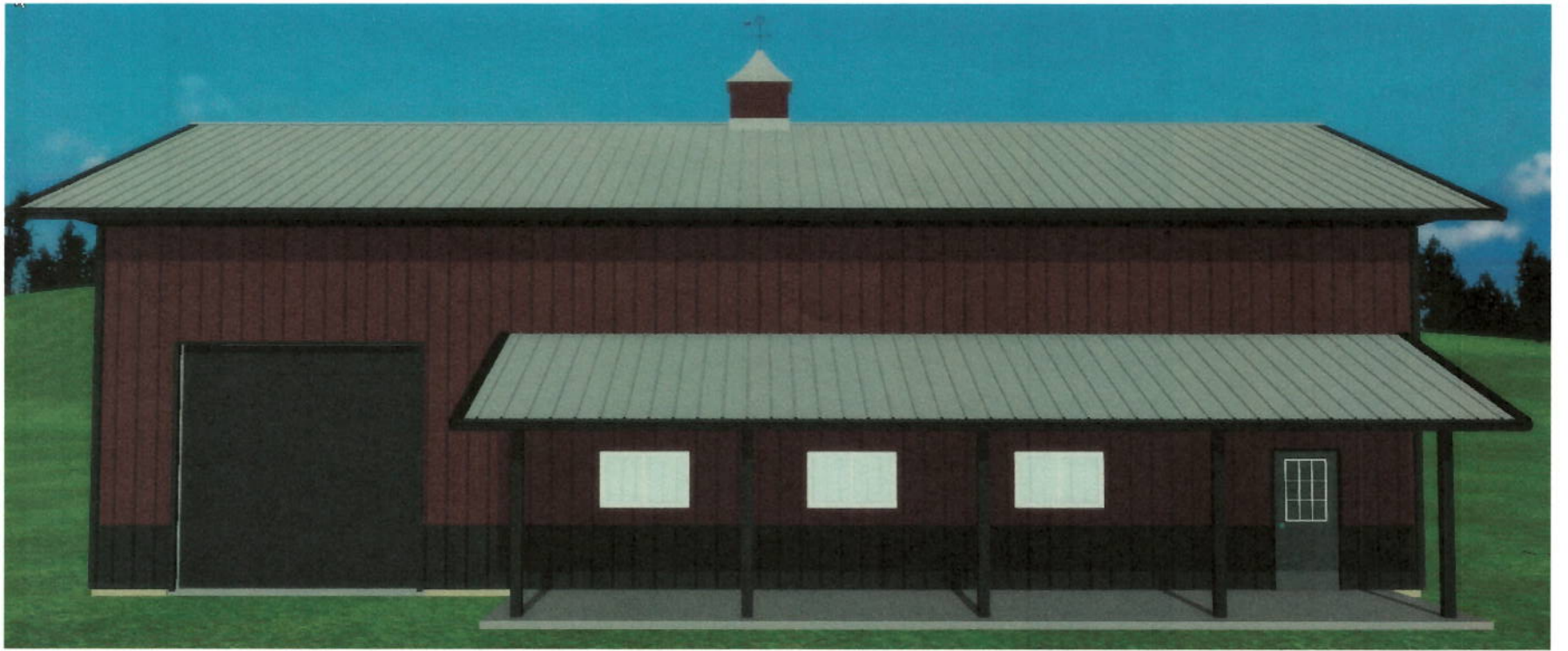
Date:



3/13/26













Zoning Permit Application
Town of Mukwonago

Version: December 28, 2020

Town of Mukwonago
W320 S8315 Beulah Road
Mukwonago, WI 53149

OFFICE USE ONLY

Application Number: _____ Fee Paid: \$ _____ Fee Received By: _____ Date Received: _____

Parcel Number: _____ Property Address: _____

	Property Owner	Agent (if any)
Name	<u>David Mersfelder</u>	<u>Sam Santknyl</u>
Street address	<u>579 W 29059 Frog Alley Rd</u>	<u>W1190 American St</u>
City, state, zip code	<u>Mukwonago, WI 53149</u>	<u>Ixonia WI 53036</u>
Daytime telephone	<u>414-861-4873</u>	<u>920-309-3480</u>
Email address	<u>Damfelder@gmail.com</u>	<u>Samuel.Santknyl@mortonbuildings.com</u>

General description of proposed project:

42' x 18' x 6 1/2' detached Accessory Structure.

Zoning Information

Zoning District(s) (check all that apply)

- C-1 Conservancy
- A-1 Agricultural
- RH Rural home
- SE Suburban estates
- R-1 Residential
- R-2 Residential
- B-2 Local business
- P-1 Public
- PUD: _____
- EC Environmental corridor (overlay)
- HS Hydric soils (overlay)

Setbacks and Offsets

Front-yard setback: 60' (400' ft) feet from building foundation to base setback line (road right-of-way)
 Side-yard offset: 290' (4) feet from building foundation to East property boundary line
 Side-yard offset: 52' feet from building foundation to NW property boundary line
 Rear-yard offset: 300' (4) feet from building foundation to South property boundary line
 EC setback: _____ feet from building foundation to Environmental Corridor District (if any)
 C-1 setback: _____ feet from building foundation to Conservancy District (if any)

For assistance in the zoning districts please visit: <https://townofmukwonago.zoninghub.com/home.aspx>

Floor Area of Buildings (in square feet from exterior wall to exterior wall)

	Existing	Proposed
Principal building (first floor)	<u>≈ 2,000</u>	
Principal building (second floor)	<u>≈ 1,000</u>	
Attached garage	<u>≈ 960</u>	
Detached building (#1)		<u>2,688</u>
Detached building (#2)	<u>N/A</u>	
Total		<u>2,688</u>

Sanitary Permit No. (Buildings requiring sanitation only): N/A

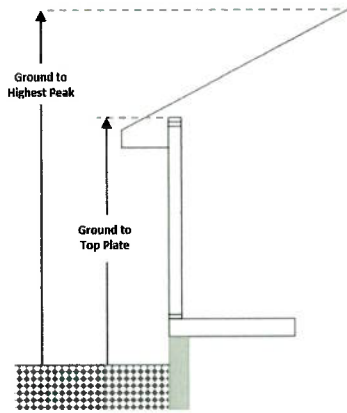
New Building with a Basement

Elevation of top of foundation _____ (This should be shown on the grading plan.)
 Elevation of top of basement floor _____ (This should be shown on the grading plan.)
 Elevation of top of footing _____ (This should be shown on the grading plan.)
 Elevation of seasonal high-water table _____ (This is listed in the Seasonal High Groundwater Determination Report.)

Note: The top of the basement floor must be one foot or more above the seasonal high-water table.

Height of Proposed Building(s)

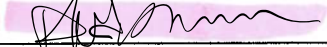
	Building 1		Building 2		Building 3	
	Ground to Top Plate	Ground to Highest Peak	Ground to Top Plate	Ground to Highest Peak	Ground to Top Plate	Ground to Highest Peak
Front	18'-1"	26'-6 1/2"				
Left	18'-1"	"				
Right	18'-1"	"				
Rear	18'-1"	"				



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 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 Zoning Administrator 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(s):



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: David Mersfelder	Name:
Address: S79W29059 Frog Alley Rd	Address:
Phone: 414-861-4873	Phone:
Email: Damfelder@gmail.com	Email:
Tax Key Number of the Property involved in the Request: MUKT 1925999003	
Description of project: 42'x 18'x 64' detached Accessory Structure	



Signature of Property Owner



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.