

TO: Town of Mukwonago Plan Commission and Board
FROM: Ben Greenberg, AICP, Town Planner
DATE: June 19, 2026
SUBJECT: Request for Rural Accessory Building Determination for multiple buildings located at S78 W29936 Frog Alley Rd. (MUKT1915998005); Don DeBack; owner
APPLICATION: 2026-21; <https://s.zoninghub.com/TKXSL6BL9R>
MEETING: July 1, 2026 Plan Commission and Town Board meeting

BACKGROUND:

1. Area: 2.4 Acres
2. Existing Zoning: R-1 Residential District
3. Proposed Zoning: N/A
4. 2035 Land Use: Low Density Residential (1 AC)



The subject property is an existing residential parcel that contains a historic farmstead consisting of a residence, barn and silo, milk house, garage, and shed. According to the application materials, the accessory structures date to approximately 1906 and are remnants of a former agricultural operation that existed on the property.

The property contains four accessory buildings with a combined floor area that exceeds the number and area limitations currently permitted within the R-1 Residential District. The applicant has requested a Rural Accessory Building Determination pursuant to Article V, Division 17 of the Town of Mukwonago Zoning Code.

The property owner also owns an adjacent undeveloped parcel and has informally discussed the possibility of pursuing a future lot line adjustment between the two properties.

No lot line adjustment application has been submitted or reviewed by the Town. However, the continued status of the existing farmstead buildings may become relevant should a future property boundary adjustment be proposed.

The purpose of the current application is limited to determining whether the identified structures qualify as Rural Accessory Buildings under the standards established in § 36-514 of the Town of Mukwonago Zoning Code.

PROPOSAL: Pursuant to Article V, Division 17, the applicant requests a Rural Accessory Building Determination for four existing accessory structures located on the subject property, including a barn and silo, milk house, garage, and shed. The structures are identified by the applicant as dating to approximately 1906 and are remnants of a historic farmstead that predates the property's current R-1 Residential zoning classification. The subject property contains four accessory structures with a combined floor area that exceeds the number and area limitations otherwise applicable within the R-1 Residential District.

STAFF ANALYSIS: Pursuant to § 36-514(A), the Plan Commission must first determine whether the buildings meet at least one of the qualifying criteria for designation as a Rural Accessory Building.

The applicant identifies the structures as a barn and silo, milk house, garage, and shed, all of which are associated with a historic farmstead established on the property. The barn, silo, and milk house are traditional agricultural structures historically associated with dairy farming operations. While the garage and shed do not independently demonstrate the same degree of agricultural significance, they appear to be older accessory structures associated with and supporting the overall farmstead.

Staff further finds that the age, construction materials, and design of the structures distinguish them from modern accessory buildings commonly found within the R-1 Residential District. The structures appear to retain their historic agricultural character and contribute to the rural heritage of the property.

The structures have existed on the property for many decades and no evidence has been presented indicating that their continued existence creates adverse impacts on surrounding properties or the natural environment. While portions of the structures exhibit signs of age and weathering, the buildings continue to convey the appearance of a historic farmstead and remain visually consistent with the property's agricultural origins.

REVIEW PROCEDURES: The Plan Commission is advisory, the Town Board makes the final decision regarding Rural Accessory Building Determinations.

BASIS OF DECISION [§ 36-514]

(A) In making its decision, the plan commission shall initially determine whether the building meets at least one of the following criteria:

- (1) The building is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design.

- (2) The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice.
 - (3) The building is associated with a person of historic significance or with important historical events.
 - (4) The building represents a notable work of a master builder, designer, or architect who influenced their age.
- (B) If the plan commission determines that the building meets one of the above criteria, it shall then consider the following factors in making its final decision:
- (1) Effects of the building on the natural environment;
 - (2) Effects of the building on surrounding properties;
 - (3) The overall appearance of the building; and
 - (4) Any other factor that relates to the purposes of this chapter as set forth in section 36-5 or as allowed by state law.
- (C) No building shall be designated a rural accessory building if it is not structurally sound to meet minimum safety requirements for the proposed use, as determined by the building inspector, provided that such determination shall not relieve the property owner of any responsibility or liability as to the building and shall not form a basis of liability against the building inspector or any other governmental official or entity.

POSSIBLE CONDITIONS:

1. Prior to issuance of a final Rural Accessory Building Determination, the Town Building Inspector shall verify that the designated structures satisfy the structural soundness requirements of § 36-514(C) of the Town of Mukwonago Zoning Code.
2. The Rural Accessory Building Determination shall apply only to the barn and silo, milk house, garage, and shed identified in the application materials and depicted on the submitted site plan.

POSSIBLE MOTION BY THE PLAN COMMISSION:

Recommend approval to the Town Board of the request for a Rural Accessory Building Determination for the barn and silo, milk house, garage, and shed located at S78 W29936 Frog Alley Road, subject to the conditions contained within the staff report and based upon the findings that the structures are characteristic of past agricultural practices and rural life and satisfy the review criteria of § 36-514 of the Town of Mukwonago Zoning Code.

Attachments:

1. Application materials



Rural Structure Determination
Town of Mukwonago

Version: December 23, 2020

2026-21

Town of Mukwonago
W320 S8315 Beulah Road
Mukwonago, WI 53149

Overview: The Town of Mukwonago Town Board may allow more than two accessory structures or more than the allowable floor area provided the parcel is three acres in size or larger and some or all of the existing accessory structures meet the definition of rural structure. A rural accessory structure is generally defined as an existing building that (1) is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, historical significance; (2) is characteristic of past agricultural practices or rural life, whether presently utilized or nor for such agricultural practice; and (3) which is sufficiently sound to meet minimum safety requirements.

Governing regulations: The procedures and standards governing this application process 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 (262) 204-2350 or via email at ben.greenberg@cedarcorp.com.

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

Applicant	Agent (if any)
Name <u>Don DeBack</u>	
Street address <u>578 W 29936 FROG ALLEY RD</u>	
City, state, zip code <u>MUKWONAGO, WIS. 53149</u>	
Daytime telephone <u>262-470-1080</u>	
Email address <u>ddebackjr@gmail.com</u>	

2. **Subject property information**

Physical address SAME AS ABOVE

Tax key number(s) MUKT-1915-998-005 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.

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.

Has the Town of Mukwonago approved a variance or special exception for the subject property?

- No
 Yes

If yes, provide the year of issuance and a short description for each one.

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

- No
 Yes

4. Property map and chart. Attach a map to this application which clearly shows the locations of all existing buildings on the subject property. On the face of the map, label each building with an identification number (e.g., 1, 2, 3). Then complete this table with readily available information.

Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
1	BARN + SILO	GOOD	1906 PER HOME-OWNER'S INS.	1728.0
2	MILK HOUSE	GOOD	" "	168.0
3	GARAGE	GOOD	" "	288.4
4	SHED	GOOD	" "	84.7
5				
6				
7				

continued on next page

Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
8				
9				
10				
Total				

Notes:

- Describe the building (e.g., residence, garage, dairy barn, milk house), its historical significance if any, and any additions that have been added.
 - To qualify as a rural structure, the structure must be structurally sound. Indicate if the structure is structurally sound, and if not, what will be done to make it structurally sound or when it will be removed.
 - If the year of construction is not known, provide an approximate year or a time period (e.g., 1930-1940).
 - The size of the building is measured from outside wall to outside wall.
5. **Pictures.** As a supplement, you may provide pictures of the various buildings. If you do so, please label them with the building identification number used on the map and in the chart.
6. **Other information.** You may provide any other information you feel is relevant to the review of your application.

ACCESSORY STRUCTURES ARE CLEANED AND USED ALL YEAR AROUND.

7. **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(s):

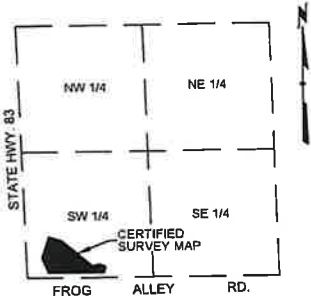
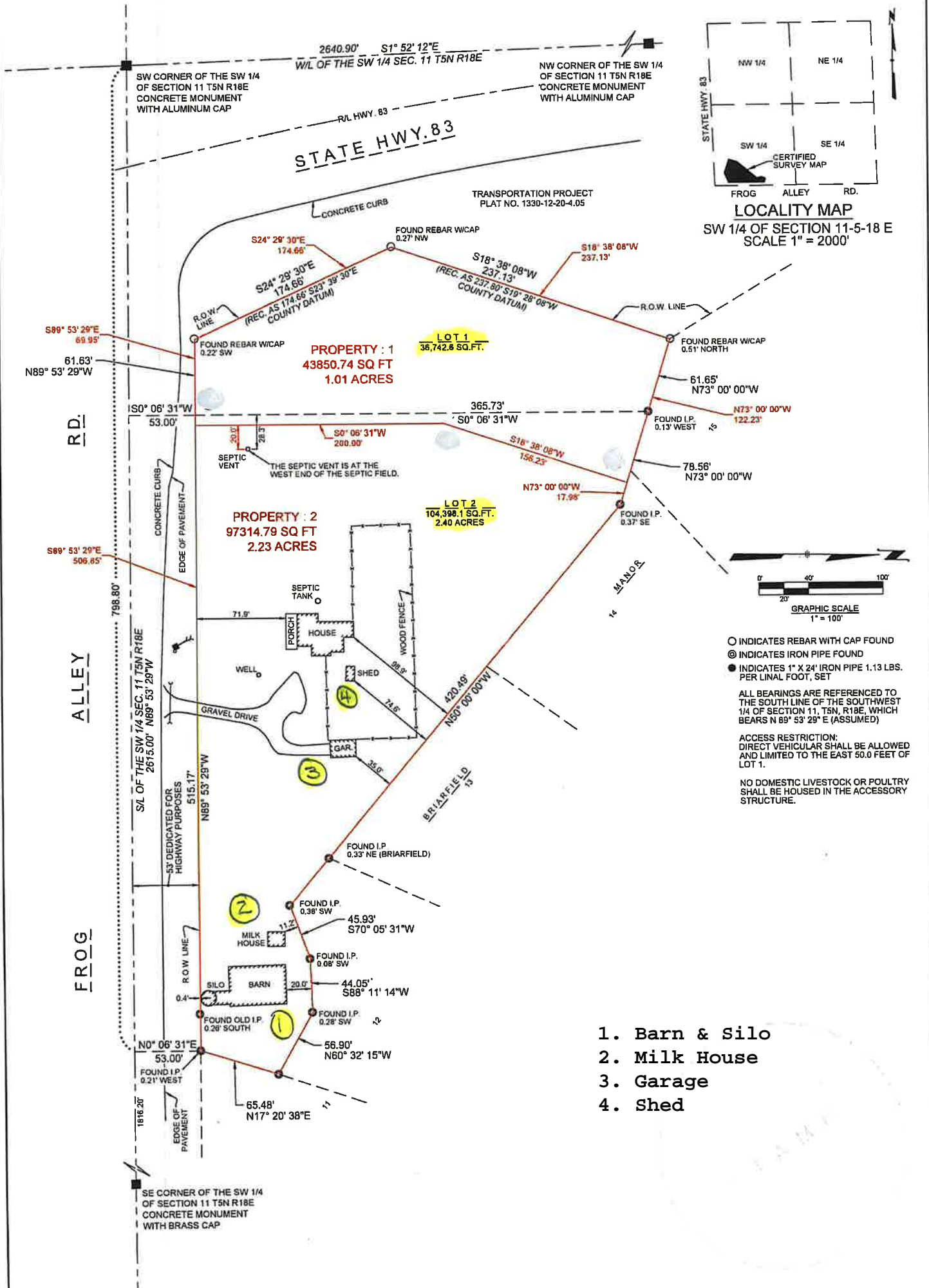
Date:

Don D. Back

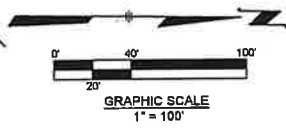
5-15-26

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Certified Survey Map No. 8192 being a part of the Southwest 1/4 of the Southwest 1/4 of Section 11, Township 5 North, Range 18 East, in the Town of Mukwonago, Waukesha County, State of Wisconsin.



LOCALITY MAP
SW 1/4 OF SECTION 11-5-18 E
SCALE 1" = 2000'



○ INDICATES REBAR WITH CAP FOUND
⊙ INDICATES IRON PIPE FOUND
● INDICATES 1" X 24" IRON PIPE 1.13 LBS. PER LINAL FOOT, SET

ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 11, T5N, R18E, WHICH BEARS N 89° 53' 29" E (ASSUMED)

ACCESS RESTRICTION:
DIRECT VEHICULAR SHALL BE ALLOWED AND LIMITED TO THE EAST 50.0 FEET OF LOT 1.

NO DOMESTIC LIVESTOCK OR POULTRY SHALL BE HOUSED IN THE ACCESSORY STRUCTURE.

1. Barn & Silo
2. Milk House
3. Garage
4. Shed



Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
1	BARN + SILO	Good	1906 PER HOME-OWNER'S INS,	1728.0



Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
1	BARN + SILO	GOOD	1906 PER HOME-OWNER'S INS.	1728.0



Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
2	MILK HOUSE	Good	" "	168.0



Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
3	GARAGE	GOOD	" "	288.4



Bldg. ID	Building Description [1]	Structural Condition [2]	Year of Original Construction [3]	Floor Area in Square Feet [4]
4	SHED	Good	" "	84.7

