

Date: April 29, 2022

To: Town of Mukwonago Plan Commission and Town Board

From: Tim Schwecke, Town Planner

Subject: A. Special exception to exceed the standard floor area of a detached accessory building for property located at W314S7810 Century Drive pursuant to Section 36-719 of the zoning code; Joel and Sandra Sebald, applicant
Application: 2022-20; <https://s.zoninghub.com/0KMN8O8QYH>

B. Special exception for placement of detached accessory building in front of principal dwelling building for property located at W314S7810 Century Drive pursuant to Section 36-733 of the zoning code; Joel and Sandra Sebald, applicant 2022-21; <https://s.zoninghub.com/5VFEQORCW8>

Meeting: May 4, 2022 Plan Commission and Town Board meeting

General description Joel and Sandra Sebald own the property at W314S7810 Century Drive and would like to construct an accessory building (1,200 square feet). As proposed, their project requires two different special exceptions as described in the following sections of this report.

The placement of the building on the lot suggests that the overhead doors will be facing east, towards the house. This needs to be confirmed.

Subject Property



Jurisdiction The subject property is not located in Waukesha County's zoning jurisdiction.

Zoning: R-1

Acreage: 2.2 acres

General decision criteria Special exceptions are evaluated on a case-by-case basis using the factors listed below.

- (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.

A. Floor area

Based on the zoning district (R-1) and size of the property (2.2 acres), the maximum floor area for accessory buildings that would be allowed is 820 square feet.

The petitioner is proposing an accessory building with a footprint of 1,200 square feet (an overage of 620 square feet).

Public notice Aside from being shown on a published meeting agenda, no other public notice is required.

Review procedure The Plan Commission is advisory and the Town Board makes the final decision.

A special exception for additional floor area can only be granted when:

- (1) the detached building has no more than 4 side-by-side vehicles facing the right-of-way from which the dwelling unit has street access;
- (2) the detached building is not used for any commercial or industrial purposes, except as otherwise allowed by the chapter; and
- (3) the detached building complies with all other requirements of this chapter.

To grant approval, the following determinations are required:

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

In reviewing the petitioner's request, the general considerations set forth in s. 36-424 (included above) must also be considered.

Imposition of conditions If deemed necessary, the Plan Commission may recommend and the Town Board may require screening and/or landscaping.

Motion by Plan Commission for approval: Motion to recommend to the Town Board the approval of the petitioner's request for additional floor area based on the specific findings and the terms and conditions listed below.

Specific Findings: (1) The architecture of the accessory building is compatible with the dwelling unit. (2) The accessory building will not be adverse to the public health, safety or welfare. (3) The accessory building will not be in conflict with the spirit or intent of this chapter. (4) The accessory building will not otherwise be detrimental to the Town or the immediate neighborhood where the structure would be located. **(continued on next page)**

Conditions:

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The property owner must obtain a zoning permit within 6 months of this date.
- (3) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.
- (4) Prior to issuance of a building permit, the property owner must record a deed restriction as approved by the town indicating the use of the building is limited to non-commercial uses.

B. Placement

The proposed location is in front of the house.

Review procedure The Plan Commission is advisory and the Town Board makes the final decision. In addition to the factors set forth in s. 36-424 (included above) that apply to all special exceptions, the Plan Commission and Town Board must consider the following factors as set forth in s. 36-733 of the zoning code that apply to this type of special exception:

- (1) the size of the subject property,
- (2) the character of the area,
- (3) the size of the proposed accessory building,
- (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area,
- (5) the practical difficulty in placing the proposed accessory building in the location described in this subsection, and
- (6) other factors related to relevant circumstances.

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, outdoor lighting, and hours of operation.

Motion by Plan Commission for approval Motion to recommend to the Town Board the approval of the petitioner's request, subject to the terms and conditions listed below.

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The property owner must obtain a zoning permit within 6 months of this date.
- (3) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.
- (4) Prior to issuance of a building permit, the petitioner must file a deed restriction in the office of the county register of deeds setting forth the nature of the approval and any conditions that may be imposed.

Attachments:

1. Application materials



Special Exception
Town of Mukwonago

Version: December 23, 2020

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.

| <u>Applicant</u> | | <u>Agent (if any)</u> |
|--------------------------|------------------------|--|
| Name | JOEL SEBALD. | Bill Canfield. |
| Company | | Canfield Buildings. |
| Street address | W314 S8710 Century Dr. | 566 W 27890 River Rd. |
| City, state, zip code | Mukwonago, WI 53149. | Waukegan, WI 53189. |
| Daytime telephone number | 262-347-9868 | 262-544-9230. |
| Email | sebaldjoel@gmail.com. | bill@canfieldbuildings.com office@canfieldbuildings.com |

2. **Subject property information**

Physical address W314 S8710 Century Dr. Mukwonago, WI 53149.

Tax key number(s) MUKT- 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 _____ ☐ 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 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

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.

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

Build a 30'x40' detached accessory building for personal storage & hobby shop

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.

- Lot is larger than surrounding lots
- Building will be hidden from side of street view
- Proposed location is behind the front of house as oriented to street
- Backyard area of house is steep unbuildable hill w/ large hardwood trees
- Will be screened from neighbors view by lot line trees
- Minimal environmental impact - Remove some buckthorn scrub brush

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.

- Owner wishes to enjoy car restoration hobby & have storage for lawn care equipment. Original garage attached to house is small. House was built toward rear of lot.
- Owner wishes to protect his vehicles - toys & equipment inside a building. Building is designed w/ Gambrel roof to be attractive in architecture.
- Building will be screened from view of street & neighbors
- Owners lot is set back from street behind another lot

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.

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:

Joel Seball

4-6-22

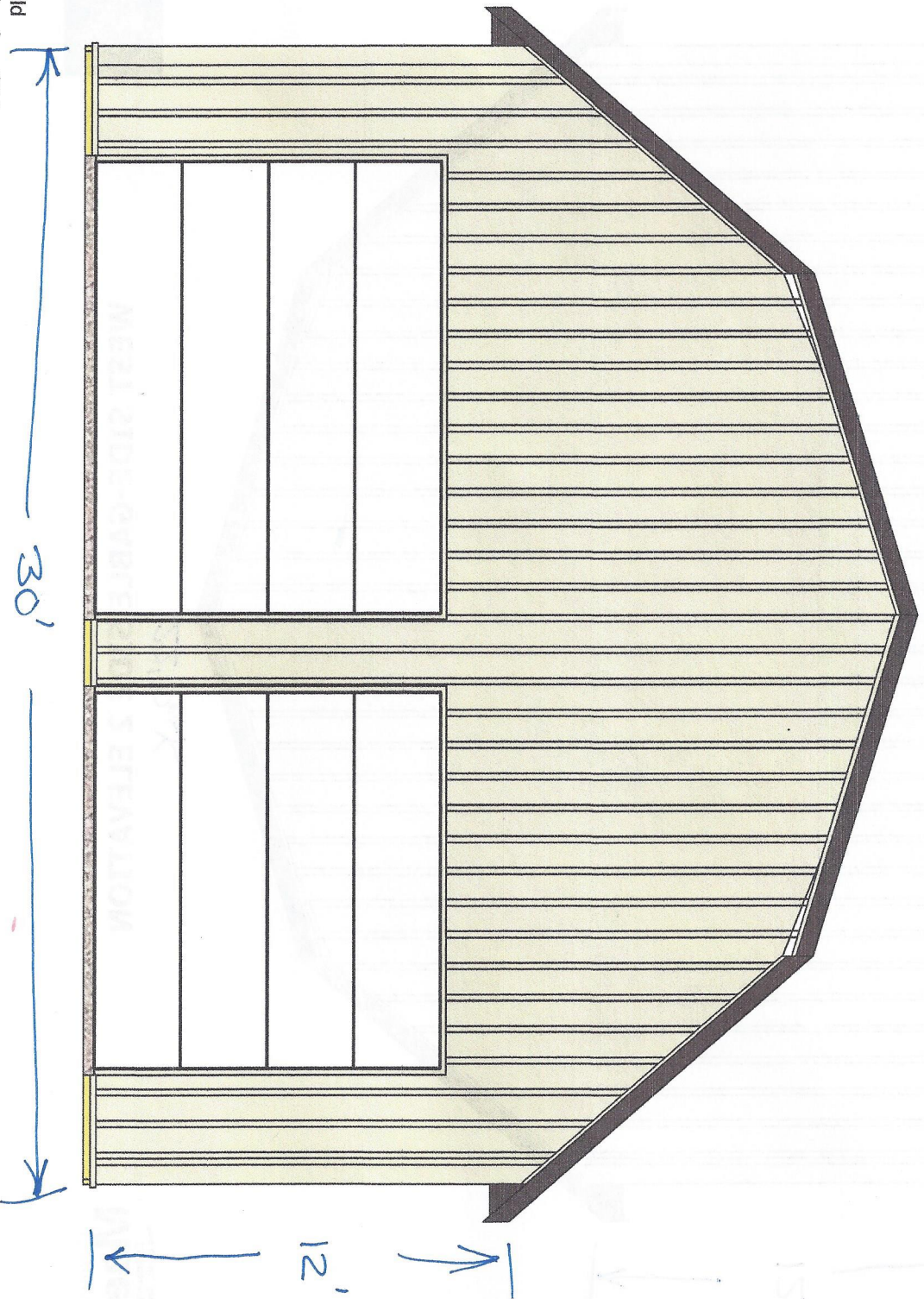
Kancha Seball 4-6-22





EAST SIDE-GABLE SIDE 1 ELEVATION

22' Peak



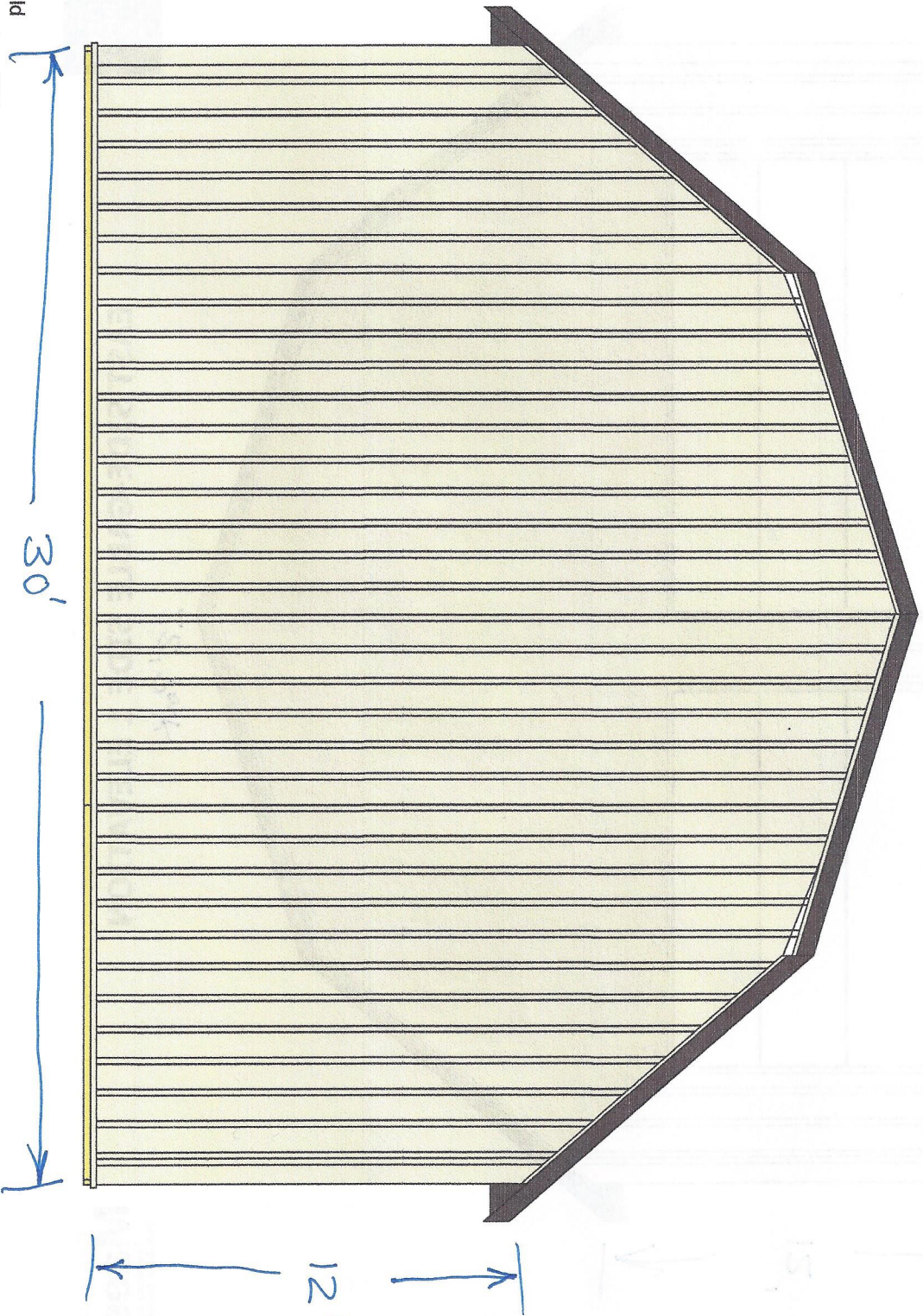
Construction
Maestro
Estimating Software
For Builders, Owners & Architects

"Joel Sebald
Estimate Number: 324
12/7/2021"



WEST SIDE-GABLE SIDE 2 ELEVATION

22' Peak



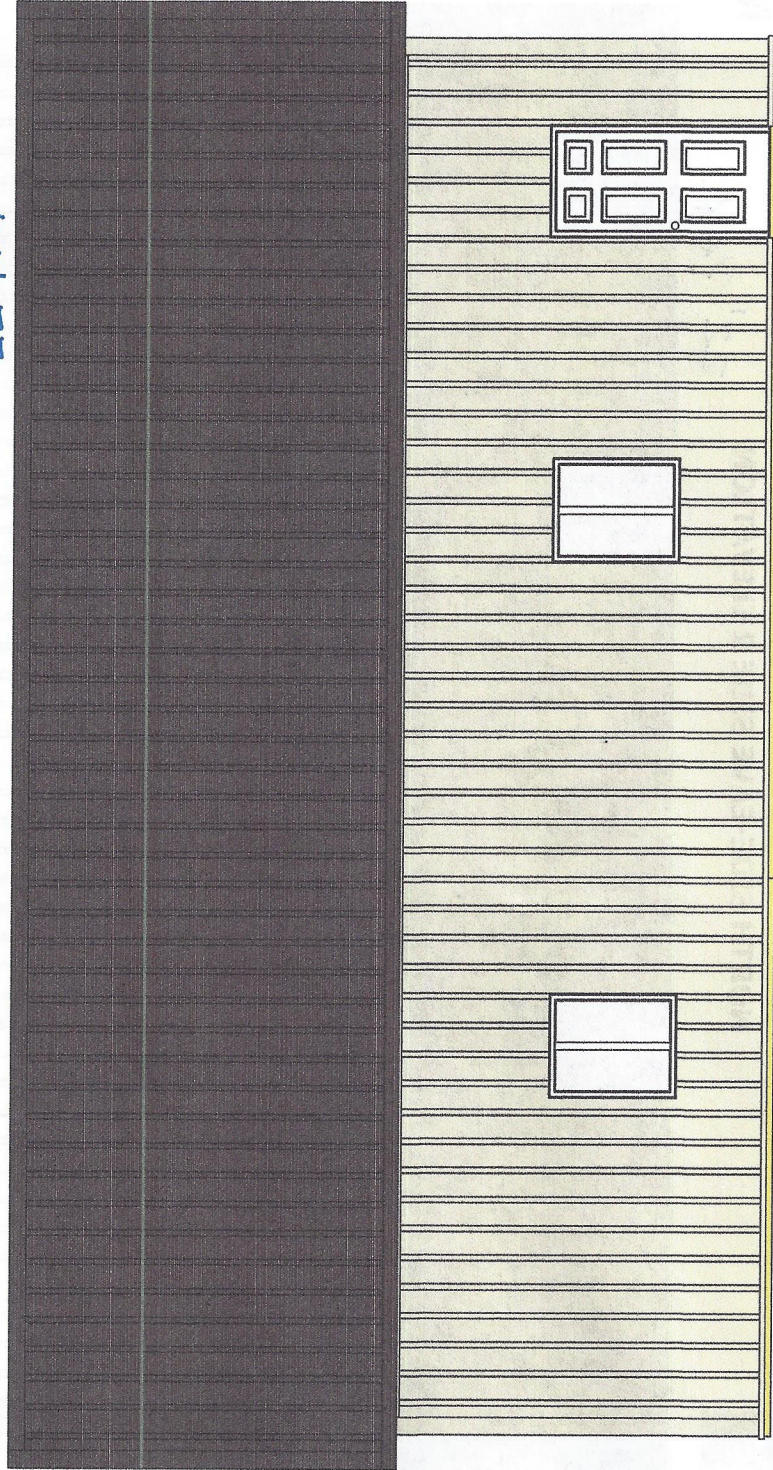
"Joel Sebald
Estimate Number: 324
12/7/2021"



SOUTH SIDE-EAVE SIDE 1 ELEVATION

Construction
Maestro®
Estimating Software
For Bids, Change Orders & Claims

22' Peak



12'

40'

22' Peak



NORTH SIDE-EAVE SIDE 2 ELEVATION

22' Peak

Construction
Maestro®
Estimating Software
For Builders, Designers & GCs

