

TOWN OF MUKWONAGO
JOINT PLAN COMMISSION AND TOWN BOARD
MINUTES
WEDNESDAY MAY 4, 2022

Chairman Topczewski called the meeting to order at 6:30 p.m. and stated the meeting had been appropriately noticed.

ROLL CALL

Plan Commission: Commissioners, Bratz, Bell, Usarek, Schuett, and Chairman Topczewski and Supervisor Clabault were present. Commissioner Kurowski was absent.

Town Board: Supervisors Clabault, Boucher, Wrasman, Yerke and Chairman Topczewski were present.

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner and Scott Johnson, Building Inspector.

Some agendas items may have been taken out of order at the request of the Town Board and/or Plan Commission.

Meeting minutes of April 6, 2022

Plan Commission Action: Motion by Commissioner Bratz to approve the minutes of April 6, 2022 as presented, second by Commissioner Schuett, all ayes; motion passed.

Town Board Action: Motion by Supervisor Boucher to approve the minutes of April 6, 2022 as presented, second by Supervisor Wrasman, all ayes; motion passed.

Report by Building Inspector regarding any alleged or outstanding violation(s)

No new violations to report. The Building Inspector inquired about his next steps on the illegal pool house.

Special exception for separation to EC zoning district for property located at W328S8920 South Oak Tree Drive (MUKT1944008) pursuant to Section 36-726(b) of the zoning code; Mark and Melissa Dreikosen, applicant

The Planner gave an overview of his Staff Report dated April 129, 2022. Discussion followed. Chairman Topczewski reviewed in detail the criteria and factors with the Commissioners.

Mr. Dreikosen was present, 1530 whitetail, spoke as to why he is looking the location for this particular lot. Trying to minimize loss of trees by moving the location of the home.

Discussion followed with reviewing the general criteria.

Plan Commission action: Motion by Commissioner Bratz 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.

Decision criteria

- (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.

Factors

- (1) The size and configuration of the buildable area of the subject property taking into account all setback and offset requirements that may apply;
- (2) The size and location of existing structures and other improvements on the subject property;
- (3) The impact, if any, of the encroachment on the natural resources within the EC district at the location of the encroachment;
- (4) The extent and necessity of the encroachment;
- (5) The effect of the encroachment on the structural integrity of the building and any structural improvement and the intended use of the building and any structural improvement;
- (6) The impact, if any, that the encroachment may have upon neighboring properties; and
- (7) Any other factor the plan commission finds to be relevant in the interest of the public health, safety, and welfare.

Second by Commissioner Schuett, all in favor; motion passed.

Town Board Action: Motion by Supervisor Boucher to accept the recommendation of the Planning Commission. Second by Supervisor Wrasman, all in favor; motion passed.

- A. Special exception to exceed the standard floor area of a detached accessory building for property located at W314S8710 Century Drive pursuant to Section 36-719 of the zoning code; Joel and Sandra Sebald, applicant Application: 2022-20;**
- B. Special exception for placement of detached accessory building in front of principal dwelling building for property located at W314S8710 Century Drive pursuant to Section 36-733 of the zoning code; Joel and Sandra Sebald, applicant 2022-21;**

A

The chairman summarized the Staff Report dated April 29, 2022. The Planner reviewed the two special exceptions.

Bill Canfield, agent, S66W27890 River Rd Waukesha, spoke as to the reasoning for the request. Lot is very steep in the back. Building will be hidden by trees. Current garage is only for his two cars. Applicant wants to be able to restore cars. Mr. Sebald was also available to answer questions.

Discussion followed with review of the General Criteria. Mr. Sebald stated he had several other outbuildings. He is willing to remove 3 of them leaving him the building on the concrete slab and the new shed.

Chairman Topczewski read through and discussed each of the findings, discussion criteria and conditions with Planning and the Board. All were in agreement with compliance for all items.

Plan Commission action: Motion by Commissioner Bratz 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.

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.
- Additional Conditions
- (5) remove the three additional buildings be removed before issuance of a Building Permit, or provide a letter of credit as determined by the BI for the removal along with an easement for entry onto the property.
 - (6) Show of that all necessary permits have been obtained.

Second by Commissioner Schuett, all in favor; motion passed.

Town Board Action: Motion by Supervisor Yerke to accept the recommendation of the Planning Commission with the additional two conditions. Second by Supervisor Boucher, all in favor; motion passed.

B

Mr. Schwecke summarized his staff report dated April 29, 2022

Mr. Canfield spoke about the request. The house is located in the back of the yard and behind that is very steep topography.

Discussion followed. Chairman Topczewski reviewed in detail the criteria and factors with the Commissioners.

Plan Commission action: Motion by Commissioner Clabault 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. Additional Conditions (5) remove the three additional buildings be removed before issuance of a Building Permit, or provide a letter of credit as determined by the BI for the removal along with an easement for entry onto the property.

(6) Show of that all necessary permits have been obtained.

Second by Chairman Topczewski. All in favor; motion passed.

Town Board Action: Motion by Supervisor Clabault to accept the recommendation of the Planning Commission. Second by Chairman Topczewski, all in favor; motion passed.

Planning paused to take care of the Town Board item when Fire Chief Stien arrived.

Town Board only action

The Fire Chief, explained the two requests.

17. Authorize Turnout Gear Replacement for Fire Department

Motion by Chairman Topczewski to authorize the Fire Department to replace the Turnout Gear. Second by Supervisor Boucher, all in favor; motion passed.

18. Authorize Intercept Agreement with Kettle Moraine

Motion by Supervisor Boucher to authorize Intercept Agreement with Kettle Moraine second by Supervisor Yerke. Chairman Topczewski voted nay, the others all vote aye; all in favor; motion passed.

Planning resumed

Discussion related to Plan Commission duties, including (1) language in handbook, (2) change in law and policy in part due to conditional uses, (3) requirements, and (4) evaluation criteria and how to use in decision making. (no materials in packet)

Atty Macy led the discussion of the Plan Commission Handbook. Several subjects were discussed in detail. The Environmental Corridor was also discussed in length.

Mr. Moulas was now present, so his item was then taken up.

Periodic review of conditional use for firearms dealer located at W327S7265 Sandie Lane (MUKT1902059); William S Moulas, applicant (application 2022-23)

Chairman Topczewski referenced the letter sent by Mr. Moulas. No violations had been reported.

Plan Commission action: Motion by Supervisor Clabault to extend the approval period until the next review in 2024. Second by Commissioner Bratz, all in favor; motion passed.

Tabled to next meeting - **Discussion related to rural accessory buildings, including (1) history of ordinance, (2) purpose, (3) effect of ordinance, and (4) standard deed restrictions.**

Recommendations for future agendas none

Miscellaneous updates (if any)

A. Phantom Lake Management District - none

B. Fox River Commission - none

Supervisor Clabault excused herself at 9:03pm

Adjournment

Plan Commission action: Motion by Chairman Topczewski, second by Commissioner Bratz to adjourn at 9:09 p.m. All ayes, motion passed.

Town Board action: Motion by Chairman Topczewski, second by Supervisor Wrasman to adjourn at 9:09 p.m. All ayes, motion passed.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer

APPROVED