

Date: April 30, 2025

To: Town of Mukwonago Plan Commission and Town Board

From: Ben Greenberg, Town Planner

Subject: Special exception from the Sec. 36-733 Placement of detached accessory building standards. The subject property is located at W316S8550 County Road EE; Vande LLC, owner; Bill Van de Bogert, applicant; Application: 2025-17; <https://s.zoninghub.com/>

Meeting: May 7, 2025, Plan Commission and Town Board meeting`

Attachments: Applications, Exhibit A, Exhibit B

Zoning: A-1 Agricultural District (no County Shoreland Zoning)

Acreage: ~20 acres

General description Bill Van de Bogert owns the subject property Hwy NN. The lot is surrounded by single family uses to the north west and east with Lauren Park located to the south. The applicant would like to construct a 12' tall, 26' x 32' pole barn on the subject property for personal storage purposes. The property currently contains a single-family residence with attached garage. A site plan showing the location of the proposed building is attached as Exhibit A and building plans are attached as Exhibit B.

As proposed, the building would be 93 feet to the nearest lot line and would comply with the offset and setback requirements of the A-1 District which are 30 feet and 50 feet, respectively. The building's size and 12' height also comply with Ordinance standards.



Sec. 36-733 requires that a detached accessory building be located behind the front face of the principal building. Due to the fact that the proposed building would be located forward of the principal building, a Special Exception is required to authorize the building location.

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.

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.

Specific decision criteria (Sec. 36-733)

Pursuant to the procedures and requirements in article V, the plan commission may approve a special exception to allow an accessory building in front of the principal building on a parcel that is 3 acres or larger. In making such decision, the plan commission and town board shall consider:

- (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.

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

Staff Recommendation: Staff recommend approval of the request for a special exception from the Section 36-733 Placement of detached accessory building requirements of the zoning code to permit a 26' x 32' pole building to be constructed forward of the principal building, subject to the following conditions and based on the following findings.

Specific Findings: The location of the residence relative to the road makes locating an accessory building in the side or rear yard impracticable. The new building will not be visible from the road or nearby properties due to the existing tree line which provides substantial year round site screening.

Conditions to consider:

- (1) The property owner must obtain a zoning permit within 6 months of this date.
- (2) 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.
- (3) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (4) 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.
- (5) This approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the zoning administrator may, with cause, grant a one-time extension not to exceed 12 months;
- (6) **Professional Fees.** Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of consulting fees for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- (7) **Payment of Charges.** Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Attachments:

1. Application materials
2. Exhibit A
3. Exhibit B



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: \$ 110.00 Fee Received By: K. Mueller Date Received: 4/15/25

Parcel Number: 1935997003 Property Address: W316 S 8550 County Rd EE

Property Owner

Agent (if any) Owner

Name Vande Ilc

Bill Van der Bogert

Street address W316 S 8550 County Rd EE

City, state, zip code Mukwonago 53149

Daytime telephone 425 495 5312

Email address Billvan@icloud.com

General description of proposed project:

build a Pole Barn on our 20 acres.
Size of building approx. 900 sq feet

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: _____ feet from building foundation to base setback line (road right-of-way)
- Side-yard offset: _____ feet from building foundation to _____ property boundary line
- Side-yard offset: _____ feet from building foundation to _____ property boundary line
- Rear-yard offset: _____ feet from building foundation to _____ 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)	_____	_____
Principal building (second floor)	_____	_____
Attached garage	_____	_____
Detached building (#1)	_____	<u>approx 30 by 30</u>
Detached building (#2)	_____	_____
Total	_____	_____

Sanitary Permit No. (Buildings requiring sanitation only): _____

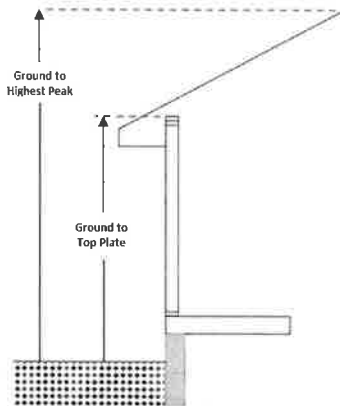
New Building with a Basement

- 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	12	4				
Left	12	4				
Right	12	4				
Rear	12	4				



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):

B. V. [Signature]

Date:

April 15 25



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 Van De LLc	Agent (if any)
Name	Bill Van De Bogert	
Company		
Street address	W316S8550 County Rd EE	
City, state, zip code		
Daytime telephone number	425 495 5312	
Email		

2. **Subject property information**

Physical address	W316S8550S County Rd EE			
Tax key number(s)	MUKT-1935997003	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 20 ☒ 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 checked="" 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 checked="" 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.

I would like to construct a pole barn about 100 west of our home and 90 feet from the north boundary line area identified as conserancy. I have attached a map of the proposed site for your review. Our home is located approximately 500 ft. east of County Rd EE and not visible from the road. We are proposing to build the pole building about 100 feet from the house and 350 feet from County rd EE which would be in the woods and not visible from the County Rd. EE.
We are seeking a special exception because the proposed pole building would be slightly offset or forward of the sideyard of the home. As such, the pole building would not bedirectly in line with the side-yard of the home.

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

It is our desire to build a small pole building of approximately 1000 square ft. In order to house a boat, UTV, motorbikes lawn mowers our truck and tractor we use for care and maintenance of our property.

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.

My application for special exception is limited in scope to only one issue. The proposed building orientation does not lineup exactly with the side yard of the home due to the orientation of the house. Please see enclosed Waukesha County GIS Viewer photo which shows the orientation of the home in relationship to the pole barn proposed site. I have also enclosed Sec. 36-722 (Setback requirements zoning code)

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.

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.

Proposed site plan

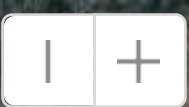
11. **Other information.** You may provide any other information you feel is relevant to the review of your application.

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:



I want to...



Click or tap to draw a measurement line. Double-click/tap to finish.



Tools

Exhibit A



Parcel_...



1:500



Exhibit B

Date: 04/02/2025 - 8:01 AM

Design Name: 27 by 32 864 sq. ft.

Design ID: 321257358855

Estimated price: \$12,475.07*

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

MENARDS®

Design & Buy

POST FRAME

How to recall and purchase a saved design at home



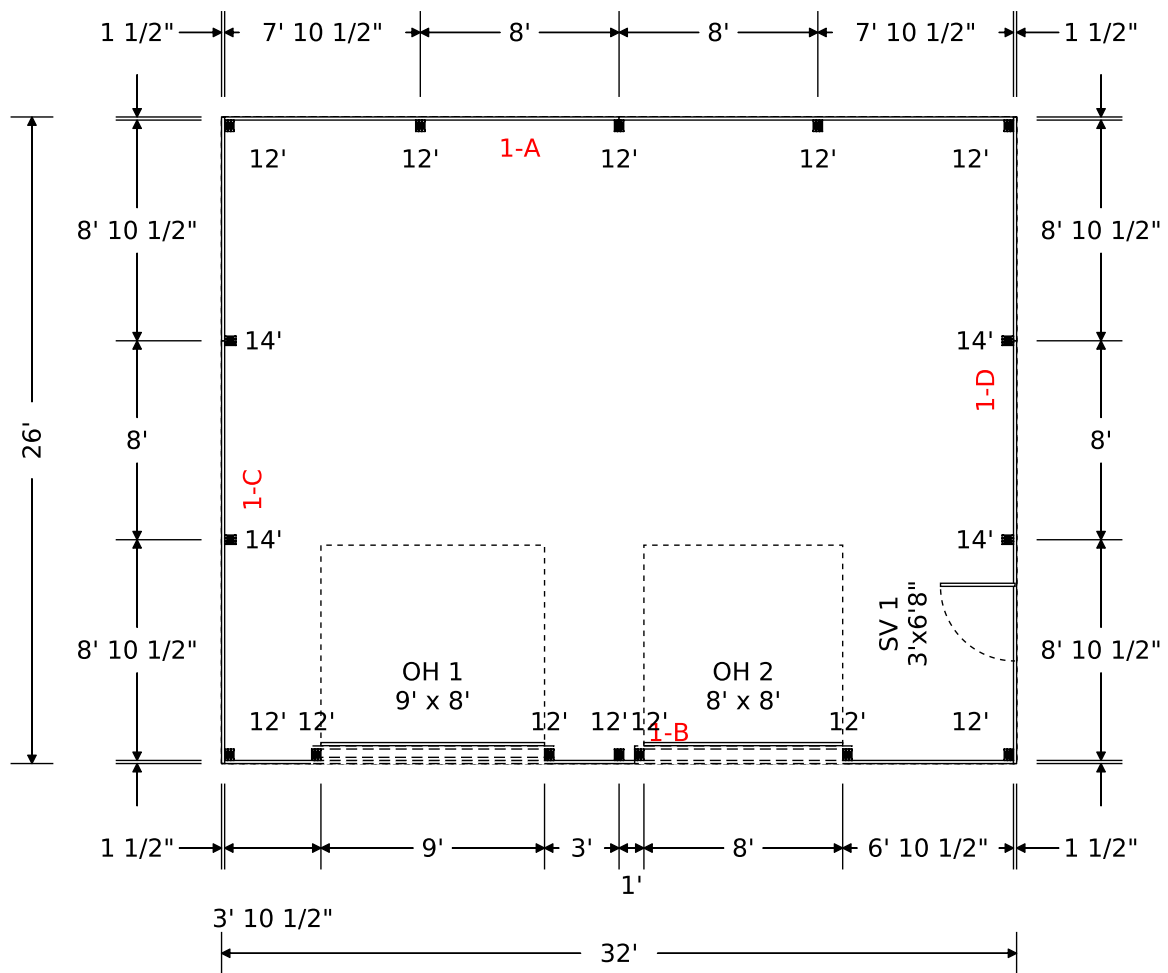
OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Buildings Designer
3. Recall your design by entering Design ID: 321257358855
4. Follow the on-screen purchasing instructions

How to purchase at the store

1. Enter Design ID: 321257358855 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions.

FLOOR PLAN



Design #: 321257358855
Store: BURLINGTON



Post Frame Building E
Date: Apr 2, 2025, 8:01

Elevation Views

