

Town of Mukwonago Waukesha County

W320 S8315 Beulah Road • Mukwonago, WI 53149

Phone: (262) 363-4555 • Fax: (262) 363-8377

April 15, 2025

Shaun W Levinson
S76W31675 Arbor Drive
MUKWONAGO, WI 53149

Subject: INITIATION OF PROCESS TO TERMINATE CONDITIONAL USE ORDER

Permit No: CUP No. 2021-16

Permit Type: Federal Firearms License

Original Issuance Date: 11/11/2021

Enclosures: Conditional Use Order.

Dear Mr. Levinson:

We have received your request to voluntarily terminate the above referenced conditional use permit. Pursuant to Section 36-362(a) of the town zoning code, I have initiated the process to terminate the permit.

As required by Section 36-363 of the town zoning code, you are hereby notified that the Town Plan commission and Town Board will hold a joint public hearing at its June 4, 2025, meeting to consider formal termination of the above referenced conditional use approval.

If you have any questions, feel free to contact me at 262-204-2350 or ben.greenberg@cedarcorp.com

Best regards,

Ben Greenberg
Planner and Zoning Administrator
Town of Mukwonago

Town of Mukwonago Order Granting a Conditional Use Permit and Prescribing Conditions for a Federal Firearms License for Property Located at S76W31675 Arbor Drive

WHEREAS, Shaun and Raquel Levinson (hereinafter "property owner") own the property located at S76W31675 Arbor Drive (hereinafter "subject property") in the Town of Mukwonago, more particularly described as follows:

LOT 89 LAKECREST ADDITION NO 1 PT SW1/4 SEC 9 T5N R18E :: DOC #4354577; and

WHEREAS, the property owner has submitted a conditional use application pursuant to the Town of Mukwonago's zoning code for a federal firearms license; and

WHEREAS, upon receipt of the petition submitted by the property owner, the Town Clerk properly referred such petition to the Plan Commission and Town Board; and

WHEREAS, allowing for required public notice, the Plan Commission and Town Board conducted a joint public hearing on May 5, June 2, and July 14, 2021 to consider the property owner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the property owner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Town Board that the petition for conditional use be granted subject to certain terms and conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 36-285 of Town's zoning code:

1. Given the nature of the proposed project special conditions of approval are necessary (s. 36-286).
2. The proposed project complies with the performance standards set forth in Article 6 of the zoning code.
3. The proposed project complies with each of the development standards for federal firearms licenses as set forth in Appendix B.
4. The proposed project complies with other applicable sections of the zoning code.
5. The proposed project complies all other applicable sections of the municipal code.
6. The proposed project is compatible with surrounding properties.

WHEREAS, the Town Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner is authorized to have a federal firearms license as set forth herein and subject to the Town's zoning regulations.

2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a

4620250

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

September 24, 2021 02:37 PM
James R Behrend
Register of Deeds

7 PGS
TOTAL FEE: \$30.00
TRANS FEE: \$0.00

Book Page -



Drafted by and return to:

Tim Schwecke, Town Planner
Civi Tek Consulting
610 S Ferry Drive
Lake Mills, WI 53551

Parcel Number: MUKT1907071

conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner can begin to establish the use as authorized herein.

3. Initial conditions of approval. The following conditions shall be satisfied prior to the issuance of the conditional use permit:

- a. The property owner must obtain any and all approvals that must be obtained before the use may be established.
- b. The property owner is required to accept the terms and conditions of this conditional use order in its entirety in writing. If the property owner does not sign this instrument and return it to the Town Administrator within 9 months of approval, this order is null and void. Prior to such expiration, the property owner may request an extension to this time period and the Town Board may approve an extension with good cause.
- c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if the above subsections have been satisfied).

In the event that any of the above conditions are not satisfied within 12 months of the date of this approval, this order shall be null and void without any further action by the Town of Mukwonago.

4. Establishment of use: Following issuance of the conditional use permit set forth in section 3 above, the use as authorized herein must be established within 9 months of such permit.

5. Nature of approval. This approval is personal to the person or the business listed on the federal firearms license and is therefore not transferrable to a subsequent property owner.

6. Appeals. An aggrieved person may appeal this approval to a court of competent jurisdiction. Any work done by the applicant as authorized by the approval is done at the applicant's risk.

7. Ongoing conditions of approval. The following conditions shall constitute an ongoing obligation:

- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the plan commission for determination.
- B. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the Waukesha County of, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by town ordinance or other law.
- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the plan commission as being in compliance with all pertinent ordinances.
- D. All buildings and grounds shall be maintained in a neat, attractive and orderly way.
- E. The property shall comply with all rules and regulations of the Town of Mukwonago and the local fire department, including submission to routine inspections by the town staff and fire department staff.

- F. Prior to the execution of the conditional use permit, the applicant must obtain any and all approvals that must be obtained before the use may be established or the commencement of any land-disturbing activity related to the approved conditional use.
- G. Should the permitted conditional use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the town, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the plan commission, pursuant to the enforcement provisions of this conditional use order, and all applicable ordinances.
- H. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- I. Unless this conditional use order expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the plan commission if the plan commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the plan commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- J. As a condition precedent to the issuance of the conditional use permit, the owner of the subject property shall approve the issuance of this conditional use order upon the terms and conditions described herein in writing, and the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- K. Petitioner shall, on demand, reimburse the town for all costs and expenses of any type that the town incurs in connection with this application, including the cost of professional services incurred by the town (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Town is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.
- L. 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 30 days of billing by the town, pursuant to s. 66.0627, Wis. Stats. 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 this approval.
- M. The petitioner is obligated to file with the town clerk a current mailing address and current phone number at which the petitioner can be reached, which must be continually updated by the petitioner if such contact information should change, for the duration of this conditional use. If the petitioner fails to maintain such current contact information, the petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.
- N. Should any paragraph or phrase of this conditional use order be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.
- O. If any aspect of this conditional use order or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the plan commission.


- P. If the property owner/operator is a business entity, such as a limited liability company or a corporation, such entity shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.
- Q. The property owner shall not change the size and/or shape of the subject property by any means without the approval of the town board. If the town board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.
- R. This approval is given under the town's zoning code and is not to be, in any way, interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.
- S. If this conditional use terminates for any reason, the property owner is obligated to remove any improvements specifically related to the conditional use and which cannot be utilized for an approved use (i.e., a use permitted by right or a different conditional use as approved).
- T. The conditional use permit shall be reviewed by the Plan Commission within 12 months of this approval and every two years thereafter in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses. Failure to conduct such review shall not invalidate any subsequent review or any enforcement proceeding. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in Article 5 of the zoning code.
- U. The operator shall obtain a federal firearms license (01) from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and maintain such license for the duration of the use. Upon issuance, the operator shall provide a copy of the license to the town clerk.
- V. The operator shall comply with all requirements related to the federal firearms license. Any violation of such license constitutes a violation of the zoning code.
- W. Shaun Levinson is the only employee.
- X. Test firing on the subject property is prohibited.
- Y. All guns kept on site must be stored in a locked gun safe.
- Z. Outdoor signage related to this use is prohibited.
- AA. The sale of ammunition is prohibited.
- BB. Buying of guns on site is prohibited.
- CC. Retail sales or transactions on the subject property are prohibited. The number of transactions (whether as an individual sale or a lot) is limited to 5 per month.
- DD. Customer drop offs are prohibited.
- EE. All types of legal firearms may be sold off-site without restriction.

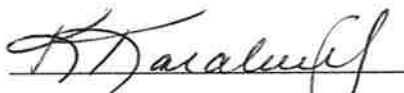
Conditional use order for a federal firearms license
for property located at S76W31675 Arbor Drive;
Town of Mukwonago

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BY THE TOWN BOARD FOR THE TOWN OF MUKWONAGO

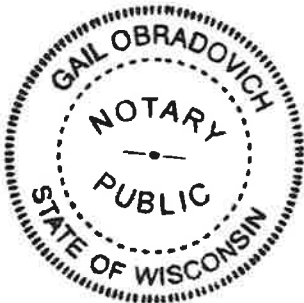
ATTEST:


Peter Topczewski, Town Chair


Kathy Karalewitz, Town Administrator

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this 1st day of September 2021, the persons described above, Peter Topczewski, Town of Mukwonago Town Chair, and Kathy Karalewitz, Town of Mukwonago Town Administrator, to me known to be the persons who executed the foregoing instrument and to me known to be such Town Chair and Town Administrator of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Town Board from their meeting on the 14th day of July, 2021




NOTARY PUBLIC
October 28, 2022
My Commission Expires:

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Conditional use order for a federal firearms license
for property located at S76W31675 Arbor Drive;
Town of Mukwonago

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Acceptance by Property Owner

I, Shaun W Levinson, accept the terms stated herein.

Dated this 30 day of July, 2021



Shaun W Levinson

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this 30th day of July, 2021, the above-named person, Shaun W Levinson, to me known to be the person who executed the foregoing instrument and acknowledged the same.



NOTARY PUBLIC

06-23-2025

My Commission Expires:



Town of Mukwonago
W320 S8315 Beulah Rd. Mukwonago, WI 53149
262-363-4555

CERTIFICATION

I, Kathy Karalewitz, Administrator/Clerk-Treasurer for the Town of Mukwonago do hereby certify that the attached document "Town of Mukwonago Order Granting a Conditional Use Permit for Prescribing Conditions for a Federal Firearms License for Property Located at S76W31675 Arbor Drive" is a true and correct copy of the original and if they are not legible or readable, a copy of the original is available at Town of Mukwonago Town Hall.

Dated this 7th day of September, 2021

Kathy Karalewitz, Administrator/Clerk-Treasurer
Town of Mukwonago

Subscribed and sworn to before me this 7th day of
September, 2021.

Notary Public, Waukesha County

My Commission Expires: Oct 28, 2022

