

Date: May 29, 2025

To: Town of Mukwonago Plan Commission and Town Board

From: Ben Greenberg, Town Planner

Subject: Special exception to exceed the allowable accessory building floor area;
Property Address: W308 S7010 CTH I;
Abraxas Revocable Trust, owner; Dorothy Kruglick, applicant;

Application: 2025-22; <https://s.zoninghub.com/BXWLHDLFPD>

Meeting: June 4, 2025 Plan Commission and Town Board meeting

Description The ~30 acre property currently contains a roughly 9,500 sq. ft. single family home with attached garages and a 22,836 sq. ft. horse stable. There are also multiple portable loafing sheds within several of the paddocks which are not regulated as accessory buildings per §13.15(g).

Brent Ryan with Morton Buildings (agent) has submitted a zoning permit application to construct a new 42' x 48' accessory building for hay and stall shavings storage. The building will be 24' 3" at peak height (20' 9" regulated height). Plans indicate the building will have one large overhead door and a smaller overhead service door. The property is zoned A-1 Agricultural District and C-1 Conservancy District, with Environmental Corridor Overlay Zoning associated with woodland areas of the west half of the parcel.

Location Map:



The proposed accessory building complies with the A-1 District standards as follows:

	Allowed/Required	Existing	Proposed	Complies? Y/N
Maximum Building Coverage	130,680 sq. ft. (10%)	32,336 (2.4%)	34,352 (2.6%)	Yes

Maximum Floor Area of Detached Accessory Buildings	4,000 sq. ft.	22,836 sq. ft.	24,852 sq. ft.	No - Special Exception Required
Max. Accessory Building Height	60 feet for farm buildings	n/a	20' 9"	Yes
Total Allowable Accessory Buildings	Maximum 2, no limit on lots over 15 acres with PC approval.	1	2	Yes
Minimum Offsets	20 feet min.	n/a	~70 feet (south)	Yes
EC Setback	50 feet min.	n/a	~95 feet	Yes

As noted in the table, the property currently exceeds the allowable accessory building floor area and will require a special exception to add an additional accessory building.

The petitioner has submitted a special exception as allowed in s. 36-719 of the zoning code to exceed the standard amount.

A special exception for additional garage area is only allowed when:

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

Jurisdiction The location of the accessory building is located in the Town's zoning jurisdiction.

Notice requirements Aside from being shown on the meeting agenda, no other public notice is required.

Review procedure The Plan Commission is advisory and the Town Board makes the final decision. In reviewing this matter, the Plan Commission and Town Board need to consider the following factors as set forth in s. 36-424 of the zoning code:

- (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.

To approve the special exception, the following determinations are also 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.

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.

Possible Motion by Plan Commission: Recommend to the Town Board the approval of the special exception for the additional garage area based on the findings and conditions of approval listed below.

Findings:

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

Required Conditions of Approval:

1. The property owner shall file a deed restriction, in a form approved by the town attorney, with the Waukesha County register of deeds office, prior to issuance of the building permit indicating that a special exception has been granted and recording any conditions of approval, including a statement that the accessory building may only be used for personal use and cannot be used for any type of commercial or industrial purpose unless otherwise permitted by this chapter.
2. Prior to the issuance of the Conditional Use Permit, 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. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the town clerk requesting an extension and the town board may, with cause, extend the period within which the decision notice must be signed. If the signed decision notice is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the town at the expiration of such time limit. The decision notice shall only become effective when all required signatures have been obtained and the original signature copy is returned to the town clerk.
3. The property owner obtains a building permit for the approved building within 9 months of this date and completes the authorized work within one year of obtaining the permit.

Motion by Town Board: Accept the Plan Commission's recommendation

Attachments:

1. Application materials



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.

	<u>Applicant</u>	<u>Agent (if any)</u>
Name	<u>Dorothy Kruglick</u>	<u>Brent Ryan / Morton Buildings, Inc</u>
Company	<u>The Abraxas Revocable Trust</u>	
Street address	<u>W 3085 7010 Cty Rd. I</u>	<u>W1190 American St.</u>
City, state, zip code	<u>Mukwonago, WI. 53149</u>	<u>Ixonia, WI. 53036</u>
Daytime telephone number	<u>847-922-7172</u>	<u>414-791-4662</u>
Email	<u>dorikruglick@gmail.com</u>	<u>brent.ryan@mortonbuildings.com</u>

2. **Subject property information**

Physical address W 3085 7010 Cty Rd. I Mukwonago, WI. 53149

Tax key number(s) MUKT- 1883994001 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 31.57 ☒ 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 checked="" type="checkbox"/> C-1 Conservancy | <input 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 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.

NONE

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

Construct a 42'x48' detached Storage building for storage of hay and horse stall shavings. Horse feed will also be stored (Rural accessory building).

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.

- (1) Large 31.57 A lot. Larger than many of the properties in the area.
- (2) Construction of the proposed 2,016 sq-ft building will keep us well under the allowed 137,519 sq-ft of allowed building coverage.
- (3) We are currently using 4 of our horse stalls for hay storage and 1 to store shavings. In addition to being a fire hazard, we are not able to store enough hay to get through the year. This means we have to source hay during the winter which has been a challenge.
- (4) None
- (5) None - Building is going to be placed right behind the existing riding arena. It will not be visible.
- (6) Building will be of the same design and color of the existing arena/stall barn.
- (7-8) These exceptions have been previously granted. We are well under the 10% allowed.

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.

Under section 36-719 we believe we meet/comply with the entire section, especially considering it is a rural accessory building.

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.

Aerial view of property showing building location and setbacks.

Aerial view of property along with surrounding properties showing building to approximate scale (in pink) in relation to existing buildings, subject property and surrounding properties.

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

The existing building consisting of a barn, riding arena and shop, does not provide a place for bulk hay, grain or shavings storage. Storage of hay, feed and shavings, greatly reduces the risk of the animals being harmed in a fire.

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:

Donna E. Rybak

5-12-2025



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: \$ _____ Fee Received By: _____ Date Received: _____

Parcel Number: 1883994001 Property Address: W 3085 7010 Cty Rd. I

	Property Owner <u>Dorothy Kruglick</u>	Agent (if any)
Name	<u>The Abraxas Revocable Trust</u>	<u>Brent Ryan / Morton Buildings Inc.</u>
Street address	<u>W 3085 7010 Cty Rd. I</u>	<u>W1190 American St.</u>
City, state, zip code	<u>Mukwonago, WI. 53149</u>	<u>Ixonia, WI. 53036</u>
Daytime telephone	<u>847-922-7172</u>	<u>414-791-4662</u>
Email address	<u>dori.kruglick@gmail.com</u>	<u>brent.ryan@mortonbuildings.com</u>

General description of proposed project: Construct a 42' x 16' x 48' storage building for hay and shavings. Horse feed will also be stored.

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: 800 feet from building foundation to base setback line (road right-of-way)
Side-yard offset: 700 feet from building foundation to North property boundary line
Side-yard offset: 70 feet from building foundation to South property boundary line
Rear-yard offset: 840 feet from building foundation to East property boundary line
EC setback: _____ feet from building foundation to Environmental Corridor District (if any)
C-1 setback: 95 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>22,836</u>	<u>2,016</u>
Detached building (#2)		
Total		

Sanitary Permit No. (Buildings requiring sanitation only): N/A

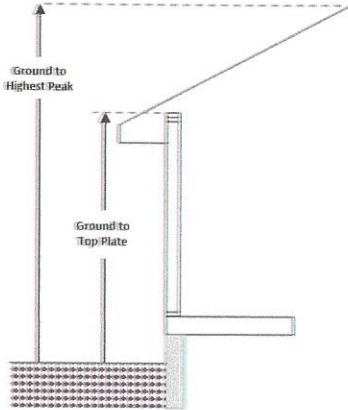
New Building with a Basement

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	17'3"	24'3"				
Left	17'3"	24'3"				
Right	17'3"	24'3"				
Rear	17'3"	24'3"				
	20'9" to midpoint					



Applicant certification

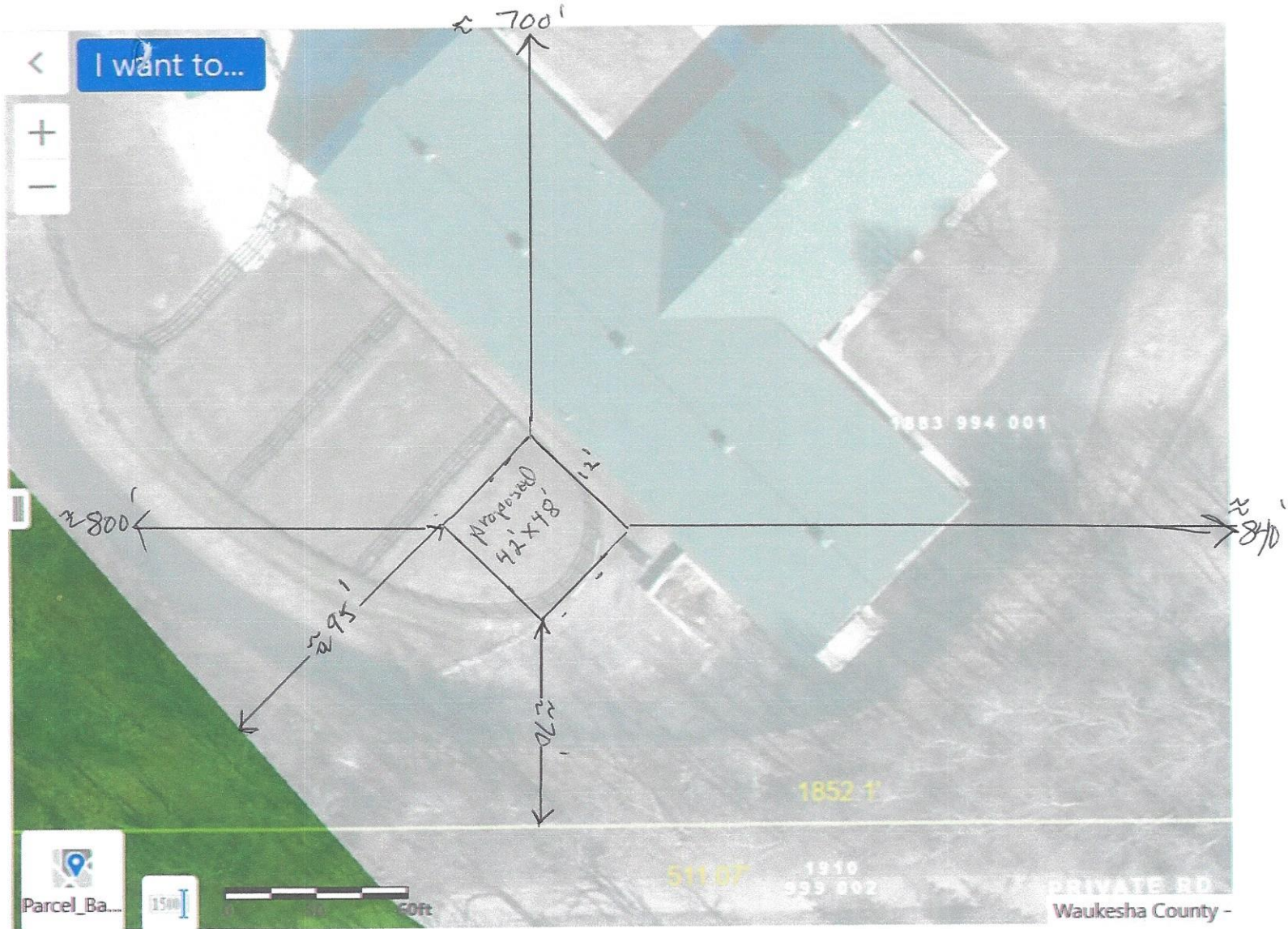
- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting 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):

Dorothy E. Knight

Date:

5/12/25



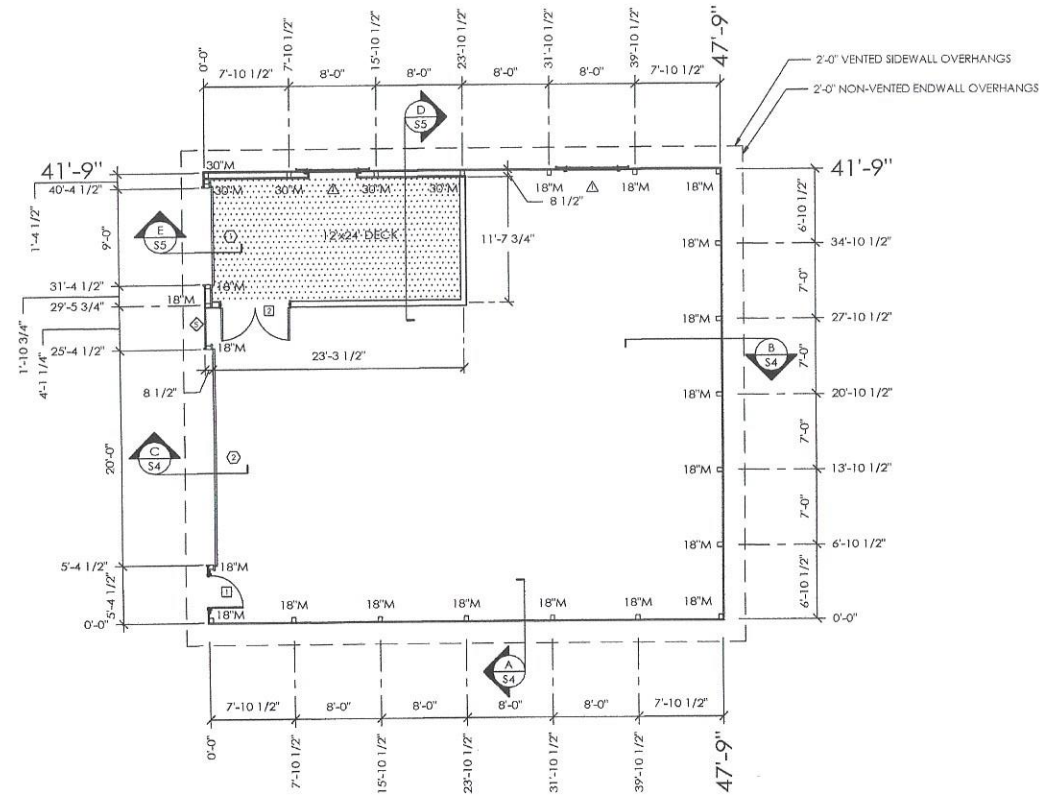
Dorothy Kruglick
W 308 S 7010 Cty Rd. I





KEVIN HINSHELWOOD
 KUKUNAGO, HI

MORTON BUILDINGS, INC.
 © MORTON BUILDINGS, INC. P.O. BOX 399 MORTON, IL 61550-0399 309-263-7474



STUDWALL PLAN NOTES:

1. EXTERIOR/INTERIOR COLUMN WALL THICKNESS INCLUDE: 2x4 EXTERIOR NAILERS, COLUMN THICKNESSES, ANY SHIMS (IF REQUIRED)
2. INTERIOR STUDWALL DIMENSIONS ARE TAKEN TO THE CENTER OF THE STUDWALLS.
3. STUDWALLS ARE TO BE 2x6's @ 16" O.C., UNLESS SPECIFIED OTHERWISE.

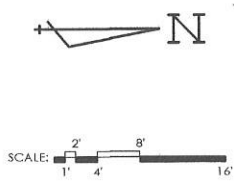
COLUMN PLAN LEGEND

- - 3-2x6 LAMINATED COLUMN LOCATION
- - 3068 MB910 9-LITE GLASS WITH CROSSBUCK WALKDOOR, IN SWING, LEFT HINGE WITH LOCKSET
- - 8070 AJ MODEL 5100 PLAIN STEEL DOUBLE DOOR (LOCAL PURCHASE)
- △ - (2) 4429 9-LITE MB SLIDING WINDOWS WITH 14"x35" OPEN LOUVERED SHUTTERS
- ① - 9'-2"x8'-1" OVERHEAD DOOR
- ② - 20'-2"x14'-1" OVERHEAD DOOR
- ③ - FORMED DRY-PANEL (ROOF ONLY)
- ALL STEEL FASTENED WITH STAINLESS STEEL SCREWS
- PERIMETER SEAL PACKAGE (COMPLETE BUILDING)
- 7/16" OSB SHEARWALL LOCATION (SEE DETAILS ON SHEET S4)
- ◇ - 18" DIAMETER FOOTING WITH 4" TO BOTTOM OF 21" THICK CONCRETE PAD (2500 PSI MINIMUM), 20" BELOW BOTTOM OF PRECAST CONCRETE COLUMN AROUND EXPOSED REBAR CAGE AND 3/4"x14" THREADED ROD WITH AN ADDITIONAL MINIMUM 1" ABOVE BOTTOM OF PRECAST CONCRETE COLUMN, PLACE CONCRETE BELOW AND ABOVE BOTTOM OF LOWER COLUMN IN ONE OPERATION.
- 30" M - 30" DIAMETER FOOTING WITH 4" TO BOTTOM OF 21" THICK CONCRETE PAD (2500 PSI MINIMUM), 20" BELOW BOTTOM OF PRECAST CONCRETE COLUMN AROUND EXPOSED REBAR CAGE AND 3/4"x14" THREADED ROD WITH AN ADDITIONAL MINIMUM 1" ABOVE BOTTOM OF PRECAST CONCRETE COLUMN, PLACE CONCRETE BELOW AND ABOVE BOTTOM OF LOWER COLUMN IN ONE OPERATION.

COLUMN PLAN

ROUGH OPENING SCHEDULE		
UNIT SYMBOL FROM LEGEND	WIDTH	HEIGHT
①	37 3/4"	81"
②	VERIFY	VERIFY
△	52 1/4"	33 5/8"

42'-0" DIAGONAL DIMENSION = 63'-5 1/8"



CONSTRUCTION PLANS

THIS IS A FINAL SET OF CONSTRUCTION DRAWINGS. ALL ALTERATIONS TO THESE PLANS MUST BE ACKNOWLEDGED BY A CHANGE ORDER.

ESTIMATOR'S SIGNATURE _____

FIRST CONTACT: _____ ESTIMATOR _____ PHONE EXTENSION _____

SECOND CONTACT: _____ ESTIMATOR _____ PHONE EXTENSION _____

DATE PLANS SENT _____

DRAWN BY:	EPL
DATE:	3/31/2025
CHECKED BY:	JG
DATE:	4/7/2025
REVISED DATE:	---
REVISED DATE:	---
REVISED DATE:	---
REVISED DATE:	---



SCALE: AS NOTED
SHEET NO: S1 OF S6

OFFICE: IXONIA, WI

JOB NO. 091-140705



MORTON BUILDINGS, INC.



KEVIN HINSELWOOD

MUKWONAGO, WI

309-263-7474

MORTON, IL 61550-0999

P.O. BOX 999

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DRAWN BY:	EPL
DATE:	3/31/2025
CHECKED BY:	JG
DATE:	4/7/2025
REVISED DATE:	---
REVISED DATE:	---
REVISED DATE:	---
REVISED DATE:	---

SCALE: AS NOTED
SHEET NO: S4 OF: S6

