

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: June 4, 2025
MTG DATE: June 9, 2025
FOTH FILE: 25E020.01/13
RE: Moede Attached Garage Addition – Exception to Maximum Area Request

BACKGROUND:

1. Petitioner: Ricky R. Moede
2. Property Owner: Ricky R. Moede
3. Location/Address: 2931 Mallard Way, East Troy, WI 53120
4. Tax Key Number: RBRO 00043
5. Area: 0.347 AC
6. Existing Zoning: SR-4 Suburban Residential District
7. Proposed Zoning: NA
8. Future Land Use: Single Family Residential-Sewered

OVERVIEW:

Rick Moede has submitted a Zoning Permit Application for an addition to the attached garage at his single-family residence located at 2931 Mallard Way, East Troy, WI 53120.



Mr. Moede's property is zoned SR-4 Suburban Residential District, which allows a "maximum area of attached garage of 70%, except as allowed in § 510-58.1" per § 510-20 H. of the Village Zoning Code. According to Mr. Moede's Zoning Permit Application, his home has a footprint of approximately 1,206 sq. ft. and his existing attached garage is approximately 400 sq. ft. Pursuant to per § 510-20 H. the maximum area of attached garage allowed for Mr. Moede's property is approximately 844.2 sq. ft. (i.e., 70%).

On April 17, 2023, the Village Board adopted Ordinance No. 2023-04 to amend Chapter 510 of the Village of East Troy Municipal Code which allows a maximum area of 70 percent for attached garages in residential districts, created Section 510-58.1, which is an exception process, and amended the definition of "Attached garage" to address breezeway connections.

§ 510-58.1. Exceptions to maximum area of attached garage regulations. [Added 4-17-2023 by Ord. No. 2023-04]

- A. Upon petition, the Plan Commission may allow a larger attached garage than what is otherwise allowed in §§ 510-18, 510-19, 510-20, 510-21, 510-22, 510-23, 510-24, and 510-25, provided:
 - (1) The attached garage has no more than three side-by-side vehicles facing the right-of-way from which the dwelling unit has street access;
 - (2) The attached garage complies with all other requirements of this chapter; and
 - (3) The grant is subject to an equivalent reduction in the total floor area of accessory buildings that are allowed on the lot.
- B. In making their decision, the Plan Commission must make each of the following determinations:
 - (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 Village or the immediate neighborhood where the structure would be located.
- C. The Plan Commission may impose such conditions it deems necessary including a requirement for screening and/or landscaping.

Mr. Moede is requesting an exception for an approximately 900 sq. ft. addition to his attached garage for 1,300 sq. ft. of total attached garage space. This is approximately 455.8 sq. ft. larger than the 70% maximum allowed without an exception. The attached garage will still only have two side-by-side vehicles facing the right-of-way after the proposed addition.



PLANNER COMMENTS:

1. **Equivalent Reduction in the Total Floor Area of Accessory Buildings.** The maximum floor area of an additional accessory building shall not exceed 484 square feet for a lot area less than 30,000 square feet pursuant to § 510-47 (J) (1) (b) [1] of Chapter 510. As the requested exception is approximately 455.8 sq. ft. larger than the 70% maximum allowed without an exception, an equivalent reduction in the total floor area of accessory buildings that are allowed on the lot is 455.8 square feet. Therefore, the size of an accessory building constructed at a later date is limited to 28.2 square feet.
2. **Village Review Procedures.** With regard to an exception to the maximum area of attached garage regulations, the Plan Commission is authorized to review and make a final decision.
3. **Public Notice.** Aside from being included on the meeting agenda, no other special notice is required.
4. **Public Comment.** As of this date, no written comments have been received.

STAFF RECOMMENDATION:**Exception to Maximum Area of Attached Garage Regulations**

Depending on confirmation of by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

The Village of East Troy Plan Commission **Approves** an exception for an approximately 900 sq. ft. addition to the attached garage for 1,300 sq. ft. of total attached garage floor space for the property located at 2931 Mallard Way, East Troy, WI 53120 (RBRO 00043) subject to the following conditions:

1. The Plan Commission has made the necessary determinations per § 510-58.1 B. (1) through (4) of Chapter 510.
2. This grant is subject to an equivalent reduction in the total floor area of accessory buildings that are allowed on the lot. A deed restriction shall be recorded with the Walworth County Register of Deeds Office as approved by the Village Zoning Administrator, limiting the size of a detached accessory structure constructed at a later date to 28.2 square feet, unless the existing attached garage is removed or modified so as to comply with regard to floor area.
3. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of East Troy Plan Commission, Village Engineer and Village Zoning Administrator for the planned development district general development plan amendment, and other documentation.
4. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of East Troy for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of East Troy by the Subject Property Owner and/or Agent, 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 or forfeitures owed to the Village of East Troy must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of East Troy, 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 Village of East Troy, including possible cause for termination of the conditional approval.

EXHIBIT:

A. Petitioner Application