

**VILLAGE OF WINDSOR  
VILLAGE BOARD RESOLUTION 2024-67**

**APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE  
AT 3985 MUELLER ROAD**

**WHEREAS**, Robert and Debra Bishop (the “Petitioner”) have requested approval of a Conditional Use Permit for an accessory structure exceeding 625sf located at 3985 Mueller Road, DeForest, WI 53532 (the “Subject Property”); and

**WHEREAS**, the Village Staff and Consultants have reviewed the Petitioner’s request and prepared a Staff Report dated July 04, 2024 (the “Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report; and

**WHEREAS**, the Village of Windsor Plan Commission held a meeting regarding the request on July 11, 2024; and

**WHEREAS**, following review of information presented at the Plan Commission meeting and the Staff Report, the Plan Commission recommends approval to the Village Board, subject to the conditions specified in the Staff Report and as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Windsor as follows:

The Village of Windsor Village Board approves the Conditional Use Permit located at the Subject Property, subject to the following conditions:

- A. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
- B. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
- C. The Conditional Use Permit is limited to Robert and Debra Bishop for the Subject Property.
- D. The Conditional Use Permit is limited to a 1,184sf accessory building on the Subject Property.
- E. The accessory structure shall be used solely for the storage of personal property. No commercial enterprise shall occur within the accessory structure unless subsequently authorized by the Village Board.
- F. The Petitioner shall construct the accessory building as illustrated in the Development Review Application.
- G. The Petitioner shall comply with the requirements of Sec. 52-69, ER, Estate Residential District and Sec. 52-20(4), Residential Accessory Structures, of the Windsor Code of Ordinances.
- H. The Petitioner shall allow representatives from the Village to inspect the Subject Property upon 24-hour notice for the purposes of determining compliance with this approval, and without prior notice in the event of an emergency as determined by the Village.
- I. Other Conditions.
  - 1. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this Conditional Use Permit shall be deemed to authorize any public or

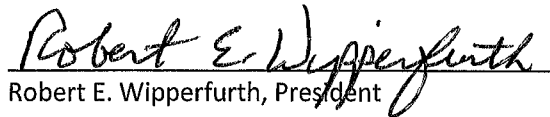
private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, or rule of either the Village, Dane County, State of Wisconsin, or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This Conditional Use Permit shall not be deemed to constitute a building permit, nor shall it constitute any other license or permit required by Windsor Code of Ordinances or other law.

2. The Conditional Use Permit 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 Village as being in compliance with all pertinent ordinances.
  3. Should the use permitted by this Conditional Use Permit be abandoned in any manner, or discontinued in use for twelve (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 Village, 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 Permit may be terminated by the Village, pursuant to the enforcement provisions of this Conditional Use Permit.
  4. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use Permit, 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.
  5. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Permit may be amended with the prior approval of the Village if the Village finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
  6. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use Permit is in conflict with any other aspect of the Conditional Use Permit or any aspect of any plan of the Conditional Use Permit, the more restrictive provision shall be controlling as determined by the Community Development Director.
- J. Evidence and Findings. The undersigned body finds the conditions set forth herein are reasonable; to the extent practicable, measurable; related to the purpose of the Windsor Code of Ordinances; and based on the facts and information set forth in this Staff Report and Petitioner Application, which have been reviewed and are incorporated herein by reference.
- K. Deed Restrictions. The Petitioner shall record a Deed Restriction and Notice of Terms and Conditions of the Conditional Use Permit in a form approved by the Village Attorney.
- L. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, 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.
- M. The Plan Commission's recommendation and Village Board's approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the

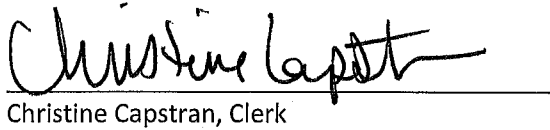
Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on July 18, 2024, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
Robert E. Wipperfurth, President

**Attested by:**

  
Christine Capstran, Clerk

**Incorporated by Reference:**

Staff Report  
Development Review Application  
Plan Commission Resolution 2024-15



## STAFF REPORT

To: Plan Commission & Village Board  
Cc: Robert Wipperfurth, Tina Butteris, & William Cole  
From: Shaun Mularkey & Jamie Rybarczyk  
Submtl Date: June 04, 2024  
Rpt Date: July 04, 2024  
Decision Date: September 2, 2024  
Mtg Date for PC: July 11, 2024  
Mtg Date for VB: July 18, 2024  
Re: Bishop – Conditional Use Permit Request

### BACKGROUND:

Petitioner: Robert & Debra Bishop  
Property Owner: Robert & Debra Bishop  
Address: 3985 Mueller Road, DeForest, WI 53532  
Taxkey: 196/0910-161-0055-1  
Area: 1.66 acres  
Existing Zoning: ER, Estate Residential District  
Proposed Zoning: N/A  
Future Land Use: Agricultural Preservation

### REQUEST:

The Petitioner is requesting approval of a Conditional Use Permit for an accessory building larger than 625sf on a residential parcel.

See Exhibit A for additional information regarding the Development Review Application.

### OVERVIEW:

Sec. 52-20(4) of the Village of Windsor Code of Ordinances limits the size of accessory buildings in the R-1, R-2, R-3, R-4, ER and CR zoning districts to 625sf and the total number of accessory buildings to three. There is an existing home on the property and no existing accessory buildings. The Petitioner is requesting approval of a 1,184sf detached garage to the east of the existing home and south of the existing driveway. The residence has an attached garage, but the proposed detached garage would allow for the storage of an RV.

STAFF COMMENTS – COMMUNITY DEVELOPMENT:

The Community Development Department provides the following comments:

A. Comprehensive Plan: 2035

The Subject Property is planned for Agricultural Preservation. The request is consistent with the Comprehensive Plan as no additional lots are being created and the property is zoned for residential use.

B. Ch. 52: Zoning Districts

The property is zoned ER, Estate Residential District. The size limit for accessory buildings in all residential districts is 625sf. The proposed accessory building is 1,184sf and meets zoning setback and maximum building and accessory structure coverage (20% limit) requirements. The accessory building limit is 12 feet, and the tallest portion of the building has a proposed mean height of about 18.5 feet. A special exception to accessory building size may be approved through the Conditional Use Permit process.

C. Ch. 52: Administration and Enforcement Procedures

Per Sec. 52-101(5)(d), the Conditional Use Permit request shall be evaluated by Village Staff and their report to the Plan Commission and Village Board shall include responses to the following questions:

1. How is the proposed Conditional Use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

*Response: Accessory buildings are allowable uses in association with residential use of a property.*

2. How is the proposed Conditional Use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

*Response: The Plan Commission and Village Board will need to determine if the proposed building, given its size and location, is generally compatible with the surroundings.*

3. Does the proposed Conditional Use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this [chapter], the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?

*Response: The proposed accessory building is 1,184sf, but the lot in combination with the lot to the east are isolated in an agricultural area. The residential lot to the east also includes three accessory buildings (two of which are fairly large: 2,200sf and 3,200sf). Finally, there is an established double row of trees between the two residential properties. Approval of an accessory building also requires compatibility with the principal building on the lot including roof type/pitch, materials/colors, scale/massing and window proportion/treatment.*

4. Does the proposed Conditional Use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

*Response: See above.*

5. Is the proposed Conditional Use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

*Response: The Conditional Use Permit will not impose an undue burden on improvements, facilities, utilities, or services provided by public agencies or the Village of Windsor.*

6. Do the potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed Conditional Use (as identified in subsections (1) through (5) of this section), after taking into consideration any proposal by the Petitioner and any requirements recommended by the Petitioner to ameliorate such impacts?

*Response: The Plan Commission and Village Board should consider whether the size and design of the proposed accessory building is compatible with the principal building and surroundings.*

#### POLICY COMMENTS/CONCERNS:

Staff provides the following policy comments/concerns which require further discussion and action:

- A. The Plan Commission and Village Board should consider whether the size, height, design, and location of the proposed accessory building is compatible with the principal building and surroundings.

#### STAFF RECOMMENDED CONDITIONS:

Staff recommends any approval be subject to the following conditions:

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- B. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
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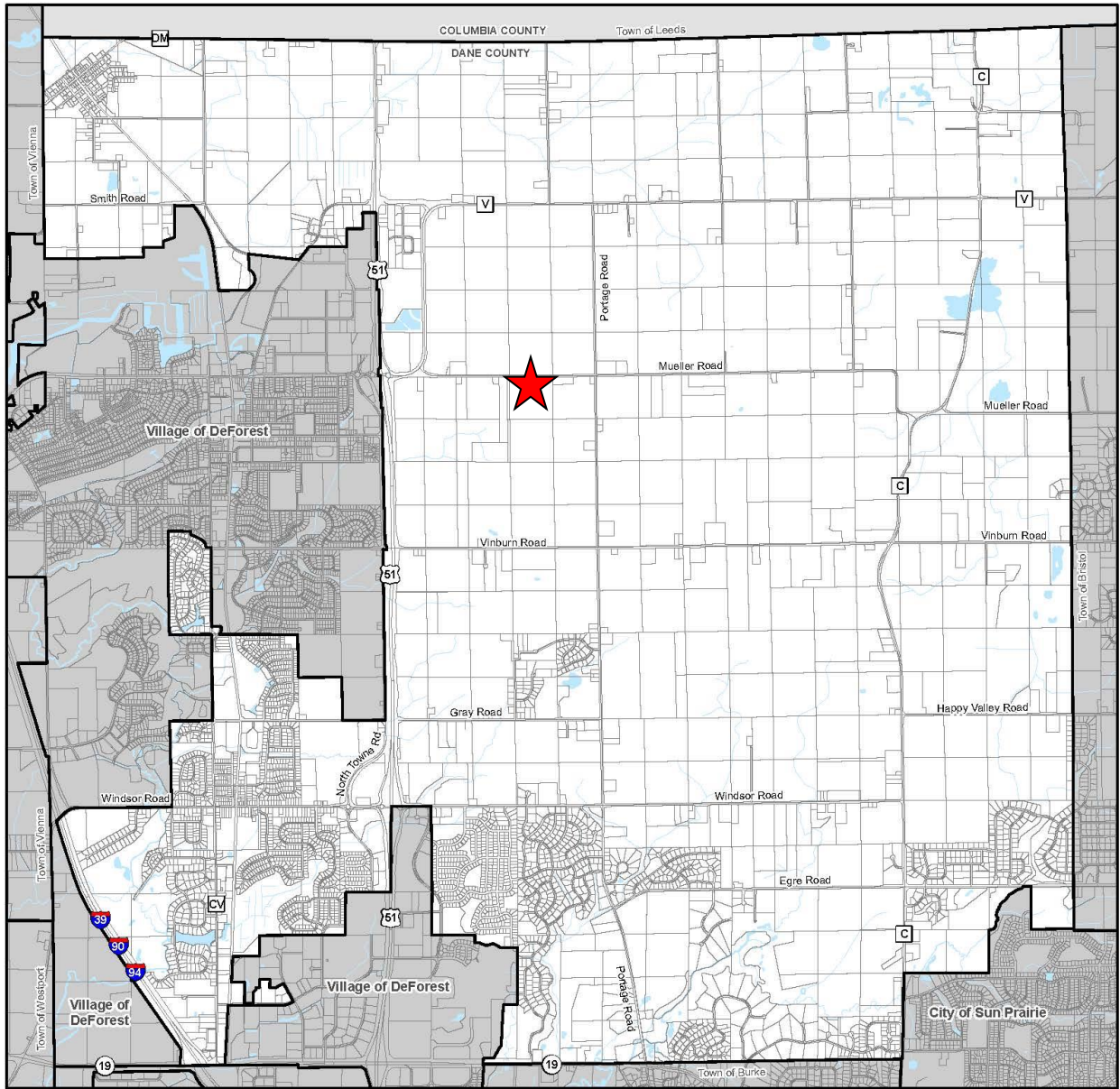
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an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.



LOCATION MAP:



500' NOTICE:

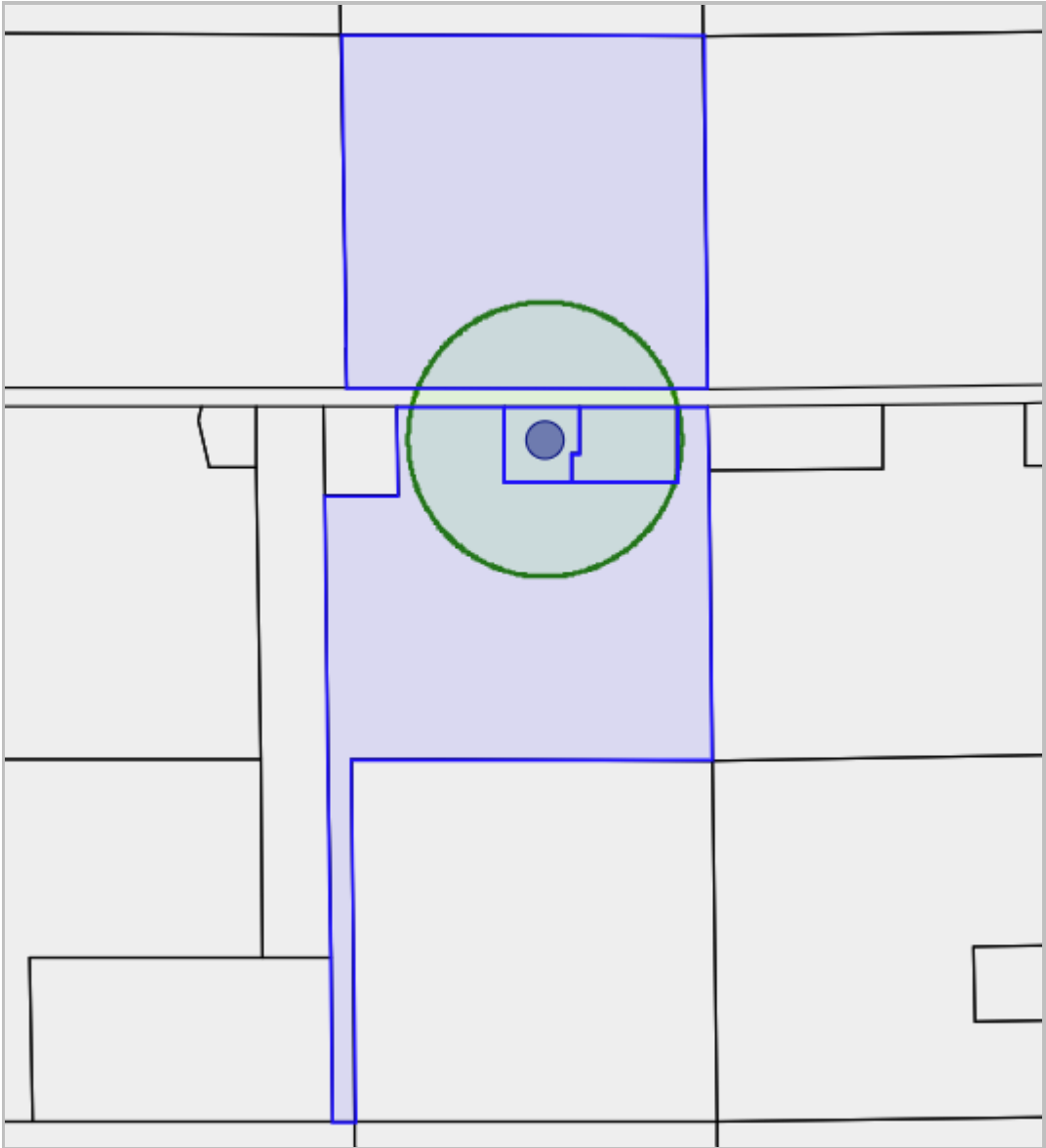


EXHIBIT:  
A. Development Review Application

# 3985 Mueller Road

06/04/2024 - 06/03/2025

7580545

## Development Review

Development Review Request Fee

98cedf10-22a4-11ef-b209-5fcae69cacc7

New

Active

## Application Review Status

Final-Review

Not Reviewed

06/04/2024

### Fees

Zoning Districts: Conditional Use Permit - Application Fee \$350.00

Zoning Districts: Conditional Use Permit - Escrow \$2,500.00

**Subtotal \$2,850.00**

**Amount Paid \$0.00**

### Payments

There are no payments

## Application Form Data

(Empty fields are not included)

Parcel Number

091016100551

Property Physical Address

3985 Mueller Road

Lot Area (sq ft)\*

72,440

Primary Contact First Name

Robert

Primary Contact Last Name

Bishop

Contact Email

Bishop@clackcorp.com

Mailing Address

3985 Mueller Road

City

DeForest

State

WI

Zip

53532

Contact Phone  
(608) 685-5997

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Is the applicant the property owner?  
Yes

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Zoning Districts  
Conditional Use Permit: Refer to Ch 52, Art V, Sec 52-101(5)

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Supplemental Application Information Document Upload

Bishop Detached Garage DETAIL SHEET.pdf

bishopgarage.pdf

Bishop Detached Garage Site Plan.pdf

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## Signature

**Acknowledgement of Understanding:** The Applicant and Property Owner have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

The Applicant and Property Owner understand that an Administrative Fee and Escrow Fee will be charged for review of the Development Review Request by the Village staff and professional consultants, and payment must be submitted with the Development Review Request.

Bob Bishop by Dan Paulson - 06/04/2024 1:59 pm

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## Messages

Hello Bob, knowing that the color renderings for the accessory structure are forthcoming I have deemed this application complete. Please provide payment for the application either via the Civic Review system or submit a check to the Village of Windsor. This will be scheduled for the July 11th Plan Commission meeting and July 18th Village Board meeting.

# SITE PLAN

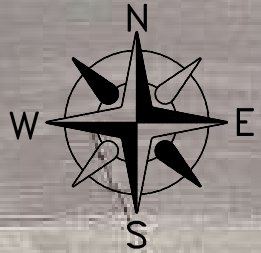
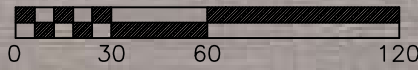
BEING LOT 3, CSM NO. \_\_\_\_\_, LOCATED IN THE NE 1/4 OF THE NE 1/4, SECTION 16, T09N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

## BASIS OF BEARINGS

THE WEST LINE OF LOT 3 IS RECORDED TO BEAR N00°01'33"E.

## SCALE

1" = 60'



## LEGEND

- 3/4" ROUND IRON RE-BAR (FOUND)
- ( ) "RECORDED AS" INFORMATION
- + 4" PLASTIC SEPTIC PIPE
- FORMER LOT LINE



## OWNER

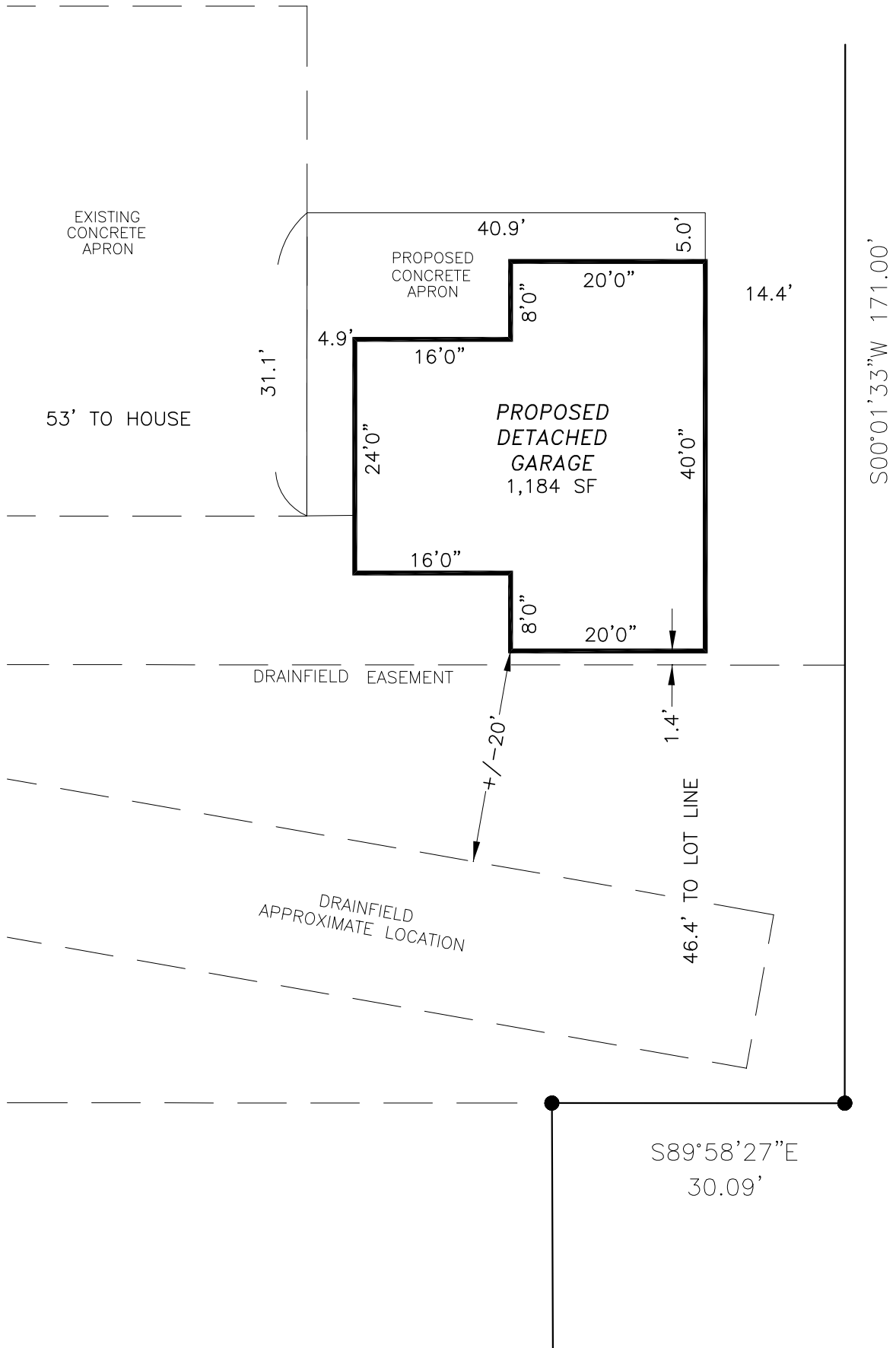
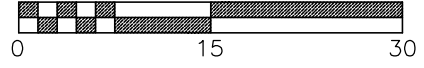
DEBRA L. & ROBERT T. BISHOP  
3985 MUELLER ROAD  
DEFOREST, WI 53532

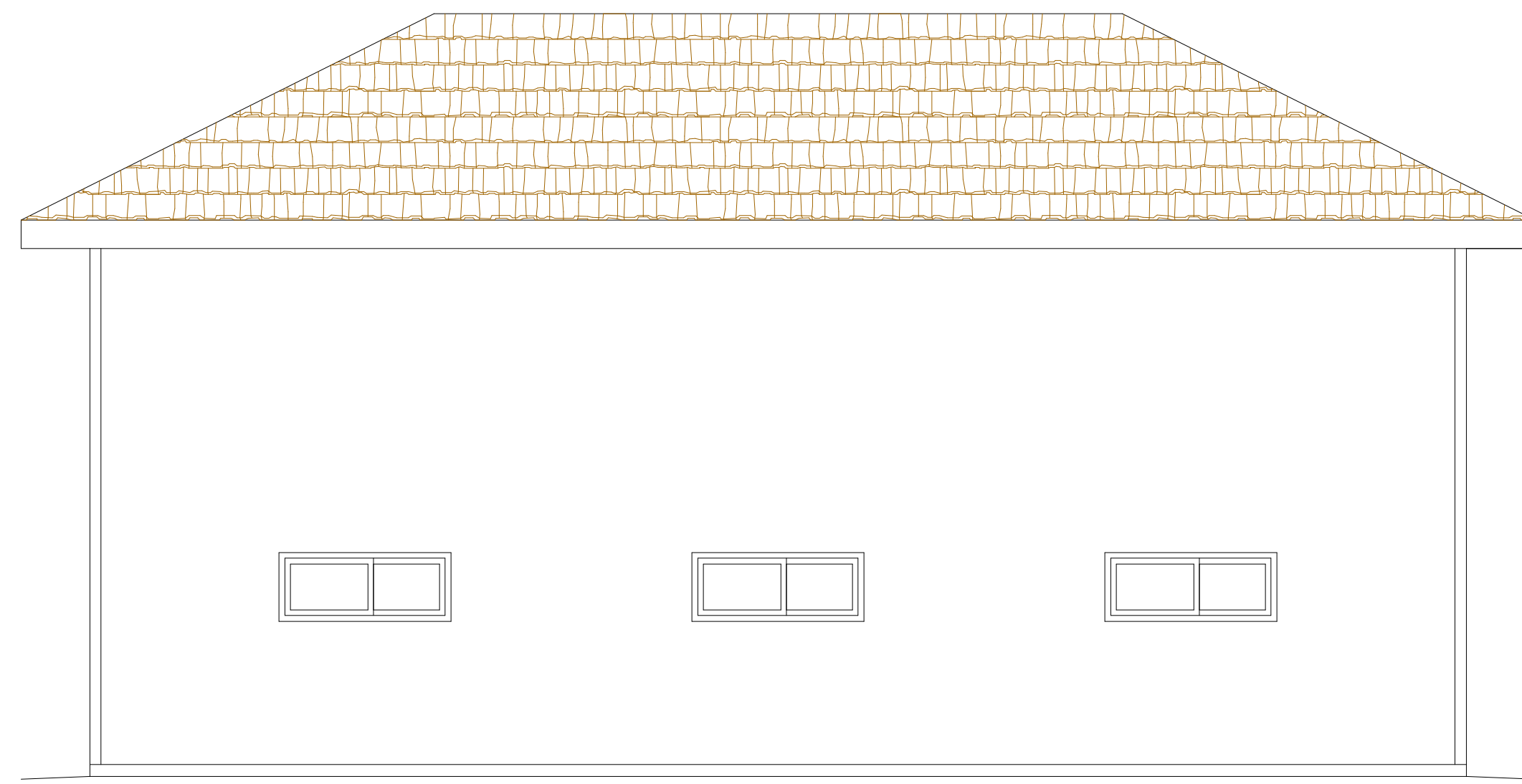
## SURVEYOR

PAULSON & ASSOCIATES, LLC  
DANIEL A. PAULSON  
136 W. HOLUM STREET  
DEFOREST, WI 53532

# DETAIL SHEET

SCALE  
1" = 15'

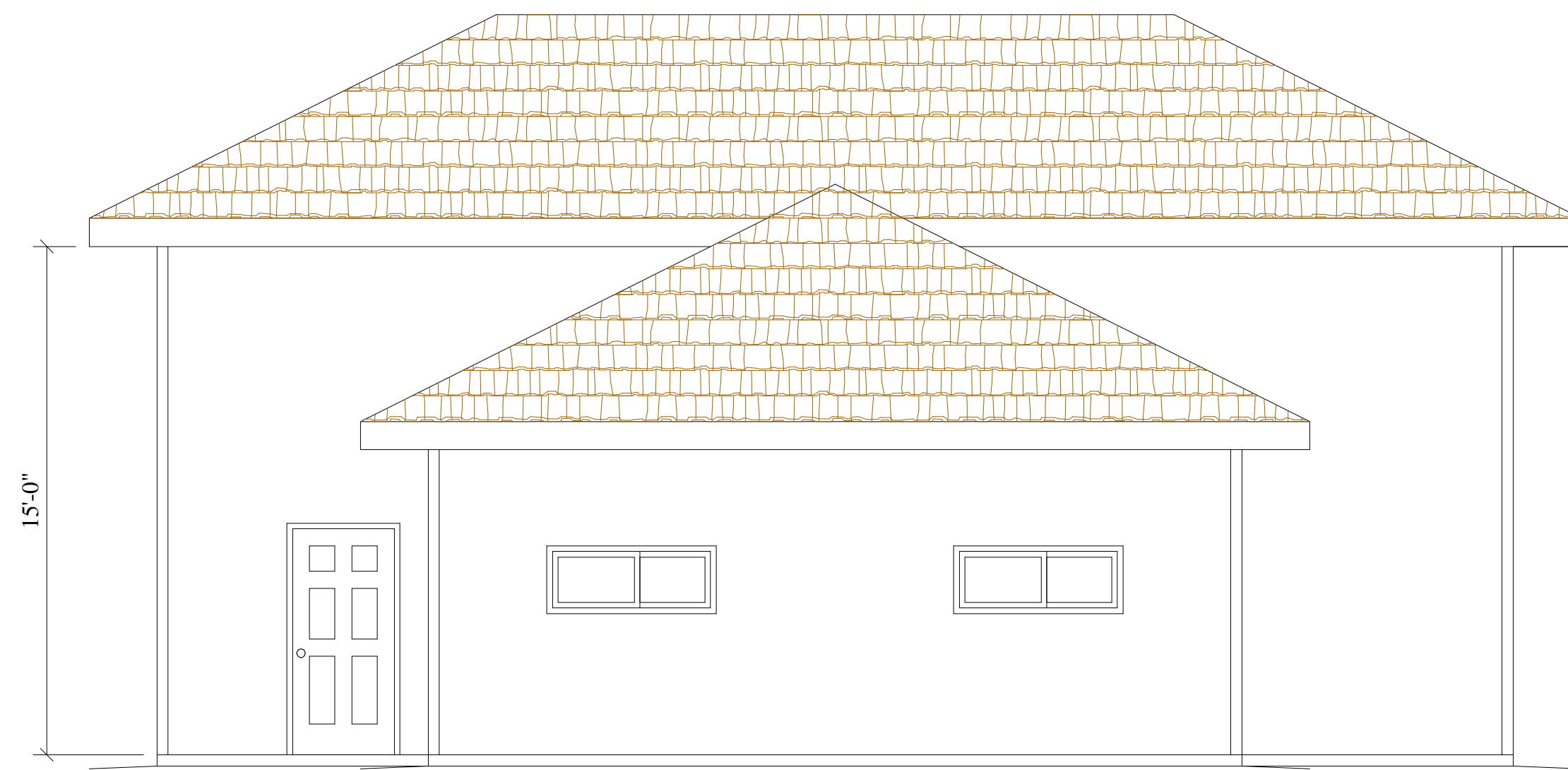




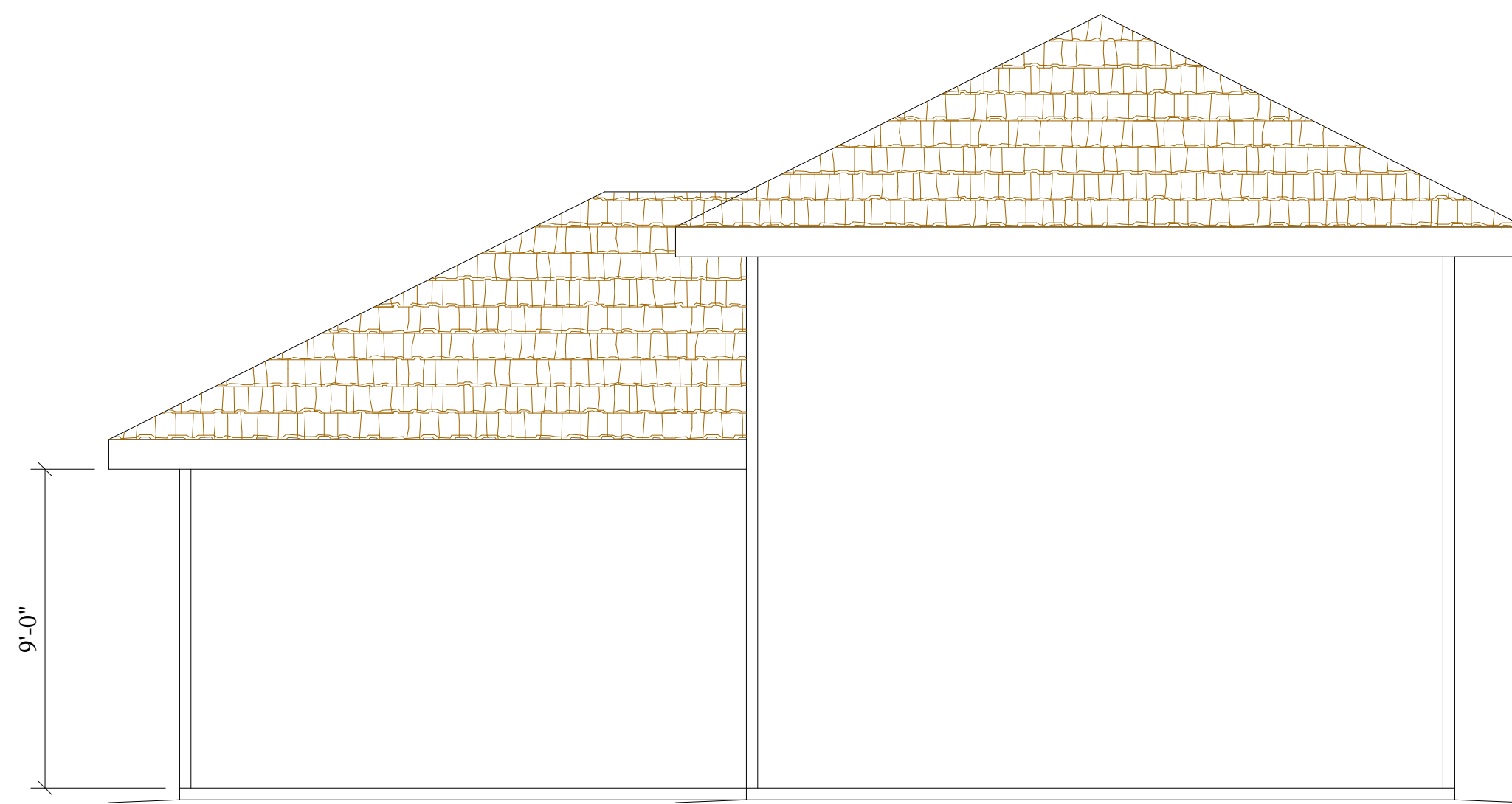
East Elevation  
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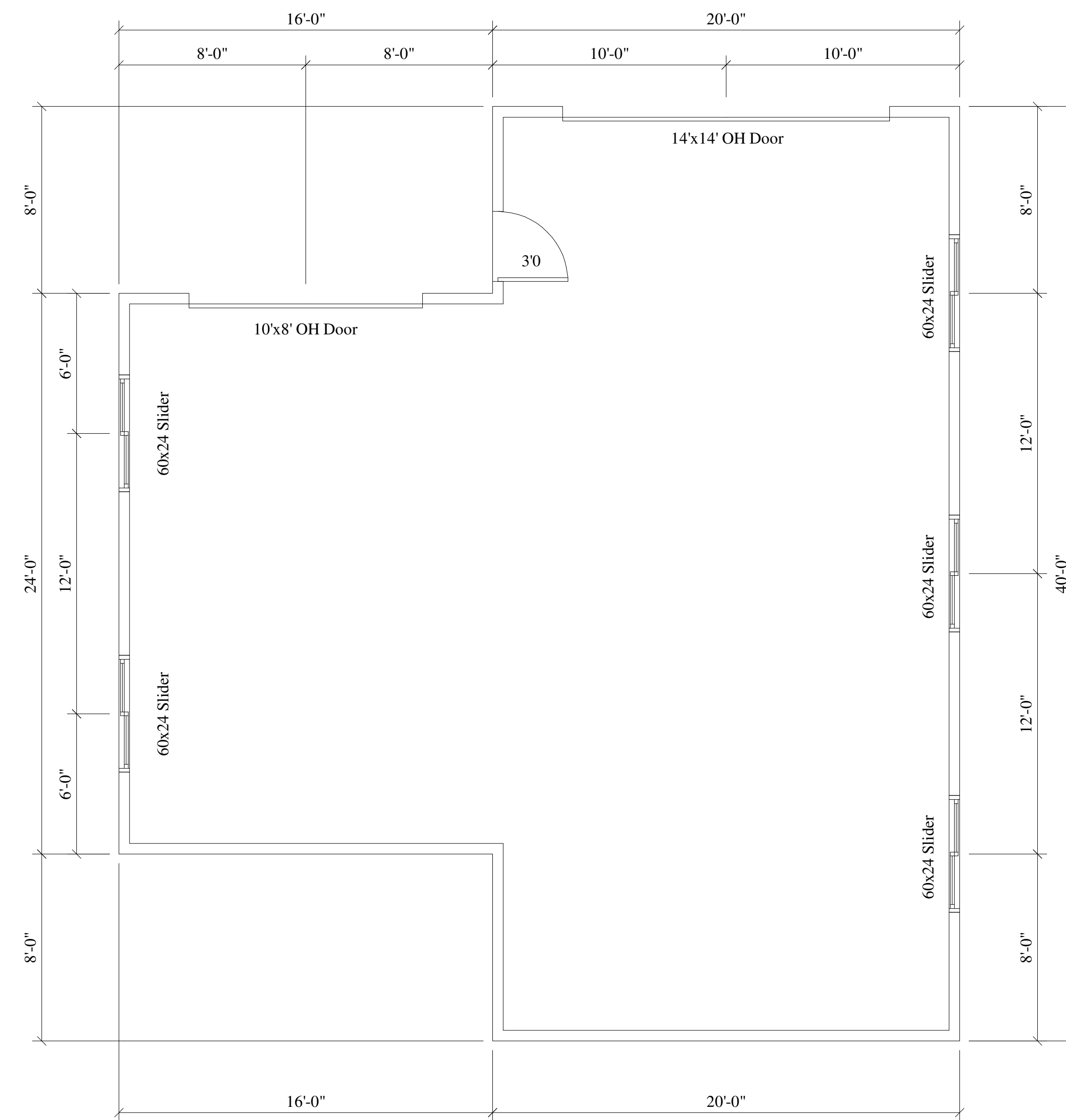
North Elevation  
Scale = 1/8"=1'-0"



West Elevation  
Scale = 1/8"=1'-0"



South Elevation  
Scale = 1/8"=1'-0"



First Floor Plan - 1,184 SF

Jeffery Groenier, Architect  
W125 Amidon Road  
Brooklyn, WI  
608-698-3196 cialle@hotmail.com  
This document contains confidential or proprietary information of Concepts in Architecture, LLC. Neither this document nor the information herein is to be reproduced, distributed, used, or disclosed without authorization.

**Concepts**  
**in**  
**Architecture, LLC**

Proposed for: **Bishop**  
Address: 3985 Mueller Road  
Deforest, WI 53532

Project: **Garage Plan**  
Address: Windsor, WI  
Sheet Title: **Plans**

Date: 05-30-202

Scale: As Noted

Job #: 05-01

SHEET  
**A1**





Before

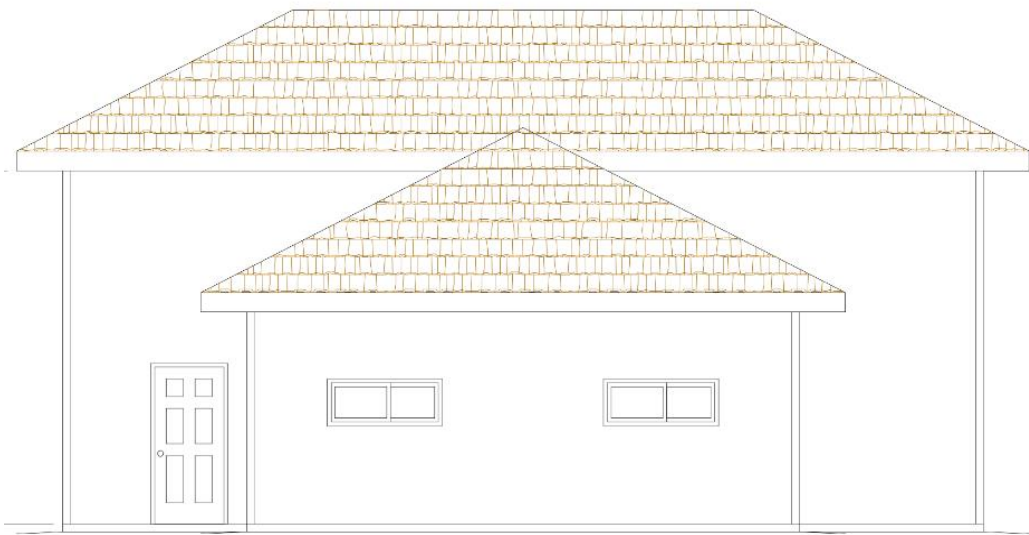
Option 1:



Rendered

Pella® DesignWorks services are for illustrative purposes only. Actual home appearance may vary after remodeling and/or replacement project has been completed. Verify all building codes and design specifications with a licensed architect or contractor prior to any construction as Pella DesignWorks does not perform architectural, structural or engineering analysis. Pella DesignWorks services are not available in all markets. Other restrictions may apply. Contact your Pella Window & Door Showroom for details. © 2023 Pella Corporation





Before

Option 2:



Rendered

Pella® DesignWorks services are for illustrative purposes only. Actual home appearance may vary after remodeling and/or replacement project has been completed. Verify all building codes and design specifications with a licensed architect or contractor prior to any construction as Pella DesignWorks does not perform architectural, structural or engineering analysis. Pella DesignWorks services are not available in all markets. Other restrictions may apply. Contact your Pella Window & Door Showroom for details. © 2023 Pella Corporation



**VILLAGE OF WINDSOR  
PLAN COMMISSION RESOLUTION 2024-15**

**RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY  
STRUCTURE AT 3985 MUELLER ROAD**

**WHEREAS**, Robert and Debra Bishop (the "Petitioner") have requested approval of a Conditional Use Permit for an accessory structure exceeding 625sf located at 3985 Mueller Road, DeForest, WI 53532 (the "Subject Property"); and

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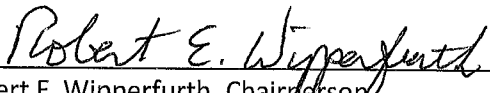
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11. Deed Restrictions. The Petitioner shall record a Deed Restriction and Notice of Terms and Conditions of the Conditional Use Permit in a form approved by the Village Attorney.
12. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, 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.
13. The Plan Commission's recommendation and Village Board's approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters

an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Village of Windsor held on July 11, 2024, by a vote of 5 in favor and 0 opposed.

**PLAN COMMISSION**

  
\_\_\_\_\_  
Robert E. Wipperfurth, Chairperson

**Attested by:**

  
\_\_\_\_\_  
Jamie Rybarczyk, Community Development Director

**Incorporated by Reference:**

Staff Report

Development Review Application