

**VILLAGE OF WINDSOR
VILLAGE BOARD RESOLUTION 2024-85**

**APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE AT
3724 MEADOWBROOKE CIRCLE**

WHEREAS, Dona Bishop & Jeff Mikkelson (the “Petitioner”) have requested approval of a Conditional Use Permit for an accessory structure exceeding 625sf located at 3724 Meadowbrooke Circle, 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 September 20, 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 October 10, 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 Dona Bishop & Jeff Mikkelson located at the Subject Property.
- D. The Conditional Use Permit is limited to a 2,748sf accessory building on the Subject Property.
- E. The Conditional Use Permit is conditioned upon the Village Board approving a second driveway on the Subject Property to serve the proposed accessory building.
- F. The accessory structure shall be used solely for the storage of personal property. No commercial enterprise shall occur within the accessory structure unless authorized by the Village Board.
- G. The Petitioner shall construct the accessory building as illustrated in the Development Review Application.
- H. The Petitioner shall comply with the requirements of Sec. 52-70, CR, Countryside Residential District and Sec. 52-20(4), Residential Accessory Structures, of the Windsor Code of Ordinances.
- I. 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.

J. Other Conditions.

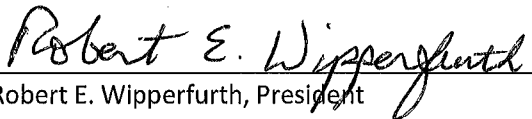
1. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this Conditional Use Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, or rule of either the Village, 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.
- K. 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.
- L. 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.
- M. 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.

- N. 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 October 17, 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 2024-19



STAFF REPORT

To: Plan Commission & Village Board
Cc: Robert Wipperfurth, Tina Butteris, & William Cole
From: Shaun Mularkey & Jamie Rybarczyk
Submtl Date: September 10, 2024
Rpt Date: October 03, 2024
Decision Date: December 09, 2024
Mtg Date for PC: October 10, 2024
Mtg Date for VB: October 17, 2024
Re: Bishop – Conditional Use Request

BACKGROUND:

Petitioner: Dona Bishop & Jeff Mikkelson
Property Owner: Dona Bishop & Jeff Mikkelson
Address: 3724 Meadowbrooke Circle, DeForest, WI 53532
Taxkey: 196/0910-341-0400-5
Area: 5.00 acres
Existing Zoning: CR, Countryside Residential District
Proposed Zoning: N/A
Future Land Use: Token Creek Conservation Residential

REQUEST:

The Petitioner is requesting approval of a Conditional Use Permit for an accessory building larger than 625sf on a residential parcel. The Petitioner is also requesting approval of a second driveway accessing onto Mile Race Trail to serve the proposed accessory building.

The Village Board, upon receipt of a recommendation from the Plan Commission, previously approved a similar request for the Petitioner in March 2024. The application has been modified with a larger building and new location.

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 with driveway access to Meadowbrooke Circle and no existing accessory buildings. The Petitioner previously requested approval of a 42' x 56' (2,352sf) accessory building to the north of the existing home for personal storage.

The current request increases the size of the building to 42' x 64' (2,688sf) with a 6' x 10' (60sf) porch overhang for one of the garage doors and entrance door for a total of 2,748sf. Exterior materials include metal siding with wainscoting and windows on two of the elevations. The building will be located in the north corner of the property.

Sec. 42-58 of the Village of Windsor Code of Ordinance limits the number of driveways to serve an individual residential, farmstead, commercial, industrial or institutional property to one, except that additional driveways may be granted by permission of the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the road. The property is a corner lot and the Petitioner is requesting a second driveway onto Mill Race Trail to serve the proposed accessory building due to site topography and the location of the sanitary septic system. This is consistent with the previous submittal.

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 CR, Countryside Residential District. The size limit for accessory buildings in all residential districts is 625sf. The proposed accessory building is 2,748sf and meets all other zoning requirements including maximum building coverage (20% limit). 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 surrounding neighborhood.

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 fairly large at 2,748sf, but the lot is also relatively large at 5 acres in area and has some natural perimeter landscaping. 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 surrounding existing neighborhood.

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, design, and location of the proposed accessory building is compatible with the principal building and surrounding existing neighborhood.
- B. The Village Board should consider whether granting a second driveway to the property due to site topography and the location of the sanitary septic system is reasonable, considering the safety, convenience and utility of the road.

STAFF RECOMMENDED CONDITIONS:

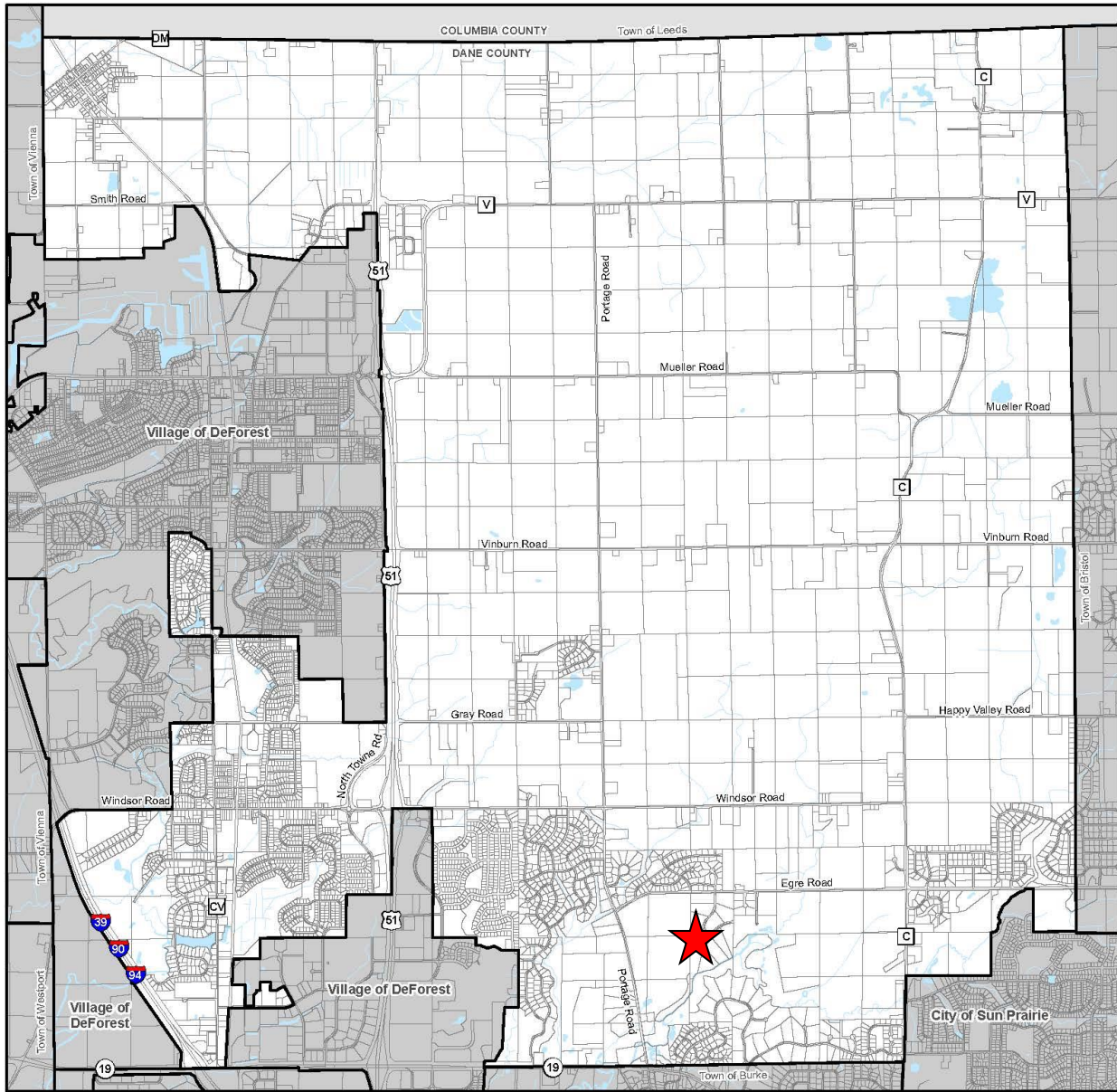
Staff recommends any approval be subject to the following conditions:

- 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 Dona Bishop & Jeff Mikkelson located at the Subject Property.
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- E. The Conditional Use Permit is conditioned upon the Village Board approving a second driveway on the Subject Property to serve the proposed accessory building.

- F. The accessory structure shall be used solely for the storage of personal property. No commercial enterprise shall occur within the accessory structure unless authorized by the Village Board.
- G. The Petitioner shall construct the accessory building as illustrated in the Development Review Application.
- H. The Petitioner shall comply with the requirements of Sec. 52-70, CR, Countryside Residential District and Sec. 52-20(4), Residential Accessory Structures, of the Windsor Code of Ordinances.
- I. 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.
- J. 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.
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 - 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.

- K. 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.
- L. 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.
- M. 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.
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LOCATION MAP:



500' NOTICE:

Primary Owner Name	Full Mailing Address
WILLIAM A REIS	6564 MILL RACE TRL, DEFOREST WI 53532
STEVE C SNEIDER	3703 MEADOWBROOKE CIR, DEFOREST WI 53532
THOMAS P PIENKOWSKI	3713 MEADOWBROOKE CIR, DEFOREST WI 53532
GLASGOW REV TR, FREDERICK K	3723 MEADOWBROOKE CIR, DEFOREST WI 53532
ROBERT M KALHAGEN	3747 MEADOWBROOKE CIR, DEFOREST WI 53532
TYLER M SCHULTZ	3757 MEADOWBROOKE CIR, DEFOREST WI 53532
DONA J BISHOP	3724 MEADOWBROOK CIR, DEFOREST WI 53532
GREG G ZEMAN	6551 MILL RACE TRL, DEFOREST WI 53532
NOT AVAILABLE	6555 MILL RACE TRL, DEFOREST WI 53532
WILLIAM M COOPER	6472 PORTAGE RD, DEFOREST WI 53532

EXHIBIT:

A. Development Review Application

Windsor Planning, Zoning, & Development

Printed: 09/11/2024

3724 MEADOWBROOKE CIR

Permit/License #

09/11/2024 - 09/10/2025

5912923

Development Review

Reference Number

Development Review Request Fee

5b2192b0-6ea9-11ef-9eba-452f5f1388a0

Application Status

Status

Complete

Active

Application Review Status

Final-Review

Completed

Date Submitted

09/09/2024

Date Approved/Denied

09/11/2024

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 \$2,850.00

Total Due \$0.00

Payments

09/10/2024 Check #1006 \$2,850.00

Total Paid \$2,850.00

Application Form Data

(Empty fields are not included)

Parcel Number

091034104005

Property Physical Address

3724 MEADOWBROOKE CIR

Lot Area (sq ft)*

217800

Primary Contact First Name

Travis

Primary Contact Last Name

Leeser

Contact Email

tleeser@clearybuilding.com

Mailing Address

190 Paoli St

City

Verona

State

WI

Zip

53593

Contact Phone

(608) 379-0132

Is the applicant the property owner?

No

Owner First Name

JEFF/DONA JO

Owner Last Name

MIKKELSON/BISHOP

Owner Email

jkmikkelson@frontier.com

Mailing Address

3724 Meadowbrooke Cir

City

Deforest

State

WI

Zip

53532


Owner Phone


(608) 444-7700

Zoning Districts

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

Supplemental Application Information Document Upload

 mikkelson rendering.pdf

 2161_001.pdf

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.

Electronically Signed

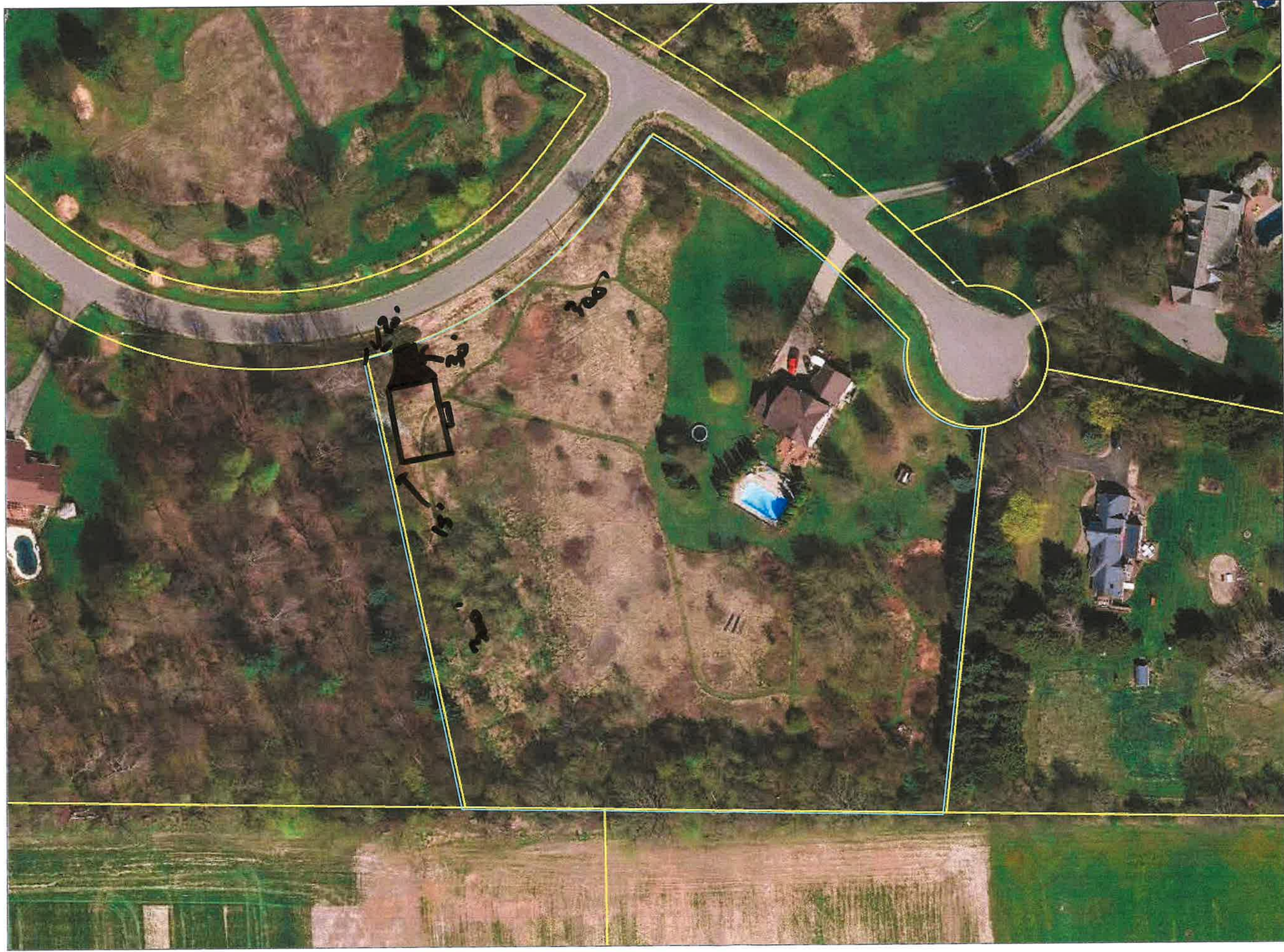
Travis Leeser - 09/09/2024 7:45 am

Messages

09/11/2024 10:13 am - Jamie Rybarczyk

Hello Travis, I have deemed the application complete and will schedule this for the October 10th Plan Commission and October 17th Village Board meetings.

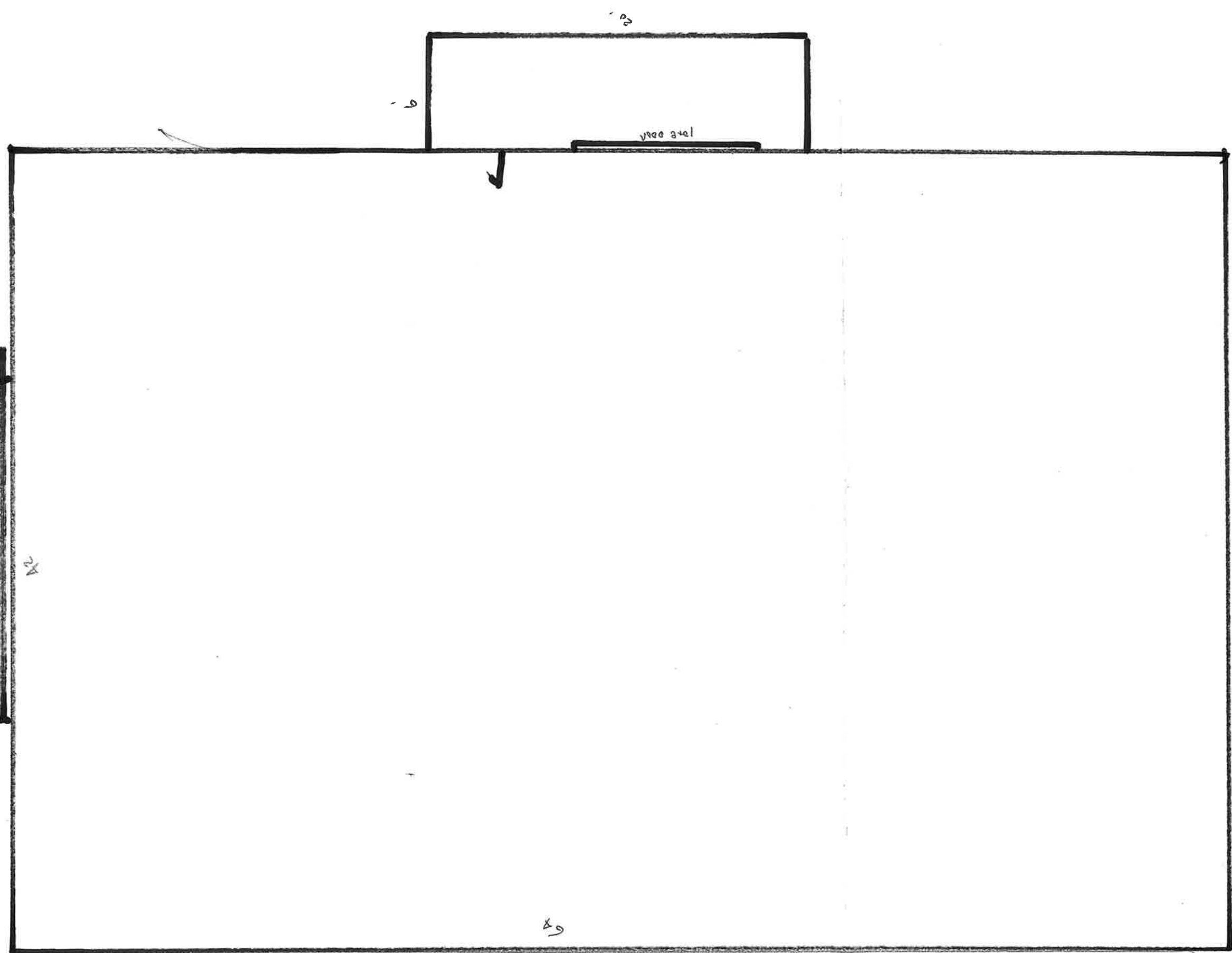
Dane County Map



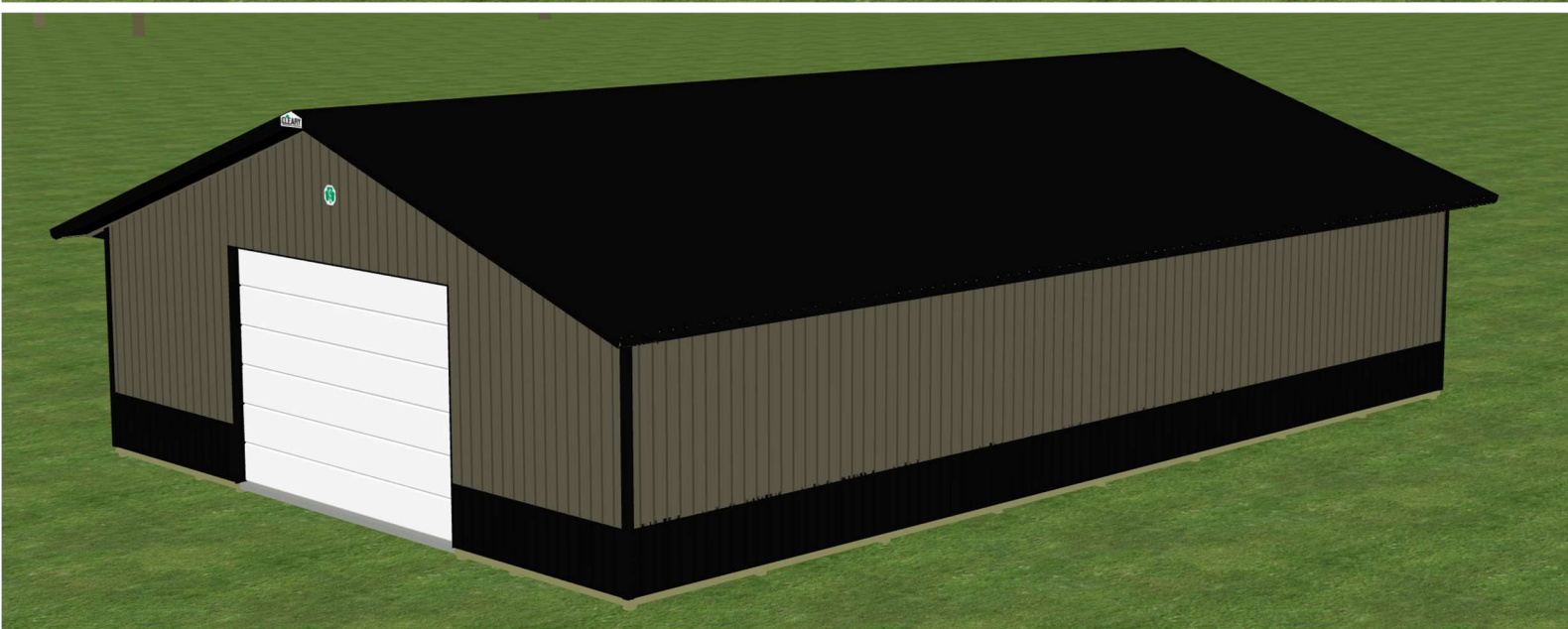
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**VILLAGE OF WINDSOR
PLAN COMMISSION RESOLUTION 2024-19**

**RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY
STRUCTURE AT 3724 MEADOWBROOKE CIRCLE**

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WHEREAS, the Village of Windsor Plan Commission held a meeting regarding the request on October 10, 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 Plan Commission of the Village of Windsor as follows:

The Village of Windsor Plan Commission recommends to the Village of Windsor Board approval of the Conditional Use Permit for 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.
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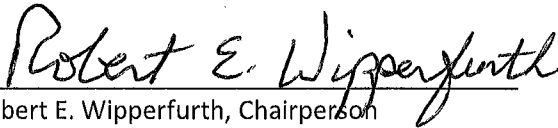
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PLAN COMMISSION


Robert E. Wipperfurth, Chairperson

Attested by:


Jamie Rybarczyk, Community Development Director

Incorporated by Reference:

Staff Report
Development Review Application