

**VILLAGE OF WINDSOR  
VILLAGE BOARD RESOLUTION 2024-99**

**APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE AT 7000  
PORTAGE ROAD**

**WHEREAS**, Daryl Kleeman (the “Petitioner”) has requested approval of a Conditional Use Permit for an Accessory Structure exceeding 625sf located at 7000 Portage 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 November 7, 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 November 14, 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 for the Subject Property, subject to the following conditions:

**A. Conditional Use**

1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
3. The Conditional Use Permit is limited to Daryl Kleeman for the Subject Property.
4. The Petitioner shall construct the accessory building as illustrated in the Development Review Application.
5. The Conditional Use Permit is limited to the construction of a 24’ x 40’ (960sf) accessory structure on the Subject Property.
6. The Petitioner shall move the accessory structure as far north of the south property line using existing vegetation for screening and avoiding the removal of any healthy, mature trees as practicable on the Subject Property.
7. The Petitioner shall install additional vegetative screening along the south property line. All vegetative screening shall be setback a minimum of 5’ from all property lines.
8. The Petitioner shall conduct lot staking of the south and east property lines and a verification survey for the location of the accessory structure and additional vegetative screening as part of the building permit to determine compliance with the applicable setback requirements.

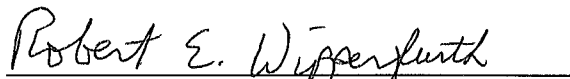
9. Exterior lighting installed on the accessory structure shall be on a switch and motion sensor, deflective lighting style, 90 degree downcast and cut-off type, and the illumination shall not measure more than one-half foot candles at the property line.
10. The Petitioner shall cure any outstanding zoning violations on the Subject Property prior to the issuance of a building permit for the accessory structure.
11. 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. The Petitioner is prohibited from storing any personal property outside of the accessory structure in violation of the Village of Windsor Code of Ordinances.
12. The Petitioner is prohibited from using the accessory structure for human habitation.
13. 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.
14. 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.
15. Other Conditions.
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.

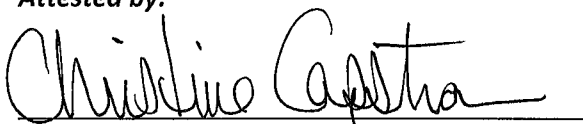
- f. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use Permit is in conflict with any other aspect of the Conditional Use Permit or any aspect of any plan of the Conditional Use Permit, the more restrictive provision shall be controlling as determined by the Community Development Director.
- B. 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.
- C. 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.
- D. 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.
- E. 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 December 5, 2024, by a vote of 4 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 2024-21

Village Board Ordinance 2024-13



## STAFF REPORT

To: Plan Commission & Village Board  
Cc: Robert Wipperfurth, Tina Butteris, & William Cole  
From: Shaun Mularkey & Jamie Rybarczyk  
Submtl Date: October 11, 2024  
Rpt Date: November 07, 2024  
Decision Date: January 09, 2025  
Mtg Date for PC: November 14, 2024  
Mtg Date for VB: November 21, 2024  
Re: Kleeman – Rezone and Conditional Use Permit Request

### BACKGROUND:

Petitioner: Daryl Kleeman  
Property Owner: Daryl Kleeman  
Address: 7000 Portage Road, DeForest, WI 53532  
Taxkey: 196/0910-222-9740-0  
Area: 0.86 acres (37,651.31 square feet)  
Existing Zoning: A-1(EX), Exclusive Agriculture District  
Proposed Zoning: ER, Estate Residential District  
Future Land Use: Agricultural Preservation

### REQUEST:

The Petitioner is requesting approval of a Rezone for the 0.86-acre lot from the A-1(EX), Exclusive Agriculture District to the ER, Estate Residential District for the purpose of constructing an accessory residential building on the property. The Petitioner is also 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:

The existing property includes a residence with an attached garage. The Petitioner is seeking to construct an accessory structure on the property, which is currently not possible since the lot is legal nonconforming. The existing A-1(EX), Exclusive Agriculture District requires a minimum lot size of 35-acres. The Petitioner is requesting to rezone the property to ER, Estate Residential District (requiring a minimum lot size of 20,000sf) to make it conforming.

The proposed accessory building to be located in the rear yard is 24' x 48' (1,152sf). 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 unless a larger building is approved as a conditional use.

The Petitioner was recently cited for a series of zoning violations by Municipal Code Enforcement for exterior area requirements and improperly maintained landscaping including miscellaneous unsightly debris and inoperable, unregistered vehicles. The Petitioner has been working with Municipal Code Enforcement to address the zoning violations. It is the intent of the Petitioner to move the remaining miscellaneous unsightly debris and inoperable, unregistered vehicles into the proposed accessory building to obtain full compliance.

**STAFF COMMENTS – COMMUNITY DEVELOPMENT:**

The Community Development Department provides the following comments:

A. Comprehensive Plan: 2035

The property is planned for Agricultural Preservation. The vast majority of the properties east of US 51 and north of Windsor Road are planned for Agricultural Preservation including many previously created smaller lots with zoning that allow residential use. This category limits residential development to 1 unit per 35 acres with lots as small as one (1) acre.

The subject property is 0.86 acres in size, includes an existing home and is surrounded by existing vegetation. The property does not include agricultural uses and is used exclusively for residential use. The proposed rezoning matches the use of the property and is not inconsistent with the Comprehensive Plan, the Agricultural Preservation category recognizes existing non-agricultural uses.

B. Ch. 52: Zoning Districts

The existing lot is currently zoned A-1(EX), Exclusive Agriculture District. Rezoning from this District requires compliance with Wis. Stats 91.48. and allows rezoning without having the rezoning certified under Wis. Stats. 91.36, if the political subdivision finds all of the following, after public hearing:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with any applicable comprehensive plan.
3. The rezoning is substantially consistent with the county certified farmland preservation plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

The ER, Estate Residential District requires a minimum lot area of 20,000sf and a minimum width of 100 ft. The minimum side yard total requirement is 25 ft, with no single side yard less than 10 ft, and the minimum rear yard requirement is 35 ft. Maximum height is 12' measure halfway between the roof eave and ridge for gable roofs. The maximum lot coverage is 25% for lots less than 1-acre. The lot and proposed accessory building meet these requirements. The total lot coverage including the home, driveway and proposed accessory building is approximately 16%.

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 1,152sf, but will be located behind the existing home. The property is surrounded by existing vegetation. The closest neighbor directly south and portions of the building may be visible from the yard. 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 determine whether the rezoning is consistent with the use of the property will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- B. 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:

A. Rezone

1. The Subject Property as shown in the Petitioner’s Development Review Application shall be rezoned from the A-1(EX), Exclusive Agriculture District to the ER, Estate Residential District.
2. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08, in a form approved by the Village Attorney.
3. The Rezone shall have a delayed effective date and shall take effect at such time as the Petitioner has satisfied the conditions of approval for the Conditional Use Permit as set forth below, and both the Deed Restriction and Notice of Terms and Conditions of the Conditional Use Permit set forth below, and the notice set forth above, have been recorded in the Dane County Register of Deed’s Office.

B. Conditional Use

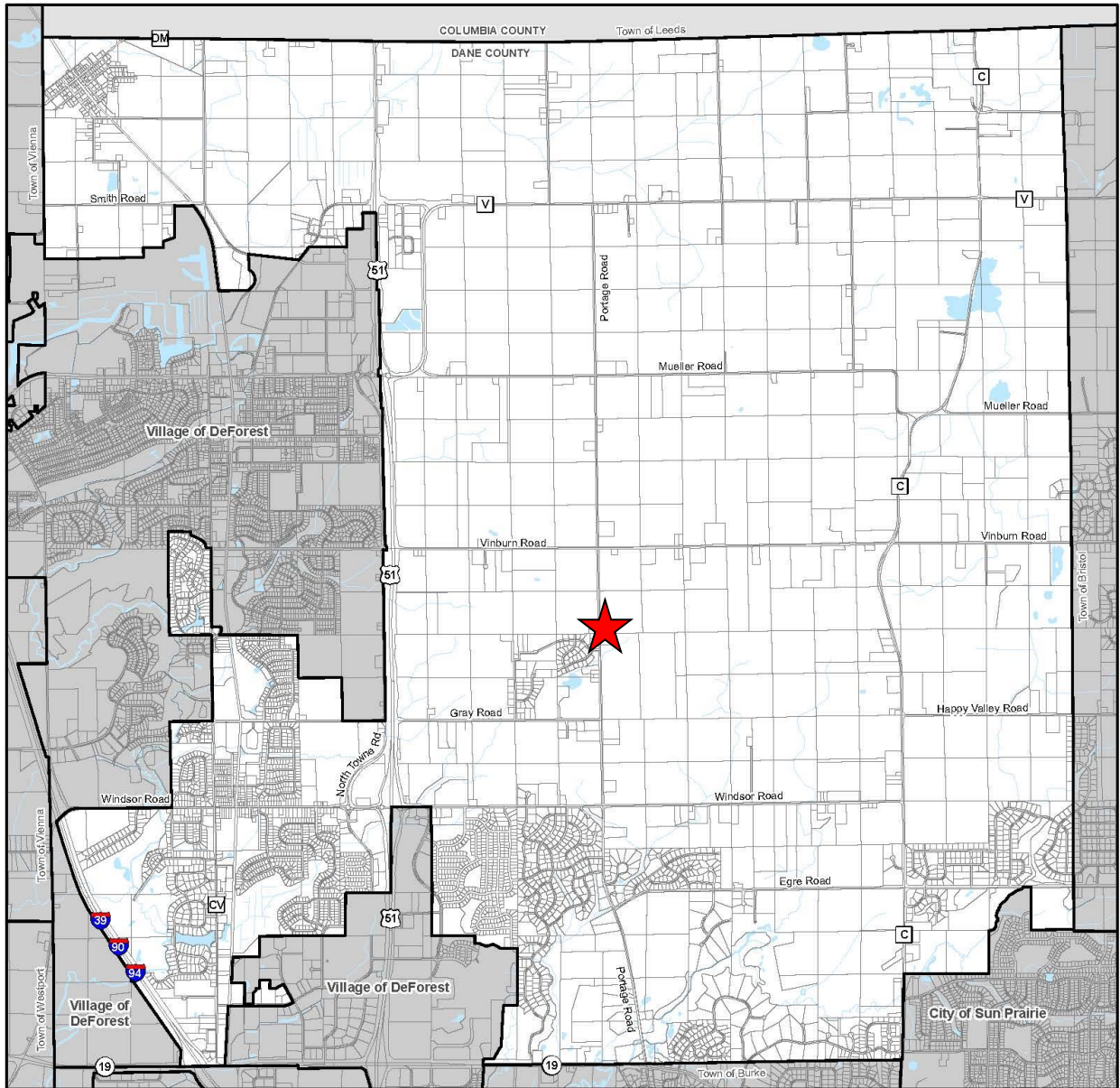
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6. The Petitioner shall move the accessory structure as far north of the south property line using existing vegetation for screening and avoiding the removal of any healthy, mature trees as practicable on the Subject Property.
7. The Petitioner shall install additional vegetative screening along the south property line. All vegetative screening shall be setback a minimum of 5’ from all property lines.
8. Exterior lighting installed on the accessory structure shall be on a switch and motion sensor, deflective lighting style, 90 degree downcast and cut-off type, and the illumination shall not measure more than one-half foot candles at the property line.
9. The Petitioner shall comply with any outstanding zoning violations on the Subject Property prior to the issuance of a building permit for the accessory structure.
10. 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. The Petitioner is prohibited from storing any personal property outside of the accessory structure in violation of the Village of Windsor Code of Ordinances.
11. The Petitioner is prohibited from using the agricultural accessory building for human habitation.
12. 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.



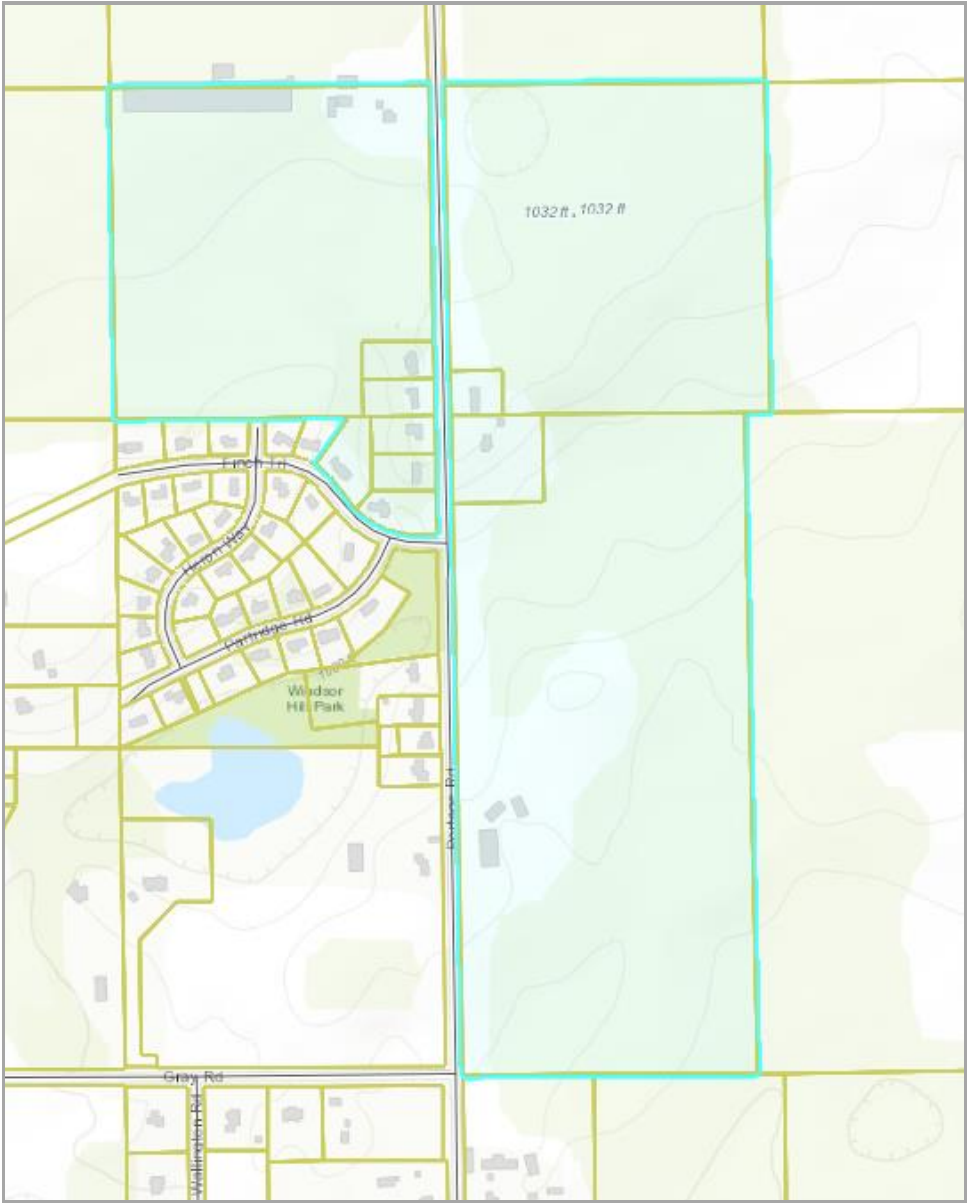
13. The Petitioner shall allow representatives from the Village to inspect the Subject Property upon 24-hour notice for the purposes of determining compliance with this approval, and without prior notice in the event of an emergency as determined by the Village.
14. Other Conditions.
  - a. No use is 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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  - d. 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.
  - e. 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 determines, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
  - f. 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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.

**A. LOCATION MAP:**



**500' NOTICE:**



**EXHIBIT:**  
A. Development Review Application

Windsor Planning, Zoning, & Development

Printed: 09/11/2024

7000 Portage Rd

Permit/License #

09/10/2024 - 09/09/2025

5895467

Development Review

Reference Number

Development Review Request Fee

255f0fb0-6f92-11ef-bf69-db95cef2c814

Application Status

Status

New

Active

## Application Review Status

Final-Review

Not Reviewed

Date Submitted

09/10/2024

## Fees

Zoning Districts: Zoning Map and Conditional Use Permit - Application Fee	\$350.00
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Zoning Districts: Zoning Map and/or Ordinance Amendment - Escrow	\$1,000.00
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<b>Subtotal</b>	<b>\$1,350.00</b>
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<b>Amount Paid</b>	<b>\$0.00</b>
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## Payments

There are no payments

## Application Form Data

(Empty fields are not included)

Parcel Number

196/0910-222-9740-0

Property Physical Address

7000 Portage Rd

Lot Area (sq ft)\*

43650

Primary Contact First Name

Travis Leaser

Primary Contact Last Name

Leaser

Contact Email

**tleeser@clearybuilding.com**

---

Mailing Address

**190 Paoli St**

---

City

**Verona**

---

State

**WI**

---

Zip

**53575**

---

Contact Phone

**(608) 379-0132**

---

Is the applicant the property owner?

**No**

---

Owner First Name

**Daryl**

---

Owner Last Name

**Kleeman**

---

Owner Email

**tleeser@clearybuilding.com**

---

Mailing Address

**7000 portage Rd**

---

City

**Deforest**

---

State

**WI**

---

Zip

**53532**

---

Owner Phone

**(608) 846-7071**

---

Buildings and Building Regulations

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Zoning Districts


**Zoning Map and/or Ordinance Amendment: Refer to Ch 52, Art V, Sec 52-101(4)**

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Supplemental Application Information Document Upload

 **kleeman 2.pdf**

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 kleeman.pdf

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## Signature

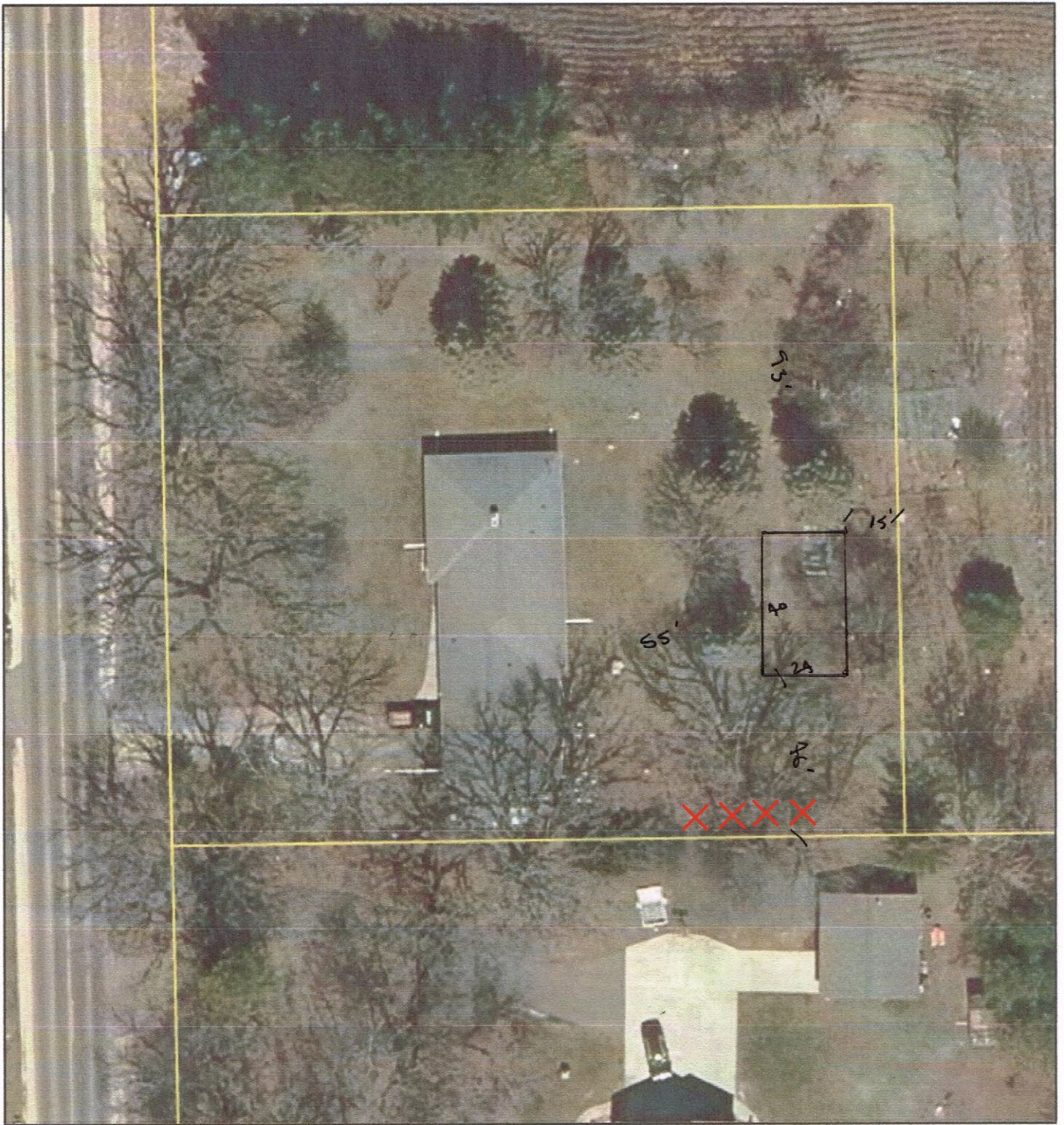
**Acknowledgement of Understanding:** The Applicant and Property Owner have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

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.

Electronically Signed

Travis Ryan Leeser - 09/10/2024 11:31 am

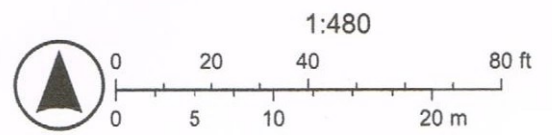
# Dane County Map



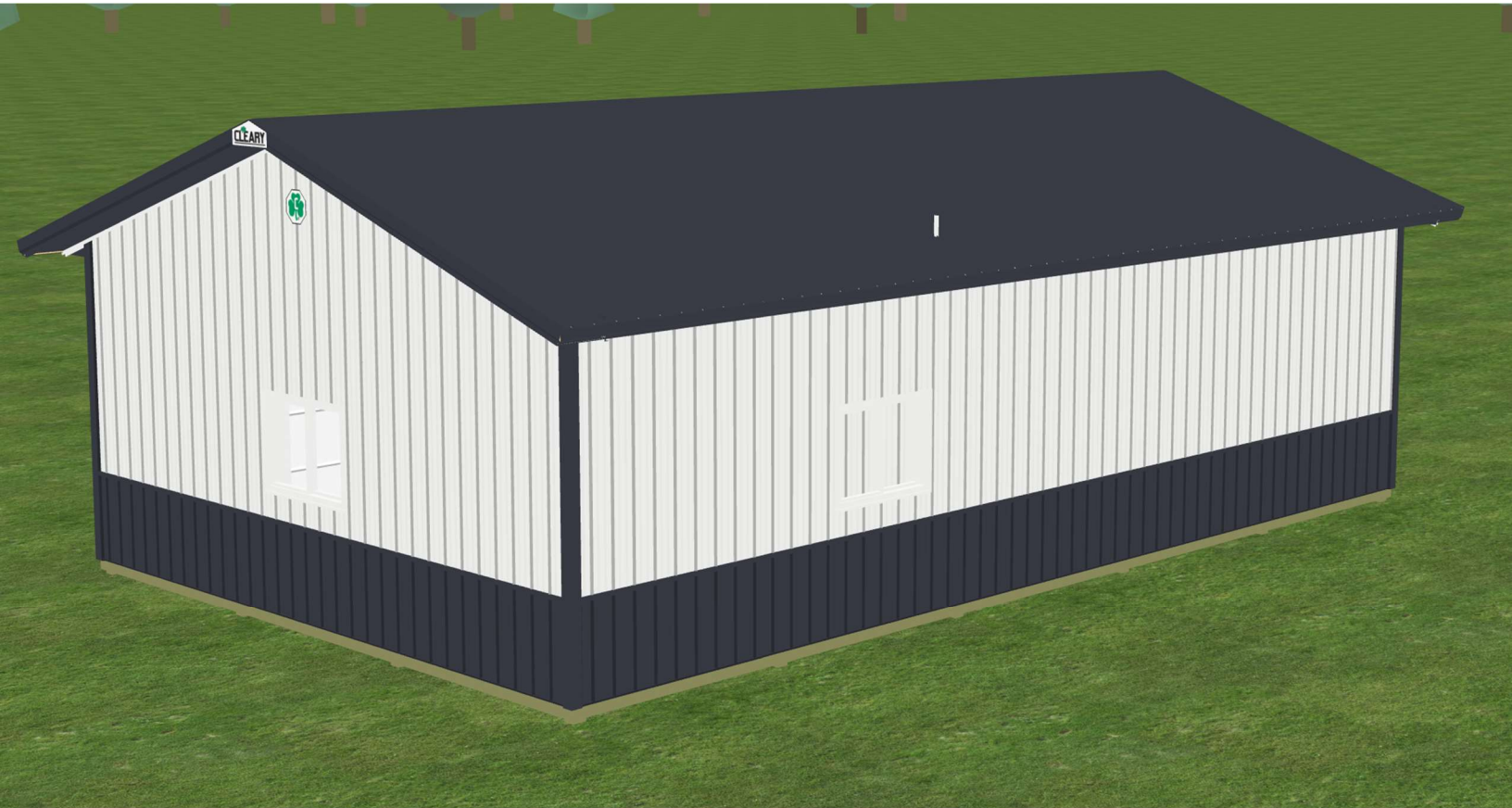
X Arborvitae Shrubs

11/22/2024, 4:10:10 PM

 Parcels









P.O Box 930220  
Verona, WI 53593-0220  
Phone: (608) 845-9700  
Fax: (608) 845-7070

11/25/2024  
KLEEMAN, DARYL  
Doc ID: 5129820241125121150  
Job ID: 2024102049

## Elevations & Floor Plan

### Customer Information

#### Building Specification For:

KLEEMAN, DARYL  
7000 PORTAGE RD  
DEFOREST, WISCONSIN 53532  
Cell Phone: (608) 846-7071  
Email: tleeser@clearybuilding.com

#### Building Site Location:

Location: N/A  
Tenant: N/A  
7000 PORTAGE RD  
DEFOREST, WISCONSIN 53532  
County: DANE

### Elevations for Building 1



**North End Wall 1 on Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.



P.O Box 930220  
Verona, WI 53593-0220  
Phone: (608) 845-9700  
Fax: (608) 845-7070

11/25/2024  
KLEEMAN, DARYL  
Doc ID: 5129820241125121150  
Job ID: 2024102049

## Elevations & Floor Plan



**South End Wall 2 on Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.



**East Side Wall 1 on Building 1**

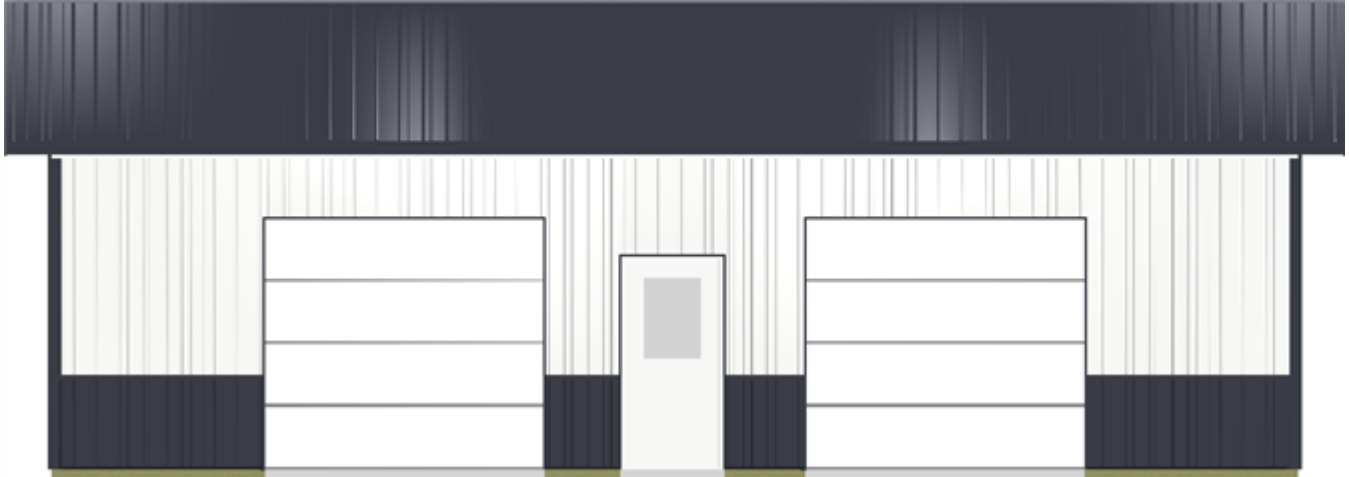
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P.O Box 930220  
Verona, WI 53593-0220  
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Fax: (608) 845-7070

11/25/2024  
KLEEMAN, DARYL  
Doc ID: 5129820241125121150  
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## Elevations & Floor Plan

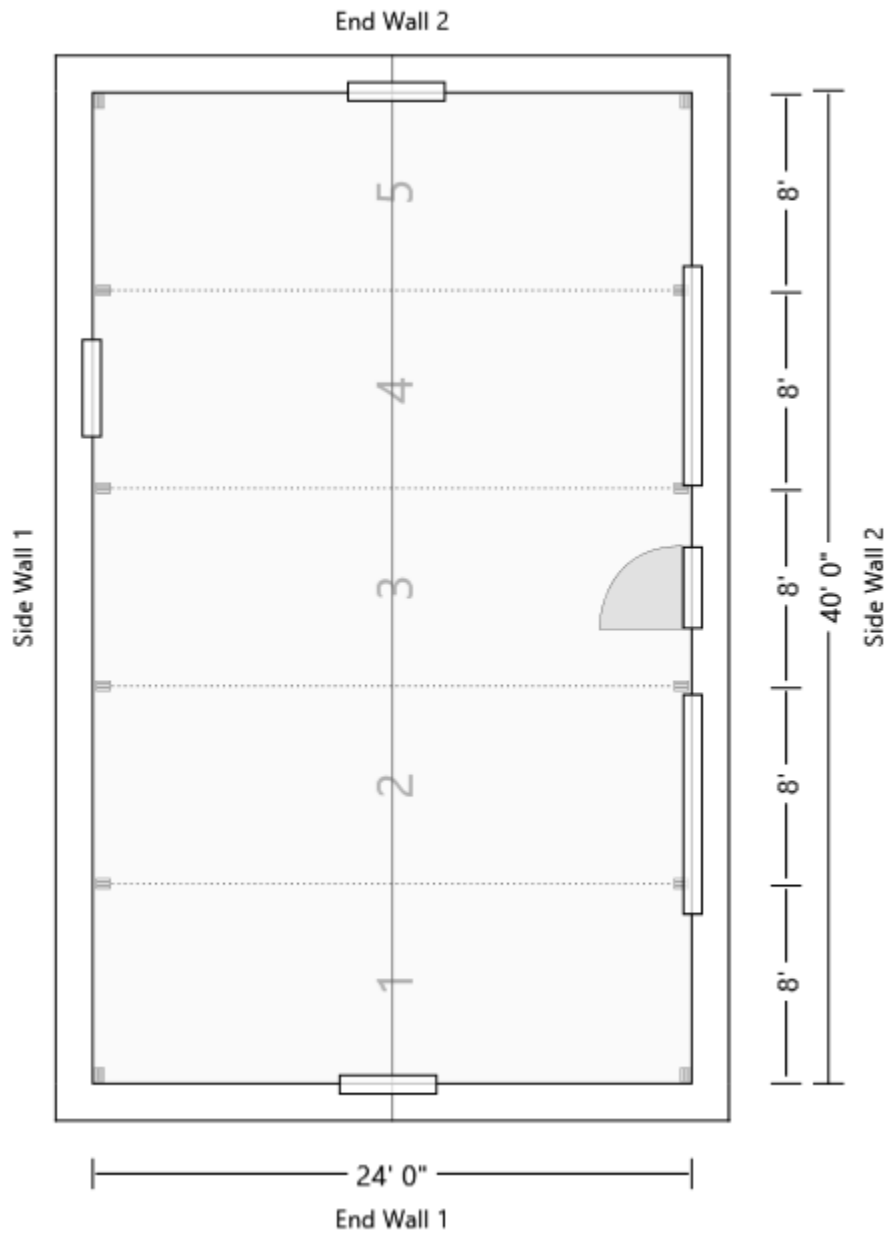


**West Side Wall 2 on Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

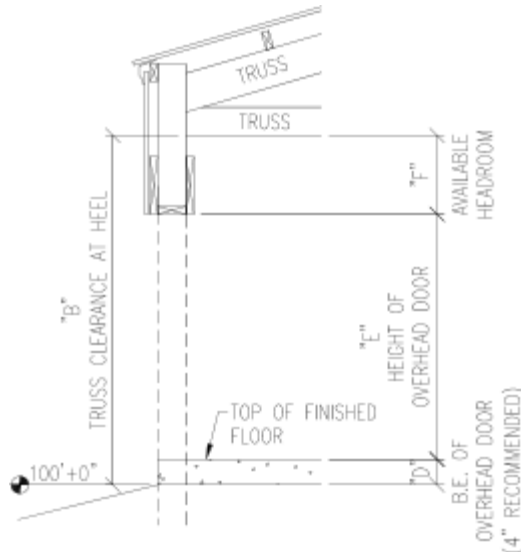
## Elevations & Floor Plan

### Floor Plan



## Elevations & Floor Plan

### Overhead Frameout & Headroom



"D" = Bottom elevation (B.E.) of overhead door: **0' 4"**

The bottom of all overhead doors (top of finished floor) are recommended to be placed at 4" above the 100'-0" mark (100'-4"). In building without paved floors, B.E. of doors may be lower - e.g. 100'-0".

"E" = Height of overhead door: **8' 0"**

Overhead door height = the height of the overhead door being placed in this building.

"F" = Available headroom: **1' 7"**

Available headroom = the space available for overhead door tracks and openers. If a ceiling is installed, headroom will be reduced by about 1". Door headroom requirements must be confirmed with the door supplier.

Headroom calculation formula:

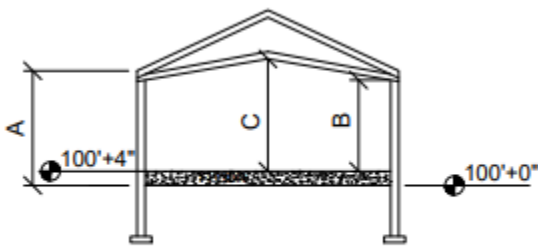
$$("B") - ("D") - ("E") = ("F")$$

$$(\text{Truss Clearance}) - (\text{B.E. of overhead door}) - (\text{Overhead door height}) = (\text{Available headroom})$$

Example:

$$(10'-0") - (4") - (8'-0") = (1'-8" \text{ of available headroom})$$

### Interior Clearances and Exterior Heights



**Raised Lower Chord Truss (RLC)**

#### Interior Clearances:

"B" = Clearance from finished floor to bottom of truss: **9' 8"**

"C" = Clearance from finished floor to center of truss: **10' 8"**

(Clearance is reduced by the thickness of any ceiling and the thickness of any floor covering)

#### Exterior Heights:

"A" = Actual Eave Height: **11' 4"**

Roof Peak Height: **15' 4"**

Roof Pitch: **4/12**

Top of concrete floor must be at 100'+4" for this foundation type. If thicker concrete floor is desired, the extra thickness will be below the 100'+0" mark.

VILLAGE OF WINDSOR  
PLAN COMMISSION RESOLUTION 2024-21

RECOMMENDING APPROVAL OF A REZONE AND CONDITIONAL USE PERMIT FOR AN  
ACCESSORY STRUCTURE AT 7000 PORTAGE ROAD

WHEREAS, Daryl Kleeman (the “Petitioner”) has requested approval of a Rezone from A-1(EX), Exclusive Agriculture District to ER, Estate Residential District and a Conditional Use Permit for an Accessory Structure exceeding 625sf located at 7000 Portage 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 November 07, 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 November 14, 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 Rezone and Conditional Use Permit for the Subject Property, subject to the following conditions:

A. Rezone

1. The Subject Property as shown in the Petitioner’s Development Review Application shall be rezoned from the A-1(EX), Exclusive Agriculture District to the ER, Estate Residential District.
2. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08, in a form approved by the Village Attorney.
3. The Rezone shall have a delayed effective date and shall take effect at such time as the Petitioner has satisfied the conditions of approval for the Conditional Use Permit as set forth below, and both the Deed Restriction and Notice of Terms and Conditions of the Conditional Use Permit set forth below, and the notice set forth above, have been recorded in the Dane County Register of Deed’s Office.

B. Conditional Use

1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
3. The Conditional Use Permit is limited to Daryl Kleeman for the Subject Property.

4. The Petitioner shall construct the accessory structure as illustrated in the Development Review Application.
5. The Conditional Use Permit is limited to the construction of a 24' x 40' (960sf) accessory structure on the Subject Property.
6. The Petitioner shall move the accessory structure as far north of the south property line using existing vegetation for screening and avoiding the removal of any healthy, mature trees as practicable on the Subject Property.
7. The Petitioner shall install additional vegetative screening along the south property line. All vegetative screening shall be setback a minimum of 5' from all property lines.
8. Exterior lighting installed on the accessory structure shall be on a switch and motion sensor, deflective lighting style, 90 degree downcast and cut-off type, and the illumination shall not measure more than one-half foot candles at the property line.
9. The Petitioner shall comply with any outstanding zoning violations on the Subject Property prior to the issuance of a building permit for the accessory structure.
10. 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. The Petitioner is prohibited from storing any personal property outside of the accessory structure in violation of the Village of Windsor Code of Ordinances.
11. The Petitioner is prohibited from using the accessory structure for human habitation.
12. 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.
13. 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.
14. Other Conditions.
  - a. 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.
  - b. 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.
  - c. 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.
- d. 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.
  - e. 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 determines, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
  - f. 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.
- C. 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.
  - D. 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.
  - E. 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.
  - F. 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 November 14, 2024, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

PLAN COMMISSION

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Robert E. Wipperfurth, Chairperson

*Attested by:*

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Jamie Rybarczyk, Community Development Director

Incorporated by Reference:  
Staff Report  
Development Review Application

VILLAGE OF WINDSOR  
VILLAGE BOARD ORDINANCE 2024-13

APPROVAL OF A REZONE AT 7000 PORTAGE ROAD

WHEREAS, Daryl Kleeman (the “Petitioner”) has requested approval of a Rezone from A-1(EX), Exclusive Agriculture District to ER, Estate Residential District for the property located at 7000 Portage 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 November 7, 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 November 14, 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.

SECTION ONE: the subject property is rezoned as follows, subject to the following conditions:

A. Rezone

1. The Subject Property as shown in the Petitioner’s Development Review Application shall be rezoned from the A-1(EX), Exclusive Agriculture District to the ER, Estate Residential District.
2. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.
3. 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.
4. 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.

SECTION TWO: this Ordinance shall become effective upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on December 5, 2024, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

VILLAGE OF WINDSOR

\_\_\_\_\_  
Robert E. Wipperfurth, President

*Attested by:*

\_\_\_\_\_  
Christine Capstran, Clerk

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

Incorporated by Reference:

Staff Report

Development Review Application

Plan Commission Resolution 2024-21

Village Board Resolution 2024-99