



TOWN OF EAGLE  
Planning & Zoning Commission  
Held Jointly with the Town Board  
February 1, 2016  
Approved Minutes

Chairman Kwiatkowski called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen and West; Commissioners Anderson, Lewis, Mann, and Samuels. Also present: Town Planner Schwecke and Town Attorney Alexy.

Approval of Agenda – A motion was made by Supervisor Malek, seconded by Commissioner Anderson to approve the agenda. Upon voice vote, motion carried.

Minutes – A motion was made by Supervisor Malek, seconded by Commissioner Lewis to approve the minutes of January 4, 2016. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Thomas Wein Non-Compliance – Chairman Kwiatkowski explained that the property owner Thomas Wein at W344 S10780 CTH E constructed a new building without a building permit. Since Mr. Wein did not obtain a building permit, the cost of the permit is doubled. In addition to not having a building permit, it turns out that new building is encroaching on someone else's land. Planner Schwecke added that the building is also encroaching into the front yard. A "Stop Work Order" has been issued by the Town Building Inspector. Mr. Wein came into the office to speak with the Building Inspector and Town Planner about remedies to the situation. Mr. Wein is requesting a nine (9) month extension to come into compliance.

Planner Schwecke explained that a detached building was torn down and the new building was constructed in the same location. After discussion with Mr. Wein, he has decided to move the new building to a backyard location.

Town Attorney Alexy suggested that language be added to the motion to state that failure to comply within the waiver period will result in a citation/fine and does not stay any accumulation of any per diem penalties that are possible accumulating under the Town Code. Also the motion should state that the Town granting the request does not foreclose the neighbor from pursuing any trespass action.

A motion was made by Commissioner Samuels, seconded by Commissioner Lewis to approve the request for a nine (9) month extension to come into compliance, require that the owner give a progress update at the June meeting. In addition, failure to comply within the waiver period will result in a citation/fine and

does not stay any accumulation of any per diem penalties that are possible accumulating under the Town Code. Also, the Town granting the request does not foreclose the neighbor from pursuing any trespass action. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Review Land Division Ordinance Draft – Town Planner Schwecke explained that the code was adopted in 1987 and was reorganized into fourteen (14) different articles. Chairman Kwiatkowski stated that the intent was to revise the ordinance however it was placed on hold due to working on the zoning code and the comprehensive plan.

Town Planner Schwecke highlighted some of the proposed revisions to the draft Land Division Ordinance. He stated that the two (2) ordinances regarding financial securities which were adopted in 2014 will be added.

Discussion ensued regarding flag lots. It was the consensus of the Planning & Zoning Commission and Town Board to hold a special workshop on the proposed draft Land Division Ordinance on Tuesday, March 1, 2016 at 7:00 P.M.

Mukwonago River Initiative – No report.

Chairman's Report – No report.

Recommendation for Future Agendas – None.

Citizen Comments – None.

A motion was made by Supervisor Davis, seconded by Don Malek to adjourn the meeting at 7:38 P.M. Upon voice vote, motion carried.

TOWN BOARD ONLY:

A motion was made by Supervisor Malek, seconded by Supervisor Davis to convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering an oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved. Town of Eagle v. Cory Miller– Topic for discussion: Possible settlement of property maintenance and zoning violations. Upon roll call vote: Chairman Kwiatkowski – aye; Supervisor Davis – aye; Supervisor Rasmussen – aye; Supervisor Malek –aye; Supervisor West – aye. Motion carried.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to convene into Open Session at 7:50 P.M. Upon roll call vote: Chairman Kwiatkowski – aye; Supervisor Davis – aye; Supervisor Rasmussen – aye; Supervisor Malek –aye; Supervisor West – aye. Motion carried.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to proceed as discussed in Closed Session. Upon roll call vote: Chairman Kwiatkowski – aye; Supervisor Davis – aye; Supervisor Rasmussen – aye; Supervisor Malek –aye; Supervisor West – aye. Motion carried.

A motion was made by Supervisor West, seconded by Supervisor Malek to adjourn the meeting at 7:51 P.M. Upon voice vote, motion carried.

Lynn M. Pepper, Eagle Town Clerk