



TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119

TOWN OF EAGLE
Zoning Board of Appeals
Tuesday, April 12, 2016
Unapproved Minutes

Chairman Day called the meeting to order at 6:00 p.m.

Present: Chairman Day; Members Erikson, Hunt, and West; Member Wambach was excused. Also present: Town Clerk Lynn Pepper and Town Planner Tim Schwecke.

Chairman Day stated that there was a quorum in attendance. Chairman Day verified that the Town is in compliance with the Open Meetings Law.

Minutes: Motion by Member West, seconded by Member Erikson to approve the minutes from August 4, 2014. Upon voice vote, motion carried with Member Hunt abstaining.

ZA16-01 Public Hearing – Joseph Rynes Jr. for property located at W350 S7929 Sprague Road, Tax Key EGLT 1775-995-001. The petitioner is seeking a variance from Sec. 3.03(6)(A)(4) of the Town's zoning Code to allow the construction of a detached garage in front of an existing single-family residence. That section states that all accessory buildings must be located behind the most recessed portion of the front of the principal building.

Chairman Day explained that the intent is to recess and reconvene to go out to the applicant's property. Discussion at the property is very limited. Discussion about the subject is not permitted on the way to the property or on the way back to Town Hall. At 6:05 P.M., the Zoning Board of Appeals left to view the property. The meeting reconvened at Town Hall at 6:30 P.M.

Planner Schwecke referred to his staff report dated April 7, 2016. Planner Schwecke stated that there are criteria and conditions that need to be met in order for the Zoning Board of Appeals to grant the proposed variance. Planner Schwecke went on to explain that the property is located in the A-3 zoning district. The property adjoins a utility right-of-way along the southwest side. Planner Schwecke reviewed the seven (7) general findings included in his staff report. Planner Schwecke noted that only two (2) accessory buildings are allowed by right. Currently, the petitioner has a temporary structure and another garage behind the principal building. Planner Schwecke explained that placing the accessory building behind the principal building ensures that the principal building, as seen from the road is the primary focus. The petitioner's requested location is not visible from the road and is generally not visible from adjoining properties.

Planner Schwecke presented the decision criteria used to make a determination. All of the conditions must be met in order to grant the variance. In addition, Board Members have a "Findings of Fact" worksheet

that has been used in the past for determination. Planner Schwecke stated that, in making its determination, the Zoning Board of Appeals shall consider whether the proposed variance would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of physical, social, or economic effects, and may impose such requirements and conditions with respect to location, construction, maintenance and operation. In addition, to any which may be stipulated in the Ordinance, as the Zoning Board of Appeals may deem necessary for the protection of adjacent properties and the public interest and welfare. Land disturbing activities may be required to be approved under the Town of Eagle ordinances regarding erosion and sedimentation control.

Petitioner Rynes stated that the building in the back of the house, which has the septic system all around it and the temporary structure in front of the house, will both be removed. The metal shed has been sold.

In response to Chairman Day, Planner Schwecke stated that finding #5 should read that “the accessory building would not be readily visible from the road or adjoining properties.” Chairman Day questioned if the proposed 36 x 36 building infringes on the floor area ratio. Planner Schwecke responded that the building inspector has not seen or reviewed the building plans. Planner Schwecke stated that the variance request is only for the location in front of the principal building. Chairman Day stated that his observation is that in regard to other potential areas, he did not see another location for the proposed accessory building.

In response to Member West, Planner Schwecke stated that the easement line is the property line.

Petitioner Rynes explained that he is a contractor and would like to store and secure his vehicle inside the building, on a daily basis.

In response to Chairman Day, Petitioner Rynes stated that the walls of the building will be ten (10) feet and fifteen (15) feet to the midpoint of the roof. The ceiling will have a 5/12 pitch. Chairman Day stated that an accessory structure that is less than fifteen (15) feet in height will not require approval of the Planning & Zoning Commission and Town Board.

At this time, Chairman Day asked for comment from the floor.

Tom Teichen, W349 S7920 Sprague Road questioned if the proposed building will have power. Petitioner Rynes responded that yes, there will be power. The power box is located on the south side of the driveway and will have a separate meter on it. In response to Mr. Teichen, Petitioner Rynes confirmed that there will be no exterior lighting and that there will not be any windows on the back of the building, only the building sides. Mr. Teichen stated that he does not take a positive or negative position on the Rynes' application.

Member Erikson stated that in his opinion, there is no other place on the property that this building could be placed. Chairman Day added that he agrees, given the topography on the north and west side of the property and the shortage of space on the south side of the property.

After hearing no other public comment, the public hearing was closed at 6:52 P.M.

At this time, the Zoning Board of Appeals reviewed the variance checklist. Planner Schwecke explained that the hardship cannot be self-created. Planner Schwecke explained that there is only a small development area within which the petitioner can build anything. Member West agreed that due to the topography of the land, the building area is restricted. Discussion followed regarding decision criteria nos. 9 and 10 which deal with special exceptions and deed restrictions. Planner Schwecke stated that, in the past, the Zoning Board of Appeals has not required a deed restriction.

Planner Schwecke explained that he prepared a proposed motion for the Board's use. A decision letter will be prepared and will be sent to all members of the Zoning Board of Appeals for their agreement and to the Chairman for his signature. If anyone disagrees with the letter, another meeting will be called for discussion.

Chairman Day explained that the Zoning Board of Appeals does not set precedent. Cases are decided on a case-by-case basis.

A motion was made by Member West, seconded by Member Hunt to approve the variance from Section 3.03(6)(A)(4) of the zoning code to allow the construction of an accessory building in front of the principle building based on the reasons set forth in our discussion; the petitioner shall obtain a building permit for the accessory building from the Town's building inspector within six (6) months of the date of this decision; the petitioner shall commence construction of the accessory building no later than eighteen (18) months from the date of this decision and continue in good faith to completion; the existing temporary shelter in front of the house (Currently housing a work truck) must be removed before the issuance of a building permit for the approved accessory structure; and to direct the Town Planner to prepare a decision document, which is to be sent to all of the board members for their review. If any member believes the decision document as drafted does not reflect the intent of the Board, a special meeting will be convened to finalize the decision document. Upon voice vote, motion carried.

A motion was made by Member Erikson, seconded by Member Hunt to adjourn the meeting at 7:03 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk