

TOWN OF EAGLE
Board of Zoning Adjustment
May 5, 2008
Approved Minutes

Chairman Day called the meeting to order at 6:30 p.m.

Present: Chairman Day; Members West, Erickson, Harthun, Olsen, Wambach, Town Planner Brian Pionke, and Secretary Pepper. Chairman Day announced that Member Karen Olsen will be sitting in as an alternate and will not be voting at tonight's meeting.

Minutes: Motion by Member West, seconded by Member Wambach to approve the minutes from April 7, 2008 with the addition of the word "foot" under Public Hearing ZA08-03 in line 3 between 0.62 and the word variance. Member Harthun abstained and the motion carried.

ZA08-04 Public Hearing: Applicant- Patrick Whitaker. Property location: W378 S6323 Hwy ZC. Variance is requested to install above ground pool on the property located at W378 S6323 Hwy ZC in the Town of Eagle, Waukesha County, Wisconsin. The proposed pool does not conform to Town Zoning Code requirements in Section 5.10(5)(B) regarding lot line offsets. Town Planner Pionke read his staff review dated April 23, 2008 into the record and suggested the Town Board may consider rezoning the property in question as well as the adjacent neighbors during the township-wide rezoning. Mr. Whitaker explained that the 12 x 12 structure was removed yesterday, May 4, 2008, that he is in the process of removing the remaining 8 x 12 structure, and that the removal will be completed within 30 days. Discussion took place regarding good faith and the Town's follow-up process. Town Planner Pionke explained that the proposed pool is considered an accessory structure, not an accessory building. To be considered an accessory building, there must be a roof.

Cynthia Berg, S108 W37606 Draper Rd questioned whether or not the property owners have proven a hardship. Chairman Day stated that the hardship is that the property owner's lot is non-conforming due to width. Discussion followed regarding the possibility of moving the pool to another location and that a variance would be needed for either scenario. Town Planner Pionke explained that once this area is rezoned, the pool will be in compliance.

The public hearing portion of the meeting was closed on a motion by Member West, seconded by Member Erickson. Motion carried. The Board then proceeded to answer the checklist questions. Member Harthun moved, seconded by Member Wambach that based on the proven hardship that the lot is non-conforming and that Section 3.03 of the Town of Eagle Code does not apply to pools, to approve the variance request with the stipulation that the 8 x 12 accessory building be removed prior to the construction of said pool. Motion carried.

Chairman Day announced that there will be a Board of Adjustment Workshop on Wednesday, May 7, 2008 from 6:00 to 9:00 P.M. at the Waukesha County Courthouse. The workshop is free and all members are invited to attend.

There being no further business on the agenda, Member Wambach moved, seconded by Member West to adjourn the meeting at 7:17 P.M. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Town Clerk/BOZA Secretary