

TOWN OF EAGLE
Board of Zoning Adjustment
August 4, 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 Wambach, seconded by Member Harthun to approve the minutes from May 5, 2008. Motion carried.

ZA08-05 Public Hearing: Applicant- Barker Builders/Susan Doyle. Property location: W345 S10353 Wambold Road, Town of Eagle, Wisconsin. Variance is requested from Section 3.06(2)(A)(1) (expansion or enlargement of a legal non-conforming building); Section 5.16(5)(A) (construction within the fifty foot street setback); and Section 5.16(7)(A)(2) (maximum floor area of thirty percent) to increase the second floor exterior wall heights from 3 ft. to 8 ft. and thereafter to reconstruct interior walls to create a third bedroom. Chairman Day explained that that this request was heard by the Waukesha County Board of Adjustments and that they approved the request subject to meeting the conditions as recommended by the County staff. Chairman Day explained that the Doyle's indicated that condition one, merging their lot and their adjoining lot and condition two, removing the existing non-conforming house on the adjoining lot were unacceptable to them and stated that they would not be proceeding with their request. Chairman Day added that other conditions set by the County were that the Doyle's would also need to remove the existing shed and remove a portion of their deck. Mr. Paul Doyle, W345 S10353 Wambold Road explained that Chairman Day is correct, that some of the conditions were unacceptable. Mr. Doyle explained that the existing home on the adjoining lot is used as a guest house and that it is not a rental unit.

Planner Pionke read his review dated July 30, 2008. Planner Pionke explained that if this Board decides contrary to Waukesha County, the applicant's will need to go back to the County and ask them to reconsider their variance request. Planner Pionke added that if the applicant's decide to only do interior improvements, no variance will be needed.

Planner Pionke explained that when requiring the Doyle's to combine his two substandard lots into one legal lot, they may have been referring to Wis. State Stats. 3.11(2)(e). Chairman Day added that the reason the County wanted them to combine the lots was to try to eliminate the non-conformance. In response to Member Erickson, Planner Pionke explained that the hardship of combining the lots, from the Doyle's perspective, would be that only one house is permitted per lot.

Discussion took place regarding floor area ratio (FAR) as well as other possible options the Doyle's may have to achieve their goal without having to request a variance.

The public hearing portion of the meeting was closed on a motion by Member Harthun, seconded by Member West. Motion carried. The Board then proceeded to answer the checklist questions. Member Harthun moved, seconded by Member Wambach to table the variance request indefinitely subject to the applicant's obtaining a building permit. Motion carried.

Variance time requirements – Chairman Day explained that Waukesha County, when granting a variance, gives the applicant's a time period of two years in which to begin the project. If more time is needed, applicants may request an extension. The Town does not have such a requirement. The only requirement that the Town does have is that the project must be started within six months from the time that the building permit has been issued. This item will be further discussed at a future meeting.

Variance notification requirements – Chairman Day explained that the Town currently notifies people within 300 feet of a variance request. Discussion followed regarding extending the notification area. This item will be discussed further at a future meeting.

Non-conforming buildings zoning text amendments – Chairman Day explained that the Board has received a memo from Town Planner Brian Pionke regarding proposed zoning text amendments. Motion by Member Harthun, seconded by Member Erickson to request the Planning & Zoning Commission to consider the proposed changes as stated in the July 29, 2008 memo from Planner Pionke. Motion carried.

Board of Adjustment Workshop – This item will be discussed at a future meeting.

There being no further business on the agenda, Member West moved, seconded by Member Harthun to adjourn the meeting at 7:31 P.M. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Town Clerk/BOZA Secretary