



TOWN OF EAGLE  
Board of Zoning Appeals  
September 1, 2009  
Approved Minutes

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

Present: Chairman Day; Members Erickson, Harthun, Olsen, Wambach, and West; Town Planner Brian Pionke, and Secretary Pepper.

Chairman Day announced that Board of Zoning Appeals Alternate Olsen will be permitted to comment on the minutes however will not be voting on this particular appeal.

Minutes: Motion by Member West, seconded by Member Olsen to approve the minutes from October 6, 2008. Upon voice vote, motion carried.

In response to Chairman Day, Town Planner Pionke stated that he is carrying issues forward to the Planning & Zoning Commission and the Town Board, as appropriate.

**ZA09-01 Public Hearing:** Applicant- Robert M. Hurst. Property location: W364 S8280 HWY 67, Town of Eagle, Wisconsin. Variance is requested from Section 3.02(2)(C)(E) (accessory building location) to construct an 18' x 36' accessory building from the 105' setback to a 68' setback. Clerk Pepper read the public hearing notice into the record. Chairman Day announced that a memo was received from Town Engineer Dan Cook regarding the request.

Planner Pionke explained that there are slight inaccuracies regarding the scale of the drawings, which is why the public hearing was noticed at 108' and 68' respectively. Planner Pionke read his staff report dated August 24, 2009. Planner Pionke pointed out that the staff report suggests that this building will not be used for commercial or rental purposes and plumbing will not be permitted.

For discussion purposes, Chairman Day referred to the aerial photography. In response to Member West, Planner Pionke explained that the ordinance against the removal of certain diameter trees is for the C1 Conservancy and UC Upland Conservancy areas. There are provisions however that allow the Planning & Zoning Commission and the Town Board to review extensive regrading projects. In response to Member West, Planner Pionke stated that the UC District starts directly behind the house, as shown on the aerial view. The UC District discourages the removal of trees in order to maintain the character of the community, as well as for soil and erosion control. Planner Pionke explained that the Town regulates the C1 Conservancy district.

In response to Member West, Applicant Mr. Robert Hurst explained that very little of the proposed building will be seen from Highway 67. Mr. Hurst explained that there is a ridge between Highway 67 and the proposed location, as well as a line of trees. Mr. Hurst showed street view photos of his property and pointed to where some of the roofline of the proposed building may be able to be seen from the roadway.

Chairman Day referred to the memo from the Town Engineer regarding drainage. Town Engineer Dan Cook suggests that the applicant show that the proposed building will not block a drainage way. In response, Mr. Hurst

explained that, as shown in Figure 5 on page 9 of his application, the proposed building will be built at the same level as the principal structure, starting at high ground and ending where the ground slopes downward. In response to Chairman Day, Mr. Hurst explained that gutters will be installed on the long sides of the building, which will run east and west into an in-ground drain tile.

Mr. Hurst explained that the primary reason for the variance request, as shown in Figure 5, is the elevation change on his property, leaving only three flat areas. The first area is the location which is being proposed. The second area, located to the far back of the property is problematic. One issue is the distance from the house. The second issue is that a long driveway, which would have to negotiate the differing elevations, would have to be installed, changing the character of the land. The third option would be to build onto the existing structure. The home currently has been bermed with dirt for insulating purposes. In addition, five Blue Spruce trees, between twelve and fourteen inches in diameter would have to be removed. Mr. Hurst added that the first option, as proposed, minimizes the environmental impact and maintains the character of the land. Discussion followed regarding the current driveway as well as the measurements of the proposed location, as currently staked.

Mr. Steve Beck, W364 S8292 Hwy 67, whose property abuts Mr. Hurst's on the east side, stated that he is present tonight in order to understand the requested variance. Mr. Beck explained that the proposed plan is acceptable and he supports the proposed placement of the proposed structure.

After hearing no other public comments, a motion was made by Member West, seconded by Member Wambach to close the public hearing at 7:00 P.M.

Discussion ensued regarding the exact proposed location setback measurements. Planner Pionke suggested that the motion could state that the exact location would be confirmed by Building Inspector Montoya. Member West commented that the proposed location is topographically positive, minimizing the environmental impact and avoids the Upland Conservancy District.

At this time, the Board reviewed the variance request checklist. Chairman Day stated that as conditions, the structure should not be used for a commercial for-profit business, the building should not have plumbing, that the gutters/downspouts shall control water run-off off of the roof, so as not to adversely affect the adjacent property owners, and that the Building Inspector shall verify the setback measurement of the staked location. Planner Pionke stated that, in addition, there shall be no habitation of the building.

Motion by Member West, seconded by Member Harthun to approve the variance request, with the following conditions: the structure should not be used for a commercial for-profit business; the building should not have plumbing; the gutters/downspouts shall control water run-off off of the roof, so as not to adversely affect the adjacent property owners; the Building Inspector shall verify the setback measurement of the staked location; and there shall be no habitation of the building. Upon voice vote, motion carried.

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

Respectfully Submitted,

Lynn M. Pepper  
Town Clerk/BOZA Secretary