



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

TOWN OF EAGLE  
Zoning Board of Appeals  
February 1, 2010  
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 Clerk Pepper.

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

Minutes: Member Harthun thanked the clerk for providing such detailed, accurate minutes. Motion by Member Harthun, seconded by Member West to approve the minutes from September 1, 2009. Upon voice vote, motion carried.

ZA10-01 Public Hearing: Applicant- Paul Stirmel. Property location: W345 S10733 South Shore Drive, Town of Eagle, Wisconsin. A 48.1 foot setback variance is requested from Section 3.03(3)(B)(2) for general building setback; a 48.1 foot setback variance is requested for 3.03(6)(A)(3) for accessory building setback; a variance is requested for 3.03(6)(A)(4) for accessory building location in front of the principle building; and a 48.1 foot setback variance is requested for 5.08(6)(A) the R-L District setback requirement to construct a new garage on the existing location. Chairman Day opened the public hearing at 6:32 P.M. and announced that the public hearing notice was posted and published.

Town Planner Brian Pionke read his staff report dated January 20, 2010. Planner Pionke explained that the proposed 484 sq. ft. garage will be located 1.9 feet from the front property line and in front of the principal structure. The garage is designed to sit parallel to the road, furthering the distance than the current garage structure. The garage complies with all other building and zoning codes. It should be mentioned that the garage will not have a water source and will not be used for habitable purposes.

In response to Member West, Planner Pionke explained that the current garage sit 0.9 feet from the road. The proposed garage will sit 1.9 feet from the road.

In response to Chairman Day, Mr. Paul Stirmel, W345 S10733 South Shore Drive agreed that Planner Pionke's staff report is accurate. Mr. Stirmel explained that his house is small, only 700 sq. ft. and the garage is needed for storage purposes and for a refuge in cases of bad weather. In regard to legal hardships, Mr. Stirmel explained that the location of the septic field prohibits another location for the garage and he does not wish to remove any trees. Mr. Stirmel explained that Waukesha County required him to hire a licensed plumber to inspect the septic field and indicated to him that the proposed garage location is the best location for the garage. Mr. Stirmel stated that his original application with Waukesha County requested an exposed basement, which was denied. He explained that he worked with Waukesha County to design something that they would approve, which is what is being proposed tonight. Mr. Stirmel went on to explain that in regards to the road right-of-way, the road was always recorded as a 49 ft. right-of-way however the Waukesha County map defaulted to a 66 ft. right-of-way when the map was

updated. Mr. Stirmel went on to explain that Town Chairman Kwiatkowski, Supervisor West, and the Town Engineer have walked the road and the Town Board has since granted the 49 ft. right-of-way, as originally intended.

In response to Chairman Day, Mr. Stirmel explained that it is true that the County approved a 484 sq. ft. garage and that the proposed plan tonight has been modified to fit that criteria. In response to Member Harthun, Mr. Stirmel explained that the shed will not be removed. Waukesha County had originally intended to require its removal as a condition of the original application. Since the plans modification and its reduced floor area ratio, the removal is not required. Also, the concrete vault shown on the plan is where the well is located.

Chairman Day read a letter dated August 30, 2009 from Christopher and Martina Mann and Betty and Mary Skurulski, stating that they do not object to the proposed improvement.

After hearing no other public comments, a motion was made by Member West, seconded by Member Harthun to close the public hearing at 6:48 P.M.

At this time, the Board reviewed the variance checklist.

Motion by Member West, seconded by Member Wambach to approve the variance request to include the conditions set by Waukesha County in their decision sheet dated September 15, 2009 and the condition that the garage shall be prohibited for commercial use, or as a habitable structure for dwelling purposes. Upon voice vote, motion carried.

**ZA10-02 Public Hearing:** Applicant- John Gamache. Property location: S102 W34609 Lower Clarks Park, Town of Eagle, Wisconsin. The 5.45 foot setback variance is requested from Sections 3.03(3)(B)(2)(A) and 5.08(6)(A) to construct a new two-story home with attached garage on the existing location. Chairman Day opened the public hearing at 6:52 P.M. and announced that the public hearing notice was posted and published.

Planner Pionke read his staff report dated January 20, 2010. Planner Pionke explained that the request for the Certified Survey Map is a requirement of Mr. Gamache by Waukesha County. In response to Member Erickson, Planner Pionke stated that the variance request is only for the location of the house.

In response to Chairman Day, Clerk Pepper explained that the Town Engineer has reviewed the application for the Certified Survey Map, which the Planning & Zoning Commission and Town Board will review at tonight's meeting. If the Zoning Board approves the variance request, the approval should be contingent upon the Planning & Zoning Commission and Town Board approval of the CSM and the CSM recording.

Discussion ensued regarding the floor area ratio that Waukesha County calculated versus the floor area ratio that Town Planner Pionke calculated. Planner Pionke explained that he included the basement area in his calculation. Planner Pionke explained that Mr. Gamache has redesigned his plan numerous times, in order to meet the requirements of Waukesha County.

In response to Chairman Day, Mr. John Gamache, S102 W34609 Lower Clarks Park agreed that Planner Pionke's report is accurate. Mr. Gamache explained that the existing structure has had numerous additions and is not structurally sound. His goal is to maintain the integrity of the subdivision and that he has tried to work within the envelope. Mr. Gamache gave a brief history of his dealings with Waukesha County and that Bielinski Homes has redesigned the plan with each request. Mr. Gamache explained that the proposed plan allows for more open space. Mr. Gamache went on to explain the level of difficulty and challenges people face in trying to build on or improve their land, especially those with non-conforming lots and questioned if there is any way to simplify the process. Planner Pionke responded that Waukesha County is the recording agent and they are attempting to bring the recordings up to date. Chairman Day added that, in addition, Waukesha County has jurisdiction because the property is within 1000 feet of the lake.

David and Joann Matthews, S102 W34549 Matthews Lane explained that they live to the east of Mr. Gamache's property and they support his effort to enhance the neighborhood.

After hearing no other public comments, a motion was made by Member West, seconded by Member Harthun to close the public hearing at 7:20 P.M.

Member West pointed out that because Waukesha County is requiring Mr. Gamache to construct a garage, as stated in item number five of their determination letter, the building footprint increased 400 sq. ft.

At this time, the Board reviewed the variance checklist.

Motion by Member Wambach, seconded by Member West to approve the variance request, subject to Waukesha County's conditions in their decision sheet dated September 15, 2009, the drainage review by the Town Engineer, if applicable, and the CSM approval by the Planning & Zoning Commission, the Town Board and the Village of Eagle Board and recording. Upon voice vote, motion carried.

There being no further business on the agenda, Member West moved, seconded by Member Wambach to adjourn the meeting at 7:26 P.M. Motion carried.

Lynn M. Pepper  
Eagle Town Clerk