

Date: September 30, 2020

To: Town of Eagle Plan Commission and Town Board

From: Tim Schwecke, AICP, Town Planner

Subject: Special exception for a second driveway pursuant to Section 500.605 of the zoning code for property located at W355S8870 Godfrey Lane (EGLT1818999047); DDR LLC (Big Rig Hotel), applicant

Application: 2020-24; <https://s.zoninghub.com/7UKUSAHC7P>

Meeting: October 5, 2020 Plan Commission and Town Board meeting

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**General description** DDR LLC (Big Rig Hotel) owns the property located at W355S8870 Godfrey Lane (shown below) and submitted an application to establish a second driveway pursuant to Section 500.605 of the zoning code. The proposed location is along the north lot line (red circle). There is an existing culvert at that location.

The subject property is about 6 acres and is located entirely in the Town's zoning jurisdiction. The property is classified as B-4 Mixed Business.



**Review procedure** As set forth in Section 500.313 of the zoning code, special exceptions are reviewed by both the Plan Commission and Town Board. The Commission is advisory and the Board makes the final decision.

**Review criteria** Section 500.314 of the zoning code enumerates various factors that must be considered. They are listed below.

- (1) the size of the property in comparison to other properties in the area;
- (2) the extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter (the zoning code);



- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception permit;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception permit was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception permit; and
- (8) any other factor that relates to the purposes of this chapter as set forth in s. 500.05 or as allowed by state law.

**Public notice** Property owners within 300 feet of the subject were notified of the petitioner's request via regular mail.

**Potential Plan Commission motion** Recommend approval of the second driveway in the proposed location, provided work on the first new storage building is started within 12 months of this date.



# Special Exception Application Town of Eagle (Waukesha County), Wisconsin

Version: January 17, 2020

Town of Eagle  
820 E. Main Street  
Eagle, WI 53119

**Overview:** Upon written petition, the Plan Commission may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in the zoning code. (See section 3 of this application for a listing). In making its decision, the Plan Commission must consider a variety of factors. General evaluation criteria apply to all special exceptions and special evaluation criteria may also apply.

**Governing regulations.** The procedures and standards governing the review of this application are found in Article 6 of the Town's zoning code.

**General instructions:** Complete this application and submit one copy to the Town Clerk along with the application fee noted below. Alternatively, you can submit your application online at <https://townofeagle.zoninghub.com>.

Before you formally submit your application, you may meet with the Town Planner who can answer any questions you may have. The Town Planner can also review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the Town Planner at (920) 728-2814 or via email at [tim.schwecke@civitekconsulting.com](mailto:tim.schwecke@civitekconsulting.com).

**Application fee:** \$50, plus charges for professional services consistent with the Town's chargeback policy; \$200 escrow deposit

**Application submittal deadline:** The Plan Commission and Town Board meet jointly, generally the first Monday of the month, to review certain types of development applications. This application must be submitted and determined to be complete by the Town Planner, no later than 30 days prior to the date established for the Plan Commission-Town Board meeting. Please contact the Town Planner to verify the deadline for a specific month.

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Applicant	Agent
Name	Robert Peterson dba DRR LLC	Daniel Glazewski, Architect
Street address	17225 Holly Lane	1506 S 58th street
City, state, zip code	Brookfield, WI 53045-4318	West Allis, WI 53214
Daytime telephone	(414) 416-3700	(414) 617-0352
Email address	bpetersonenterprises@hotmail.com	architect@thecustomhousellc.com

2. **Type of special exception.** Select the special exception(s) you are requesting.

- ☐ s. 500.536 Allow removal of a principal building, while retaining the accessory building
- ☐ s. 500.553 Allow a lot to deviate from the depth-to-width ratio
- ☐ s. 500.559 Allow spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings to exceed maximum building height
- ☐ s. 500.560(E) Allow lesser setback on corner lots
- ☐ s. 500.565 Allow an accessory building in front of the principal building
- ☒ s. 500.605 Allow a second driveway
- ☐ s. 500.623(B) Allow a lesser amount of decorative facing on side of building
- ☐ s. 500.623(B) Allow overhead doors to face a public street (Architectural Review)
- ☐ s. 500.635 Allow reduction in parcel size for intensive agriculture
- ☐ s. 500.674 Allow the use of other exterior building materials on a single-family residence
- ☐ s. 500.851 Allow taller fence for certain livestock
- ☐ s. 500.856 Allow a deviation from standards for a home occupation when operator has a temporary or permanent disability
- ☐ s. 500.873(D) Allow a free-standing solar energy system to extend into a setback when no other location on the parcel is acceptable
- ☐ s. 500.873(E) Allow a free-standing solar energy system to be located in the front yard when no other location on the parcel is acceptable
- ☐ Appendix B Allow an accessory building to exceed the stated maximum building height



**3. Subject property information**

Physical address W355 S8870 Godfrey Lane

Tax key number(s) EGLT- 1818999043 EGLT - 1818999047 EGLT - EGLT -

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Town Clerk.

Is the subject property currently in violation of the Town's zoning code as determined by the Zoning Administrator?

☐ No

☒ Yes

If yes, please explain.

Multiple driveways are proposed for the site

Comment: Pursuant to Section 500.106 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

☒ No

☐ Yes

If yes, please explain.

Comment: Pursuant to Section 500.107 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

**4. Zoning information.** The subject property is located in the following zoning district(s). (check all that apply)

☐ P-1 Public

☐ AP Agricultural land preservation

☐ B-2 Local business

☐ Q-1 Quarry

☐ RR Rural residential

☒ B-4 Mixed business

☐ C-1 Conservancy

☐ R-1 Residential

☐ M-1 Limited industrial

☐ UC Upland conservancy

☐ B-1 Neighborhood business

☐ M-2 General industrial

**5. Evaluation criteria** The factors listed below will be used in evaluating this application. Your responses are important.

1. The size of the property in comparison to other properties in the area.

This property is the combination of two (2) lots in the business park - therefor it is twice the size of a typical lot.

2. The extent to which the issuance of the special exception would be in keeping with the overall intent of the zoning code.

As a double lot, even with two driveways the limited number of access points per lot would be maintained.



3. Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception.

This storage facility is specifically designed for oversized vehicles - motor homes of up to 45 feet in length. The ability to reduce cross traffic by having two points of ingress and egress is essential. Additionally, the second point of ingress is a benefit to the fire department.

4. The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted.

None

5. The nature and extent of anticipated positive and negative effects on properties in the area.

None

6. Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception.

No actions required.

7. A factor specifically listed under a section of this chapter authorizing the issuance of a special exception.

None



8. Any other factor that relates to the purposes of this chapter set forth in s. 500.05 or as allowed by state law.

No

6. **Supplemental materials.** Attach the following to this application form.

1. A project map with the information listed in Appendix A of the zoning code.
2. Proposed construction plans (if applicable)

7. **Attachments.** List any attachments included with your application.

None - (already submitted)

8. **Other information.** You may provide any other information you feel is relevant to the review of your application.

9. **Applicant certification**

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Town's chargeback policy. The signed chargeback form is attached.
- I understand that submission of this application authorizes town officials, Plan Commission members, Town Board members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Applicant Signature(s):

Date:

Robert Peter

9-30-20