

The proposed building will be located behind the front face of the existing single-family residence. The property currently has two accessory buildings. The owner will be modifying the smallest one so it is 150

square feet or less. In that way, the proposed building will be considered the second accessory building.

So as to avoid a second access of May Forest Road, access to the accessory building should come off of the existing driveway.

Review procedure As set forth in Section 500.313 of the zoning code, special exceptions are reviewed by both the Plan Commission 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.

Imposition of conditions As set forth in Section 500.315 of the zoning code, the Plan Commission may recommend and the Town Board may impose conditions of approval deemed necessary to further the intent and purposes of the zoning code. With regard to this particular application, landscaping or screening of the proposed accessory building is a condition that could be imposed.

Public notice As required, property owners within 300 feet of the subject property were notified of the petitioner's request via regular mail.

Potential Plan Commission motion Recommend to the Town Board the approval of the special exception for the roof height for the proposed accessory building subject to the conditions set forth in the draft decision letter

Attachments

1. Application with building plans
2. Draft decision letter



Town of Eagle Decision Letter

Special Exception

Project: Detached Accessory Building
Applicant: Raef and Danielle Warzynski
Application Number: 2021-09; <https://s.zoninghub.com/FPRU9LJ0QH>
Location: S78W35254 May Forest Road
Parcel Number: EGLT1772002
Meeting(s): May 3, 2021
Decision Date: May 3, 2021
Final Decision: Approved

Authorized Signature: _____

Town Chairman

General Description Construction of an accessory building with an average roof height not to exceed 21 feet.

Terms and Conditions of Approval

1. Prior to any land-disturbing activity, the applicant must submit a zoning permit application to the Town and obtain approval of the same.
2. The property owner must obtain all required building permits within 18 months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
3. There are currently two accessory buildings exceeding 150 square feet. The smaller of the two must be made smaller prior to occupancy of the accessory building authorized herein.
4. No more than two accessory buildings (greater than 150 square feet) may be located on the subject property.
5. Access to the accessory building authorized herein must be off of the existing driveway. A second driveway off of May Forest Road will not be permitted.
6. The accessory building must be at least 33 feet off of the east lot line.
7. All work related to this project must comply with the plans approved by the Town.
8. The proposed accessory building must comply with the construction drawings submitted.
9. The exterior materials of the proposed building must comply with Sec. 500.854 of the zoning code.
10. The property owner will keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring properties.
11. The property owner agrees to abide by any private deed restrictions affecting the subject property, and any other state, federal, or local regulations.
12. The property owner is required to reimburse the Town for any and all fees paid by the Town for technical assistance in reviewing and enforcing this approval. Said payments shall be paid upon request of the Town. The Town Clerk's office shall provide the property owner with itemized invoices.

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.

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	Raef and Danielle Warzynski	
Street address	S78W35254 May Forest Road	
City, state, zip code	Eagle, WI 53119	
Daytime telephone	262-370-3626	
Email address	raef@eagletechnical.net	

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 S78W35254 May Forest Road, Eagle WI

Tax key number(s) EGLT- 1772002 EGLT - 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.

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)

- | | | |
|---|--|---|
| <input type="checkbox"/> P-1 Public | <input type="checkbox"/> AP Agricultural land preservation | <input type="checkbox"/> B-2 Local business |
| <input type="checkbox"/> Q-1 Quarry | <input checked="" type="checkbox"/> RR Rural residential | <input type="checkbox"/> B-4 Mixed business |
| <input type="checkbox"/> C-1 Conservancy | <input type="checkbox"/> R-1 Residential | <input type="checkbox"/> M-1 Limited industrial |
| <input checked="" type="checkbox"/> UC Upland conservancy | <input type="checkbox"/> B-1 Neighborhood business | <input type="checkbox"/> 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.

The smallest lot size in our subdivision is 3 acres and largest is 14 acres. Our lot is 5.4 acres.

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

The proposed 2 story building will compliment the two story home and two story animal barn that are currently on the lot.

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

Due to the terrain of the property and the location of the septic field, we are asking the board to consider the location of the building. As property owners, our preference would be to have the building's location moved towards the road frontage. We feel that the overall look of balance and ease of access would greatly improve with the building location being moved forward. The building back drop is wooded and with the curvature of the lot frontage, this location would not be noticed as being out of place.

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

No anticipated impacts would occur to either a neighbor or our natural environment due to exceeding the building height restrictions.

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

The additional property investment will increase the overall property assessment of our neighborhood.

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

All erosion, if any, will be controlled. Any unknown negative effects will be mitigated to the best of our ability.

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

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

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.

Recent property survey showing existing buildings and proposed building site.

Preliminary Building Drawings

Pictures of Building 1 and 2

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:

Raef Warzynski

4-06-2021

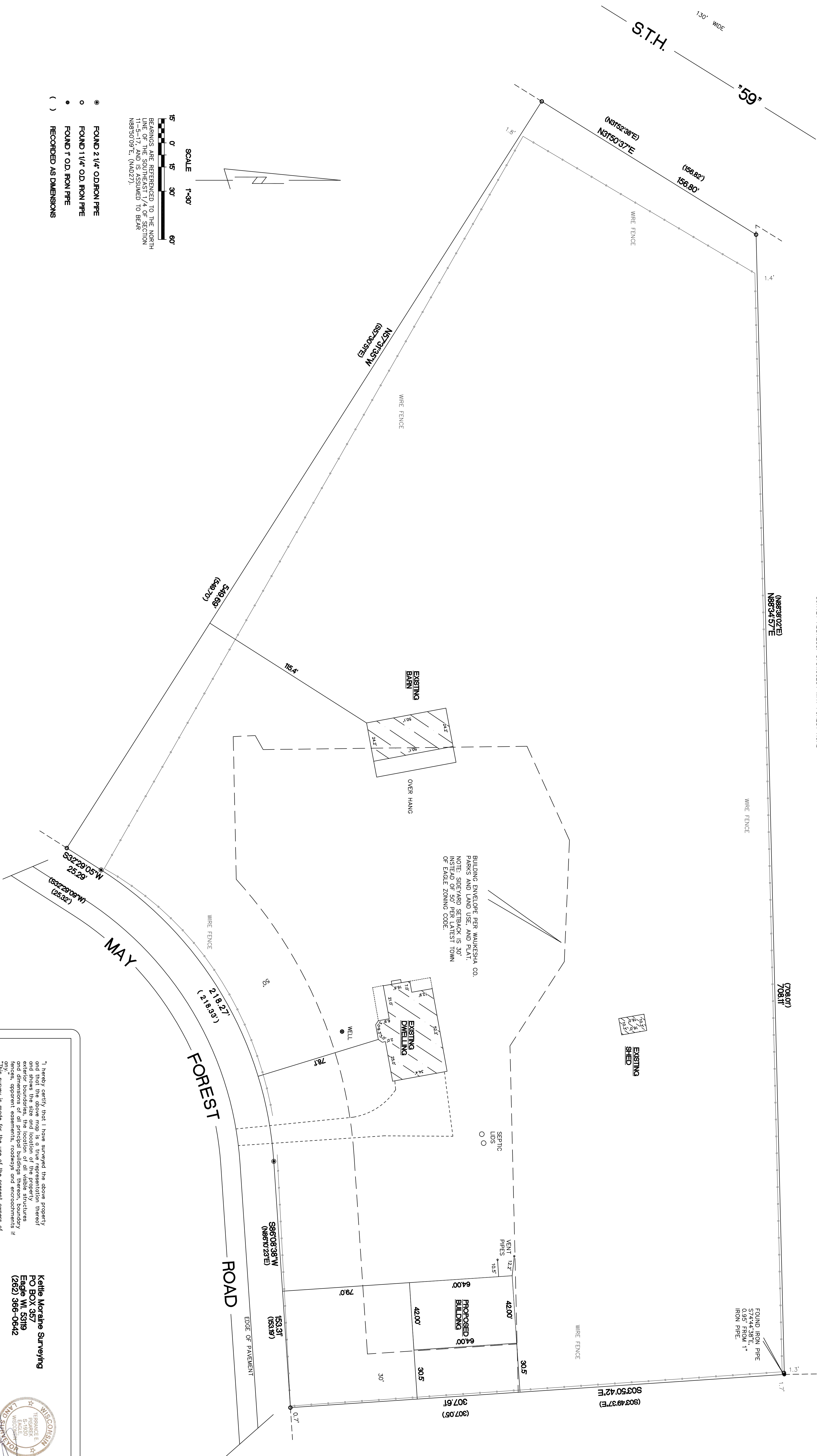

Danielle Kaebisch-Warzynski

4-06-2021

PLAT OF SURVEY

LOT 10, ENGLE PRairie FARMS ADDITION O. 1, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 17 EAST, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF ENGLE, WILKESHA COUNTY, WISCONSIN.

SURVEYED FOR: RAEF WARZYNSKI
SURVEY ADDRESS: 578W35254 MAY FOREST ROAD



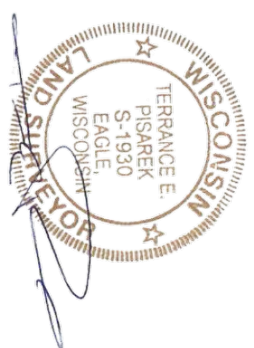
MEASURED CURVE DATA				
RADIUS	LENGTH	CHORD	BEARING	DELTA
233.00'	218.27'	210.37'	S59°20'12" W	53°40'23"
RECORDED CURVE DATA				
RADIUS	LENGTH	CHORD	BEARING	DELTA
233.00'	218.33'	210.43'	N59°19'46" E	53°41'14"

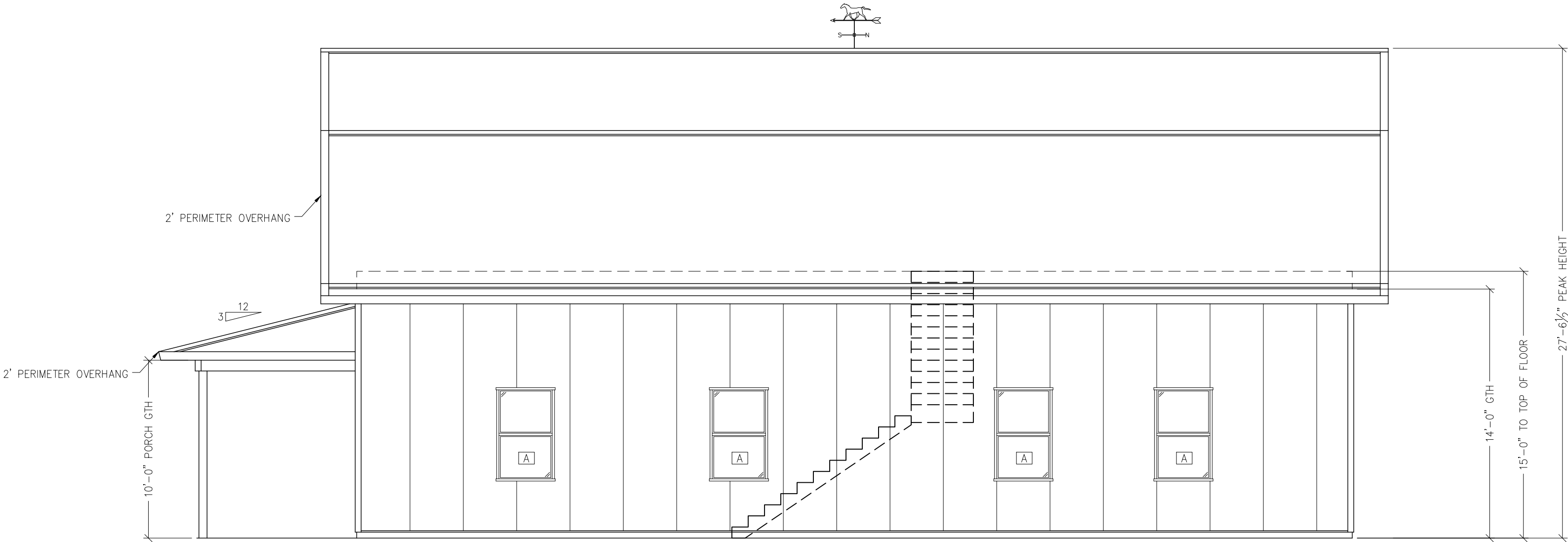
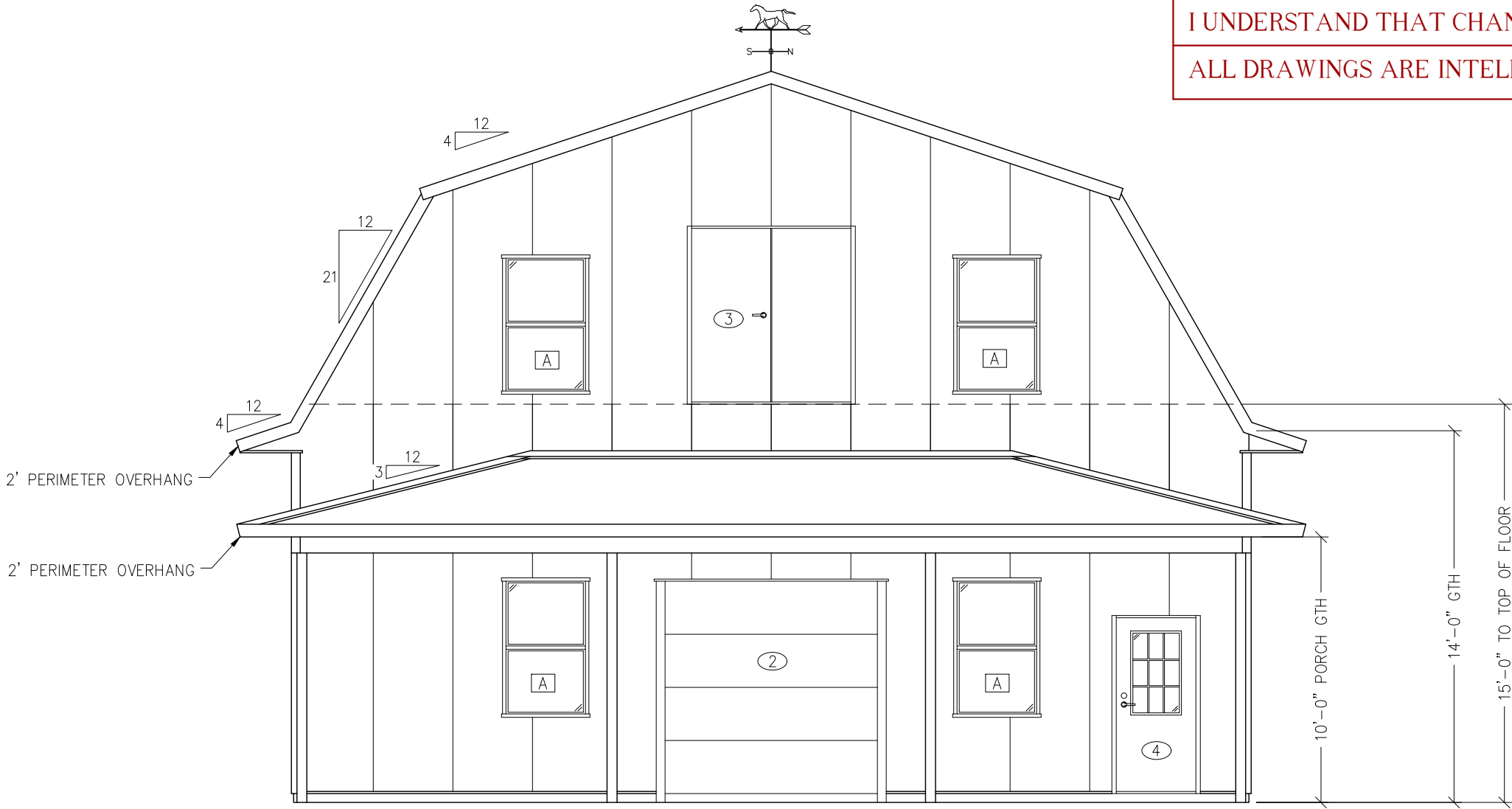
¹ I hereby certify that I have surveyed the above property and that the above map is a true representation thereof and shows the size and location of the property exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, adjacent assessments, roadway and encroachments if any.

This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or otherwise dispose of the property, and I will not be held responsible for the title therein within one year from date hereof.

Kettle Moraine Surveying
PO BOX 357
Eagle WI. 53119
(262) 366-0642

THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.





I HAVE REVIEWED THE PRELIMINARY DRAWINGS.

CUSTOMER SIGNATURE:

DATE:

I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS

ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE

TAG	TYPE	QUANTITY
①	18'-0"x12'-0" OVERHEAD DOOR OPENING	2
②	8'-0"x8'-0" OVERHEAD DOOR OPENING	1
③	6'-0"x6'-8" WALKDOOR FRAMED OPENING w/ LEVER HANDLE LOCKSET	1
④	3'-0"x6'-8" WALKDOOR FRAMED OPENING w. LEVER HANDLE LOCKSET & DEADBOLT	1
A	3'-0"x5'-0" DOUBLE HUNG WINDOW	13



Walters
Buildings

Jack Walters & Sons, Corp.
P.O. Box 388
6600 Midland Ct.
Allenton, WI 53002
1-800-558-7800
www.waltersbuildings.com

REVISIONS:

OWNER:
RAEF
WARZYNSKI

PROJECT:
BARN

LOCATION:
EAGLE, WI
WALWORTH CO.

SALES REP / DEALER:
CHAD OLSON

DRAWN BY:
JOHN SCHNEIDER JR

ESTIMATED BY:

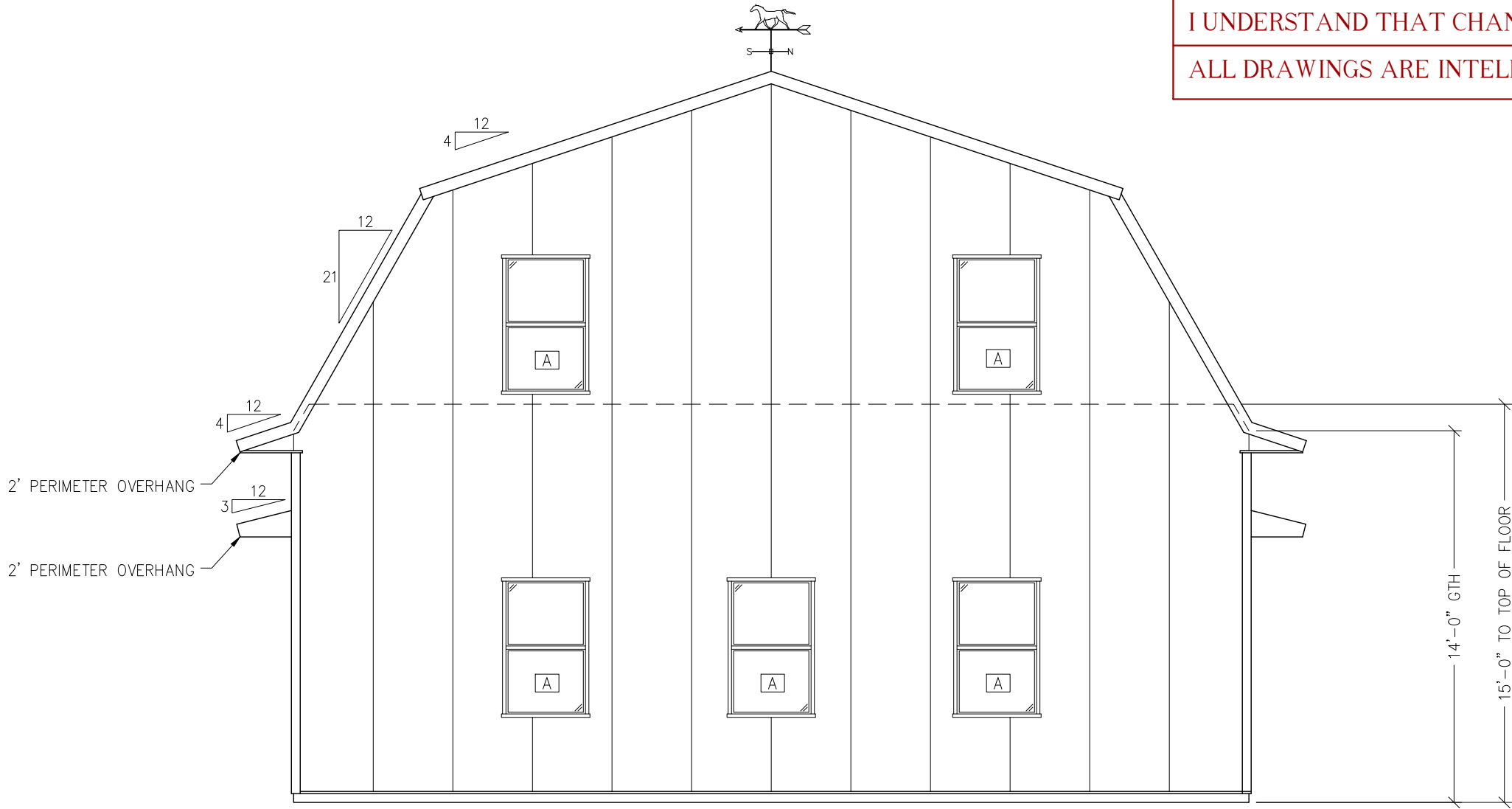
LAST SAVED BY:
SCHNE ON: 4/6/2021

SCALE:
AS NOTED

JOB NUMBER:
P94-066

SHEET NUMBER:

A2



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RAEF
WARZYNSKI

PROJECT:
BARN

LOCATION:
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WALWORTH CO.

SALES REP / DEALER:
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DRAWN BY:
JOHN SCHNEIDER JR

ESTIMATED BY:

LAST SAVED BY:
SCHNE ON: 4/6/2021

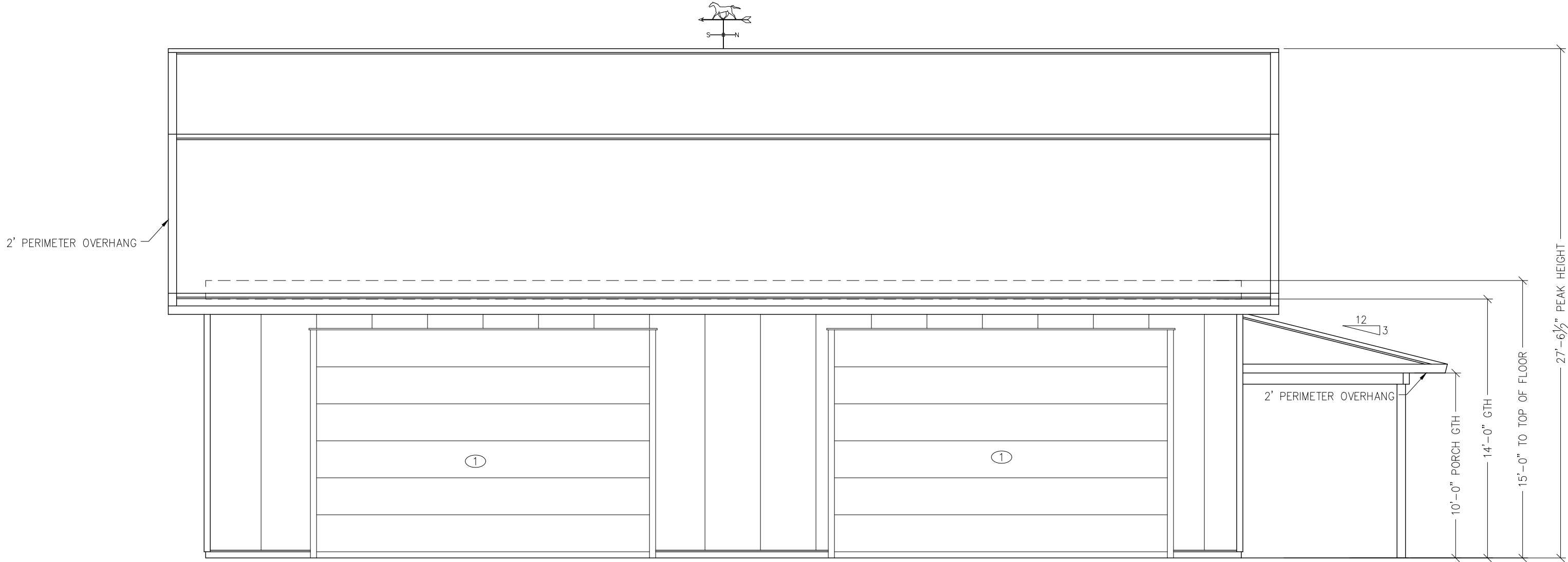
SCALE:

AS NOTED

JOB NUMBER:
P94-066

SHEET NUMBER:

A2.1




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JOHN SCHNEIDER JR

ESTIMATED BY:

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SCALE:

AS NOTED

JOB NUMBER:
P94-066

SHEET NUMBER:

A3

