

Date: March 27, 2023

To: Town of Eagle Plan Commission and Town Board

From: Tim Schwecke, Town Planner

Subject: Special exception for second driveway located at W377S10670 Betts Road (EGLT1858996) pursuant to s. 500.605 of the zoning code

Applicant: Chad and Staci Williams

Application: 2023-03; <https://s.zoninghub.com/8MV74SJZBY>

Meeting: March 30, 2023 Plan Commission and Town Board meeting

General description Chad and Staci Williams own the property located at W377S10670 Betts Road and submitted an application to establish a second driveway pursuant to Section 500.605 of the zoning code.

The existing driveway is about 77 feet from the south lot line. The second driveway would be about 70 feet from the north lot line. The distance between the driveways (center to center) is about 142 feet.

Map of Subject Property



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.

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

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.

Potential Plan Commission motion for approval Recommend to the Town Board the approval of the second access drive off of Betts Road, provided the property owner obtains an access permit from the Town's Road Supervisor and installs a metal culvert consistent with that approval, if so required. This approval will automatically become null and void if a culvert is not installed, if so required, by **August 15, 2023**. (date to be verified by person making the motion)

Attachments

1. Application materials

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	<u>Chad Williams</u>	
Street address	<u>W 377 S 10670 BETHS RD.</u>	
City, state, zip code	<u>Eagle WI 53119</u>	
Daytime telephone	<u>262-470-3056</u>	
Email address	<u>Chad@Theglasiguys.com</u>	

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 _____

Tax key number(s) EGLT- 1858996 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 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.

3.25 Acres Similar To all Subdividing Lots

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

N/A

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

To pull Trailers in & out of property
without having to drive on grass & Rm up yard
Trailers = Horse, motorcycle

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

N/A

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

Positive Not Destroying my yard
Negative = None

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

N/A NO Negative effects foreseen

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

N/A

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

N/A

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.

1 - Survey

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

As drawing indicates on Seaboy Driveway will
go from East to West, starting from building

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:

Chad Wether

2.28.23

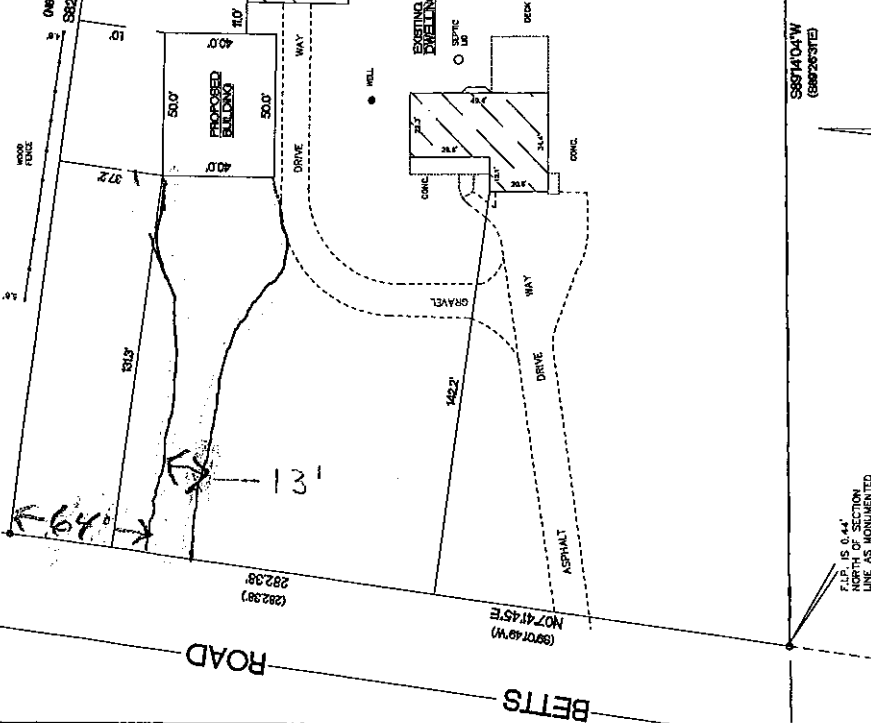
PLAT OF SURVEY

LOT 1 OF CERTIFIED SURVEY MAP NO. 9718, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN ON NOVEMBER 1, 1978, IN VOLUME 20 OF CERTIFIED SURVEY MAPS RECORDED ON SEPTEMBER 30, 1978, NO. 973004, BEING A REDIVISION OF PART OF CERTIFIED SURVEY MAP NO. 2718, RECORDED ON SEPTEMBER 30, 1978, IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 50 AS DOCUMENT NO. 969330, ALL BEING A PART OF THE WAUKESHA COUNTY, WISCONSIN, BEING A PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

SURVEYED FOR: CHAO WILLIAMS

SURVEY ADDRESS: W372510670 BETTS ROAD

08072517W
S827752E



SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 33-5-17

S8874104W
(8897253E)

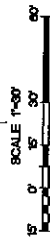
613.39'
(613.57')

F.L.P. IS 0.44'
NORTH OF SECTION
LINE AS MONUMENTED

F.L.P. IS 0.10'
NORTH OF SECTION
LINE AS MONUMENTED

- FOUND 6" CONC. MON. W/BRASS CAP
- FOUND 1 1/4" O.D. IRON PIPE
- () RECORDED AS DIMENSIONS

3.24 ACRES



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 33-5-17 AND IS ASSUMED TO BEAT N074100 E. (N065).

Kettle Moraine Surveying Inc.
P.O. BOX 357
WISCONSIN
53190
(608) 884-0484

1. I hereby certify that I have surveyed the above property and shown the same and location of all buildings, structures, and improvements on the plat of this survey, and that the same are in accordance with the laws of the State of Wisconsin, and that the same are in accordance with the laws of the State of Wisconsin, and that the same are in accordance with the laws of the State of Wisconsin.

DATE: 3/6/2022
DRAWN BY: [Signature]
FIELD BOOK: 17
SHEET: 2003
JOB NUMBER: [Signature]

THIS IS NOT AN ORIGINAL SURVEY UNLESS IT BEAR THE SIGNATURE OF THE SURVEYOR.