

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

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

Version: January 17, 2020

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 tjm.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	William Dingel	Attorney John M. Murphy
Street address	W372 S9944 St. Rd. 67	P.O. Box 710
City, state, zip code	Eagle, WI 53119	Eikhorn, WI 53121
Daytime telephone	(414)651-5523	(262)723-7040
Email address	wdingel@wi.rr.com	murphy@leeceandphillips.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 W372 S9944 State Rd. 67, Eagle, WI 53119

Tax key number(s) EGLT- 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.

The subject property is 8.39 acres. Surrounding properties are all multiple acre properties, ranging in size from 3.6 acres to Hickory View Farms, which is more than 40 acres.

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

RR zoning is for single family residential and limited agricultural use. Allowing this accessory building to be built would be consistent with the uses provided for in the zoning code. While the Dingel family does not engage in commercial farming, the building would be used for agricultural purposes, such as storing tools used for gardening, yard maintenance and other tools. Also, the building would be located in a pasture area of the property. Mr. Dingel intends to use the building to house livestock in the future. Mr. Dingel is a hobby farmer. He has a garden and chickens on the premises. If Mr. Dingel were a commercial farmer, he would not need a special exception to build this building. The zoning code provides exceptions for the location and size limitations if the accessory building is for agricultural use. For all intents and purposes this building would be for such use.

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

The yard facing State Road 67 on this property is the side yard of the property. The home faces a shared driveway and sits well off of the road. The side yard is essentially pasture and is multiple acres. The land is relatively flat. The back yard of the property is quite hilly. Building an accessory building behind the would require substantial excavation, which would disturb the natural environment substantially more than building the accessory building in the side yard/pasture.

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

There would be little impact on the natural environment if the accessory building was built as planned.

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

There would be no negative effect on the properties in the area. There are a number of properties in the Town of Eagle along State Rd. 67 that have large accessory buildings or barns in front of the homes near State Rd. 67. Further, allowing the accessory building would enhance the rural nature of the surrounding area, as the building would essentially be used for agricultural purposes.

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

There are no negative effects to be mitigated.

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

[Empty response box for question 7]

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

The subject property is zone RR (Rural Residential), which allows for "limited agricultural use." Allowing this accessory building would be consistent with the limited agricultural use allowed in RR zoned properties. Further, accessory building for agricultural uses are specifically exempt from the requirement in the Town of Eagle Zoning Code, §500.565, requirement that accessory buildings be "located behind the most recessed portion of the front face." Additionally, the height restriction for an agricultural accessory building on RR property is 60 feet. The planned building, while taller than the 16 ft restriction, is significantly smaller than the 60 foot restriction for an accessory building used for agricultural purposes.

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.

Attached are the building plans submitted to Mr. Dingel by the builder.

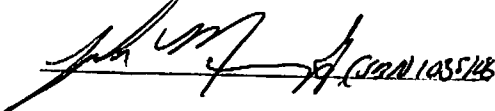
8. Other information. You may provide any other information you feel is relevant to the review of your application.

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.

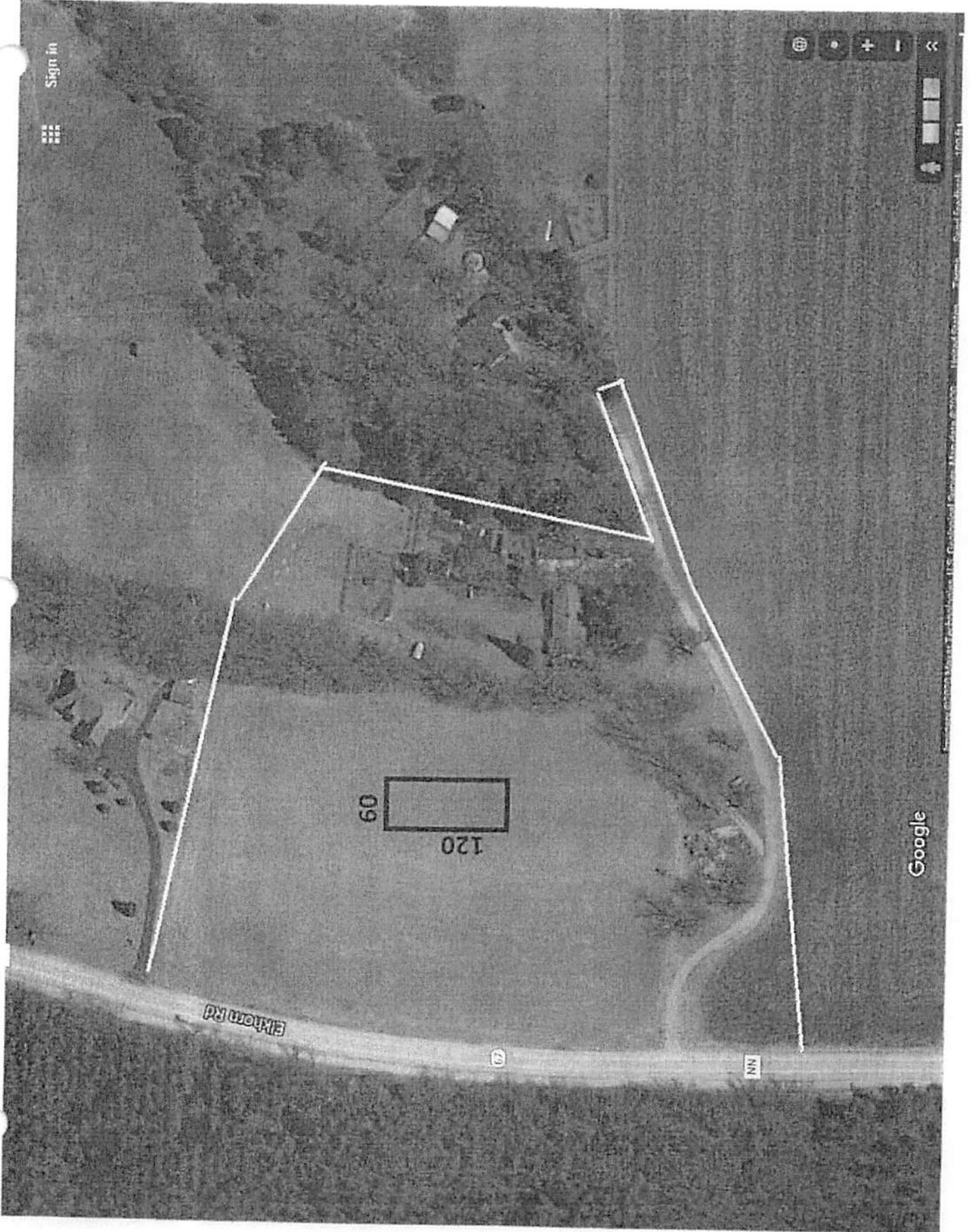
Applicant Signature(s):

Date:


Attorney for William Dingel

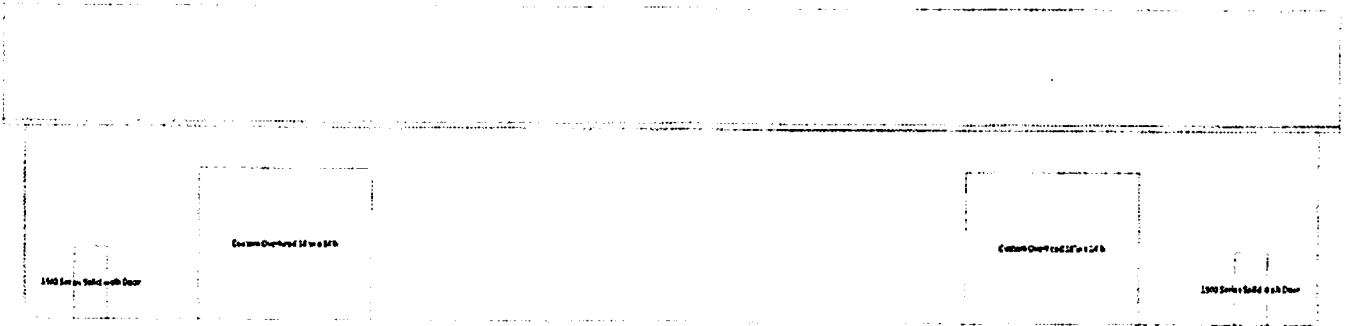
12/05/24

Attorney for William Dingel



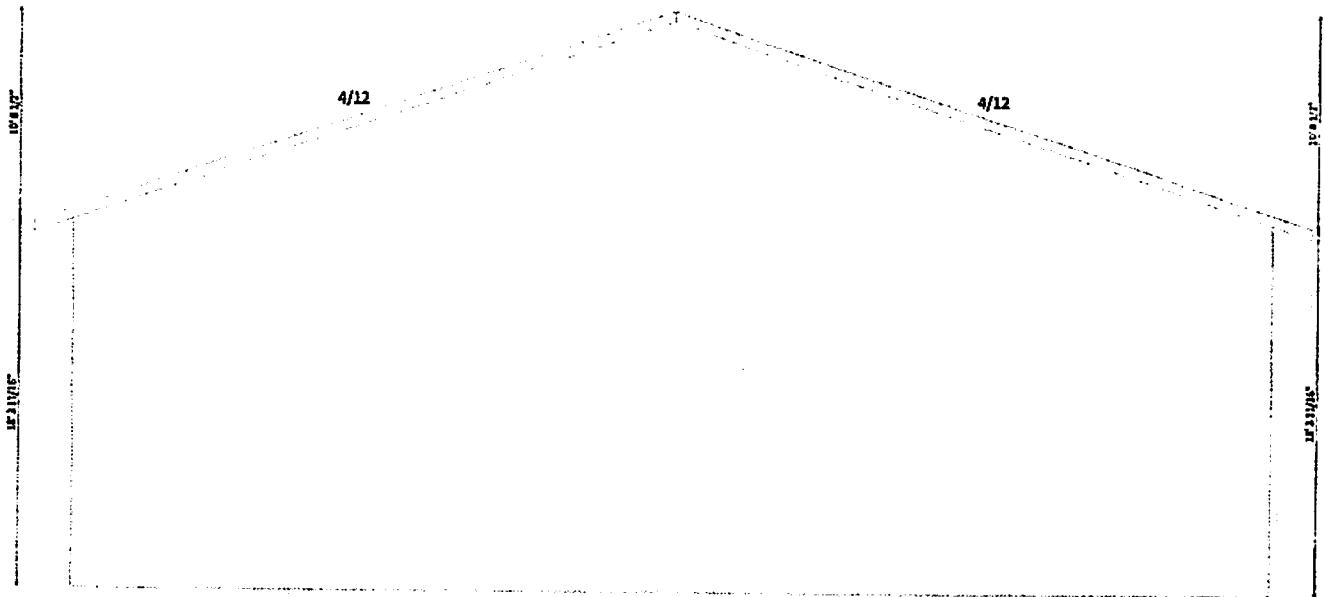
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Date: 6/6/2024
Time: 8:25 PM

Left Elevation



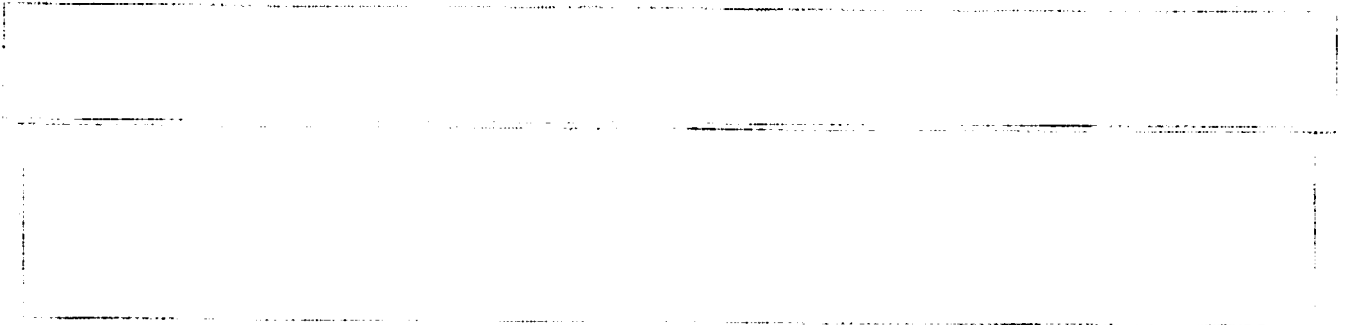
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Front Elevation



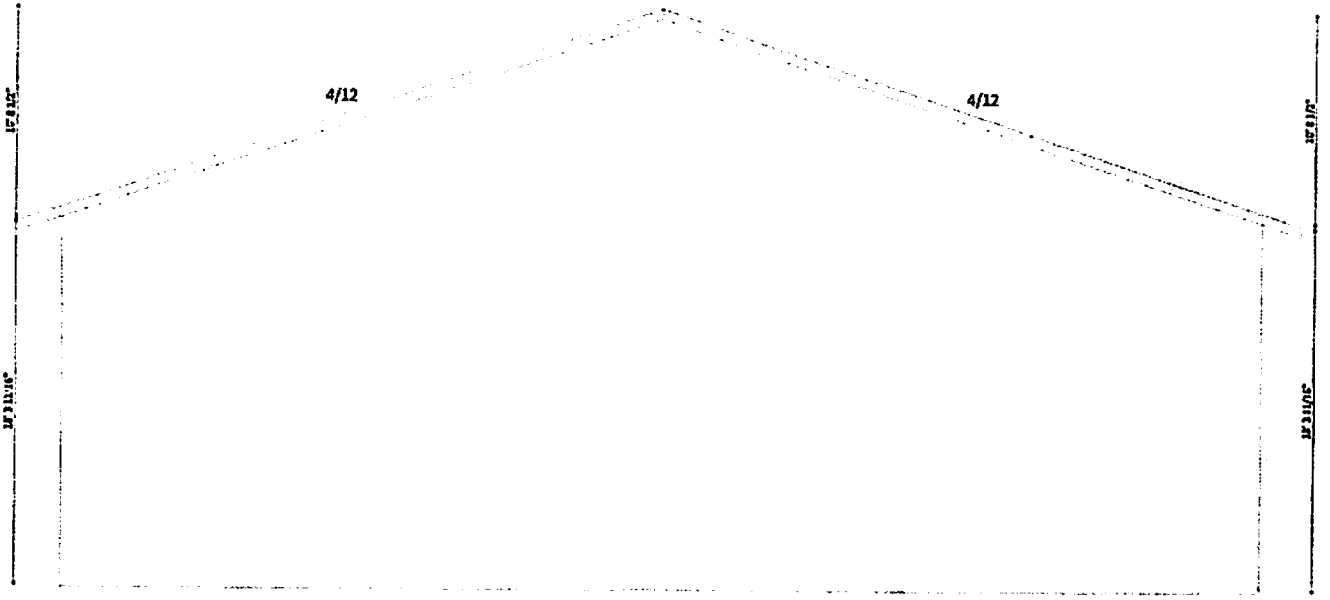
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Right Elevation

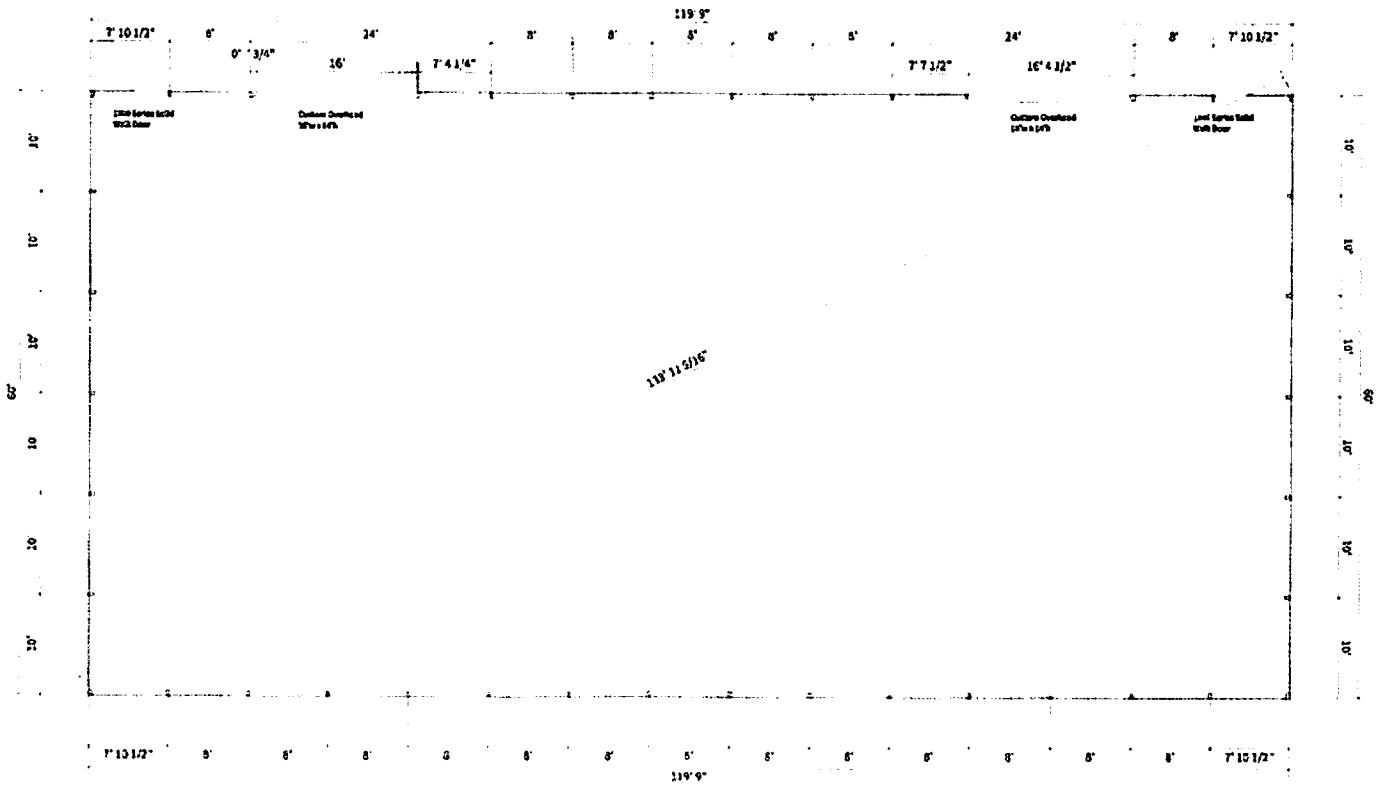


Job: Bill Dangel
Date: 6/5/2024
Time: 8:25 PM

Back Elevation



Post Layout



Job: Bill Dingel
Date: 6/5/2024
Time: 8:25 PM

Cross Section - EXT-1

ROOF MATERIAL: Textured Charcoal 29 GA AG Panel

PURLINS: 2x4 On Edge
SUBFASCIA: 2x6
FASCIA: Fascia
SOFFIT: soffit 18"

WALL MATERIAL: Rural Red 29 GA AG Panel
WAINSCOT MATERIAL: Charcoal 29 GA AG Panel

TOP OF WALL: F & J

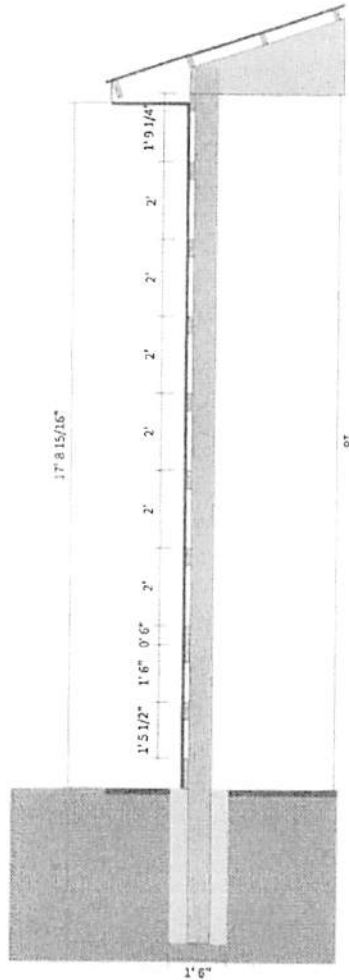
EXTERIOR CARRIER: 2x6

EXTERIOR WALL GIRTS: 2x6

CORNER POSTS: 3 Ply 2x8
INTERMEDIATE POSTS: 3 Ply 2x8

EXTERIOR SKIRT BOARD: 2x10 GT
BOTTOM IS AT GRADE

SIDING BEGINS 0' ABOVE GRADE



4/12 TRUSS SYSTEM
HEEL HEIGHT: 0' 8"
TRUSS SPACING: 96 IN. O. C.

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS
TRUSS LOADING: 21-4-4

FOUNDATION NOTES:
POST HOLE: 4' X 1' 6" DIAMETER
FASTENER: (none)
BASE: 6"x16" Concrete footing pads
UPLIFT: Green Treated Anchor Block

Job: Bill Dingel
Date: 6/6/2024
Time: 8:25 PM

Cross Section - EXT-3

ROOF MATERIAL: Textured Charcoal 29 GA AG Panel

PURLINS: 2x4 On Edge
SUBFASCIA: 2x6
FASCIA: Fascia
SOFFIT: soffit 18"

WALL MATERIAL: Rural Red 29 GA AG Panel
WAINSCOT MATERIAL: Charcoal 29 GA AG Panel

TOP OF WALL: F & J

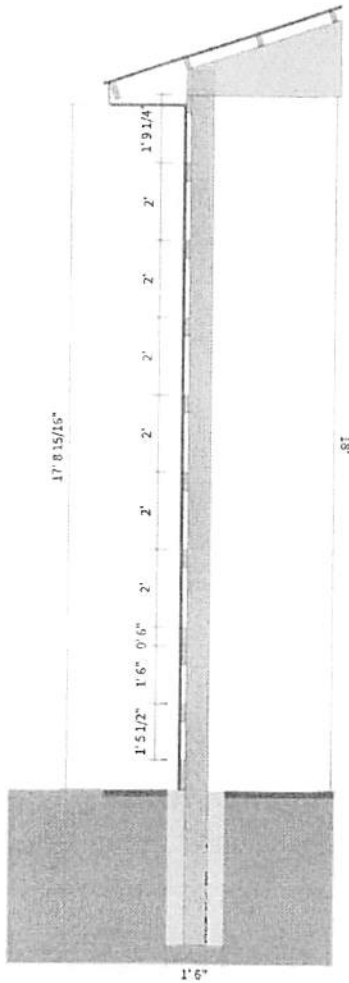
EXTERIOR CARRIER: 2x6

EXTERIOR WALL GIRTS: 2x6

CORNER POSTS: 3 Ply 2x8
INTERMEDIATE POSTS: 3 Ply 2x8

EXTERIOR SKIRT BOARD: 2x10 GT
BOTTOM IS AT GRADE

SIDING BEGINS 0' ABOVE GRADE



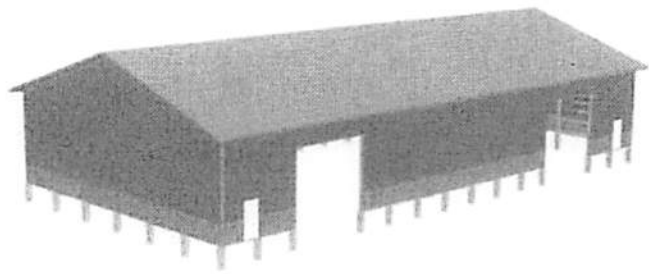
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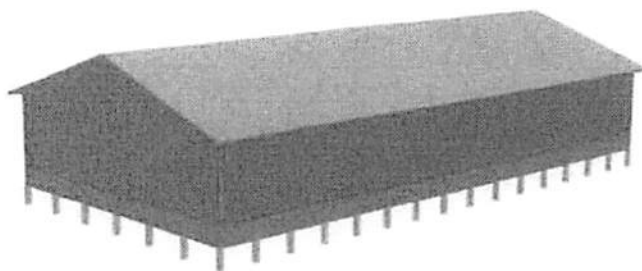
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Iso 1



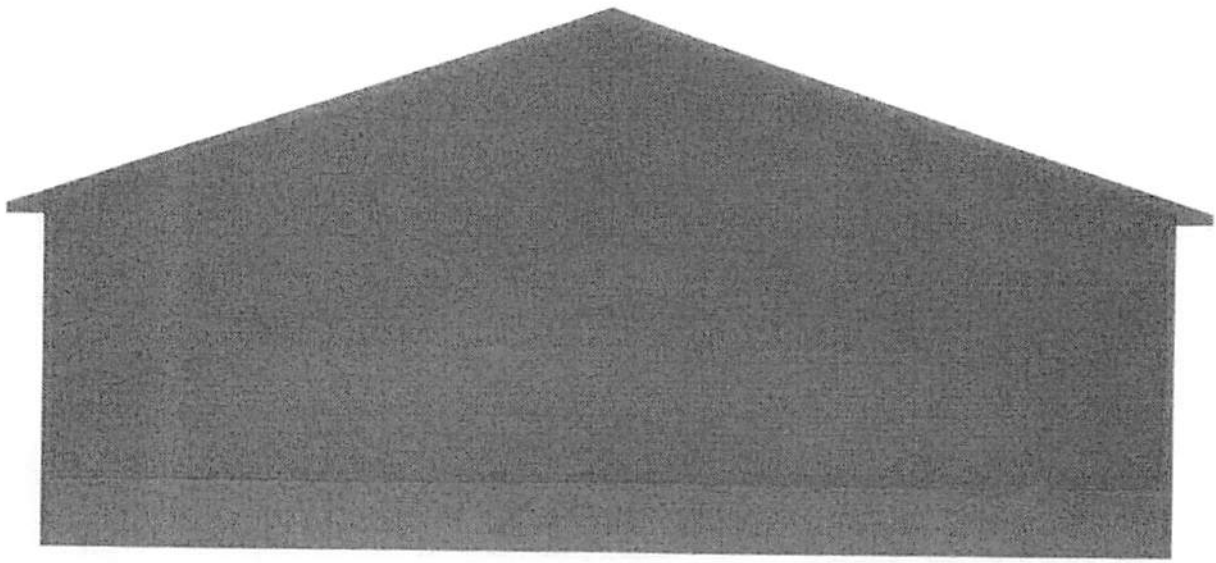
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Iso 2



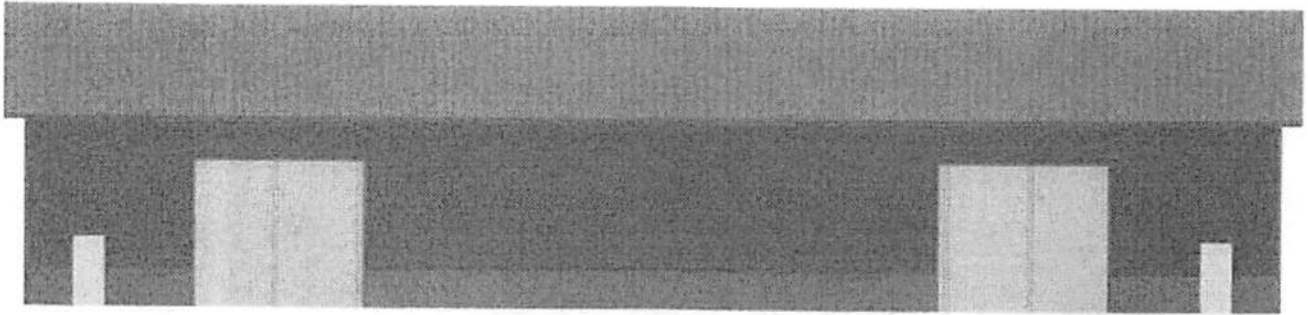
Job: Bill Dingel
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Time: 8:25 PM

Front Elevation



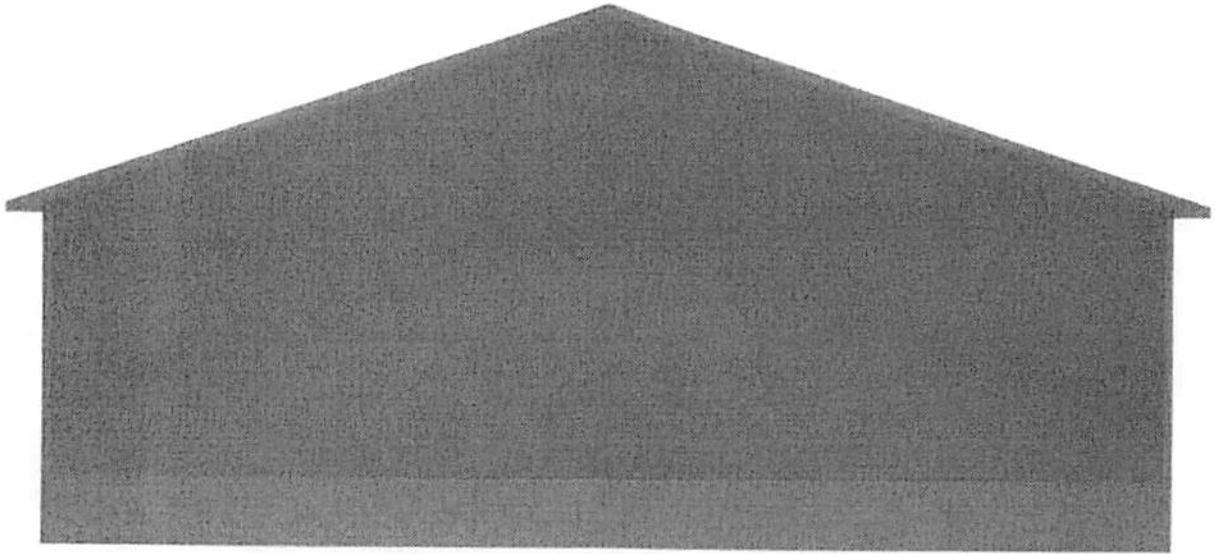
Job: Bill Dingel
Date: 6/6/2024
Time: 8:25 PM

Left Elevation



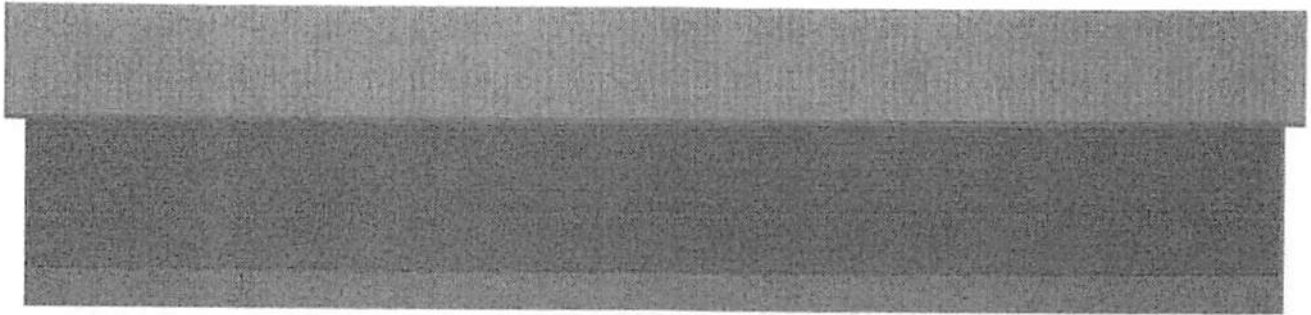
Job: Bill Dingel
Date: 6/6/2024
Time: 8:25 PM

Back Elevation



Job: Bill Dingel
Date: 6/6/2024
Time: 8:25 PM

Right Elevation





TOWN OF EAGLE PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

PLEASE READ AND SIGN THE FOLLOWING NOTICE:

As set forth in Ordinance 07-04, as amended, the Town of Eagle has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, Town Building Inspector or any other of the Town's professional staff results in a charge to the Town for that professional's time and services, and such services is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. Also, pursuant to the Town of Eagle Ordinance, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved, and that any unpaid charges may be assigned by the Town as a special assessment or special charge to the subject property as allowed by state law.

I/we, the undersigned, have been advised that, pursuant to the Town of Eagle, if the Town Planner, Town Engineer, Town Attorney, Town Building Inspector or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town even if my/our request is not approved. In addition, I/we have been advised that pursuant to the Town of Eagle, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved.

You will receive your first bill once charges are incurred or your issue is closed. Bills will be sent as charges become available so you are kept up to date regarding your current charges.

PLEASE PRINT LEGIBLY

Name & Mailing Address of the Property Owner:

William Dingel, W372 S9944 State Rd. 67, Eagle, WI 53119

Phone (414)651-5523

Name & Address of Petitioner/Responsible Party for Billing (if different from above):

Phone

Tax Key No. of the Property Involved in the Request: EGLT 1840999009

Special Exception

Request for:

Name of Business:

Signature of Property Owner and/or Responsible Party:

Owner

Phone (414)651-5523 Date

E-Mail Address wdingel@wi.rr.com

Petitioner

Phone Date

E-Mail Address

Signature of Witness and Date

Signature of Town Official and Date

A copy of this completed form shall be provided to the Town Clerk for billing purposes.