

Date: April 7, 2025

To: Town of Eagle Planning and Zoning Commission

From: Rebekah Leto, AICP, Town Planner

Subject: Special Exception to exceed the maximum accessory building height for a pole building at W372 S9944 STH 67 (EGLT 1840.999.009); William Dingel (Owner), Attorney John Murphy (applicant)

Application: 2025-01a; <https://s.zoninghub.com/BIXIF2JB0V>

On March 3, 2025, the Planning and Zoning Commission reviewed and recommended conditional approval of a request for a 60 ft. x 120 ft. (7,200 sq. ft.) accessory building to be constructed in front of the most recessed portion of the front face of the principal residence (i.e. face of the building closest to the street). On March 19, 2025, the Town Board **approved** the request, subject to several conditions, noted below.

Upon detailed review of the zoning permit application, it was determined that the accessory building also needed a Special Exception from the Maximum Height Provisions for a non-farm accessory building. The proposed use of this building is partially agricultural (storage of livestock, chicken coop, tractors and equipment to maintain property) and partially for personal storage (boats, trailers, wood storage, etc.). As some of the storage is personal, the petitioner is seeking the Special Exception. In the application materials, the petitioner indicated that the building would contain horse stalls and would store feed and hay bales above the horse stalls. A grain bin is also proposed within the building, which is approximately 14 ft. tall. The 18 ft. side walls allow for the clearance necessary to get the auger over the top to fill the grain bin. These factors require more height than what is permitted for a non-agricultural building.

Chapter 500 indicates that the Town Board, following a recommendation from the Planning and Zoning Commission, may grant a special exception to exceed the stated maximum height provided that the building setback is increased one foot for each additional foot in height, up to a maximum of 10 additional feet. The plan commission may require screening to break up the view of the accessory building from adjacent properties or from public road.

	Proposed	Required
Mean Height	23.66 ft.	18 ft.
Offset (N)	226.1 ft.	36.29 ft
Offset (E)	284.38 ft.	36.29 ft
Offset (S)	281 ft.	36.29 ft
Road Setback	227.2 ft.	56.29 ft.

In the granting of a Special Exception, the following factors must be considered:

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.
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.
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.

Staff Recommendation

It is recommended that the Planning and Zoning Commission recommend to the Town Board **conditional approval** to exceed the maximum height permitted for a non-farm accessory building, subject to the conditions below. The person making this motion should refer to the criteria listed above as discussed by the Plan Commission. The analysis as noted in the staff report may also be used as the justification, in which the Plan Commission may, or may not, expand upon based on the discussion.

Recommended Conditions

1. All conditions of application 2025-01 to permit the accessory building in front of the principal structure shall be complied with. *These conditions are noted below for reference.*
2. The mean height shall not exceed 24.29 feet, as proposed.

Prior conditions of approval (note italics are updates on the conditions)

1. The color of the accessory building shall be limited to colors predominantly found in the natural environment (brown, dark green, etc.).
2. The accessory building be located as close as practicable to the existing treeline near the residence.
3. Vegetative screening consisting of arborvitae or similar evergreen trees or bushes, that have a faster growth rate shall be planted either on/near the north lot line, or between the north lot line and the building, for a section of at least 150 ft. in a location that will shield the proposed building from the adjacent residential home (to the north). Species to consider include American Arborvitae, Norway Spruce and Eastern White Pine. The proposed treeline shall be marked on an updated Plat of Survey with appropriate spacing to allow for full growth of the trees. The trees shall be a minimum of 3-4 ft. in height at the time of planting. The trees shall be planted within six months of a Zoning Permit being issued, or within 60 days of Occupancy, whichever occurs first. The vegetation shall be replaced if they die. *The property owner has planted a mix of white spruce and Norwegian spruce along the north lot line, with approximately 50 additional trees on order to be planted on the property, including Black Spruce, Arborvitae and White Spruce.*
- ~~4. An updated Plat of Survey shall be required that shows all existing and proposed improvements on the subject property, prior to the issuance of a Zoning Permit. A Plat of Survey was submitted at the March 3 PZC meeting and was included as a condition below.~~
5. A Zoning Permit shall be obtained for the approved building within six months of the date of approval of the Town Board. *A Zoning Permit has been applied for and is pending approval.*
6. The owner must obtain a Special Exception from the Town Board, after recommendation from the Plan Commission, from the maximum accessory height provisions of the Ordinance or the proposed building must be modified to meet the height requirements (maximum 18 ft. mean height), prior to a Zoning Permit being issued. *A Special Exception is being sought.*

7. The storage of trailers, tractors, wood and other materials currently stored outside on the property shall be stored inside the proposed building. The chicken coop trailer must be stored inside or removed from the property within 30 days of occupancy of the new structure.
8. All outside lights on the proposed building shall be downcast, shielded lights that are motion activated to help reduce glare and light pollution.
9. The location of the proposed building shall be substantially compliant with the location shown on the Plat of Survey with a revision date of 2/26/2025.

Analysis

The property is over eight acres and one of the larger parcels of the surrounding area. The location of the proposed building meets the increased offset and setback requirements for a building proposed to exceed the mean height maximum. The petitioner has begun establishing a treeline along the north property line, with plans for additional conifer trees to be planted throughout the property for screening and aesthetics. In addition, the petitioner has indicated his desire for animals on the property, including sheep, horses and chickens. The application materials have demonstrated that much of the building will be utilized for agricultural storage purposes. The maximum height permitted for an agricultural building is 60 ft. and this buildings height is approximately 24 ft. The approval is in keeping with the intent of Chapter 500. The conditions of approval of the Special Exception will help to mitigate any potential effects on neighboring properties.

Attachments: Exhibit A – Plat of Survey dated 2/26/25
Exhibit B – Building plan elevations

S89°37'18"W 1523.86'
NORTHWEST CORNER OF
THE SOUTHEAST 1/4 OF
SECTION 28-5-17

S89°37'18"W 1104.19'
NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28-5-17

NORTHEAST CORNER OF
THE SOUTHEAST 1/4 OF
SECTION 28-5-17

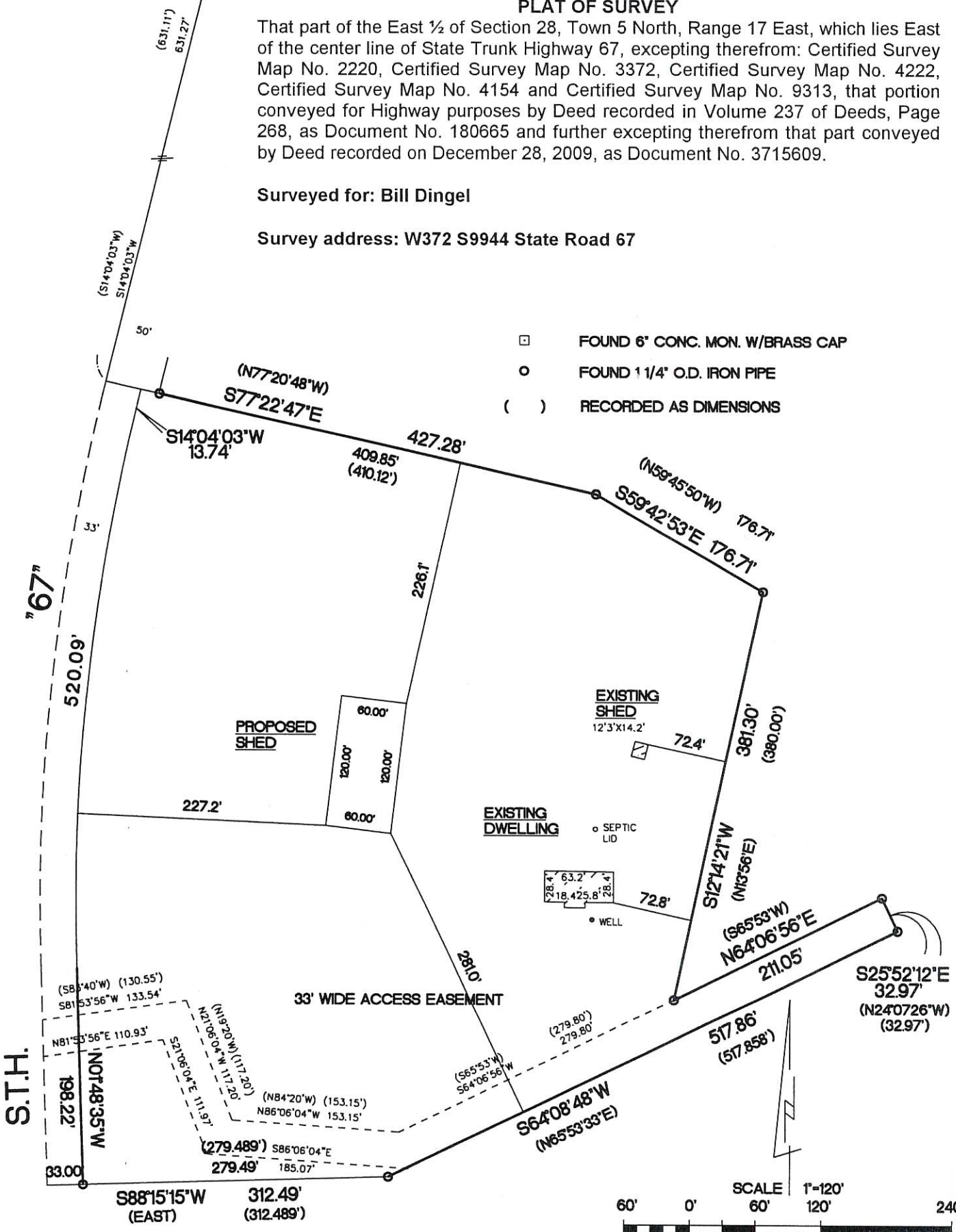
PLAT OF SURVEY

That part of the East 1/2 of Section 28, Town 5 North, Range 17 East, which lies East of the center line of State Trunk Highway 67, excepting therefrom: Certified Survey Map No. 2220, Certified Survey Map No. 3372, Certified Survey Map No. 4222, Certified Survey Map No. 4154 and Certified Survey Map No. 9313, that portion conveyed for Highway purposes by Deed recorded in Volume 237 of Deeds, Page 268, as Document No. 180665 and further excepting therefrom that part conveyed by Deed recorded on December 28, 2009, as Document No. 3715609.

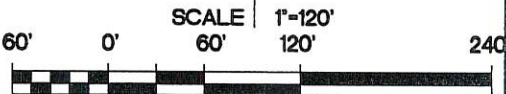
Surveyed for: Bill Dingel

Survey address: W372 S9944 State Road 67

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



RADIUS	LENGTH	CHORD	BEARING	DELTA
1876.86'	520.09'	518.43'	N06°07'44"E	15°52'38"



BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28-5-17 AND IS ASSUMED TO BEAR S89°37'18"W, (NAD27).
8.38 ACRES EXCL. 1.18 AC R/W

"I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways 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 guarantee the title thereto within one year from date hereof."

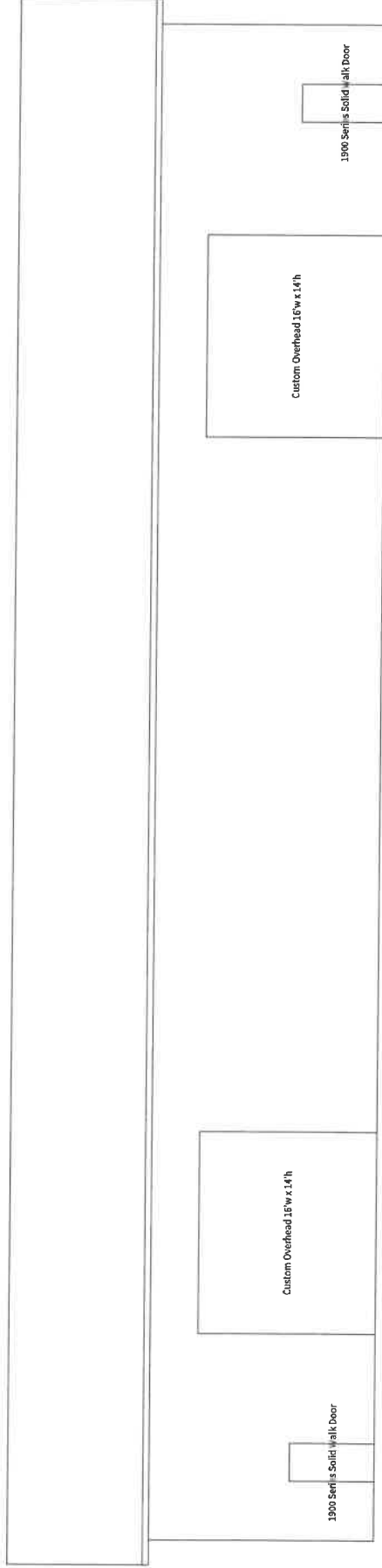
KETTLE MORAINES SURVEYING INC.
S75 W36245 Wilton Road
Eagle Wisconsin 53119
P.O. Box 357
(262) 594-3484
kettlemorainesurvey.com
Terrance E. Pisarek P.L.S.



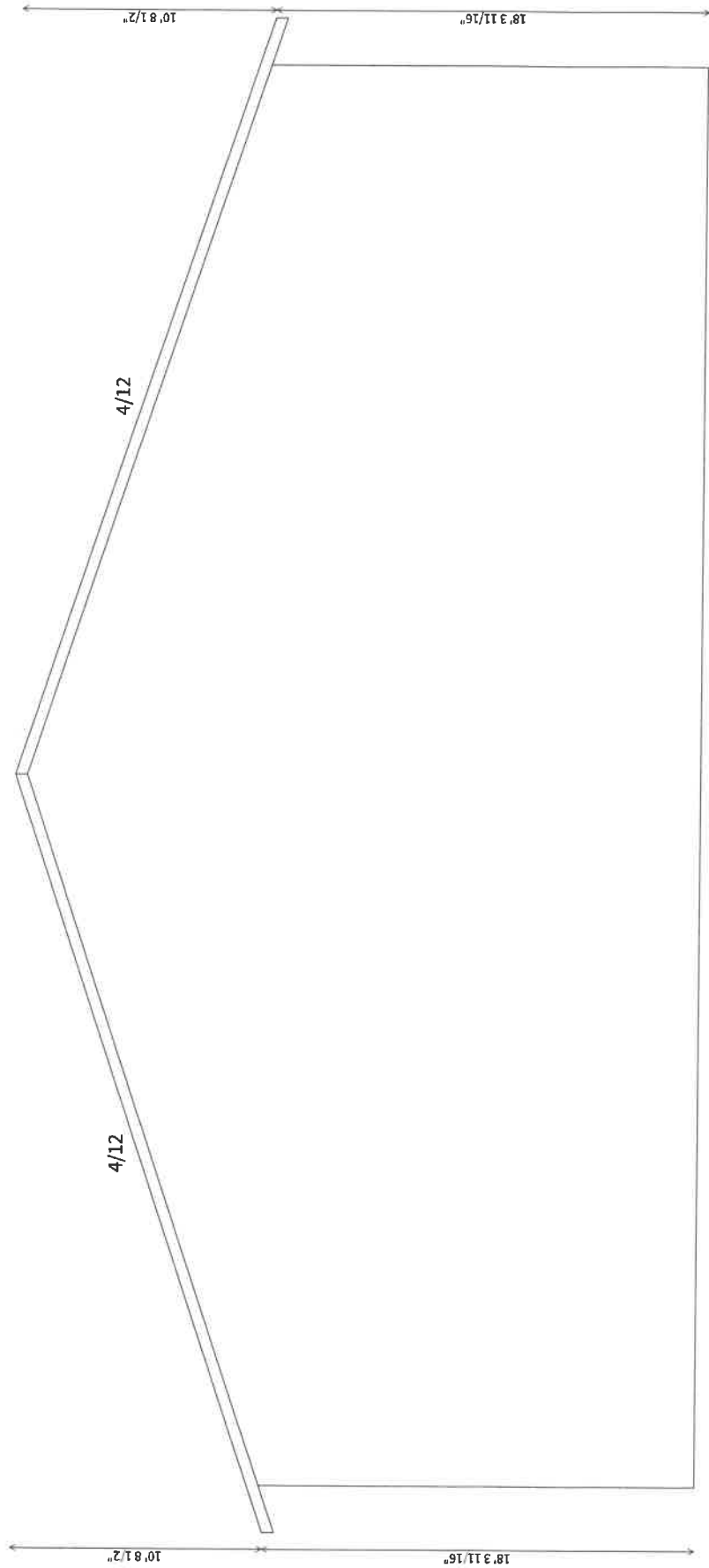
THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.

REV. 2/26/2025 12/6/19	TEP	TEP	19119
DATE	FIELD WORK BY	DRAWN BY	JOB NUMBER

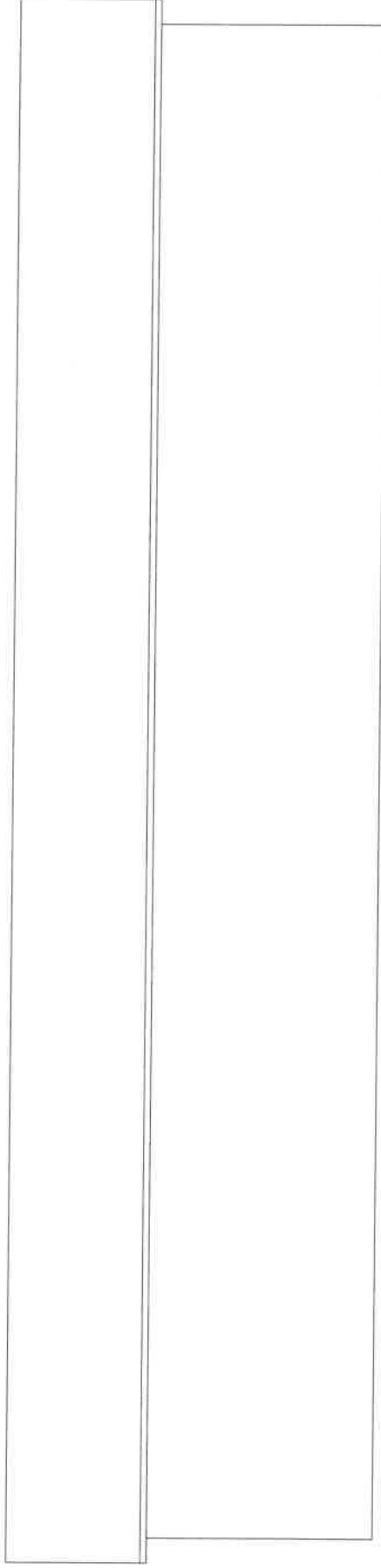
Left Elevation



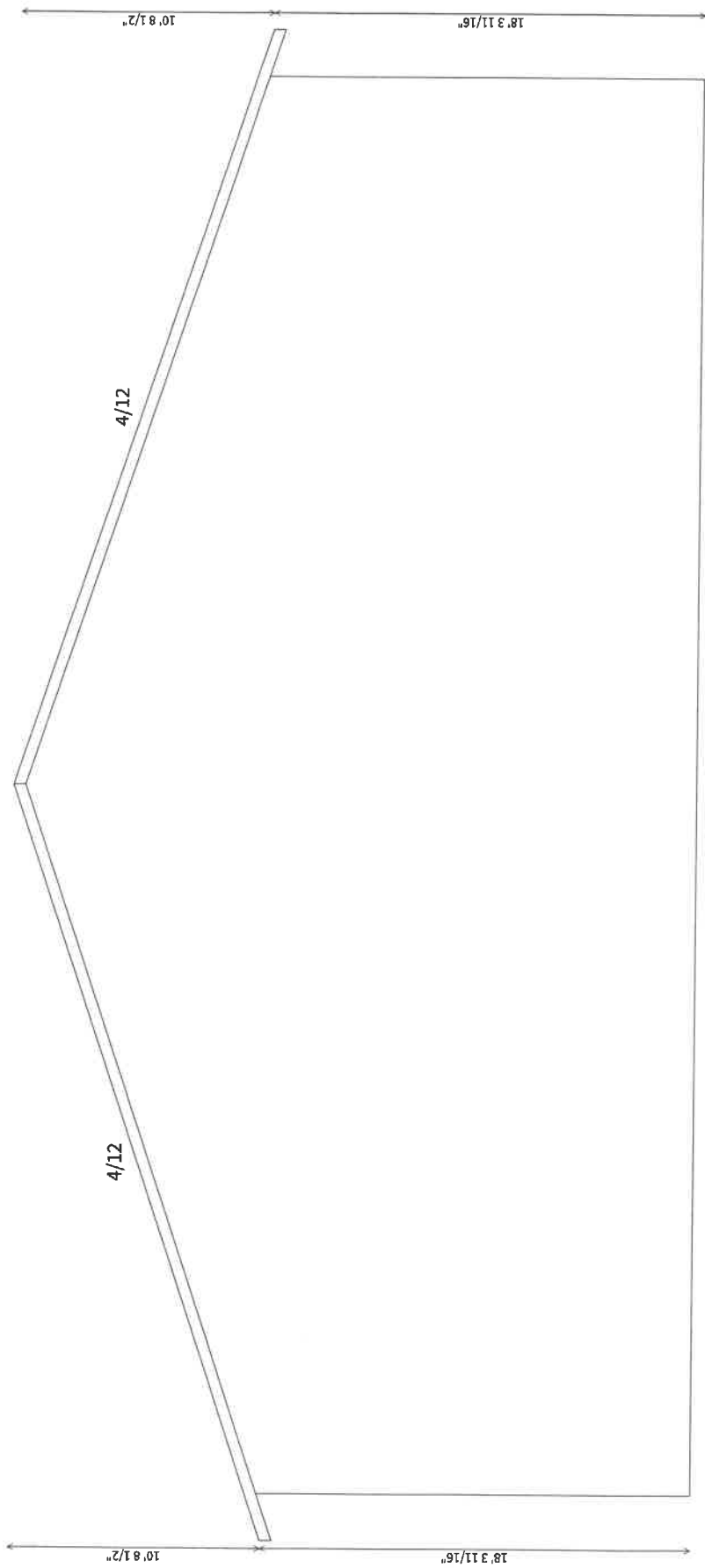
Front Elevation



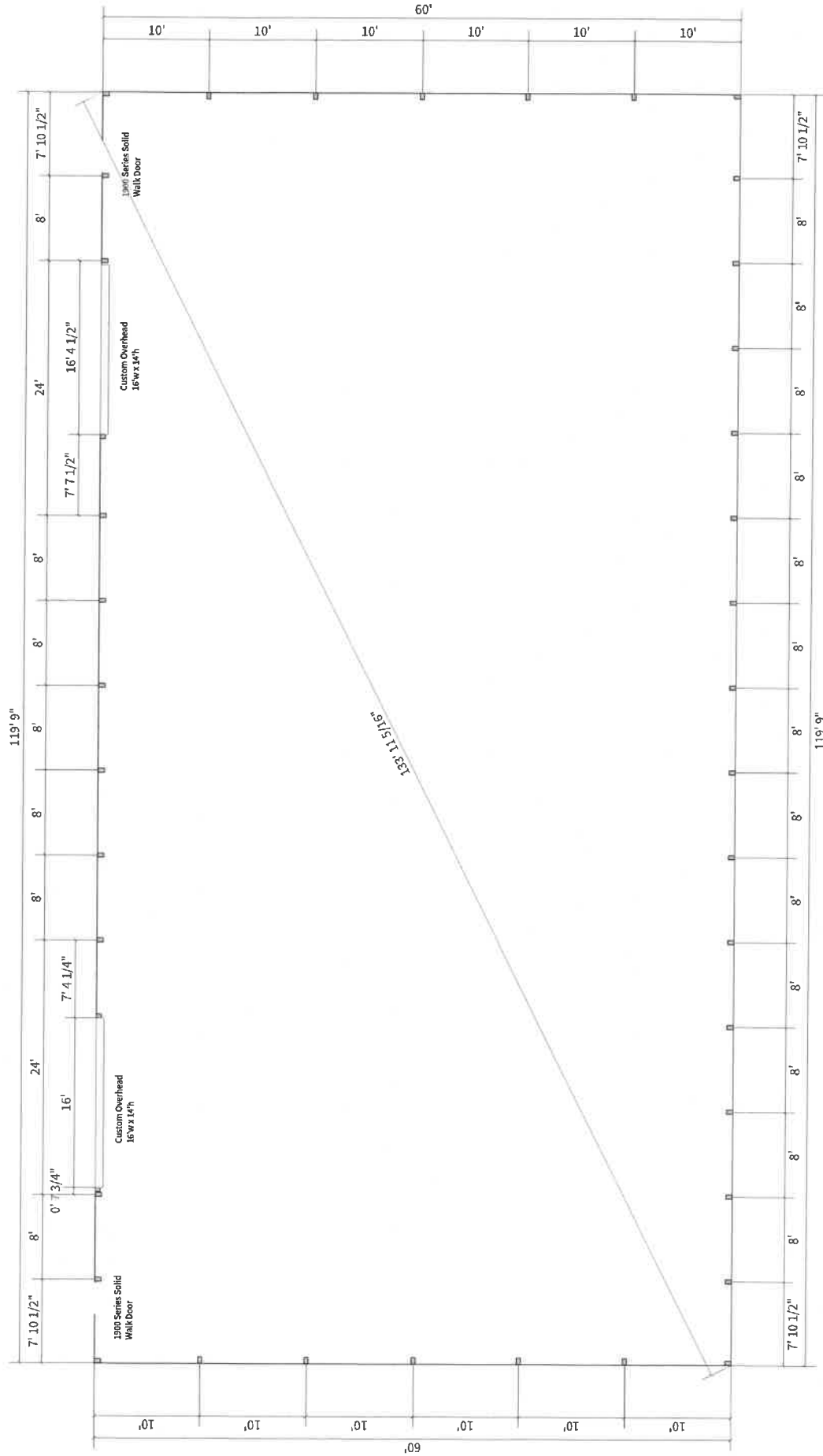
Right Elevation



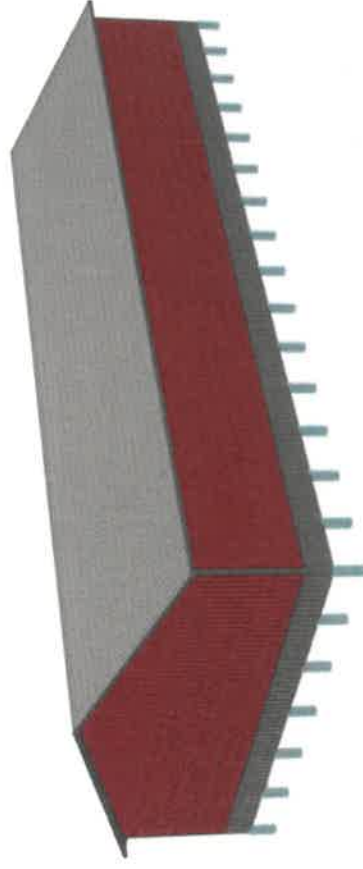
Back Elevation



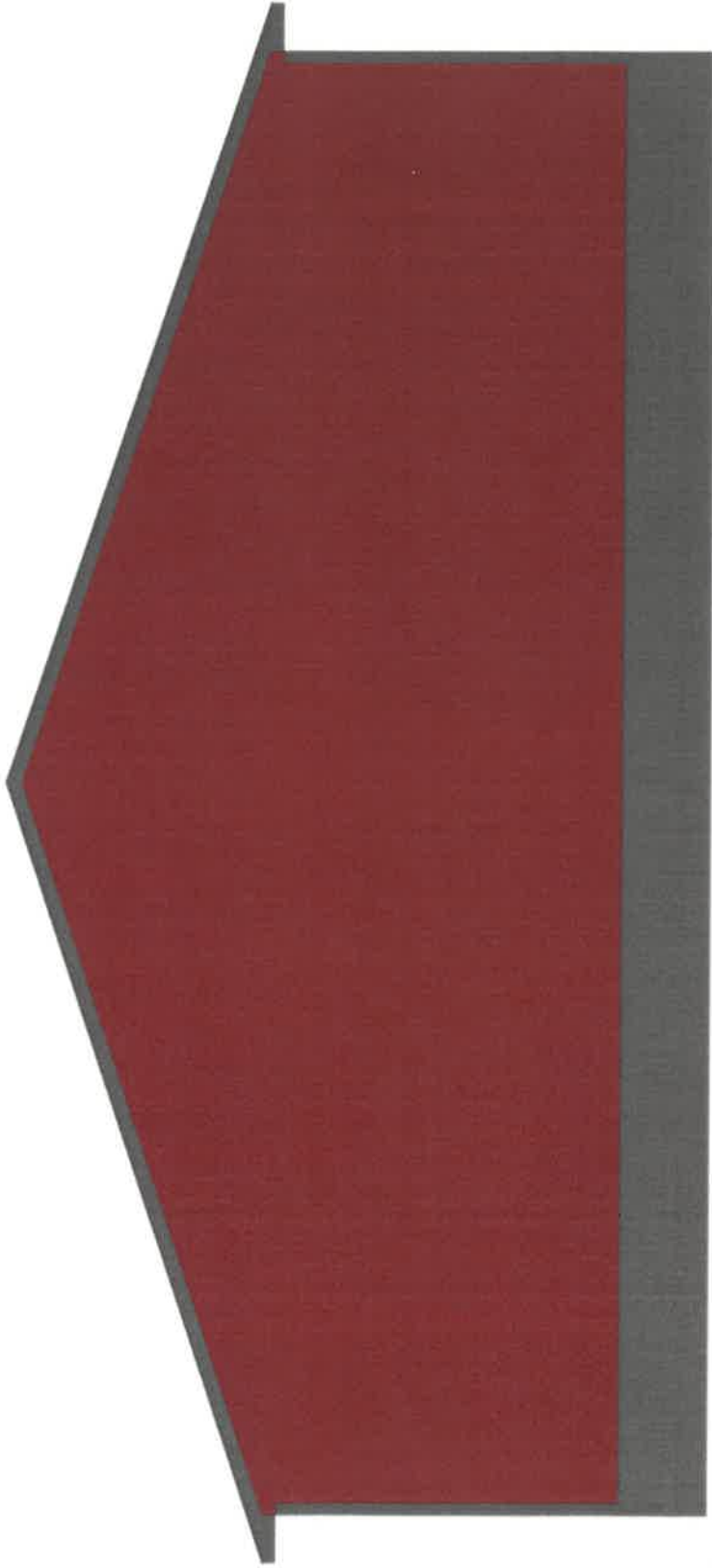
Post Layout



Iso 2



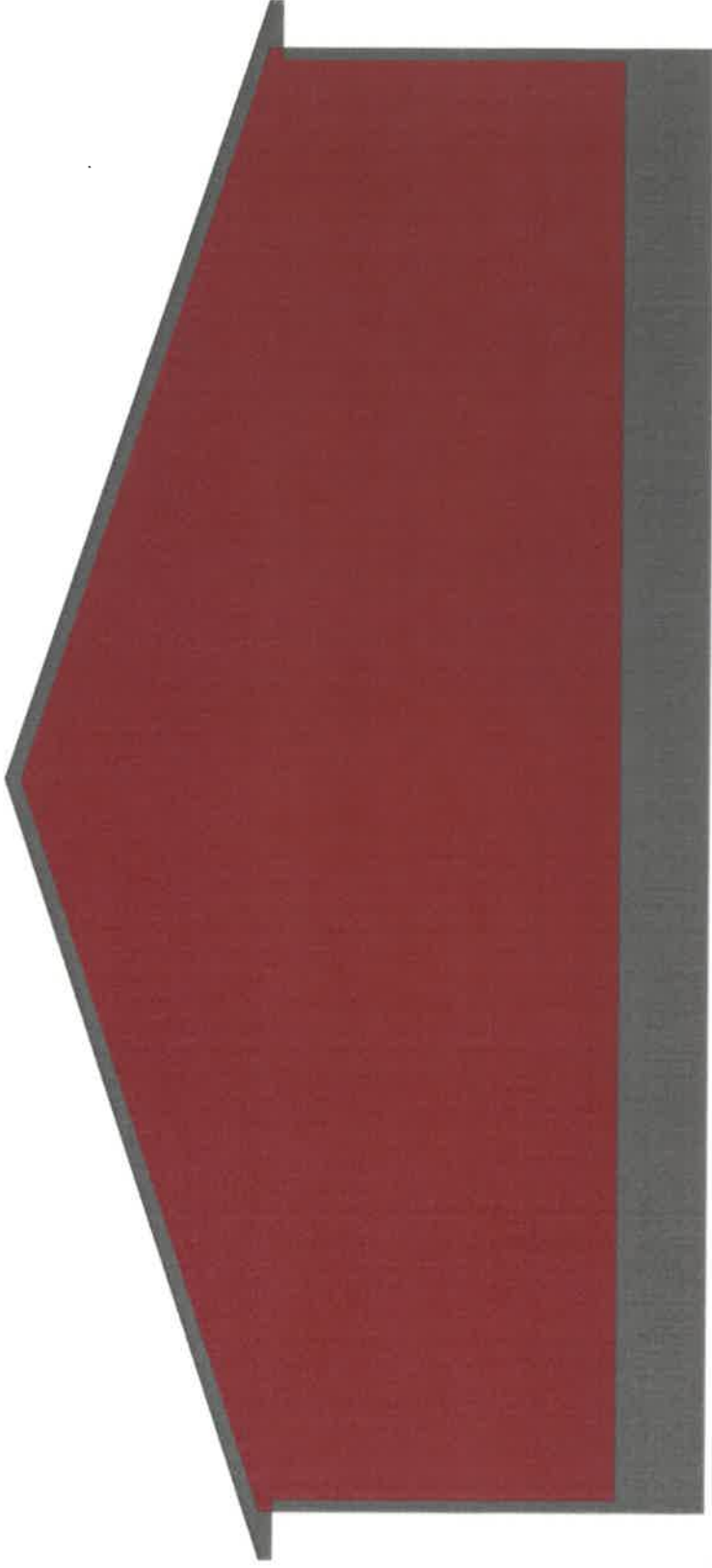
Front Elevation



Left Elevation



Back Elevation



Right Elevation

