

# Conditional Use Application Town of Eagle (Waukesha County), Wisconsin

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

Overview: The Town's zoning regulations identify land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties. Conditional uses are therefore considered on a case-by-case basis. As part of the review process, the Plan Commission and Town Board conduct a joint public hearing to solicit input from the general public and other interested parties. When reviewing conditional use applications, the Plan Commission serves in an advisory capacity to the Town Board, which makes the final decision. The recommendation of the Plan Commission and the decision of the Town Board are based on the evidence and testimony received as part of the application and through the public hearing process.

**If you submit an application, do not contact any member on the Plan Commission or the Town Board until after a final decision has been made.**

**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 or to the Town Planner via email ([rleto@waukeshacounty.gov](mailto:rleto@waukeshacounty.gov)). Alternatively, you can submit your application online at <https://townofeagle.zoninghub.com>. An application fee is also required. An invoice number will be provided to you after the initial intake review to pay the required application fee. A Professional Reimbursement Form is required prior to the application being considered complete.

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 (262) 548-7813 or via email at [rleto@waukeshacounty.gov](mailto:rleto@waukeshacounty.gov).

**Application submittal deadline:** A complete application, as identified by the Town Planner, must be submitted at least 10 business days prior to the newspaper deadline for the public hearing. Public hearings are held during the join Plan Commission and Town Board meeting, which is generally the first Monday of the month. There is no guarantee that the item may be placed on the agenda for action the same night as the public hearing. 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	DIANE LYNN BROWN	
Street address	5103 W 36499 COUNTY RD LO	
City, state, zip code	EAGLE, WI 53119	
Daytime telephone	262-352-3174	
Email address	Deph61920@aol.com	

2. **Type of application (select one)**

☐ New conditional use

☒ Yes ☐ No

Are there any other current conditional use approvals for the property?

If yes, provide the year of issuance and a short description.

I HAVE HAD A HOBBY KENNEL CONDITIONAL USE FROM 1999.

☒ An amendment of a previously approved conditional use

Renewal

3. **Subject property information**

Physical address 5103 W 36499 COUNTY RD LO

Tax key number(s) EGLT- 1861998005 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 |

**A-2 RURAL HOME DISTRICT**

5. **Current use** Describe the current use of the subject property.

15 ACRES/HOME/BARN/HAY FIELDS.  
I HAVE A HOBBY KENNEL CU. 12 DOGS - WE HAVE CHAMPION  
GERMAN SHEPHERDS WE SHOW IN AKC SHOWS - MAINTAINED THEM,  
CONDITION THEM, AND WE BOTH SHOW THEM OAKCREEK & I

6. **Proposed use** Describe the proposed conditional use or the proposed amendment.

"HOBBY KENNEL" WITH A MAXIMUM OF 12 DOGS TO BE KEPT  
IN A 36' X 60' POLE, 12' X 18' ACCESSORY BUILDING,  
MAXIMUM OF TWELVE (12) dogs at any one time. DOGS  
ARE TO BE CONTAINED IN THE KENNEL AT NIGHT. FENCING TO  
BE PROPERLY MAINTAINED

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

1. The size of the parcel on which the proposed use will occur.

15 ACRES OF OUR LAND.

2. The presence of and compatibility with other uses on the subject property if any.

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses).

Pole Barn behind home on Property  
60X40 - See attached Map

4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site.

None - Far off Road

5. The suitability of the subject property for the proposed use.

Plenty of Space for 12 Days  
- use was approved in 1999

6. Effects of the proposed use on the natural environment.

None

7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances.

None - Far off of Property Lines

8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts.

*None - see original approval*

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

**9. 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) *None N/A*

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

*Previous approval*

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

**12. 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:

*David L. B.*

*04/22/2025*

**CONDITIONAL USE PERMIT  
TOWN OF EAGLE  
HOBBY KENNEL, S103 W36499 CTY "LO"**

WHEREAS, pursuant to Section 3.08 of the zoning code, an application for a conditional use permit has been filed for a Hobby Kennel at S103 W36499 CTY "LO", Eagle, WI, which application was filed in the office of the Town Clerk, Town of Eagle, Wisconsin and

WHEREAS, Section 5.10(4), which is the A-2 Rural Home District, permits hobby kennels as a conditional use; and

WHEREAS, after proper notice pursuant to the Town of Eagle Zoning Code a public hearing was noticed in the official newspaper twice and with notice being mailed at least ten (10) days prior to the date of such public hearing to the owners of records of the property situated within 300 feet of the boundaries of the properties affected, a public hearing was held on April 5, 1999 and

WHEREAS, after required statutory open meeting notification, the Plan Commission/Town Board met on April 5, 1999 and

WHEREAS, the Plan Commission/Town Board does hereby make the following findings of fact;

A. The establishment, maintenance and operation of a hobby kennel on the subject premises will not be detrimental to or endanger the public health, safety, morals, comforts, or general welfare.

B. The uses, values and enjoyment of other property in the neighborhood for the purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the hobby kennel, and the proposed use is compatible with the use of adjacent land.

C. The establishment of the hobby kennel will not impede the normal and orderly development and improvement of this surrounding property from uses permitted in the A-2 District.

D. That adequate access, roads, ingress, and egress have been provided.

E. That the conditional use shall in all other respects conforms to the applicable regulations of the district in which it is located.

NOW THEREFORE, based upon the findings of the Plan Commission/Town Board set forth above, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

### **DETERMINATION AND FINDINGS**

The establishment, maintenance and operation of a hobby kennel at S103 W36499 CTH "LO", Town of Eagle, Wisconsin, is subject to the conditions hereafter stated, in accordance with the purpose and intent of Section 3.08 of the zoning code of the Town of Eagle and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

### **ORDER**

1. **Termination:** Where a permitted conditional use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding areas, or for similar cause based upon consideration for the public welfare the conditional grant may be terminated by action of the Town Board following referral to the Town Board and Planning Commission for recommendation and public hearing. Such use shall thereafter be classified as a legal non-conforming use, except that where the action is due to failure to comply with the conditional grant the Town Board may terminate such use.
2. **Terms:** This Conditional Use shall terminate in 5 years. A reapplication and approval for the Conditional Use from the Town Clerk shall be needed at this time to continue the hobby kennel.
3. Maximum of twelve (12) dogs at any one time.
4. If the lot is divided the Conditional Use would stay with Lot 1 (the residence is located on this lot).
5. Dogs are to be contained in the kennel at night.
6. Fencing to be properly maintained.

Dated: 5-6-99

By: Donald Wilton  
Don Wilton, Chairman  
Town of Eagle

Attested: Sally McMillan  
Sally McMillan, Clerk  
Town of Eagle

This conditional use permit is approved and accepted

this 5<sup>th</sup> day of April, 1999.

Timothy W Brown  
Timothy Brown





### 3.08 Conditional Uses

#### (1) General:

A. Approval Required: Uses listed as permitted by conditional grant maybe permitted in the district in which listed upon petition for such grant to a joint meeting of the Town Board and Planning Commission and subject to the approval of the Board and Commission and to such other conditions as designated.

B. Basis of Approval: The Town Board and Planning Commission shall base its determination on considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and specifically of the neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of conditional grants.

#### (2) Standards:

No conditional use shall be recommended by the Planning Commission and Town Board unless said Commission and Board shall find:

A. That the establishment, maintenance or operation of the conditional use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

B. That the conditional use will not be injurious to the use and enjoyment of other property in the immediately vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

D. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

F. That the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance