

T H E T O W N O F
MERRIMAC

S6911 State Highway 113 - P.O. Box 115
Merrimac, WI 53561

MINUTES OF THE PLANNING & ZONING COMMISSION
February 19, 2014

Present were John Gaedke, Interim-Chair; Tim Healy, Dan Purcell, Doug Hill, Dawn Peetz and Frank Olah. Also present was Tim McCumber, Town Administrator and Mike Slavney, Town Planner.

Interim Chair Gaedke called a Public Hearing to order regarding a request for a Conditional Use Permit for an accessory structure greater than 24' x 30' x 14' on a residential property in the Residential District per Town Ordinance 7.02(3)(b); Margo Zeman, E13675 Idlewild Ln., Tax Parcel 0053-10000. No one spoke in favor. Attorney Mark Steichen, representing Fern Asma spoke in opposition to the garage's proposed location. His client is concerned that the placement of the garage will block the property owner's view of the Baraboo Bluffs. They believe the project can be moved to another location and still meet the objectives of being out of the setbacks. No other persons spoke. Motion to adjourn Purcell, second by Healy. Motion passed.

Gaedke then called a second Public Hearing to order regarding a proposed Town Ordinance 2014-12 amending the Town of Merrimac Zoning Ordinance by creating a definition of "Vacation Rental Establishment" to the Town of Merrimac Zoning Ordinance and to allow for vacation rental establishments by conditional use. No one appeared on this matter. Motion to adjourn by Olah, second by Healy. Motion passed.

Gaedke then called the commission meeting to order; McCumber certified compliance with the open meetings law. The commission considered the minutes of the January 15, 2014 meeting, motion by Hill, second by Healy. Motion passed. There was no **OLD BUSINESS**. Under **NEW BUSINESS**, the commission discussed a request for a Conditional Use Permit for an accessory structure greater than 24' x 30' x 14' on a residential property in the Residential District per Town Ordinance 7.02(3)(b); Margo Zeman, E13675 Idlewild Ln., Tax Parcel 0053-10000. McCumber reported the property is zoned residential and the existing structure is a legal non-conforming structure in the right-of-way which is approximately 4' from the paved surface. This structure can be repaired in its current location, but does agree it would be preferable to remove it from the right-of-way. Ron Zeman appeared and stated he had recently become aware of Ms. Asma's concerns and took photos from her property and marked where the building would be in relationship from her front porch. The existing structure is 35' x 34' x 16' and the new one would be the same size. Slavney reported that the commission can table for more information, approve it as submitted, or they can deny the request. Motion by Hill to table until the next meeting, second by Purcell. The commission asked Zeman to convey his plans better to Ms. Asma or work with her representatives about relocating the structure. Motion passed. The commission then considered a preliminary Certified

Survey Map (CSM) for property located at the corner of State Hwy. 78 and Kilpatrick Point Rd. (Tax Parcel 026-0234-10000) to create Class I subdivision of 4 lots; application by John Kassner, 430C Nancy Ln., Pulaski, WI 54162. Slavney reported the CSM meets all of the conditions of the ordinance and would recommend approval subject to them making a 40' access on lot 4 to comply with the ordinance. Hill objected to a building being constructed on the corner. Motion by Healy to proceed to the next approval step with the 40' access on lot 4, second by Hill. Motion passed. The commission also considered proposed Town Ordinance 2014-12 amending the Town of Merrimac Zoning Ordinance by creating a definition of "Vacation Rental Establishment" to the Town of Merrimac Zoning Ordinance and to allow for vacation rental establishments by conditional use. McCumber reported the town has a room tax ordinance and the state requires permitting of vacation rentals. The choice is to either close these establishments or amend our ordinance and bring the properties into compliance with the town ordinance and state law. Motion to recommend approval to the town board by Healy, second by Hill. Motion passed. The commission then took up action regarding the allowance of a single boat house rather than a double boat house at Lakeview Estates in accordance with the requirements of PAD 10-02; tax parcel 026-0333-30000 E12726 Lookout Ct.; Dale & Carlyn Hensen, 161 River St., Merrimac, WI 53561. McCumber reported the PAD allows for 10 double boat houses rather than 20 individual boathouses. The developer placed a condition of sale term that would allow the property owner to build a single boat house if they would not construct a double boathouse within a certain time frame. McCumber noted the developer wasn't authorized by the town to make this a condition of sale as it conflicts with the PAD requirements. He recommends the commission accept the change but deed restrict the neighboring parcel, which is still owned by the developer, to prohibit construction of another boat house. Motion by Olah to allow the amendment to the Lakeview Estates PAD allowing single boathouse and restriction of the adjacent lot. Second by Peetz. Motion passed. The property owner was told to bring the amended CSM to the commission for review.

Under the **ADMINISTRATOR'S REPORT**, McCumber reported that there 4 permits issued so far this year totaling \$218,000. Last year we had issued 2 for \$94,000 by this time.

Motion to adjourn by Hill, second by Peetz. Motion passed.