

Town of Merton  
Plan Commission Meeting  
Minutes of March 1st, 2023

- Meeting Called to Order by Chairman Klink at 6:03 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the January 18th, 2023 Public Hearings & Plan Commission Meeting. A motion to approve all of the minutes was made by Good/Jensen. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, and Good, Attorney Murn, Planner Haroldson, and Deputy Clerk Claas

Absent: Commissioners Siepmann and Queoff

Also Present: Barb Wieland, Percy Chaby, Jonathan Schoenheider, Rich Winkelman, RJ Winkelman, and Patti Winkelman

Old Business: None

New Business:

Conditional Use Permit Request to Operate a Bed and Breakfast Facility that will Provide Travelers with Temporary Accommodations for a Fee on a Daily or Weekly Room Rental Basis as an Accessory to their Existing Single-Family Residence at W326N6611 Sylvian Drive – Requested by Edward & Daneen Meissner – Property is Zoned R-1 Residential and C-1 – Tax Key MRTT 0367-985 – Klink stated this is allowed in the R-1 District with conditions. Haroldson suggested the Plan Commission start with the conditions listed in the conditional use permitting, and along with the public input, the commission might want to take a look at the considerations in the Planner's Report. Haroldson suggested possibly limiting the days of the week, and limiting the special events that are held inside to their guests. There was concern from the audience at the public hearing about having food deliveries, and Haroldson suggested no late-night food deliveries. Griffin suggested a limit of eight people and no on-street parking. Murn said to limit the vehicles to 4, no temporary structures, no external structures and no RV's. Murn said a condition is that the owners stay there while guests are there. No noise after 10 p.m. There was discussion on limiting the number of days not to exceed per year. Griffin stated that he doesn't think the Plan Commission can limit the days of the week they can be open. The ordinance limits visitor's stay to not exceed 14 consecutive days. Jensen clarified that their sign would come back to the Plan Commission for approval. Murn said the murphy bed would not be included in the five bedrooms. Klink stated they would need all required permits from the State and the County for a bed and breakfast. Haroldson stated they do not need Waukesha County Parks & Land Use approval since the building is out of shoreland jurisdiction.

Murn reviewed the conditions:

- Limit the days
- Limit the special events and only to guests
- No late-night deliveries
- No hosting of formal events on site
- Limit of 8 people staying at the bed & breakfast
- No more than 4 additional cars on site
- No street parking

- No temporary structures, RV's, etc. to be used for extra space
- No noise after 10 p.m.
- Limit the days to 120 per year
- Two weeks stay is maximum
- No more than 5 bedrooms in use at any one time, including the owners
- Subject to all approvals and necessary permits

The attorney will draft the conditional use permit and this will be brought back to the next meeting. Murn indicated there is a State Statute for short term rentals regarding municipalities limiting the number of days to be open that may apply to a Bed & Breakfast. Murn stated she will research before the next meeting.

Plan of Operation, Site Plan and Building for a Mixed-Use Building – Creating One Apartment on the Upper and Two Commercial Spaces on the Lower Level at W315N7735 Hwy 83 – Requested by Percy Chaby on Behalf of PRC Properties, LLC – Property is Zoned B-2 Business District – Tax Key MRTT 0350-008-002 – Chaby said his goal is to take the vacant lot and in the bottom level have a café in the large area and in the small space Rent it to someone who wants a store front, and upstairs would be an apartment for a young family. Chaby said the square feet for both levels in 1,400.

Chaby said that once the Town approves this he can then go to the State for their approvals, and the County is close to done, but he needs the sanitary permit. He's hoping to break ground in April and have it built before the snow flies. Haroldson questioned if he would need a stormwater permit from Waukesha County. Chaby responded that they didn't say he needed one. Morris questioned where the well and septic would be located. Chaby said there is a 50' setback and there should be a spot there for the holding tank and the well will be on the other side.

Haroldson stated the businesses he leases or rents to will need to come to the Town for a Plan of Operation to get approval. Haroldson said the Town requires 10 to 12 parking spaces and Waukesha County requires 14 and Chaby has met that requirement with onsite parking and three dedicated parking spaces behind the post office building. Haroldson indicated the zoning is appropriate for the mixed use and is allowed. Chaby will need to meet the requirements of signages for Waukesha County and the Town's ordinances.

A motion to approve the plan of operation, the site plan, and the mixed-use building was made by Morris/Good. Motion carried.

Request for an Exception to the Height Regulations as an Exception per 17.21 (2)(d) – Subject to the Approval of the Plan Commission – Requested by Jonathan Schoenheider, Regency Builders, on Behalf of Frank & Vicki Pasquesi – N62W30363 Beaumont Lane – Tax Key MRTT 0393-992 – Haroldson stated the Pasquesi will have a cupola built on top of their building and that is an exception on the Zoning Code, but it has to be approved for height by the Plan Commission. Schoenheider handed out a slightly different version of the cupola to the Plan Commission than what was submitted in their packets. Haroldson stated this is not exceeding the height of 25' which is right at the top of the cupola.

Schoenheider stated one of the attributes of this property is that it's at the lowest point of Beaumont Lane. He said it will still be well below the next door neighbors and it's just decorative. Morris asked if there will be lights in the cupola. Schoenheider said they do want to light the cupola.

A motion to accept the exception of the height regulation for the cupola was made by Morris/Jensen. Motion carried.

Request for Increased Height for An Accessory Building from 18 ft to 24 ft in Height per 17.21(e) – Subject to the Approval of the Plan Commission – Requested by Richard Winkelman – N56W29410 Westview Road – Tax Key MRTT0392-966-002 – Haroldson stated the plan in the packet was adjusted a little by Winkelman, and he submitted new plans to the Plan Commissioners. Winkelman said he turned the building to save the maple tree. Haroldson said the new plan still meets all of the offsets and FAR and it is not in County's shoreland jurisdiction, and he does need approval from the Building Inspector. Morris asked if this was for commercial. Winkelman said no.

A motion to approve the height increase for Mr. Winkelman since he meets all the requirements was made by Good/Jensen. Motion carried.

Planner Report/Update – Haroldson stated we may not have a Plan Commission Meeting on March 15<sup>th</sup>. Otherwise, the next meeting would be April 5<sup>th</sup>. Haroldson also said the Town received an \$800 check from the George Stanley family for a bench at the soccer park.

County Board Supervisor Update – No report.

A motion to adjourn was made by Jensen/Griffin. Motion carried. Meeting adjourned at 6:41 p.m.

Respectfully submitted,

Holly R Claas  
Deputy Clerk