

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



Telephone: (608) 493-2588  
Fax: (608) 493-2238  
Website: TownOfMerrimac.net

## NOTICE OF PUBLIC HEARING TOWN OF MERRIMAC

Notice is hereby given that the Planning and Zoning commission of the Town of Merrimac will hold a public Hearing in the Merrimac Town Hall on Wednesday, March 16, 2022 at 7:00 PM to consider the following:

**PUBLIC HEARING:** A Conditional Use Permit for Vacation Rental Establishment (VRE) in the Agricultural District per Town Ordinance 2.30 on property located at E13921 County Rd DL., Tax Parcel 026-0433-20000; application by Robin Klitzke, E13921 County Rd DL., Merrimac, WI 53561.

The cup application and plans are available online at <https://townofmerrimac.net/calendar-1.html> or they are viewable at the clerk's office. All persons are invited to attend said hearing and be heard.

By Order of the Planning & Zoning Commission  
Jeremy Bowers, Town Administrator

CASS II NOTICE

HEARING NOTICE POSTED: February 25, 2022

HEARING NOTICE PUBLISHED: February 25, 2022 and March 4, 2022

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### **NOTICE**

The Town of Merrimac Planning and Zoning Commission will meet at 7:00 p.m., or shortly thereafter, on **Wednesday, March 16, 2022** in the Merrimac Town Hall located at S6911 State Highway 113.

**PUBLIC HEARING:** A Conditional Use Permit for Vacation Rental Establishment (VRE) in the Agricultural District per Town Ordinance 2.30 on property located at E13921 County Rd DL., Tax Parcel 026-0433-20000; application by Robin Klitzke, E13921 County Rd DL., Merrimac, WI 53561.

### **AGENDA**

Call to order; determination of notice of meeting.  
Consider minutes of December, 2021 for approval.

### **OLD BUSINESS**

### **NEW BUSINESS**

Discussion and possible action regarding a Conditional Use Permit for Vacation Rental Establishment (VRE) in the Agricultural District per Town Ordinance 2.30 on property located at E13921 County Rd DL., Tax Parcel 026-0433-20000; application by Robin Klitzke, E13921 County Rd DL., Merrimac, WI 53561.

### **ADMINISTRATOR'S REPORT**

Building Permits

### **ADJOURNMENT**

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P.O. Box 115  
Merrimac, WI 53561



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February 14, 2022

**DECISION OF THE  
TOWN OF MERRIMAC  
BOARD OF APPEALS**

Robin Klitzke  
E13921 County Rd DL  
Merrimac, WI 53561  
BOA 02-12-2022

At the February 12, 2022 meeting of the Town of Merrimac Board of Appeals, hereinafter referred to as "BOA", your application for Administrative Appeal per Section 4.01(3) and 4.01(3) of the Town of Merrimac Zoning Ordinance was considered. On the basis of the evidence and testimony presented at the hearing, it was determined that the request for relief for a one (1) year moratorium for Vacation Rental Establishment Conditional Use Permit be **AMENDED**.

**FINDINGS OF FACT**

Robin Klitzke, hereinafter referred to as "Applicant" applied for a Conditional Use Permit per Section 2.30 of the Town of Merrimac Zoning Ordinance. Town of Merrimac Zoning Ordinance 2.30 allows a VRE to be permitted only by conditional use. During a public hearing and subsequent meeting of the Planning and Zoning Commission on conducted on November 17, 2021, evidence was provided to the Commission. A number of deficiencies in the application were addressed including that Section 2.30 (2)(i) does not provide for clearly delineated property lines and Section 2.30 (w) which requires a scale drawing of the rental unit. In this case, the property lines are not clearly marked and the scale was not indicated on the application. Evidence was also offered demonstrating that the applicant is currently in violation of Town Ordinances. Specifically, the applicant is in violation of Ordinance 2.30 by offering vacation rentals prior to issuance of a permit from the Town of Merrimac based on at least 13 reviews in the month of October 2021. The applicant also is in violation of Ordinance 2.3 (u) as determined by a review written in October 2021 stating the guest had stayed at the property for only one (1) night. Further, the applicant signed the application for permit on October 15, 2021 which indicated a hearing would be held no less than 25 days from receipt of the application. Based on the date of the application and the date of the hearing, the maximum number of rentals should have been leased is a maximum of four (4) times under the ordinance. There were thirteen reviews posted for this property on AirBnB. The Town of Merrimac Planning & Zoning Commission reviews Conditional Use Permit applications for recommendation to the town board. A public notice and hearing was held in order to provide neighbors and the public an opportunity to voice concerns about potential effects of proposed conditional uses. The decision to grant or deny a conditional use permit is discretionary unless the applicant can demonstrate they are fully in compliance with the Ordinance. Based on the evidence provided at the public hearing, the Commission took into account the existing violations of the Ordinance. In a vote of the



Commission there were three (3) votes in favor of a motion to deny the application, one (1) in opposition, and one (1) abstention. As a result of the action, the Conditional Use Permit was denied. Testimony offered by the former Town Administrator, Tim McCumber, demonstrated the above case and he outlined their authority to be subjective in issuing the moratorium. The applicant, Robin Klitzke and her husband demonstrated they immediately came into compliance which was supported by McCumber.

#### **CONCLUSION OF LAW**

Under town ordinance, the Board of Appeals has the authority under Section 4.0 to hear appeals to correct an error, grant a conditional use, or make an interpretation. After hearing testimony from McCumber and the applicant, the BOA determined that the Planning and Zoning Commission had acted properly within their authority of town and state statutes but believe the moratorium was excessive in this particular case. As such, the BOA voted on a motion to reduce the moratorium to three (3) months effective from the date of the Commission's denial on November 17, 2021 and reduced the moratorium to three (3) months. In a roll call vote of the BOA the vote was five (5) in favor with no one in opposition or abstaining. As such relief for a one (1) year moratorium for Vacation Rental Establishment Conditional Use Permit has been **AMENDED** and the applicant may make a new application to the Planning and Zoning Commission.

#### **APPEAL RIGHTS**

A complete record of the hearing and decision of the Board of Appeals is available for inspection at the Merrimac Town Hall. Please note that advance arrangements may be necessary to inspect such records. Any person aggrieved by any decision of the Board of may appeal the decision to the Circuit Court seeking certiorari relief pursuant to State of Wisconsin Statute §62.23(7)(e)(10). Copies of the record may be secured upon written request and upon payment of any applicable fees.

#### **TOWN OF MERRIMAC BOARD OF APPEALS:**

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Heidi Koch, Board of Appeals Chair

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Jeremy Bowers, Town Administrator

#### **COPIES TO:**

Charlie Hall, Town Chair

Heidi Koch, Board of Appeals Chair

Members of the Planning & Zoning Commission



Conditional Use Application  
TOWN OF MERRIMAC PLANNING & ZONING COMMISSION

Name Robin Klitzke

Mailing Address E13921 County Rd DL  
Merrimac, WI 53561

Phone (608) 434-5113

Property Address E13921 County Rd DL - Merrimac

Legal description: 1/4, 1/4, S, T, N, R, E, Town of Merrimac Sub-11-7 PRT NWNE =  
CSM #3 86 LOT 2 d E 50 L

Tax parcel number 0433-20000 Zoning district Agriculture

Lot area & dimensions: 122,839 sq. ft., 92,300 sq. ft. 2.82 acres 12.82 A

Current use & improvements Primary residence

Nature & disposition of any prior petition for Conditional Use Permit or Variance:  
Conditional use permit - tourist rooming

Description of all nonconforming structures & uses on the property:  
none

Conditional use requested (ordinance section # & specific use):  
Town ordinance 2.30 (Vacation Rentals)

Reasons for Request for Conditional Use Permit:  
Airbnb - tourist rooming

Specific (design) standards for approval: Design/practices proposed to achieve standards:  
Town ordinance 2.30 (Vacation Rentals) compliance documentation attached or to be provided.

PLEASE INCLUDE THE FOLLOWING: 1.) \$450.00 application fee. 2.) 13 copies of the plot plan showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions, existing and proposed street, side, and rear yards. 3.) Name and address of all property owners located within 200 feet of the property boundaries. 4.) Any additional information that may be requested by the Zoning Administrator.

I am requesting public hearing in accordance with Wisconsin Statute §62.23 and Town Ordinance 4.05 and/or Town Ordinance 4.06. I understand that the application fee is non-refundable; that a hearing may occur in no less than 25 days from acceptance of the application; and that a reasonable date for the hearing shall be set by the Zoning Administrator. The Zoning Commission meets on the 3<sup>rd</sup> Wednesday of each month.

Signed: Robin Klitzke Date: 2/15/2022

Remit application, supporting materials, and fees to:  
Town of Merrimac, Tim McCumber, Town Administrator. PO BOX 115, Merrimac, WI 53561

Adam & Robin Klitzke

E13921 County Road DL, Merrimac

Town of Merrimac Ordinances for Conditional Use Permit

- 1) The property that we are applying for the conditional use permit for, E13921 County RD DL is zoned Agricultural.
- 2) A: A copy of the State Rooming House License has been supplied with the Conditional Use Permit Application.  
B: We understand that you can not transfer use of the conditional use permit.  
C: We agree to comply with all taxes and laws.  
D: We agree to comply  
E: Our AirBnB unit is a two bedroom apartment. When you pull into the driveway you pull into a large gravel parking area. In front of our garage is a concrete slab that will accommodate two cars. This is the parking area for AirBnB guests.  
F: The AirBnB is located below us, on the main level of our home.  
G: All refuse containers are housed in an enclosed shed as outlined on the enclosed site plan (see attached photo). Inside the Airbnb there is a book titled, "Important Information to Know". Recycling/Trash instructions can be found in this book. A copy is also enclosed.  
H: New Septic system has been installed as of September 2021. See attached paperwork for more information.  
I: Property boundaries are clearly outlined by mowed vegetation. Inside the Airbnb, located in the book, "Important Information to Know", it also lets guests know to stick to mowed areas only to fortify this boundary line.  
J: We are in an excellent location for vacation rental establishments and will only help to enhance business for other locals with economic growth.  
K: We are in complete agreement that we would like this to be a quiet, relaxing place for guests to visit. As this is also our home, we will be on the property at all times. We also agree that keeping the sidewalks/driveway free of snow and ice is important for everyone's safety.  
L: We understand that the town board shall not renew the conditional use permit if we fail to remit room tax.  
M: We agree to collect room tax and submit to the town clerk on a quarterly basis. We understand that failure to do so will result in the conditional use permit being revoked.  
N: We understand that the conditional use permit will expire on June 30<sup>th</sup> each year and we will have to apply for a new one with a fee. We will also have to show that we continue to meet all required criteria, that the property is not a nuisance and that all taxes are current.  
O: We certify that all statements are true to the best of our ability so as not to cause any issues with the conditional use permit being received and kept by us.  
P: We shall post a copy of the conditional use permit in the Airbnb.  
Q: As of March 15, 2021 We have owned this property for three years.  
R: We will not be storing anything outdoors.  
S: No recreational vehicle or tent will be used for living or sleeping purposes.

T: Located inside of the Airbnb apartment is a book called, "Important Information for You to Know". The first page of this book lists all names and contact information needed. Guests are also given all contact information when a reservation is made. Since we will be residing right above our guests, we will be easily on hand to help with whatever may arise. We will also provide a contact list of names and phone numbers to the town clerk.

U: The property will not be leased for a period less than a 7 day stay.

V: The property will not be leased for a period more than a 180 days.

W: See attached site plan

X: See attached proof of Insurance

Y: The apartment is two bedrooms and 2 bathrooms. Each bedroom can sleep two people for a total of 4 for the occupancy of the apartment.

Z: No signage advertising the Airbnb will be placed anywhere on our property.

3: Our apartment Airbnb falls into the description of a vacation rental.

4. We understand that a conditional use permit is needed for all leases 29 days or less. We will not be offering leases over 29 days.





## SAUK COUNTY HEALTH DEPARTMENT

### License, Permit or Registration

The person, firm, or corporation whose name appears on this certificate has complied with the provisions of the Wisconsin statutes and is hereby authorized to engage in the activity as indicated below.

**ACTIVITY**

**Tourist Rooming House (LTR)**

**LICENSEE MAILING ADDRESS**

ADAM AND ROBIN KLITZKE  
E13921 COUNTY RD DL  
MERRIMAC WI 53561

NOT TRANSFERABLE

**EXPIRATION DATE**

30-Jun-2022

**I.D. NUMBER**

EPAW-C4RPAK

**BUSINESS / ESTABLISHMENT ADDRESS**

THE CHATEAU  
E13921 COUNTY RD DL  
MERRIMAC WI 53561

All permits expire on June 30th, 2022. It is the responsibility of the licensee to make sure all applicable fees are received by the department before July 1st, 2022

If you do not receive a renewal form prior to June 30th from your licensing authority, you should send in your payment for renewing your permit to the following address:

SAUK COUNTY HEALTH DEPARTMENT  
505 BROADWAY STE 372  
BARABOO, WI 53913  
(608)355-3290

\* Include the name of your facility and the ID number.

# Index & Cover Sheet

Component Manual Design References:  
Version 2.0, SBD-10705-P (N.01/01, R. 10/12)

Pg 1 of 5

Pg 2 of 5

Pg 3 of 5

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Pg 5 of 5

Index & Cover Sheet

Plot Plan

Dispersal Area Cross-Section & Plan View

Pump Tank Specifications

Management Plan

## Attachments:

Pump Curve

## Enclosures:

POWTS Application for Review

Soil Evaluation Report & Site Map

## Project Name / Description

Owner Name(s): Adam & Robin Klitzke

Phone: 608 .434 .5114

Owner Address: E13921 CTY "DL" Merrimac, WI

Zip: 53561

Project Address: Same

Govt. Lot: NW 1/4 of NE 1/4, Section 26, T 11 N-R 7 E ☒ or W ☐

Township: Meerrimac

County: Sauk

Project Parcel ID #: 026-0433-20000

## Designer Information

Designer Name: Gary Kowalke

Phone: 608 .356 .8919

Designer Address: 465 South Blvd. Baraboo, WI

Zip: 53913

E-mail: gary@terrytownplumbing.com

This space reserved for approval stamp.

License Number: 3849

## Remarks:

This to certify that I Millard Harding 225182 ID #  
Have installed Septic system according to Plans Per Code  
Plans were transferred from Gary Kowalke to me legally.

Signature: Millard Harding

Date: 9-26-2021

Original signature required on each submitted copy.

# HOMEOWNERS CONTINUOUS RENEWAL CERTIFICATE

SELECTIVE INSURANCE COMPANY OF SOUTH CAROLINA  
3426 TORINGDON WAY STE 200  
CHARLOTTE, N.C. 28277

Named Insured and Mailing Address  
ADAM KLITZKE  
ROBIN KLITZKE  
E13921 COUNTY ROAD DL  
MERRIMAC, WI 53561--9736

AGENT:  
GIUFFRE INSURANCE AGENCY INC  
PO BOX 475  
MONTELO, WI 53949--0475

POLICY DATA	Number	H 2307354	POLICY DATA
	Term	05A WI	
	Agent No.	00-48187-00000	
	Period	03/15/2022 to 03/15/2023 12:01 A.M. Standard Time At The Residence Premises	

BILL ACCT. NO.: 445471664

608-297-8429

THE RESIDENCE PREMISES COVERED BY THIS POLICY IS LOCATED AT THE ABOVE ADDRESS  
UNLESS OTHERWISE STATED BELOW.

COVERAGE IS PROVIDED WHERE A PREMIUM OR LIMIT  
OF LIABILITY IS SHOWN FOR THE COVERAGE.

SECTION I COVERAGES	LIMIT OF LIABILITY	PREMIUM
A. DWELLING	\$ 907,000	
B. OTHER STRUCTURES	\$ 90,700	
C. PERSONAL PROPERTY	\$ 557,900	
D. LOSS OF USE	\$ SEE BELOW	

SECTION I PREMIUM \$ 1,598.00

SECTION II COVERAGES AND LIMITS OF LIABILITY		
E. PERSONAL LIABILITY	\$ 300,000 EACH OCCURRENCE	INCLUDED
F. MEDICAL PAYMENTS TO OTHERS	\$ 1,000 EACH PERSON	INCLUDED
ADDITIONAL COVERAGES (SEE "REMARKS" SECTION FOR DETAILS)		\$ 8.00

TOTAL COMBINED PREMIUM \$ 1,606.00

SECTION I - DEDUCTIBLES (INCLUDED IN SECTION I PREMIUM)

\$ 2500 ALL PERILS  
MISC -1832, COMMON LOSS DEDUCTIBLE

APPLIES

IN CASE OF LOSS UNDER SECTION I, WE COVER ONLY THAT PART OF THE LOSS OVER THE  
DEDUCTIBLE(S) STATED.

FORM AND ENDORSEMENTS MADE PART OF YOUR POLICY:  
(NUMBER(S) AND EDITION DATE(S) ARE PROVIDED BELOW.)

FORM: HO 00 03 10 00					
ENDORSEMENT(S):	HO 04 96 10 00	IN0197 (08-07)	MISC-798 (06-01)		
	MISC1597 (02-20)	MISC1600 (05-00)	IN0358 (08-11)		
	MISC1841 (11-19)	F-1355 (09-21)	IN0833 (03-18)		
	MISC1832 (12-15)	F-1148 (06-21)	MISC1844 (03-16)		
	IN0995 (06-21)	HO 04 27 04 02	HO 05 34 10 01		
	HO 24 82 04 02	F-1225 (05-18)	HO 04 90 10 00		

OTHER INSURED LOCATIONS--SECTION II

1. 313 N MAIN  
LEHR, ND 58460  
NO. OF FAMILIES: 1

PREMIUM \$ 3.00

MORTGAGEE(S):  
1. BANK OF WISCONSIN DELLS ISAOA  
716 SUPERIOR ST  
WISCONSIN DELLS, WI 53965-1561

THIS POLICY HAS BEEN AMENDED, UPON RENEWAL, AS FOLLOWS:  
AMENDED: COVERAGES (A AND/OR C) PROPERTY VALUES WERE INCREASED FOR YOUR

Issuing Date 01/04/2022

D/B-02- I  
F-697 (11/07)

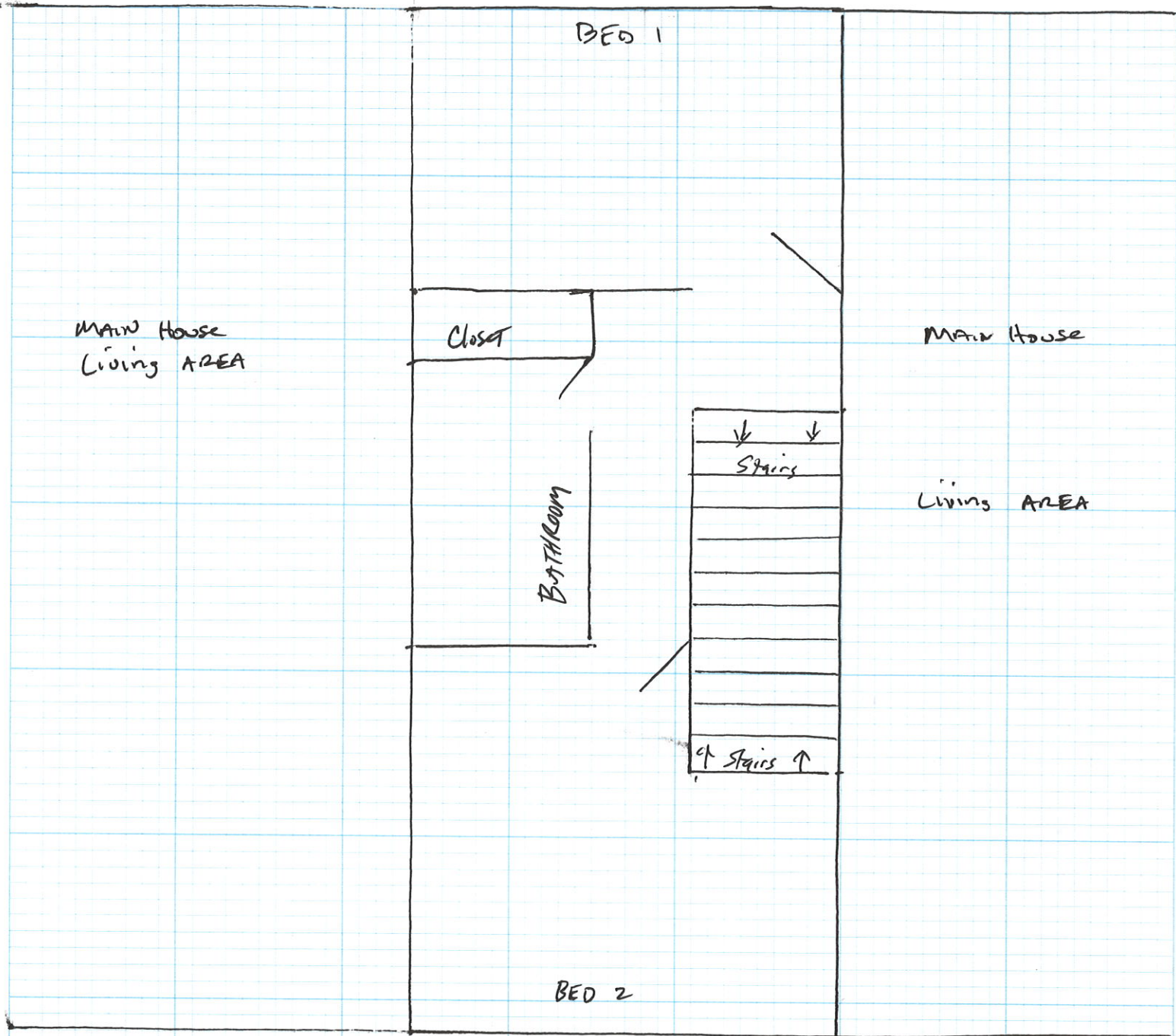
Date

Authorized REPRESENTATIVE --NOT REQUIRED--

INSURED'S COPY



*The total training solution for a better, safer, more efficient workforce.*



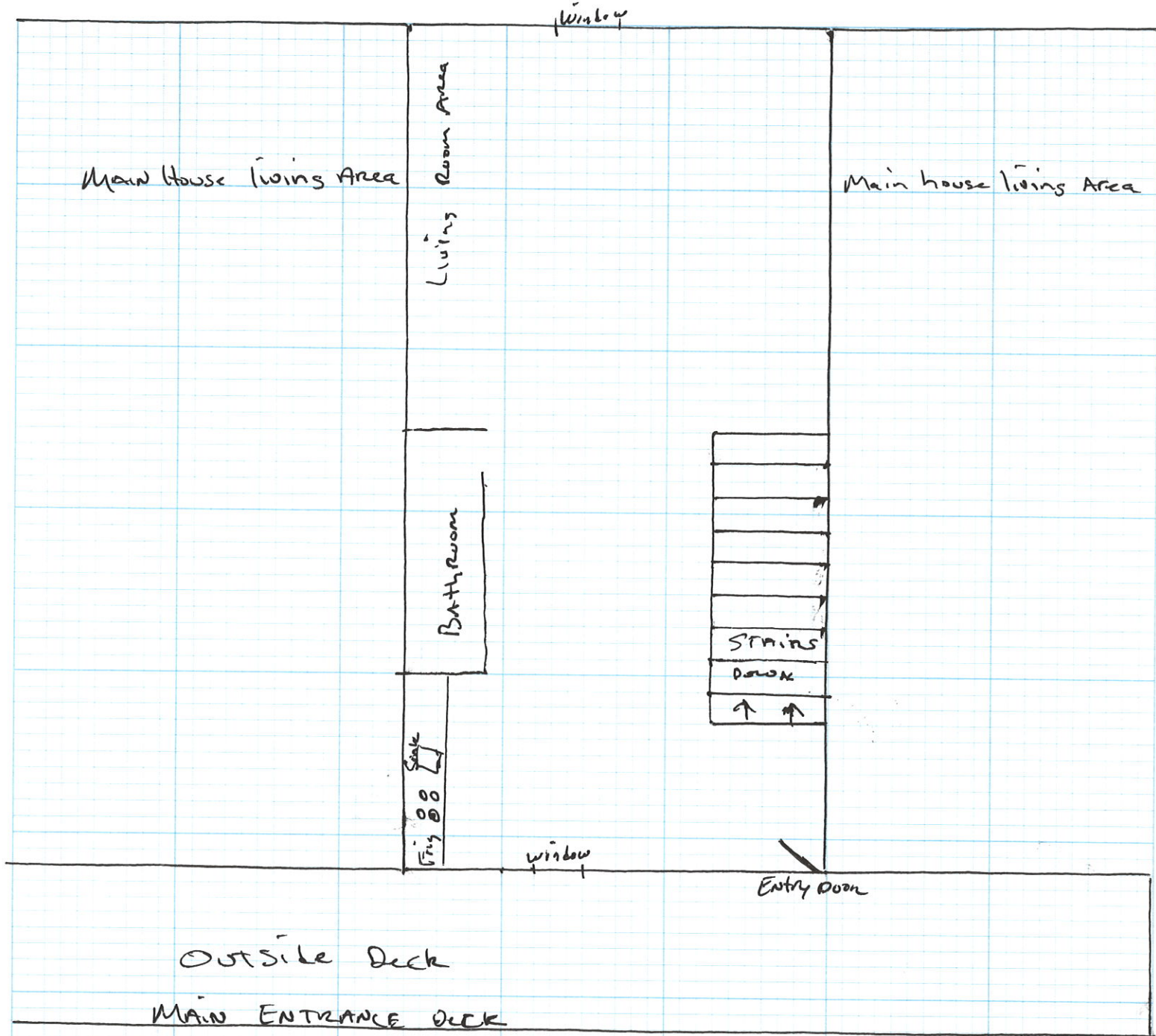
1 Inch = 4 Feet

TPC Training is the leader in maintenance, repair, and operator training, with complete solutions for a 21st century workforce to acquire, apply, and adapt essential technical and safety skills.

**[www.tpctraining.com](http://www.tpctraining.com)**



The total training solution for a better, safer, more efficient workforce.



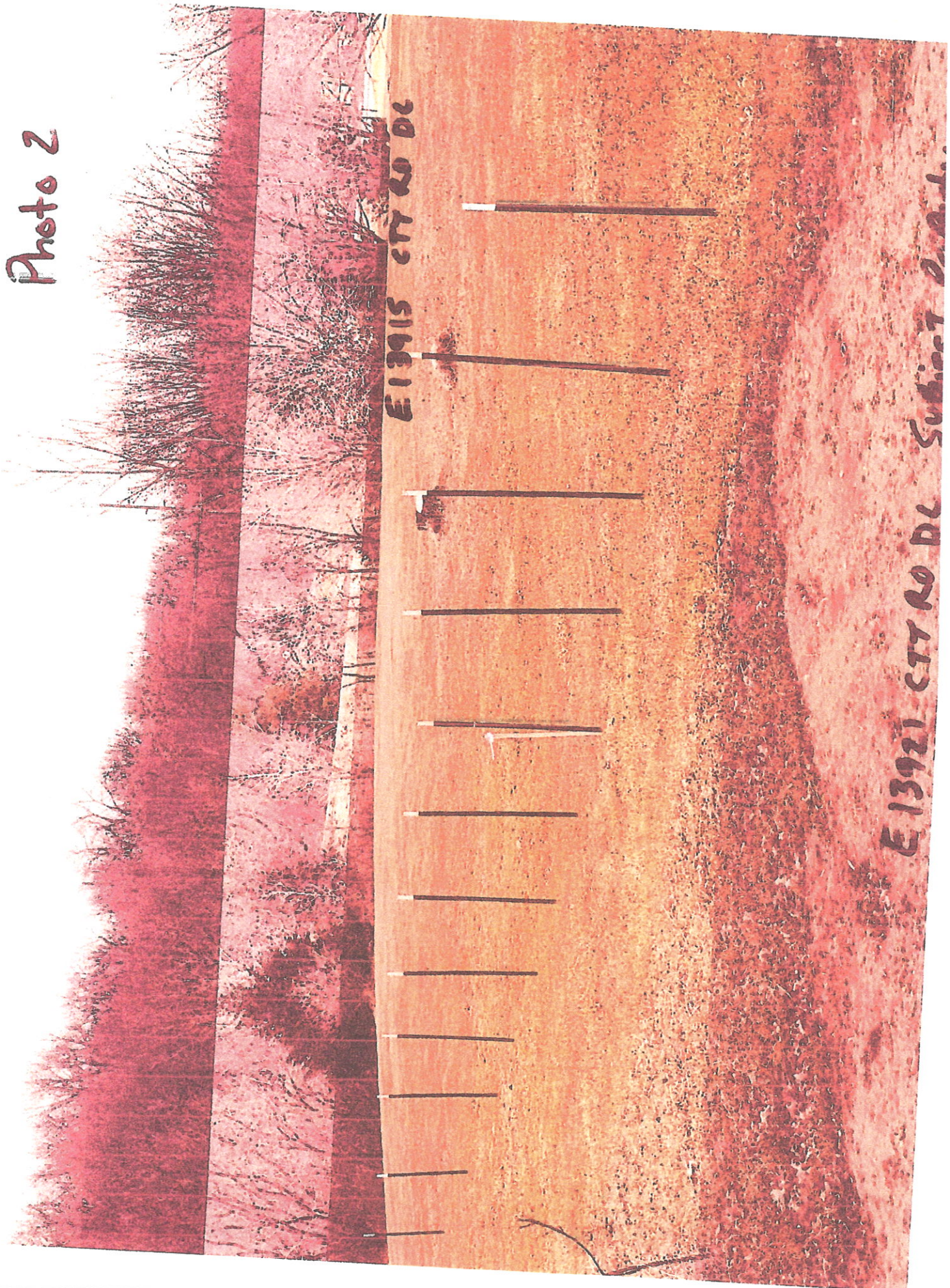
1 Inch = 4 Feet

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Photo 2



E13915 CTT RO DC

E13921 CTT RO DC Subject 2



Plot 3

line

Tall grass Between lots

S 5632 Bluff Rd  
E 13981 City Rd DC  
(Rustic Ridge)



# Photo B



Closer  
Picture  
of Property  
Line with  
E 13915 CTY  
RD DL  
By Drive way  
AREA  
Note Posts  
in any AREA  
that is not  
covered in  
Trees.



Aerial  
 Photo  
 was taken  
 in 2019.  
 A few  
 trees  
 have been  
 removed  
 and was  
 landscaped  
 But was  
 dug up in  
 September  
 for a new  
 septic  
 system.

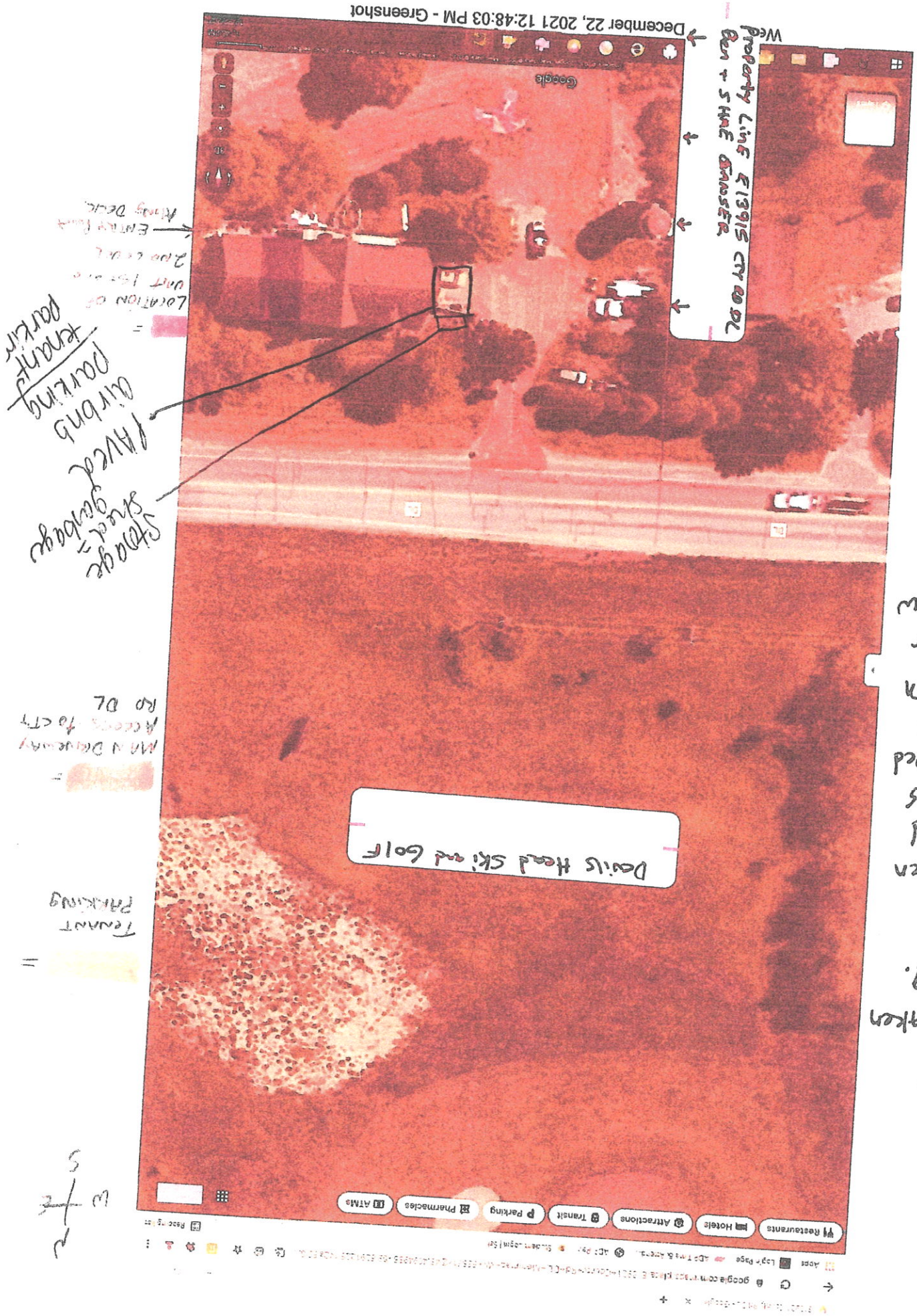








Photo 1



E13915 CTRY RD DL  
Subject Property