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## MINUTES OF THE PLANNING & ZONING COMMISSION November 17, 2021

Present were Richard Grant and Commissioners Tim Healy, Eric Peterson, Dan Purcell, and Doug Hill. Also in attendance was Town Administrator Tim McCumber, Deputy Clerk-Treasurer Jeremy Bowers and Town Planner Mike Slavney. Commissioner Dawn Peetz was excused.

Chairman Grant called to order **PUBLIC HEARING** regarding a Conditional Use 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. No one appeared in favor of the use. Shea Ganser who lives next door spoke in opposition and addressed several areas she believes have not met in the ordinance and provided evidence that the property owner has been violating the town ordinance by renting on AirBnB without approved permits. Motion to adjourn the hearing by Olah second by Purcell. Motion passed.

Grant called the zoning commission meeting to order. Bowers certified compliance with the open meetings law. A motion to approve the minutes of the October 20, 2021. Motion to approve the minutes by Purcell, seconded Peterson. Motion passed. Under **OLD BUSINESS** the commission considered a Conditional Use Permit for Vacation Rental Establishment (VRE) in the Single-Family Residential District per Town Ordinance 2.30 on property located at S7660 Oak Rd., Tax Parcel 026-0099-00000; application by Marcus Mitchell, 135 Linn St., Baraboo, WI 53913. Bowers reported the applicant had brought in the requested materials has met the conditions of the ordinance. Motion to approve by Grant, second by Peterson. Motion passed.

Under **NEW BUSINESS**, the commission considered 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. McCumber reported that there are deficiencies in the application which could be overcome, but the evidence provided during the public hearing that the applicant has been violating the town ordinance for several months concerning. McCumber reported compliance is always an issue when it comes to most vacation rentals. There are parts of the ordinance that would make it difficult for staff to enforce. McCumber recommended that in light of the violations, the commission should deny the permit. Hill questioned the administrator's recommendation to deny the application. He added that they have been good neighbors to him and requested the applicant to speak. Mr. Klitzke reported that they thought they would be approved and had already started the agreements with AirBnB. Grant again made the motion to deny based on the pre-existing zoning violation. Second by Olah. Peterson asked about the process if it is denied. McCumber reported that they applicant could request a Board of Appeals hearing and should the determination be upheld, they could go to circuit court. Grant amended his to allow the applicant to demonstrate they could be in compliance for one year prior to making a new application. Olah concurred with the

amendment. It was clarified during discussion that they would have to be in compliance with the ordinance for one year ordinance before they can reapply for a conditional use permit. The motion as amended passed with three in favor and one in opposition. Hill abstained.

Under the **ADMINISTRATOR'S REPORT**, Bowers reported that there have been 74 permits issued for 2021 totaling \$9,029,269. The \$9 million is a record for valuation. This is compared to 59 permits issues at this point in 2020 totaling \$6,417,552. There 15 new homes started this year compared to 10 new home starts last year. We have a permit for a new home pending payment of fees. McCumber reported his last day is on December 31<sup>st</sup> and thanked Mr. Olah for his nearly 20 years of service to the town.

Motion to adjourn Olah, second by Peterson. Motion passe