

**Minutes of the Merrimac Planning & Zoning Commission Meeting held on
Tuesday, April 11, 2017 — Minutes approved by Village Board, 5/xx/17**

Chairman Jim Malmberg called to order the Plan Commission meeting on Tuesday, April 11, 2017 at 6:00 p.m. Chairman Malmberg signed the Affidavit of Postings verifying the meeting met statutory posting requirements. Commission members present included Malmberg, Ann Hoffman, George Naxera, Phil Budde, and Tom Gallus. Village Board members also present included Nick Hahn, Garry Bahe, and Jeff Rasmussen. Administrator Ron Senger was also present, along with residents Liz and Jacob Hesse and Dave Rajchel.

(2) AGENDA ITEMS:

(1) Review proposed Certified Survey Map (CSM) that combines two lots into one (Lots 4 & 5 at Lakeview Ave; Colsac Cove subdivision). Recommend Village Board either approve or disapprove proposed CSM. Ron summarized the Buddes' plans to build a new home at 614 Lakeview Ave for Margaret Budde's parents. Because the home will be built on a portion of each vacant parcel, the owners are required to combine the two lots into one parcel per zoning code. Phil Budde also explained the site location for the home will meet all setback requirements, including the 75 foot front setback requirement that was originally established per the developer's site plans. Following review and discussion by those present, **Naxera/Hoffman moved to recommend the Village Board approve the proposed CSM as drafted. Upon roll-call vote, the motion carried with those present voting in the affirmative (less Phil Budde, abstained).**

(2) Review Variance Request for deck built at 110 Second St; setback variance is needed since deck does not meet 25' minimum front setback (required per Village code). Building Permit Application has been submitted, but processing awaits status of variance request. Make recommendation to Village Board to approve (or) disapprove proposed variance (with actual setback of 10'). Ron summarized how the resident, Jacob Hesse had built his own deck during the summer-fall of 2016 without an approved variance or building permit. On November 2, 2016, Ron directed Jacob Hesse stop work until the variance and building permit issue was resolved. Jacob had agreed to stop work until a Plan Commission and Village Board meeting could be held on the matter in 2017. Upon review of the situation, Chairman Malmberg explained a zoning board may grant a zoning variance request only in limited circumstances and only when the applicant provides evidence that proves they have met all of the legal criteria for a requested variance. The three criteria a variance applicant must satisfy include: 1. Unnecessary hardship; 2. A unique property condition; and 3. No harm to the public interest. After review, the commission members agreed that unnecessary hardship was met due to a unique property condition; this home was originally built in the 1960s with only 20 feet of front setback. The landing and stairs originally built at the front entry door reduced that setback to only 16 feet. Thus the home did not meet and could not meet the current required 25 foot front setback that was established by the village code that was later adopted in June 2006. This unique property condition creates hardship for the owner in that the front setback can never be met, and a variance will always be required whenever a landing or deck is built to serve the front entry door. With much discussion by all present, the group could find no real harm to the public interest. Thus with all three criteria met, **Naxera/Gallus moved to recommend the Village Board approve the proposed variance. Upon roll-call vote, the motion carried.** There being no other matters to come before the Plan Commission, Naxera/Hoffman moved to adjourn. Motion carried and Chairman Malmberg adjourned the meeting at 6:23 p.m.

Respectfully submitted,

Ronald D. Senger
Administrator