

Town of Merton
Joint Public Hearing with Waukesha County
To Consider the Conditional Use Request for the Construction of an In-Law Unit Addition to the Principal
Structure and for Land Altering Activity to Expose the Addition's Basement for the Attached Garage at
W303N5965 Settler Lane as Requested by Mike Merkel, Ascent LLC on Behalf of Cameron and Dawn
Knuth – Tax Key MRTT0396-996
May 7th, 2025

Present: Acting Chairman Siepmann, Commissioners Griffin, Queoff, Good, and Olson, Attorney Van Kleunen, Planner Haroldson, Waukesha County Representative Ken Smith, and Deputy Clerk Claas
Absent: Chairman Klink

Also Present: Pat Seegers, Mike Merkel, David Byczek, Cameron & Dawn Knuth, Brett & Jenelle Heath, Kevin Clark, Joe Bartelt, and Karen Templeton

The Public Hearing was called to order by Acting Chairman Siepmann at 5:30 p.m.

Waukesha County Representative Smith read the public hearing notice.

Merkel of Ascent LLC said he is applying for a conditional use permit for Cameron and Dawn Knuth to add an in-law suite to their existing property. This in-law suite will match the home and will be attached to the end of the garage. Because of the grading of the property, it's going to have exposure on the lower side for additional garage space. They will be removing the current three car garage, and this will be in its place. The main level is at the grade of the first floor of the existing home. Because the grade slopes rapidly on the east side of the property, it allows them to get the garage space underneath.

Haroldson explained that the Town's ordinance allows 800 sq. ft. for an in-law suite. Waukesha County allows for 1,000 sq. ft. They submitted everything the Town requires – location, the building plans, site plan, and plan of operation. There needs to be an additional parking space, and the architecture appears to be compatible with the house and the neighborhood. Haroldson said the floor area ratio is fine. Smith said the County doesn't regulate floor area ratio anymore and the current design does slightly exceed the palpable square footage, as defined in County's ordinance. It's the outside corridor and stairwell that is not technically part of the unit, but it has to be included in their calculation. A simple re-design will fix that. Smith said besides the in-law unit, they are also here for land altering activity and that is due to the necessity for further excavation into the slope. The current detached garage was built into the slope and a bit more excavation will be required to connect this in-law unit addition and the garage below it with the home. The in-law unit will be at grade with the rest of the home, and the new garage and the golf simulator will be in the basement, but it will be at grade because it will be further down the hill.

Merkel stated they had the septic examined through Parks & Land Use and said they needed an additional 80 sq. ft. and that it would be okay to add onto that system. The tanks for the current system are closer than 5 ft. from the structure they need so at the time of excavation they will move those tanks out and that was already approved by County. Waukesha County Representative Smith said he will check on that and he would work with whatever sanitarian works with Town of Merton.

Waukesha County Representative Smith said it does appear the addition will be compatible with the stylization. He stated that the public hearing is for the in-law unit as well as land altering. Waukesha County Representative Smith said it is the intent of his office to recommend approval to the County Park and Plan Commission. The draft recommendations Waukesha County has are:

- Post grading activity does not appear to cause adverse drainage conditions
- Grading activities will not intrude into the environmental corridor
- Post grading maintains the existing topography, except for area already disturbed by the existing detached garage
- The proposed in-law unit will conform with the zoning regulations
- The proposed in-law unit will continue to the architectural scheme
- It will be compatible with the surrounding neighborhood and maintain its appearance of a single-family residence
- The proposed unit will be well screened with current foliage and foliage to be planted
- The applicant proposes only one in-law unit

Planner Haroldson questioned if Waukesha County would have them register anything with the Register of Deeds restricting the use of the in-law unit. Waukesha County Representative Smith said it is a requirement of the shoreland protection ordinances, so there will be a deed restriction saying, in so many words, that this will be for the next of kin of the family and won't be used for a rental or anything like that.

Commissioner Griffin clarified that the existing detached garage would be removed. Waukesha County Representative Smith said yes.

Waukesha County Representative Smith stated some conditions are standard conditions when it comes to land altering activities and for in-law units. Some of the conditions are:

- Land altering activities are not going to damage the surrounding environment or have a negative impact on the surrounding properties
- It deals with reseeding disturbed vegetation areas
- They had to pull a vegetation removal permit to cut down three trees, however they are not priority trees
- Architectural consistency with the primary residence
- The in-law unit won't be used as a rental

Commissioner Good questioned if this would need a conditional use if it was just an addition not a mother-in-law suite. Waukesha County Representative Smith said if it was just an addition, it would just need a conditional use permit for the land altering.

The public hearing was opened for public comments and concerns. There were none.

The public hearing closed at 5:42 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk