

Town of Merton
Joint Public Hearing with Waukesha County
To Consider the Conditional Use Request for the Construction of Land Altering Activities
Associated with the Construction of a Parking Area, Retaining Walls, and the
Installation of a Holding Tank Beneath the Parking Areal – Tax Key MRTT0336-011.
November 19th, 2025

Present: Chairman Klink, Commissioners Griffin, Queoff, Olson, Siepmann, and Good, Attorney Van Kleunen, Planner Haroldson, Waukesha County Representative Evan Hoier, and Deputy Clerk Claas

Absent: Commissioner Caliendo

Also Present: Dale Bergman, Mark Brue, Duke Maynard, Patrick Bergman, Dave Bruncllick, Scott Susek, Evan Lampsa, and others.

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

Waukesha County Representative Hoier read the Public Hearing Notice.

Waukesha County Representative Hoier said this property is located on the east side of Lake Keesus off of Marshall Drive. The subject property and another area are accessed through an ingress/egress and parking easement located on the property to the north. The proposed project would involve the razing of the existing residence on the property, expansion of the existing retaining wall that's on the north property lines south to create a parking pad area on the applicant's property outside that easement area, and then construction of a new residence further back from the shore setback than the existing residence. That part would be handled by zoning permit through the County. This approval is just for the grading for that parking pad area and the retaining walls. The applicants submitted a full grading plan on their site along with their application. The work was done by Land Mark Engineering Services and surveyed by Mark Augustine. The existing topography on the site is a pretty steep drop on the north property line. The parking area will need to be extended out at grade where that easement area begins to drop off at the north property line. The grading plan shows a significant amount of fill would be added to continue that retaining wall area. It jets out about 23' further into the property than the existing retaining wall. The maximum height of the retaining wall extended will be 10.7'. The existing one is about 5' to 7'. The additional height is just from extending further south where it slopes down even farther. The new parking area is about 23' in depth by 35' in width. That counts for 7' offsets from the west and the east property line which complies with the Waukesha County Shoreland Protection Ordinance and Zoning Code. The holding tank would be moved underneath the parking pad area and that would allow for easier access for pumping. The applicant indicated that some pervious material would be acceptable for the surfacing on top of the area except for the area with the holding tank. That area would be more structured to protect from any sort of damage. The applicant also indicated the material for the retaining wall would be some kind of ready rock stone, a high-quality material. There will be some elevation on the east side of the property to kind of accommodate matching existing grades and then provide a little bit more an intentional drainage pattern for water to get down to the lake. On the west side of the property, there's just some smoothing out of grades. There's no significant increase or decrease in the grading. The proposed residence for the grading on site appears to meet all the zoning requirements for setback and offsets footprint. It meets the height standard for the Shoreland Protection Ordinance. It's getting set back from where the existing residence is.

Waukesha County Representative Hoier said he had a couple neighbor concerns. The neighbor to the west indicated they were concerned about the masking of their retaining wall extension and the

masking of any proposed residence. The walls are being kept as minimal and as small as possible to provide the necessary relief for reasonable use like parking on one's own property. The proposed deck is the farthest extent of where a structure would be. The actual bulk of the house will be set back a little bit farther. This should actually increase the concern of the view shed as opposed to actually lessening it. The neighbor to the north was concerned about work happening on his property in the easement area. The staff believes that a minor necessary improvement is noted in the State Statute is allowed to be done within an easement area if it's within the bounds of what one would expect to lay down a driveway or access an ingress/egress easement. The applicant indicated before the meeting tonight that the area shown on the plan might not actually be going in; it just might be the parking pad area. That might be something to be clarified. Both neighbors were concerned about the parking pad area being applied for as an accessory garage in the future. With that in mind, he thinks setbacks would kick in and they wouldn't approve that from a Waukesha County Shoreland perspective, and he doesn't think they have much to worry about and that land will remain just as a parking pad. With all that in mind, Waukesha County Representative Hoier said County Staff recommends approval.

Chairman Klink asked the petitioner if the information Waukesha County Representative provided was accurate. Bergman responded yes and added he thinks the parking pad will actually be 20' instead of 23'. Waukesha County Representative stated he thinks the 23' includes the walkway between the house and the retaining wall.

Planner Haroldson questioned the 10.7' retaining wall. Waukesha County Representative Hoier said at the greatest extent on the left side of the grading plan it shows 10.7' from the lowest exposure to the peak. With that height, the County thinks they need some sort of protective barrier. That's something that they've been considering when it comes to County's PPC as a condition; something protective, something for safety.

Commissioner Olson questioned if the new holding tank under the pad would be the only one on the property. Bergman said yes, there's a septic tank there now in front of the house on the lake side.

The public hearing was opened for public comments and concerns.

Mark Brue – N82W28275 Marshall Drive – his property is to the north that they drive over to get to their property. He had a couple of questions, and he talked with Waukesha County Representative Hoier a few days back, and he cleared it up. On the drawing there are two little wing walls up his retaining wall which apparently are not going to happen, so he was glad about that. If they would have been built, they would have been built on his property which he didn't like. Bergman mentioned that above the proposed parking area would be possibly aluminum railing; something that looks nice instead of just another continuous block wall another few more feet. That took care of that problem which he had questions about. He would like to not see a garage or shed built on top of the parking pad which Waukesha County Representative Hoier kind of addressed. After talking with Bergman and what he sees up here, it makes more sense to him now, so he doesn't really have any problems with it.

Scott Susek – N82W28291 Marshall Drive – he's to the west of Bergman and stated his only concerns are that they're calling it parking structure and they're saying it's not going to be a garage, but yet there's nothing that says they can't build a roof over a parking structure. The way he sees it, is they're using a parking structure and a cottage to mask over square footage and setbacks and pervious space. That's a 7,500 square footage property. His, without the driveway, which would be matching his length basically, is 14,000 something square feet, almost twice the size, and he was only allowed 1680 of building square

footage. There's quite a bit of difference there. They're just basically masking and covering up for the way it should be. It should go through the process of how to build it. He just thinks those things just need to be taken into consideration. That building there is going to be over 100 square feet more of a footprint than his, and he has over double the property. They're looking at a 3 ½ car garage basically is what it comes to. Maybe if they knocked that down, but why don't they put it to the house, so they can walk to the house from the garage. He's not worried about the 7' setback. The big concern here is their pervious space. This is where he had a big battle for a retaining wall to be put in, was because of pervious space and that goes along his driveway to hold back the hill. He would like them to take in consideration of just how much they're letting go on this property because that's going to set precedence for everybody around in the neighborhood. Hey I want to get away with this, I want to get away with that, I can get more square footage, I can go back on the setbacks.

Chairman Klink said basically what the Plan Commission is looking at is the land altering activity; not the house and everything else that will come later. Waukesha County Representative Hoier said they're looking at the retaining wall area, and no structures are being approved tonight. They would have to come back for the house for a Zoning Permit through the County if they could even try to attempt to do some sort of structure on the parking pad area.

Commissioner Griffin clarified that they're talking about a gravel pad, not asphalt or concrete. Waukesha County Representative Hoier said the applicant indicated they would do something pervious. Wherever that holding tank would be, that would need to be some sort of concrete or asphalt. Commissioner Griffin asked where they are currently parking now. Waukesha County Representative Hoier replied just in the easement area to the north on the gravel drive. Bergman stated the gravel drive services 2 people, so parking becomes an issue. Planner Haroldson clarified that it's not going to be a concrete pad over the parking area.

The public hearing was closed at 5:49 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk