



**CITY OF MERRILL**  
**ZONING BOARD OF APPEALS**  
**AGENDA • TUESDAY, JUNE 2, 2026**

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**Regular Meeting**

**City Hall Council Chambers**

**6:00 PM**

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**I. Call to Order**

**II. Roll Call**

**III. Public Comment**

**IV. Minutes from Previous Meeting**

1. Consider placing the minutes from the May 13, 2024 meeting on file.

**V. Public Hearing**

1. Brian and Rebecca Rutkowski, 309 Lake Street, requesting a variance to M.M.C. Sec. 113-317, maximum square footage of an accessory building in a Residential District.

**VI. Adjournment**

Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact Merrill City Hall at (715) 536-5594.

**CITY OF MERRILL  
ZONING BOARD OF APPEALS  
MONDAY, MAY 13, 2024 MINUTES  
REGULAR MEETING CITY HALL COUNCIL CHAMBERS 6:00 PM**

- I. **Call to Order** Chairman Thompson called the meeting to Order at 6:00 pm in Council Chambers
- II. **Roll Call** Present: Thompson, Koebe, Haas, Schwartzman, Burrows  
Present Not Voting: Building/Zoning Administrator Darin Pagel  
Absent: Dayton  
Others Present: Alderman Meyer, Alderman Lass
- III. **Public Comment** None
- IV. **Minutes from Previous Meeting**
  1. **Consider placing the minutes from the February 5, 2024 meeting on file**  
- Motion to Approve Haas, second Koebe, approved.
- V. **Public Hearing**
  1. **Mark Scott, 607 N Cleveland St.** - Motion to open hearing Haas, second Koebe, carried.  
Chairman Thompson explained the request for variance and hearing process. ZA Pagel explained the reason for the variance request. Mark Scott, owner spoke in favor of the variance and stated he would only have to remove one tree limb to place the shed. Mike Porath, 700 E 7th, spoke in favor and questioned other properties shed coverage. Chairman Thompson stated that other properties were not relevant to this hearing. There was no opposition. Motion to approve the variance Koebe, second Haas, carried unanimously.
- VI. **Other Business** None.
- VIII. **Date and Time of Next Meeting** Next meeting at call of Chair.
- VII. **Adjournment** Motion to adjourn Koebe, second Schwartzman, carried.  
Adjourn 6:15

Minutes respectfully submitted by

# CITY OF MERRILL

1004 EAST FIRST STREET  
MERRILL, WI 54452

## NOTICE OF PUBLIC HEARINGS

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the Zoning Board of Appeals of the City of Merrill, Wisconsin, commencing at **6:00 p.m. on Tuesday, June 2, 2026, in the Council Chambers, City Hall**, 1004 East First Street, Merrill, Wisconsin, on the following proposed matters, to wit;

- 1.) Brian and Rebecca Rutkowski, 309 Lake Street, requesting a variance to M.M.C. Sec. 113-317, Maximum square footage of an accessory building in a Residential District. Legally described in PIN# 251-3106-124-0033.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: May 15, 2026

CITY OF MERRILL, WISCONSIN

By: Lori Anderson-Malm  
Lori Anderson-Malm  
City Clerk

APPLICATION FOR ZONING VARIANCE  
CITY OF MERRILL

NAME: Brian & Rebecca Rutkowski STREET ADDRESS: 309 Lake Street

PROPERTY ADDRESS: 309 Lake Street TAX ROLL#: 251-3106-124-0033

LEGAL DESCRIPTION: Part of blk 5 and part of lot 7-8-9 Blk 41 Averillis Addition  
des as cm at W of Lake Street. 85' N LN of E-W Alley in ctr of Blk

EXISTING USE: 4-E 135' N 100' W. 135 to E LN Lake Street, 5' 100' Alg E LN PROPOSED USE: garage

REASONS FOR REQUESTING A VARIANCE: Behind our garage does not have good grass

As there isn't much direct light, we have to fence it off in spring due to mud. We would like to extend  
our garage in this space. My husband has his woodworking tools in <sup>our</sup> current garage. I would like  
to move those into the addition and park our cars in the current garage. We do not have

ADDITIONAL REQUIREMENTS Much storage as this is an old house. Garage storage would allow  
us to house lawn mower ect and keep our yard tidy.

- Names and addresses of all abutting and opposite property owners within 100 feet of the property to be altered.
- Evidence by the applicant of ownership or control of the property for which the variance is submitted.
- Address and description of the property.
- A site plan or survey plat, drawn to scale, showing an accurate depiction of the property, location of structures, and property lines within 100 feet of the parcel.
- Other pertinent information that may be pertinent in considering the application.
- FAILURE TO SUPPLY SUCH INFORMATION SHALL BE GROUNDS FOR DISMISSAL OF PETITION.
- A fee of \$175.00 shall be paid to the Clerk-Treasurer at time of application.

All information submitted is accurate to the best of my knowledge.

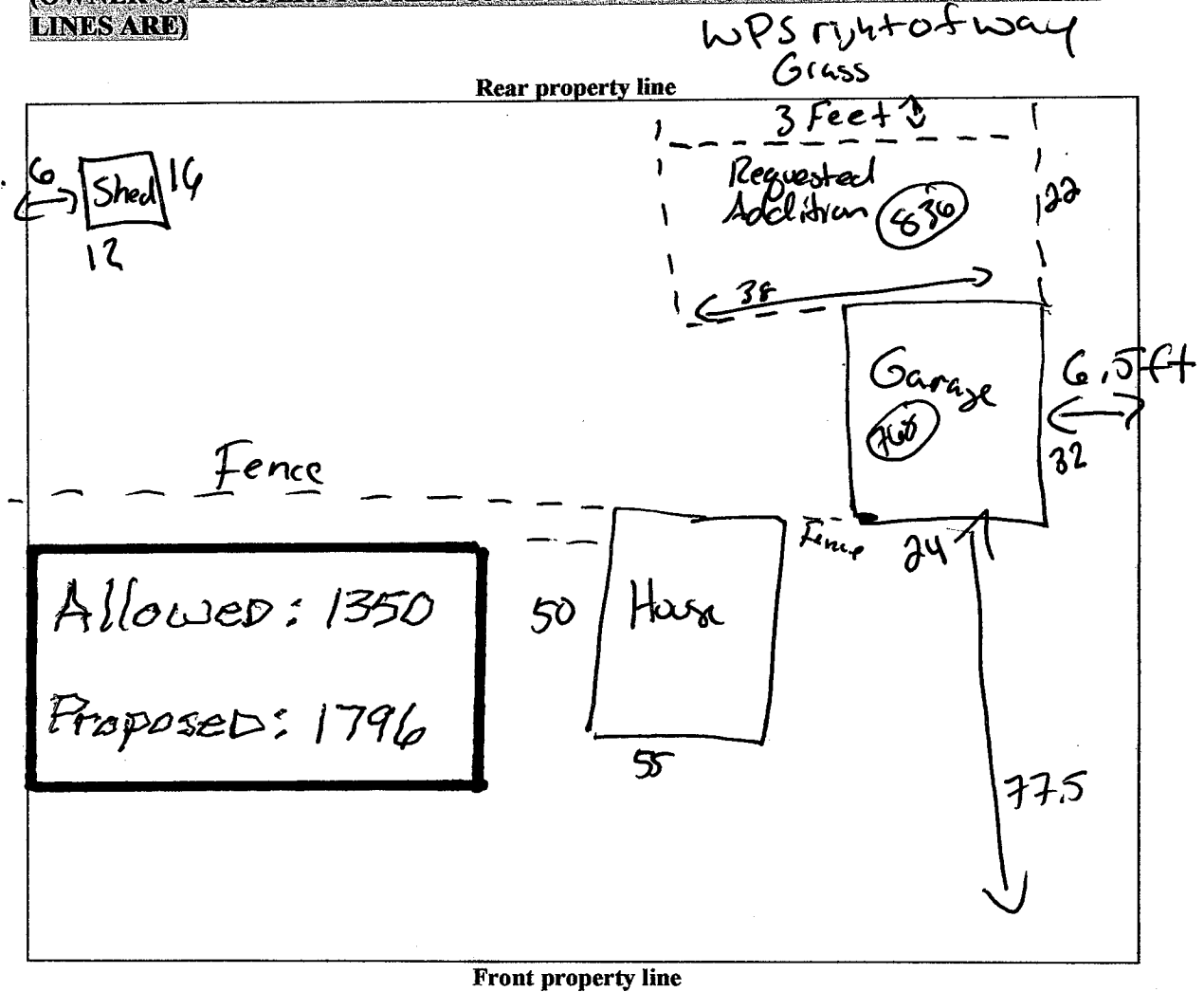
Rebecca Rutkowski 5/12/26  
Signature of Applicant Date

**Site Plan Instructions:**

Use the line drawing below for the Site Plan Drawing. Treat the four outside lines of the drawing as the property lines of your lot. Draw an overhead view of each current structure on the property and of the new structure you want to build. Identify them on the drawing as (house, garage, shed, deck, **new garage**, **new shed** etc.) Show the dimensions (example 24' x 30') of each structure, enter its distance (example ← 21' 8" →) from property lines, and enter the distance (example ← 10' →) between structures. Be clear and precise in entering all distance measurements for the new structure.

(You MUST stake the building site & call 536-4880 for approval prior to starting to build.)

**(OWNER OF PROPERTY IS RESPONSIBLE TO KNOW WHERE THEIR PROPERTY LINES ARE)**



**The Building Inspector will be conducting an inspection of your property in order to assess compliance with your building application.**

Property site address 309 Lake Street  
 Lot width 100 Lot depth 135

## Sec. 113-317. - Accessory uses or structures.

- (a) *Principal use to be present.* An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) *Placement restrictions in residential district.* An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) *Accessory building number limits.* In any residential district, in addition to the principal building, a limit of two additional accessory buildings or structures may be placed on a lot.
  - (2) *Attached accessory buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
  - (3) *Detached accessory buildings.*
    - a. No detached accessory building shall occupy any portion of the required front yard, and the total area of all detached accessory buildings shall not occupy more than ten percent of the lot or parcel area.
    - b. Any accessory building, use or structure shall conform to the applicable height and other regulations of the district in which it is located, except as specifically otherwise provided herein, except that when an accessory building is located forward of the rear building line of the principal building it shall satisfy the same side yard requirements as the principal building.
    - c. No accessory building other than a garage in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than three feet from all lot lines and from any other building or structure on the same lot; except as provided in subsection (h) of this section. An accessory building shall be set back at least five feet from the rear corner of the main building; provided, alternatively, an accessory building in a residential zone must maintain a 30-foot setback from the front property line with an eight-foot setback from the side yard.
    - d. Existing accessory buildings may be rebuilt in their current location, with increased footprint or alternative design at the discretion of the building inspector. Property line determination is the sole responsibility of the homeowner. A certified survey map (CSM) may be requested, at the discretion of the building inspector. In no event shall the footprint of the structure be more than 15 percent greater than the existing structure.
- (c) *Use restrictions in residential district.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined herein and shall not be occupied as a dwelling unit.

## Sec. 113-461. - Zoning board of appeals.

- (a) *Scope.* Appeals to the zoning board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question by filing with the officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the common council. The officer from whom the appeal is taken shall forthwith transmit to the zoning board of appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) *Stay of proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the board of appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) *Powers.* In addition to these powers enumerated elsewhere in this Code, the board of appeals shall have the following powers:
- (1) *Errors.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator or the building inspector.
  - (2) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
  - (3) *Interpretations.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the plan commission has made a review and recommendation.
  - (4) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the plan commission has made a review and recommendation. Whenever the board of appeals permits such a substitution, the use may not thereafter be changed without application.
  - (5) *Unclassified uses.* To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the plan commission has made a review and recommendation.
  - (6)