

# VILLAGE OF EPHRAIM

FOUNDED 1853



## EPHRAIM BOARD OF APPEALS AGENDA Thursday, August 22, 2024, 4:30 p.m. Village Hall -9996 Water Street

**NOTE: THIS MEETING OF WILL BE SIMULTANEOUSLY HELD VIA TELECONFERENCING. STAFF, COMMITTEE MEMBERS AND THE PUBLIC ARE WELCOME TO PARTICIPATE IN THIS MANNER. TELECONFERENCING WILL BE AVAILABLE BY COMPUTER, PHONE, TABLET, OR DIAL IN. CONNECTION INFORMATION BELOW:**

1. Call to Order
2. Quorum
3. Changes in Agenda
4. Compliance with open meeting law and public notice requirements
5. Announcement of Proceedings
6. Pamela Mache – 9859 Hoganson Ln
  - a) Variance from 40’ front setback standard
7. Michael Larsen – 2951 Valentine Ln.
  - a) Variance from 10’ side setback standard
8. Roy Harsch – 9931 Water St.
  - a) Variance from 15’ side setback standard
  - b) Variance from footprint increase in PW District standard
9. Adjournment,

**Please join my meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/881002653>

**You can also dial in using your phone.**

**Access Code: 881-002-653**

**United States: [+1 \(408\) 650-3123](tel:+14086503123)**

*\* It is possible that a quorum of the Village Board, Historic Preservation Committee, or other Village Committees may be present at the meeting. However, no action will be taken by the Board or any other committee unless specifically noticed.*

_____	<b>Date</b> <u>8/21/2024</u>
<b>Andrea Collak, Clerk</b>	<input checked="" type="checkbox"/> <b>Village offices</b>
	<input checked="" type="checkbox"/> <b>Visitors’ Center</b>
	<input checked="" type="checkbox"/> <b>Post Office</b>
_____	<input checked="" type="checkbox"/> <b>Website Ephraim.wi.gov</b>
<b>Kim Roberts, Deputy Clerk</b>	<input checked="" type="checkbox"/> <b>Faxed to WDOR Radio</b>

August 21, 2024

**Staff Report  
Board of Appeals  
Case # 157, 158, & 159**

**#157**

The property parcel # is 121-01-24312723X which is owned by Pamela Mache and located at 9859 Hoganson Ln. The property is zoned R1 Residential and is used as a single family residence.

The proposal calls for a small addition to and replacement to the entry steps/deck and the construction of overhead metal awning above the entry on the E side of the structure that faces Hoganson Ln.

A regular zoning permit cannot be issued because the new work is subject to current setbacks and the 40' front yard setback is not met.

The applicant is requesting a 13' variance from the 40' front yard setback minimum of the Ephraim code of ordinances.

**#158**

The property parcel # is 121-25-0001F which is owned by Michael and Brittney Rae Larsen and located at 2951 Valentine Ln. The property is zoned R1 Residential and is used as a single family residence.

The proposal is for and after the fact variance relating to the construction and locating of a chicken coop/run measuring roughly 14'x18' to be permitted. Much of the work on this structure is already complete and was done so without permitting.

A regular zoning permit cannot be issued because the 10' side yard setback for accessory structures is not met. Should a variance be granted on the project it should be done contingent upon the Larsen's obtaining a conditional use permit from the Ephraim Plan Committee for the additional accessory structure. Residential properties in this district are permitted to have more than one accessory structure in Ephraim, but only with Conditional Use approval.

The applicant is requesting a 5' variance from the 10' side yard setback minimum of the Ephraim code of ordinances.

**#159**

The property parcel # is 121-01-24312723B1 owned by Leslie & Roy Harsch and located at 9931 Water St. The property is zoned Protected Waterfront and is used as a single-family residence.

The proposal is for the construction of a 56 square foot addition to the subject property. Structures in the PW district are limited to those in existence. Additions to existing structures in the PW district that add footprint can only occur with a variance or with conditional use review by the Plan Committee if footprint from a structure existing on the property that is to be removed can be reclaimed. Additionally, the proposed addition is noncompliant to the 15' side yard setback requirement of the zoning code. Much of this work has already been completed as work done without approval and permitting.

This project previously went to the Ephraim Board of Appeals in the fall of 2023. The variance at the that time was tabled. Mr. Harsch has since resubmitted the application with additional information as requested. Additionally, as described in the submitted application, Mr. Harsch has worked out an arrangement with his neighbors to the South (Munn's) regarding a small land swap that would allow the area in question to be sited 1' from the property line as opposed to on the property line as previously submitted. This does make the submittal slightly more conforming than the previous. While it is a modest proposed change to the property line it does create some additional considerations. Should the board approve of the variance request it must be done so with a condition that the Munn's apply for and be granted, at a future hearing, a variance themselves. By moving the property line, via the triangle property swap, while making the Harsch property slightly more conforming, would in doing so make the Munn's property slightly less conforming to the same 15' side yard setback.

A regular zoning permit cannot be issued because the project does not comply with the 15' side yard setback of the Ephraim Code of Ordinances and because it adds footprint to an existing structure that is not permitted, as proposed, under the Ephraim Code of Ordinances.

The applicant is requesting a 15' variance from the 15' side yard setback and a variance to allow the addition of footprint in the PW district from the Ephraim code of ordinances.

Respectfully submitted,

Brent Bristol  
Zoning Administrator.

# VILLAGE OF EPHRAIM

FOUNDED 1853



## BOARD OF APPEALS

CASE # 157

Pamela Mache

9859 Hoganson Ln

Variance from 40' Front Setback

Thursday, August 22, 2024 – 4:30 pm

Village Hall – 9996 Water Street

NOTE: THIS MEETING OF WILL BE SIMULTANEOUSLY HELD VIA TELECONFERENCING. STAFF, COMMITTEE MEMBERS AND THE PUBLIC ARE WELCOME TO PARTICIPATE IN THIS MANNER. TELECONFERENCING WILL BE AVAILABLE BY COMPUTER, PHONE, TABLET, OR DIAL IN. CONNECTION INFORMATION BELOW:

### PUBLIC NOTICE

Notice to Appellants, Zoning Administrator, Plan Committee, and Neighboring Property Owners within 300'

**PUBLIC HEARING ON ZONING APPEAL APPLICATION** on the following property will be held on August 22, 2024 at 4:30 pm to hear and transcribe testimony both for and against, written and verbal:

Property # 121-01-24312723X

Variance from 40' front setback standard of Ephraim Zoning Code in the R1 Zoning district of the Ephraim Zoning Code.

Property is zoned R1. The proposal is for the construction of a new entry deck with an overhead metal awning. This new proposed work does not meet the 40' rear setback and requires a 13' variance. The deck is a replacement for the existing but is 18' larger to the East and 12' larger to the South.

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/881002653>

You can also dial in using your phone.

Access Code: 881-002-653

United States: [+1 \(408\) 650-3123](tel:+14086503123)

A notice is being sent to all property owners within 300'. Comments may be made in person at the meeting or in writing to be received no later than 8:00 a.m. on Thursday, August 22, 2024. Written comments via email at [bbristol@ephrain.wi.gov](mailto:bbristol@ephrain.wi.gov) will also be accepted. All written comments must include name and address of commenting residents.

_____	Date <u>8/12/2024</u>
<b>Andrea Collak, Clerk</b>	<input checked="" type="checkbox"/> Village offices
	<input checked="" type="checkbox"/> Visitors' Center
	<input checked="" type="checkbox"/> Post Office
<b>Kim Roberts , Deputy Clerk</b>	<input checked="" type="checkbox"/> Website <a href="http://Ephraim.wi.gov">Ephraim.wi.gov</a>
	<input checked="" type="checkbox"/> Faxed to WDOR Radio

Administrative Office 10005 Norway Road PO Box 138 Ephraim WI 54211  
Phone: (920) 854-5501 Fax: (920) 854-2072 E-Mail: [office@ephrain.wi.gov](mailto:office@ephrain.wi.gov)

# BOARD OF APPEALS VARIANCE APPLICATION

## Village of Ephraim

Petitioner: Pamela J. Mache, et al <sup>44</sup> hereby appeals to the Board of Appeals of the Village of Ephraim, Wisconsin for a variance from the zoning ordinances of the Village and submits this petition in support of the appeal.

Date filed \_\_\_\_\_  \$300.00 fee (payable to Village of Ephraim)

	Owner	Agent	Contractor/Contact
Name	Mache et al		To Be Determined
Address	9859 Hoganson Ln. Ephraim, WI		
Phone	(262) 818-1948		
Fax	NA.		

Legal description of property: <sup>\*</sup> \_\_\_ 1/4, \_\_\_ 1/4, S \_\_\_, T \_\_\_ N, R \_\_\_ E, Village of Ephraim, County of Door

Tax Parcel Number 1210124312723X

Fire Number and Street 9859 Hoganson Ln. Ephraim  
.850 Acres

Lot area and dimensions: 36,900 square feet, 246 x 150 ft.

Zoning District: C-5

Current Use and Improvements: Residential. Single Family

Identify all non-conforming structures and/or land uses on the property:

Residence  
Front Deck

Has a previous appeal or application for a variance, or conditional use/special exception, been made with respect to this property? \_\_\_ Yes X No

If yes, state the nature of the appeal/application: NA

<sup>\*</sup> Sec 24, T 31 N, R 27 E, SW 1/4 of NW 1/4 GL2  
Com 1064', 64' N 89 1/2° E 17.26' N 1 1/2° E  
W 1/4 COR SEC 24: N 150' N 89 1/2° E 246'  
S 150' 589' W 246' B 0

Disposition: Granted Denied Date of Decision: \_\_\_\_\_

Petitioners: Richard D. Hillesland  
Leanne R. Hillesland  
Robert G. Mache  
Anne W. Mache  
Pamela J. Mache Mary C. O'Donnell

**VARIANCE APPLICATION**

Ordinance / Section Number

Variance Requested

17.17 (3)(c)

See attachment (A)

Estimated Cost of Construction: \$ 25,000

Is Petitioner the owner of the premises? Yes Lessee?      Other:     

If Lessee, give owner's name & address     

Address each of the following criteria for granting a variance as described above (attach additional pages as necessary):

(1) Unnecessary hardship is present because....

*See attached*

(2) Compliance with the terms of the ordinance is prevented by the following unique feature(s) of this property...

*See attached*

(3) A variance will not be contrary to the public interest, will observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice because....

*See attached*

Attach a site plan or other map of your site and detailed construction plans.

I certify that the information I have provided in this application is true and accurate.

*Rudolf Heiler*

Date: 5-8-24

Applicant/Agent

Remit with application fee and materials to:

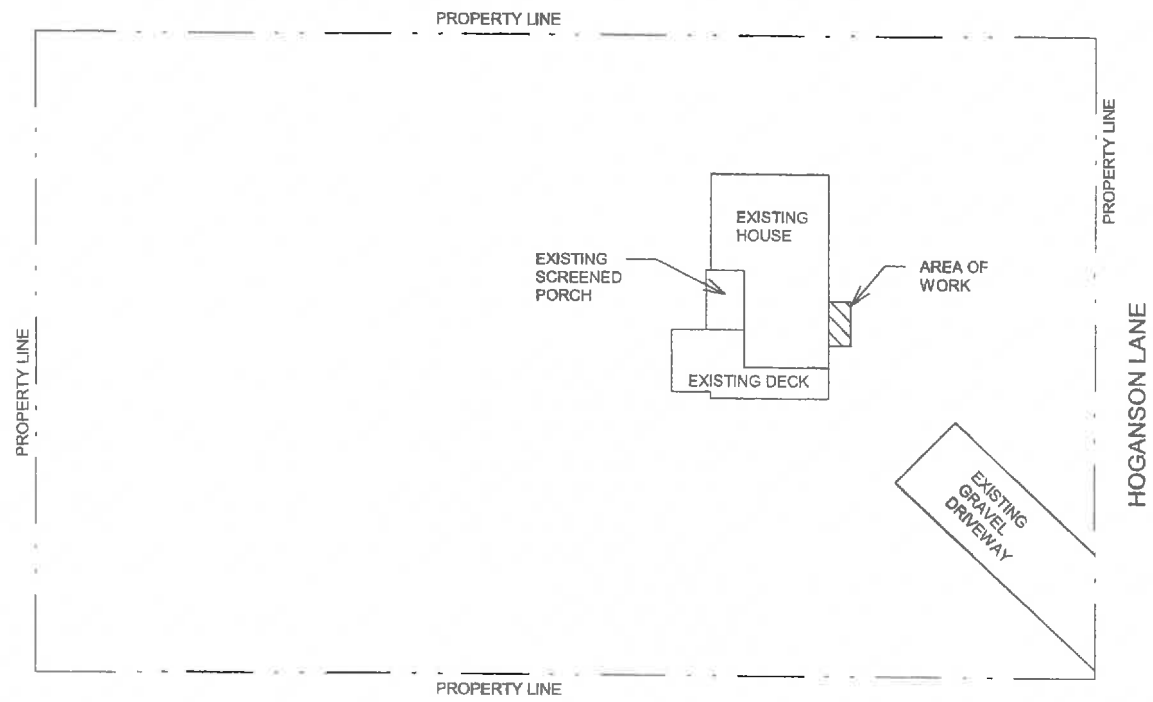
Village of Ephraim  
P.O. Box 138  
10005 Norway Road  
Ephraim, WI 54211

- (1) **Unnecessary hardship is present because:**
- a. Current front deck is very small and impedes natural movement while entering the home;
  - b. Current front deck was originally built to accommodate the presence of a large tree to the south as you face the home. The tree no longer exists.
  - c. Current front deck size and lack of overhead coverage (no awning or roof cover) leads to icing up at the entrance to the home, leading to slippery and dangerous conditions.
  - d. The rise of the steps on the current front deck are not currently code compliant. By extending the footprint of the steps it allows for one additional step. This would decrease the rise and increase the run of the steps. Along with the addition of a small awning to cover the front door, this would allow for a safer and dryer entry to the home, especially when carrying luggage, groceries, and grandchildren. All of the owners are seniors.
  - e. There is no present coverage of the front door from the weather elements, and therefore would request to add a metal awning at entry (picture attached).

- (2) **Compliance with the terms of the ordinance is prevented by the following unique feature(s) of this property:**
- a. Home requires a front deck for entry because of the grade of the lot. It is a raised entry.
  - b. Home is approximately 5' into the required setback, making a deck for entry very limiting and unsafe.
  - c. A natural stream to the rear of the property (running North -South), likely limited the original setback when built. The current owners are not the original owners/builders of the home.
  - d. The roof pitch doesn't easily accommodate a redesign of the roof without a complete re-do for a covered entry. Thus, the request to add an overhead awning.

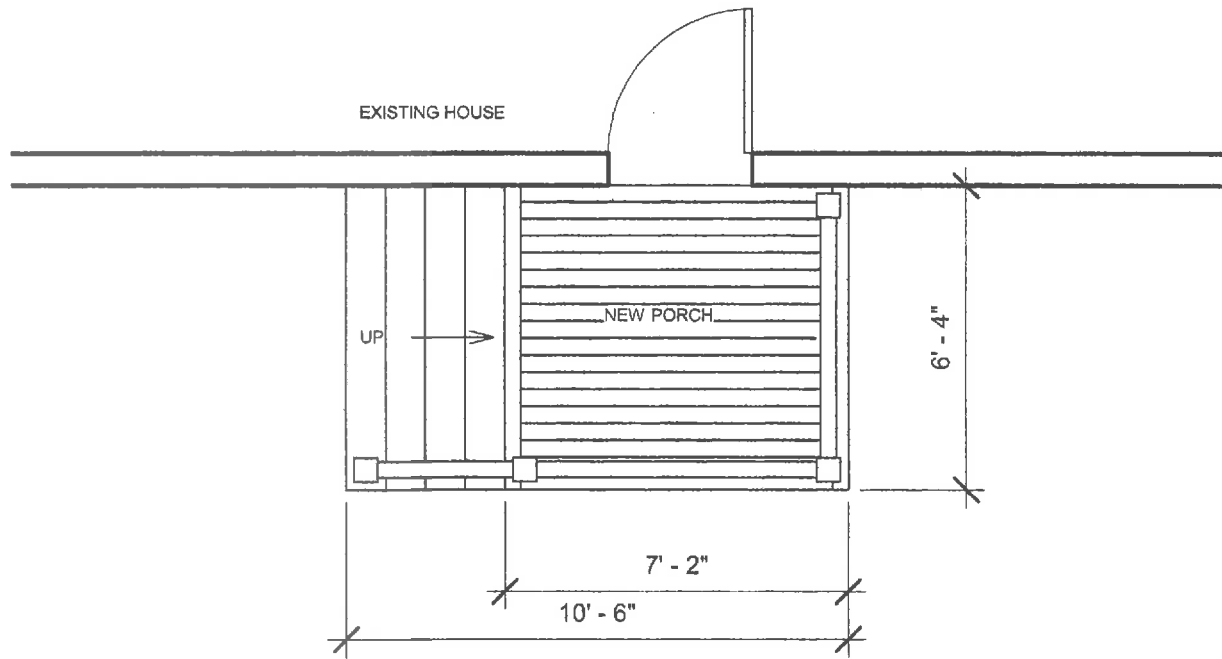
- (3) **A variance will not be contrary to the public interest, will observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice because:**
- The proposed new front entry deck and awning will not negatively affect anyone's interest, safety or welfare. The proposed changes will allow for easier and safer entry into the home. Aesthetically this deck will better accommodate the overall size of the front of the home, and straightening the steps (currently steps are curved) will be safer to climb, and will look much better. This update would also answer the safety issue of entering the home for the welfare of the owners and visitors. Overall, we are merely requesting an increase in size of 18" forward of the current front entry deck, and 12" to the south, and an overhead awning. This allows for a slightly larger platform and a longer, straighter set of stairs.

N  
W E  
S

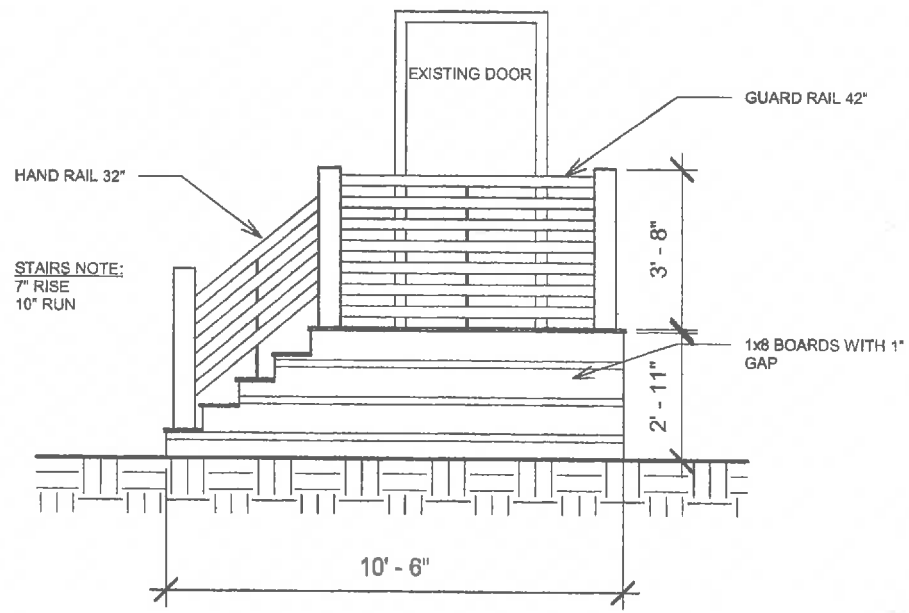


① Site  
1" = 40'-0"

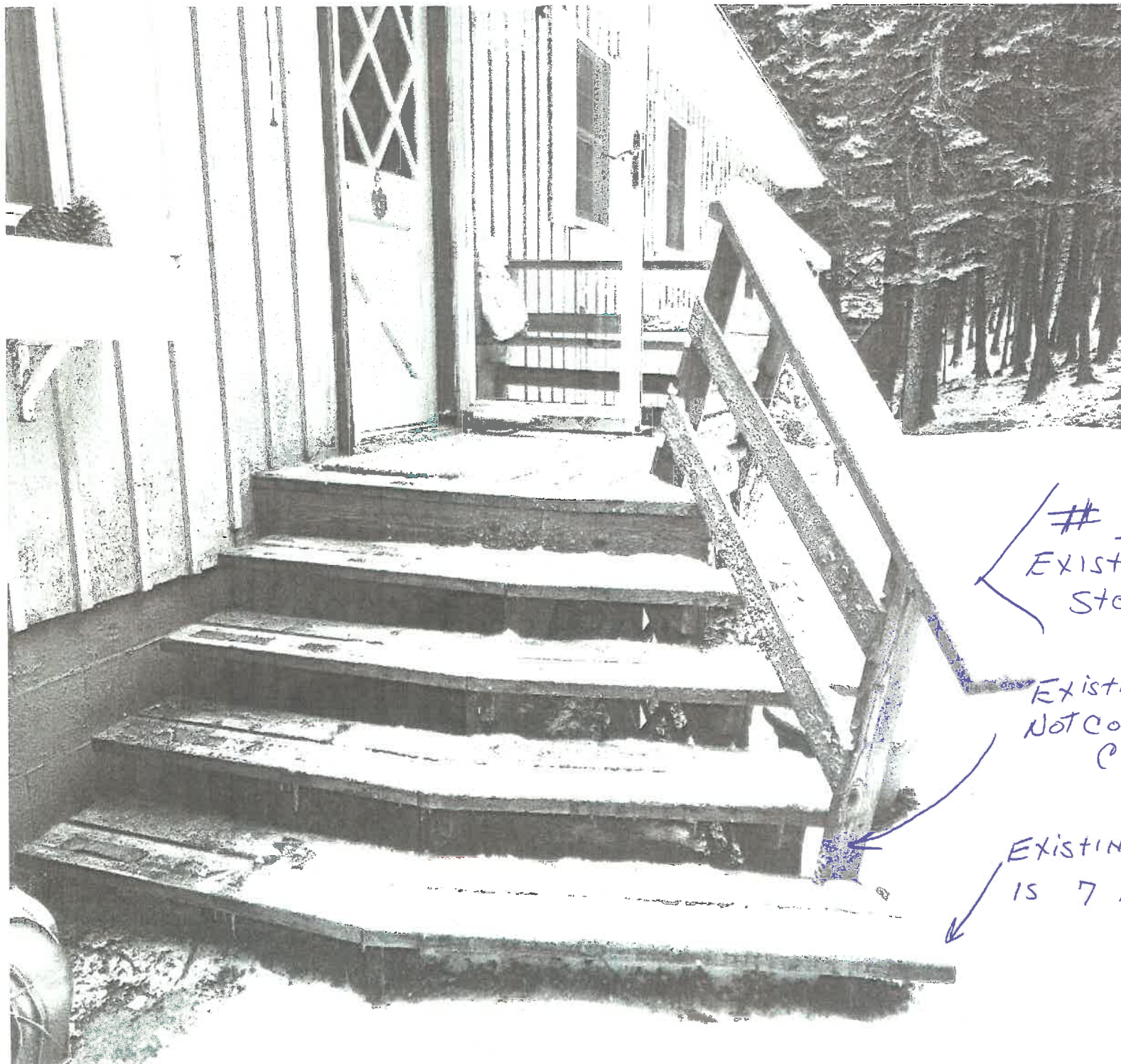




① 01-Decking Plan  
 1/4" = 1'-0"



① 02-Elevation  
 1/4" = 1'-0"



# 1  
EXISTING  
STEPS

EXISTING STEPS  
NOT CODE  
COMPLIANCE

EXISTING 1st step  
IS 7 FEET WIDE



S  
W  
E  
N

(#2 EXISTING DECK)

Steps Not Level

HAND RAIL + GUARDRAIL NOT TO CODE

Variance would add 18" to the East and 12" to the South



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INSTRUCTIONS

# RUSTICA



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BARN DOORS

BARN DOOR HARDWARE

INTERIOR DOORS

EXTERIOR DOORS

SHOWER DOORS

CUSTOM DOORS

*Proposed Metal Awning over Securus Awning front door.*

~~\$732.20~~

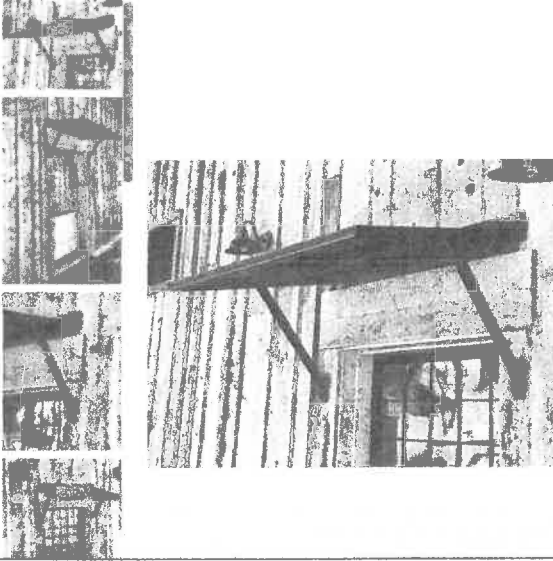
**\$523**

Price

WORRY-FREE SATISFACTION GUARANTEE

BEST PRICE GUARANTEE

Starting at \$48/mo or 0% APR with *affirm*. Check your purchasing power

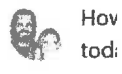


▼ Select Width

36 in \$10

▼ Select Projection

48 in \$180



Get % Off

*50 inch width x 36 in depth*

# PLAT OF SURVEY

FOR: MICHAEL MASSEK DATE: 9-16-14  
 ORDERED BY: AMY DUBOIS OF ARBOR CROWNE PROPERTIES REVISED: 9-24-14 FOR SCALE

## DESCRIPTION:

A PARCEL OF LAND IN GOVERNMENT LOT 2 OF SECTION 24, T.31N., R.27E., VILLAGE OF EPHRAIM, DOOR COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT A DOOR COUNTY MONUMENT MARKING THE WEST 1/4 CORNER OF SAID SECTION, THENCE N 89°18'12" E A DISTANCE OF 1064.04 FEET TO AN EXISTING IRON PIPE, THENCE N 01°43'50" E A DISTANCE OF 17.26 FEET TO THE POINT OF BEGINNING, THENCE N 00°12'03" W A DISTANCE OF 150.00 FEET, THENCE N 89°22'33" E 246.00', THENCE S 00°12'03" E 150.00 FEET; THENCE S 89°22'33" W A DISTANCE OF 246.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 0.847 ACRES OF LAND MORE OR LESS.

### LEGEND

- DOOR COUNTY ALUM. MONUMENT
- IRON PIPE FOUND
- 1"X18" IRON PIPE SET
- (xxx) RECORDED DIMENSION



BEARINGS REFERENCED TO THE SOUTH LINE OF SURVEYED PROPERTY AS RECORDED

SCALE 1"=50'



**SURVEYOR'S CERTIFICATE**  
 THE ABOVE MAP IS A TRUE REPRESENTATION OF THE PROPERTY SURVEYED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND SHOWS THE EXTERIOR BOUNDARIES, IMPROVEMENTS, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE RIGHTS OF THE PRESENT OWNERS OF THE PROPERTY AND THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THERETO WITHIN ONE (1) YEAR FROM THIS DATE.

DRAFTED BY TERRENCE J. McNULTY R.L.S. 2339

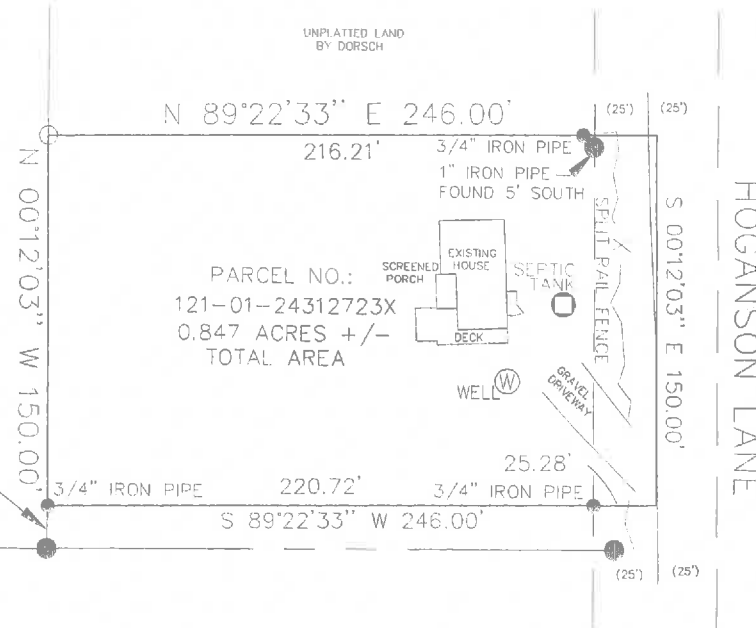
**McNULTY SURVEYING & MAPPING LLC**  
 300 E. PARK ST.  
 FORESTVILLE, WI 54213  
 (920) 856-8711

W 1/4 CORNER  
 SEC. 24-31-27



N 01°43'50" E 17.26'  
 (REC AS N 01°23'27" E 17.57')

N 89°18'12" E 1064.04'  
 (PREVIOUSLY RECORDED AS N 89°20'01" E 1064.16')



## Attachment (A)

The front deck is currently approximately 55' from center of road. We are requesting the new front deck to be approximately 53 1/2' from center of road.

On the north/south or length we are requesting an additional 9" in length (N-S).

Attached to the home, we are requesting the addition of a metal awning (50" wide by 36" depth) which would be approximately 57' from center of road.

# VILLAGE OF EPHRAIM

FOUNDED 1853



## BOARD OF APPEALS

CASE # 158

Michael Larsen

2951 Valentine Ln

Variance from 10' Side Setback

Thursday, August 22, 2024 – 4:30 pm

Village Hall – 9996 Water Street

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Property # 121-25-0001F

Variance from 10' side setback standard of Ephraim Zoning Code in the R1 Zoning district of the Ephraim Zoning Code.

Property is zoned R1. The proposal is for the construction of a new accessory structure (Chicken Coop). This new work does not meet the 10' side setback and requires a 5' variance. The coop while not finished was constructed without permits. If a variance is granted for setback relieve the Larson's will additionally have to go before the Plan Committee to seek approval of having an additional accessory structure on the property.

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**Access Code: 881-002-653**

**United States: [+1 \(408\) 650-3123](tel:+14086503123)**

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	Date <u>8/12/2024</u>
<b>Andrea Collak, Clerk</b>	<input checked="" type="checkbox"/> Village offices
	<input checked="" type="checkbox"/> Visitors' Center
	<input checked="" type="checkbox"/> Post Office
<b>Kim Roberts , Deputy Clerk</b>	<input checked="" type="checkbox"/> Website Ephraim.wi.gov
	<input checked="" type="checkbox"/> Faxed to WDOR Radio

Administrative Office 10005 Norway Road PO Box 138 Ephraim WI 54211  
Phone: (920) 854-5501 Fax: (920) 854-2072 E-Mail: [office@ephrain.wi.gov](mailto:office@ephrain.wi.gov)



VILLAGE OF EPHRAIM  
ACCESSORY STRUCTURES PERMIT APPLICATION

All Structures Must Adhere To All Village of Ephraim Ordinances

OWNER /PROPERTY INFORMATION

Property Owner: Michael & Britteny Larsen

Tax Parcel # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Phone # (920 ) 205 - 3730

Location of project: 2951 Valentine Lane

Historic District ?  Yes  No

Contractor/Contact: Owner Builder - Mike Larsen

Phone: ( 818 ) 223 - 1069

Type of Structure:

Storage Shed  Fence -  Solid  See Through  Deck/Patio Other Chicken Coop

Use of Structure: Raising Chickens for Eggs

Type of Material:  Wood  Cement/Brick  Combination

Fabricated Material  Stone  Metal  Other please Specify \_\_\_\_\_

Repair/Replacement  Yes  No

Height of Structure: \_\_\_\_\_ Foot \_\_\_\_\_ Inches

Location on Property Near East property line, between shed and patio / house

Cost of Materials and Labor \$ 2,500.00

INCLUDE WITH THIS APPLICATION

Building plans, including all elevations, floor plans.

Brief description of construction: 2x4 and plywood with plastic roofing and chicken wire. Replaced previous chicken run and coop structure that was too short and vulnerable to predator attacks. Our 3 sons raise the chickens, but their first 8 were killed by predators

Site plan showing lot dimensions, setbacks from all lot lines for proposed structure.

Diagram of completed structure

Color Sample of completed structure

**Note:** Application and materials must be in the Village Offices one week prior to Plan Committee meeting date to allow for proper processing and notification on Committee members. Construction may not begin prior to approval and permit issuance.

**Required Signature:** The owner of this property and the contractor agree to conform to all applicable laws of the State of Wisconsin and the Village of Ephraim. Failure to do so may result in increased permit fees or complete removal of non approved structure.

Signature of Applicant: *Michael S. Larsen* Application Date: 8/5/2024

Print Name: Michael S. Larsen

Approved <input type="radio"/> Yes <input type="radio"/> No	FOR OFFICE USE ONLY	Permit # _____
Permit Fee: \$ _____	Date Permit Issued _____	
Zoning Administrator Signature: _____		

**BOARD OF APPEALS VARIANCE APPLICATION**

**Village of Ephraim**

Petitioner: Michael S. Larsen hereby appeals to the Board of Appeals of the Village of Ephraim, Wisconsin for a variance from the zoning ordinances of the Village and submits this petition in support of the appeal.

Date filed 8/5/2024       \$300.00 fee (payable to Village of Ephraim)

	Owner	Agent	Contractor/Contact
Name	Michael S. Larsen		
Address	2951 Valentine Lane Ephraim, WI 54211		
Phone	(818)223-1069		
Fax			

Legal description of property: SE 1/4 , NW 1/4 , S 24 , T 31N, R 27 E, Village of Ephraim, County of Door

Tax Parcel Number 121-25-0001F, 121-01-243127-24A

Fire Number and Street \_\_\_\_\_

Lot area and dimensions: 67,997 square feet, \_\_\_\_\_ x \_\_\_\_\_ ft.

Zoning District: R-1

Current Use and Improvements: Single Family Residence

Identify all non-conforming structures and/or land uses on the property:

One Chicken coop and run enclosure measuring 13'7" x 19'8" of a foot print with a single rake roof reaching a maximum high above the ground of approximately 13' (at peak of roof and lowest point of the ground).

Has a previous appeal or application for a variance, or conditional use/special exception, been made with respect to this property?       Yes       No      (Not to the best of our knowledge or records that we can find)

If yes, state the nature of the appeal/application:

Disposition:       Granted       Denied      Date of Decision: \_\_\_\_\_

**VARIANCE APPLICATION**

Ordinance / Section Number

Variance Requested

3.a of zoning regulations

Allow reduced side set back of 5'

Estimated Cost of Construction: \$ 2,500.00

Is Petitioner the owner of the premises? Yes Lessee? \_\_\_\_\_ Other: \_\_\_\_\_

If Lessee, give owner's name & address \_\_\_\_\_

Address each of the following criteria for granting a variance as described above (attach additional pages as necessary):

(1) Unnecessary hardship is present because....

The location where the enclosure was built was a previous enclosure and before that a set of planter boxes. It was already free of trees and nominally flat. It is also close to the back door, a source of water, and mostly obscured from the surrounding streets and neighbors (except the closest neighbor which was once part of the same property).

(2) Compliance with the terms of the ordinance is prevented by the following unique feature(s) of this property...

The property was once combined with the neighboring property and was laid out with out a need to be concerned with a side property line. Once the two properties were divided, the setback was already encroached on from the begining. It never occured to me that there could be a setback issue because the chicken run is further back and the pre-existing shed.

(3) A variance will not be contrary to the public interest, will observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice because....

The placement of the coop/run is the least visible from all but the closest neighbor and when finished will visually match the coloring of the main house. The placement is consistant with the other pre-existing structures in terms of placement relative to the property line. The placement also minimizes visibility from the streets and most other neighbors and preserves the most trees.

Attach a site plan or other map of your site and detailed construction plans.

I certify that the information I have provided in this application is true and accurate.

Michael J. ...  
Applicant/Agent

Date: 8/5/2024

Remit with application fee and materials to:

Village of Ephraim  
P.O. Box 138  
10005 Norway Road  
Ephraim, WI 54211

phone: 920/854-5501

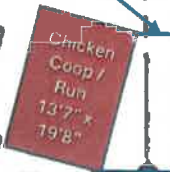
fax: 920-854-2072

e-mail: [bbristol@ephrain-wisconsin.com](mailto:bbristol@ephrain-wisconsin.com)



BLACKTOP DRIVE

**WALCH**  
 VOL. 1029, PG. 858  
 1.561 ACRES  
 PARCEL NO.  
 121-25-0001F  
 121-01-243127-24A



200.97' N 88°15'38" W<sup>25</sup>

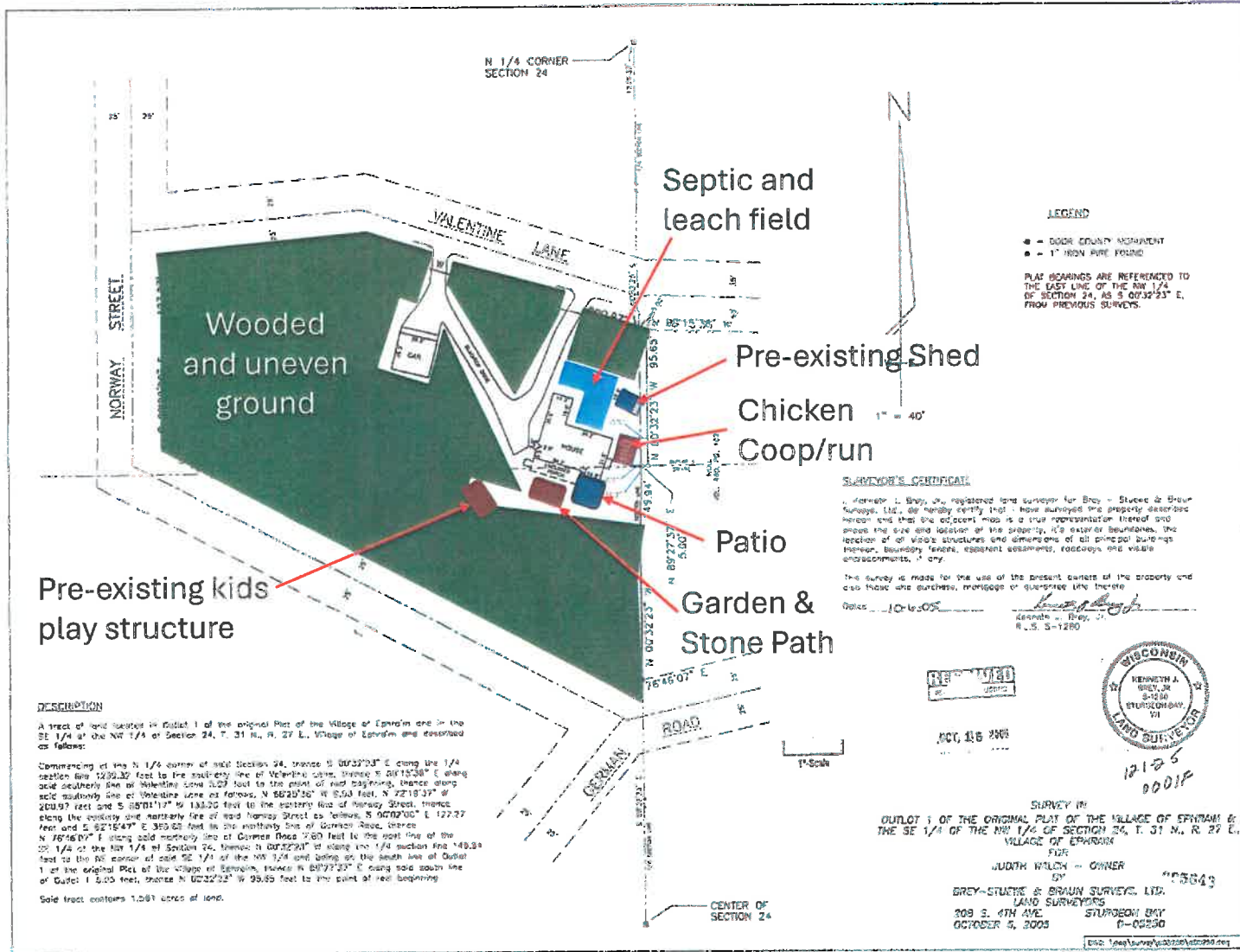
N 00°32'23" W 95.65'

OUTLOT 1  
SE-NW

OUTLOT 1  
SW-NE

~5'6"  
~6'3"  
~11'3"  
LINE .94'

HULL  
 VOL. 980, PG. 102



**LEGEND**

- - BOOR COUNTY RECORD
- - 1" IRON PIPE FOUND

PLAT BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SECTION 24, AS S 00°32'53" E, FROM PREVIOUS SURVEYS.

1" = 40'

**SURVEYOR'S CERTIFICATE**

I, Kenneth J. Brey, Jr., registered land surveyor for Brey - Stuetz & Braun Surveys, Ltd., do hereby certify that I have surveyed the property described herein and that the depicted map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary lines, easement easements, roadways and visible encroachments, if any.

This survey is made for the use of the present owners of the property and can show the purchase, mortgage or purchase line thereto.

Dates: 10-16-2005  
 Kenneth J. Brey, Jr.  
 License # 1000  
 R.S. 3-1280



12125  
 0001P

**SURVEY IN**  
 OUTLOT 1 OF THE ORIGINAL PLAT OF THE VILLAGE OF EPHRAIM &  
 THE SE 1/4 OF THE NW 1/4 OF SECTION 24, T. 31 N., R. 29 E.,  
 VILLAGE OF EPHRAIM

FILED  
 JUDITH WALTON - OWNER  
 07  
 BREY-STUETZ & BRAUN SURVEYS, LTD.  
 LAND SURVEYORS  
 308 S. 4TH AVE. STURBOEN, WI  
 OCTOBER 5, 2005 P-00250

**DESCRIPTION**

A tract of land located in Outlot 1 of the original Plat of the Village of Ephraim and in the SE 1/4 of the NW 1/4 of Section 24, T. 31 N., R. 29 E., Village of Ephraim and described as follows:

Commencing at the N 1/4 corner of said Section 24, thence N 00°32'03" E along the 1/4 section line 1239.32 feet to the southerly line of Valentine Lane, thence S 01°15'30" E along said southerly line of Valentine Lane 127 feet to the point of next beginning, thence along said southerly line of Valentine Lane as follows, N 85°23'52" W 25.6 feet, N 72°18'17" W 260.97 feet and S 85°01'17" W 133.22 feet to the easterly line of Norway Street, thence along the southerly line of said Norway Street as follows, S 00°02'00" E 127.27 feet and S 82°15'47" E 353.23 feet to the northerly line of Sherman Road, thence N 76°16'07" E along said northerly line of Sherman Road 76.03 feet to the east line of the SE 1/4 of the NW 1/4 of Section 24, thence N 00°32'03" E along the 1/4 section line 149.34 feet to the NE corner of said SE 1/4 of the NW 1/4 and being on the south line of Outlot 1 of the original Plat of the Village of Ephraim, thence N 80°27'23" E along said south line of Outlot 1 5.25 feet, thence N 00°32'02" W 95.65 feet to the point of next beginning.

Said tract contains 1.061 acres of land.

CENTER OF SECTION 24



Background: In the Spring of 2022 some friends offered our 3 sons 8 chickens for them to raise. They were very excited for the opportunity, and it is not something that was an option in California. We picked up a small coop from Tracker Supply and placed it on top of what had been a planter box out back of the house (convenient for care and watering and generally secluded from direct view from the street). To try and protect the chickens, my father-in-law constructed a modest run enclosure (~4' tall) to try and contain the chickens and protect them from predators when we could not be out with them. Besides the inconvenience of such a short enclosure, once a net was put over top of it, for someone my height, the protection from predators was not very good. All eight chickens were killed in late winter/early spring 2023. My children had loved taking care of the chickens and collecting eggs, so we decided to replace them. I was determined to fix the downsides of the previous enclosure, so I took it down and built a new run enclosure that is more substantial and safe against predators. It is also tall enough for me to walk upright inside of (I am 6'8" tall) so that now I can help my boys more easily when needed (they are now 5, 7, and 8 years old, and their sister is starting to get involved, she's 3). I thought our placement of the enclosure was good and it never occurred to me that I might be encroaching on a property line, certainly no more than the pre-existing buildings already did. This placement allowed us to keep all the trees and not need to disturb the natural landscape. We talked with our closest neighbors and they said it was fine with them (trying to be considerate neighbors). The construction is currently halted now that I realize a permit is required and a variance for the distance from the property line. When finished we plan to paint it to match the look of the house and other buildings on the property. It never occurred to me that I needed such formal documentation for what I saw as a replacement for the chicken run enclosure that we had before.

I had been told by friends that Ephraim allowed up to 12 chickens / per acre and that a chicken coop from Tracker Supply would be no issue. Everything else just sort of grew from there as we dealt with the challenges of chicken husbandry.

Chicken coop (small white structure on the right) and run enclosure. (Single rake roof mimics the shed design you see in the distance behind it)



Plastic being replaced (8/5) with chicken wire

Run enclosure

Coop

The outer chicken run enclosure will be painted to match the house (cream with burgundy trim) once we have permission to finish the structure. There will be no plastic left on it by the end of today (8/5) since it is not secure against predators)

# VILLAGE OF EPHRAIM

FOUNDED 1853



## BOARD OF APPEALS

CASE # 159

Roy Harsch

9931 Water St

Variance from 15' Side Setback

Footprint increase in PW District

Thursday, August 22, 2024 – 4:30 pm

Village Hall – 9996 Water Street

NOTE: THIS MEETING OF WILL BE SIMULTANEOUSLY HELD VIA TELECONFERENCING. STAFF, COMMITTEE MEMBERS AND THE PUBLIC ARE WELCOME TO PARTICIPATE IN THIS MANNER. TELECONFERENCING WILL BE AVAILABLE BY COMPUTER, PHONE, TABLET, OR DIAL IN. CONNECTION INFORMATION BELOW:

### PUBLIC NOTICE

Notice to Appellants, Zoning Administrator, Plan Committee, and Neighboring Property Owners within 300'

**PUBLIC HEARING ON ZONING APPEAL APPLICATION** on the following property will be held on August 22, 2024 at 4:30 pm to hear and transcribe testimony both for and against, written and verbal:

Property # 121-01-24312723B1

Variance from 15' side yard setback standard of Ephraim Zoning Code.  
Variance from footprint increase standard in Protected Waterfront (PW) district of the Ephraim Zoning Code.

Property is zoned Protect Waterfront. The proposal is for the construction of a 56 square foot addition to the subject property. Structures in the PW district are limited to those in existence. Additions to existing structures in the PW district that add footprint can only occur with a variance or with conditional use review by the Plan Committee if footprint from a structure existing on the property that is to be removed can be reclaimed. Additionally, the proposed addition is noncompliant to the 15' side yard setback requirement of the zoning code. The proposal calls for a 14' variance from the 15' side yard setback, placing it on the property line. Construction on the project began without a permit and stop work orders were given. This project came before the Board of Appeals last fall, a decision at that time was tabled for more information, this is a new posted hearing with additional information provided by the applicant.

Please join my meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/881002653>

You can also dial in using your phone.  
Access Code: 881-002-653  
United States: +1 (408) 650-3123

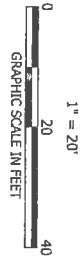
A notice is being sent to all property owners within 300'. Comments may be made in person at the meeting or in writing to be received no later than 8:00 a.m. on Thursday, August 22, 2024. Written comments via email at [bbristol@ephrain.wi.gov](mailto:bbristol@ephrain.wi.gov) will also be accepted. All written comments must include name and address of commenting residents.

Date	8/12/2024
Andrea Collak, Clerk	<input type="checkbox"/> Village offices <input checked="" type="checkbox"/> Visitors' Center <input type="checkbox"/> Post Office
Kim Roberts, Deputy Clerk	<input checked="" type="checkbox"/> Website Ephraim.wi.gov <input checked="" type="checkbox"/> Faxed to WDOR Radio

Administrative Office 10005 Norway Road PO Box 138 Ephraim WI 54211  
Phone: (920) 854-5501 Fax: (920) 854-2072 E-Mail: [office@ephrain.wi.gov](mailto:office@ephrain.wi.gov)



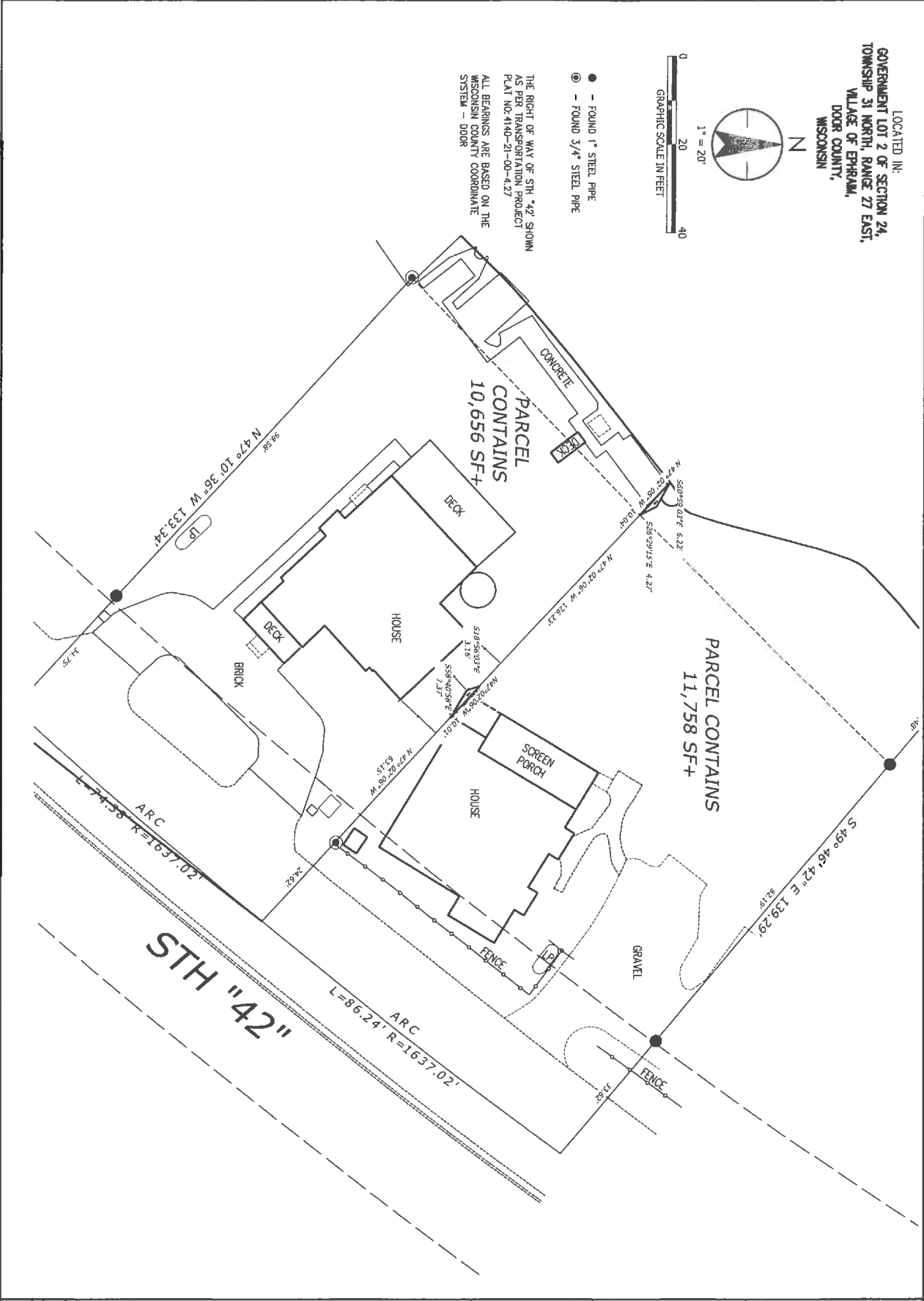
LOCATED IN:  
 GOVERNMENT LOT 2 OF SECTION 24,  
 TOWNSHIP 31 NORTH, RANGE 27 EAST,  
 VILLAGE OF EPHRAIM,  
 DOOR COUNTY,  
 WISCONSIN



● - FOUND 1" STEEL PIPE  
 ○ - FOUND 3/4" STEEL PIPE

THE RIGHT OF WAY OF STH "42" SHOWN AS PER TRANSPORTATION PROJECT PLAT NO: 414D-21-00-4.27

ALL BEARINGS ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM - DOOR



<p>PROJECT NUMBER 193807039</p> <p>SHEET NUMBER 1 of 1</p>	<p><b>SITE MAP</b></p> <p>ROY HARSCH 9931 WATER ST EPHRAIM, WI 54211</p>	<p>SURVEY BY : CMM/ARW</p> <p>DRAWN BY : C.M.M.</p> <p>DESIGNED BY :</p> <p>CHECKED BY : A.R.W.</p> <p>APPROVED BY : M.G.M.</p> <p>DATE : 7-4-24</p>	<p><b>Sturgeon Bay Office</b></p> <p>312 N. 5th Avenue Phone: 920-743-8211 Website: www.stantec.com</p>	
--	--	--	---	--

**VILLAGE OF EPHRAIM**  
**BUILDING/ZONING PERMIT APPLICATION**

1 of 2

Application Date \_\_\_\_\_

*Please Print*

**1. Owner/Property**

Tax Parcel No. 121 21 2431272381

Owner Leslie and Roy Harsch

Mailing Address 209 S, River

City Geneva

State Illinois

Zip 60134

Phone(s) 630 240 8741

Email roymharsch@gmail.com

Location of Project 9931 Water Street

Nearest Cross Street German Road

Property Use: Residencial

Zoning Area: Protected Water Front

Historic District?  Yes  No

Contractor/Contact: Self

Address 3024 German Road, Ephraim, WI 54211

Phone(s) 920 854 2973

Cell Phone ( 630 ) 240 8741

**2. Type of Improvement**

New Building

- Addition  
 Exterior Alteration  
 Foundation Work Only  
 Other \_\_\_\_\_

Accessory Structures

- Garage  
 Storage Building  
 Repair/Replacement  
 Other \_\_\_\_\_

**3. Describe Proposed Construction:** \_\_\_\_\_  
\_\_\_\_\_

**4. Cost**

Total cost of improvements as applied for in permit: \$ \$10,000.00

Structural Improvement Cost (if new building or addition, entire amount of structure; if alteration, renovation or repair, structural portions only): \$ \_\_\_\_\_

**Include with Application:**

- Certified Survey  
 Building plans, including all elevations, floor plans  
*(if commercial, State-approved plans must be given to the office prior to obtaining your permit)*  
 Site plan showing lot dimensions, setbacks from all lot lines for structures  
 For commercial structures, parking plans  
 Parking plan for construction vehicles during construction phase  
 Permit Fee/Impact Fee  Land Disturbance Application  
 Drainage Plan  Landscape Plan

**For New Buildings or Additions, Complete this Section Also:**

**Dimensions:** Number of Stories: 1 Height at Peak: 17 ft House - 11 ft Addition  
Roof Pitch(es): 4 by 12 Gable Addition to Match Existing Total Footprint, Exterior: See # /  
*See #*

Total Square Footage, All Floors Exterior: 1418 existing + 56 addition = 1474

Total Square Footage, Parking/Drives/Walkways: 725

Type:  Wood Frame  Structural Steel  Reinforced Concrete  Other \_\_\_\_\_

Principal Heating: \_\_\_\_\_ Propane \_\_\_\_\_ Oil \_\_\_\_\_  Electric

(Explain) \_\_\_\_\_  
Other \_\_\_\_\_

Signature \_\_\_\_\_ Plant Manager Date \_\_\_\_\_

**Sewage Disposal:**

Current:

- None
- Sewered
- Septic
- Mound/In-Ground
- Other \_\_\_\_\_

Proposed:

- Current System Continued  Demolition/Moving ?
- Connect to Available Sewer
- Extend Sewer to Property
- On-Site System

Type: \_\_\_\_\_

Year Installed: 1985

(copy of permit to be on file with Village)

If On-Site System, Year Last Pumped/Inspected: \_\_\_\_\_

**For sewage disposal planning, your contact is the Ephraim Treatment Plant Manager, 920/854-4991. Please contact him as soon as possible to allow proper planning and discussion of any necessary sewer connection permits or fees involved.**

Fire Chief Signature \_\_\_\_\_ Date \_\_\_\_\_

**Fire Department:**

Driveway width/tree clearance (width/height): 19 / 25 Sprinklers needed?  Yes  No

Clearance around structures for truck access: 30 Fire # Assigned 9931

**Fire Department requires driveways at least 12' wide and clearance 12' high; Fire Chief may be in contact with you during construction to check truck access and, if commercial structure, any sprinklering, water sources, or other safety considerations**

Application and materials **must be in the Village offices one week prior** to Plan Committee meeting date to allow for proper processing and notification of Committee members. When permits are issued, work must start within 6 months and be completed within one year. The owner of this property and the undersigned agree to conform to all applicable laws of the State of Wisconsin and the Village of Ephraim.

Signature of Applicant Leslie Harsch Print Name Leslie Harsch Roy Harsch

*[Handwritten Signature]*

**FOR OFFICE USE ONLY**

Permit # \_\_\_\_\_ Permit Fee: \$ \_\_\_\_\_

Date Permit Issued \_\_\_\_\_ Zoning Administrator Signature: \_\_\_\_\_

Restrictions: \_\_\_\_\_

# BOARD OF APPEALS VARIANCE APPLICATION

## Village of Ephraim

Petitioner: Leslie and Roy Harsch hereby appeals to the Board of Appeals of the Village of Ephraim, Wisconsin for a variance from the zoning ordinances of the Village and submits this petition in support of the appeal.

Date filed August 7, 2024  \$300.00 fee (payable to Village of Ephraim)

	Owner	Agent	Contractor/Contact
Name	<u>Leslie and Roy Harsch</u>		
Address	<u>209 S. River Geneva, Ill. 60134</u>		
Phone	<u>630 240 8741</u>		
Fax			

Legal description of property:      1/4,      1/4, S     , T      N, R      E, Village of Ephraim, County of Door

Tax Parcel Number 121-21-243127381

Fire Number and Street 9931 Water Street

Lot area and dimensions: 11,000 square feet, 83 x 131 ft.

Zoning District: PW

Current Use and Improvements: Residence

Identify all non-conforming structures and/or land uses on the property:

Side and Front Set Back 17.24(1)

Has a previous appeal or application for a variance, or conditional use/special exception, been made with respect to this property?  Yes  No

If yes, state the nature of the appeal/application: This revised petition is being filed in the continued Variance Hearing on the continuation of hearing on our petition filed on 7/31/23

**Disposition:**      **Granted**      **Denied**      **Date of Decision:**

Ordinance / Section Number

Variance Requested

17.24(i) and 17.20

15 foot side yard setback  
Footprint Increase

Estimated Cost of Construction: \$ 10,000

Is Petitioner the owner of the premises? Yes Lessee?      Other:     

If Lessee, give owner's name & address     

Address each of the following criteria for granting a variance as described above (attach additional pages as necessary):

See Attachment 1

(1) Unnecessary hardship is present because....

(2) Compliance with the terms of the ordinance is prevented by the following unique feature(s) of this property...

(3) A variance will not be contrary to the public interest, will observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice because....

Attach a site plan or other map of your site and detailed construction plans.

I certify that the information I have provided in this application is true and accurate.

Leslie Harosh  
Applicant/Agent

Date: August 6, 2024

Remit with application fee and materials to:

Village of Ephraim  
P.O. Box 138  
10005 Norway Road  
Ephraim, WI 54211

phone: 920/854-5501

fax: 920-854-2072

e-mail: bbristol@ephrain-wisconsin.com

# HARSCH VARIANCE APPLICATION ATTACHMENT 1

## (1) Unnecessary hardship is present because....

of the location of our existing house at 9931 Water Street with respect to the fifteen feet side yard setback from the property line with the adjacent Munn property at 9929 Water Street. By way of background, the present cottage was originally built by my wife's family in 1920 as a boat house. The Vail family at that time had built the original house on the adjacent property at 9933 Water Street and the original house up the hill at 3024 German Road. As was the common practice at that time, all of these Vail houses were built without kitchens because summer residents took their meals at the various hotels located throughout the Village. These houses were built prior to the enactment of zoning restrictions and building codes by the Village of Ephraim. As commonly occurred throughout the Village of Ephraim, the Vail family remodeled these three houses to build kitchens. Our cottage was created when the original boat house was remodeled in 1940 to include a kitchen, bathroom, two bedrooms and screened in porch. The cottage foot print has remained the same foot print for the past 84 years. When the Village of Ephraim enacted their zoning restrictions, the Vail houses at both 9931 and 9933 were nonconforming with respect to both the front yard setback requirement of 30 feet and the side yard setback of 15 feet. Leslie and I purchased a half interest in the 9931 cottage in 1988 from the two members of the Vail family who also owned the 9933 Water Street house. Leslie's father owned the other half interest. In 2015 Leslie and I obtained ownership of this half interest from her mother following the death of her father. Vail family members have owned both the 9931 Water Street and the 3024 German Road houses for more than 100 years.

In 1940 the existing kitchen at 9931 Water Street was constructed in a very small 7 by 10 feet space. It is very cramped and is impossible to have more than two people in the kitchen when cooking or serving. Because of the very small space between the stove and opposite cabinet and refrigerator it is impossible to open the refrigerator door while someone is cooking. This 21 inch space precludes standing in front of the stove and opening the oven door. When putting something into the oven or removing it, you have to stand to the side of stove and open the door. This is very difficult to do by anyone and is increasing harder for both Leslie and Roy. It also is actually not a safe way to cook. There have been a number of times that hot pans have been dropped, the contents spilled and people burned.

Leslie and I are requesting a variance to allow us to obtain a building permit to construct an 80 inch by 90 inch or 6 feet 8 inch by 7 feet 6 inch addition to the kitchen. This addition would occupy the space inside the rectangle formed by the extension of the west side of the cottage out to the extension of the north wall of the existing screened in porch. The existing house, as it was originally constructed and expanded, was built at an angle very close to the original property line dividing 9931 and 9929. The existing cottage's south west corner is 8 feet from the property line, the existing north west corner is 1.3 feet from the existing property line and the corner of the existing screened porch is 10 1/2 feet. Therefore, the cottage's existing west wall is currently

nonconforming with the present 15 foot set back requirement. Because the new north west corner of the proposed addition wall would extend to the existing property line, we reached an agreement with Mr. Tom Munn to change our respective property boundaries. We obtained ownership from Mr. Munn of a small triangle starting just before the point opposite the existing north west corner of the existing cottage extending 7.37 feet to a point then back 3.16 feet to the existing property line then returning 10.1 feet to the beginning. This triangle is shown on the attached Site Map prepared by Stantec. This Site Map also shows the identical triangle that we transferred to Mr. Munn that starts at our common highwater mark. Given these changes the kitchen addition will not be as close to the property line as the existing north west corner of our cottage is now. A variance from the 15 feet side yard setback is requested to allow for the issuance of a building permit for the construction of the kitchen addition. In addition, a variance is also needed from the restriction prohibiting increases in the foot print of the cottage because of the restriction in the Public Waters zoning rules. Exhibit B shows the 15 feet side yard setback on the existing survey and the Site Map.

**(2) Compliance with the terms of the ordinance is prevented by the following unique feature(s) of this property...**

Because of the location of the house as originally built and subsequently remodeled in 1940 was very close to the property line. It has been nonconforming since the adoption of the Village of Ephraim zoning requirements which requires a 15 feet side yard setback. The entire area of the present kitchen is in nonconformance with the setback. Give the original construction as a boat house over a hundred years ago and the manner it was expanded 84 years ago, there is no feasible alternate place to move the kitchen within the cottage or to construct an addition to enlarge the existing kitchen.

**(3) A variance will not be contrary to the public interest, will observe the spirit of the ordinance, secure public safety and welfare, and to substantial justice because....**

our cottage has conformed to all of the Village of Ephraim's suggested design standards as set forth in the Applicant Design Checklist and the proposed addition will also conform. It is and will remain a traditional cottage that has cedar siding that is painted white, a green gabled roof and continues to maintain its present vegetation and topography. We went to significant effort to construct our shore line protection in conjunction with our adjacent neighbors to provide a pleasing view out to the bay and a traditional view from the water. Our proposed addition will not significantly change the character of its view from the water and will be only minimally visible from the road with no change in character. The manner of the original placement of the buildings close to the existing property boundaries on 9931 and 9933 by the Vails afforded the public wide expanse of a view of the bay between the two houses which remains today. The shore line protection we implemented at our cottage maintains this public view and the proposed addition does not impact this view in any manner. The excavation for the proposed addition, the removal

of number of stumps and the concrete footing, concrete floor and stone foundation will allow us to correct a water problem that has existed for some time. Rain water from our roof and from the two downspouts from the roof of the house on 9929 Water Street has contributed to a ponding in the corner area between the existing stone foundation of the screen porch and the existing kitchen. This has caused some damage to the foundation and has contributed to the wetness of crawl space below the house which can lead to rotting of the support members. We believe that the concrete footing and floor will tie the existing stone foundation together contributing to its longevity. Along with the thick foundation, it will provide a barrier for the rainwater that will direct it to the proposed gravel French drains that will allow it to be absorbed into the ground or be diverted down grade through the existing landscaped bed to the stone drains we installed as part of the shoreline protection that we installed jointly with 9929 Water Street. Exhibit C which is an aerial view of our house shows the location of the area that the addition will occupy, the existing landscaped area that straddles the property line and the common rock drainage area.

In the 1940 addition, the rectangle area where the new kitchen area will be located was not a vacant area. The screened in porch as originally built had a second door that had wooden steps down to a wooden landing area located below the two kitchen windows. An outside cold water shower was included on the side of the west window. The shower had a flag stone area that extended from the wooden landing past the corner of the house.

The grant of the requested variance will not have an adverse effect upon anyone. While the grant of the variance will allow a building permit to be issued for our kitchen addition that is closer to the 9929 Water Street house, the owner has expressed his support for our variance and the proposed project and our joint plans to address the drainage of rainwater. The proposed addition will not affect the public's view of the bay, does not adversely affect the style of the cottage, has not generated any adverse comments or concerns. The two adjacent land owners submitted written comments and sat through the entire first hearing after speaking to the Board in support of the requested variance. The owners of the two properties next to the adjacent properties submitted written comments in support of the requested relief.

Granting the requested variance will allow us to obtain a building permit that will allow us to build a functioning and safe kitchen which we very much need as we get older. It will also allow us to address an ongoing water and drainage issue that has caused damage to our cottage. We will be able to continue to use this cottage that basically has remained unchanged for the past eighty-four years and was originally built by family members in 1920. We believe that granting of a variance that does not impact the public and allows us to continue to maintain and safely enjoy this cottage is consistent with the Village of Ephraim's intent when it adopted the current zoning requirements. It was not the intent of the Village of Ephraim that historical cottages in the Protected Waters areas be torn down and new modern buildings constructed in their place.



Description: Munns to Harsch

A parcel of land located in Government Lot 2 of Section 24, Town 31 North, Range 27 East, Village of Ephraim, Door County, Wisconsin described as follows:

Commencing at the Center of said Section 24, thence N 88° 55' 27" W -- 2655.92 feet to the West 1/4 corner of said Section 24, thence N 38° 00' 39" E -- 1191.79 feet to the common lot line between the Munns and Harsch parcels, thence N 47° 02' 06" W -- 63.15 feet along said lot line to the point of beginning of lands to be described; thence continue N 47° 02' 06" W -- 10.01 feet along said lot line; thence S 18° 56' 03" E -- 3.16 feet; thence S 58° 40' 58" E -- 7.37 feet to the point of beginning.

Said parcel contains 7 square feet.

Description: Harsch to Munns

A parcel of land located in Government Lot 2 of Section 24, Town 31 North, Range 27 East, Village of Ephraim, Door County, Wisconsin described as follows:

Commencing at the Center of said Section 24, thence N 88° 55' 27" W -- 2655.92 feet to the West 1/4 corner of said Section 24, thence N 38° 00' 39" E -- 1191.79 feet to the common lot line between the Munns and Harsch parcels, thence N 47° 02' 06" W -- 126.23 feet along said lot line to the point of beginning of lands to be described; thence continue N 47° 02' 06" W -- 10.04 feet along said lot line; thence S 60° 59' 03" E -- 6.22 feet; thence S 26° 29' 15" E -- 4.27 feet to the point of beginning.

Said parcel contains 7 square feet.

# Applicant Design Checklist

## Village of Ephraim

**Owners Names:** Leslie and Roy Harsch

**Contractors:** None as we are doing the construction work ourselves.

**Project Location:** 9331 Water Street

**Date:** July 28, 2023

### 1. Building Design:

Traditional Architecture, simple rectangular forms, gable roofs, frame construction.

We are requesting to construct a small six feet eight inch by seven feet six inch framed addition to the north of our existing kitchen. The present house is Cottage Style Traditional, painted white with a green architectural shingled gable roof. The present house has  $\frac{3}{4}$  x 8 inch bevel cedar siding. We are requesting approval the extend the existing west wall eight feet to the north and construct a seven feet wall to the east that will be an extension of the existing screened in porch north wall. The present west screened wall of the screened in porch will be replaced with an exterior wall. We are proposing to construct a gable roof on the addition with the same 4 x 12 pitch to match the existing roof.

---

### 2. Site Planning:

Preserving existing vegetation and topography

The existing vegetation and topography will remain the same with addition of new evergreen plantings to match those presently along the front of the porch.

### 3. Building Color:

White has been the distinctive historic color...greens, brown, grays and other earth tones are acceptable.

The exterior of the addition will be painted white to match the existing structure and the roofing will be green architectural shingles matching those now on the house.

#### **4. Materials:**

Wood and stone recommended. Materials metallic in appearance are out of the character of the village.

The exterior materials will match the exterior of existing cottage as it was remodeled in 1940 including the  $\frac{3}{4}$  x 8 inch bevel cedar siding and local stone for the foundation.

#### **5. Architectural Details:**

Building details should be simple and without frills.

The exterior will match the existing cottage style with no frills.

#### **6. Utility Service Wiring (location):**

To be shown on plot plan

There will be no change to service wiring and a wiring diagram will be provided.

#### **7. Roof Pitch/Roof Color:**

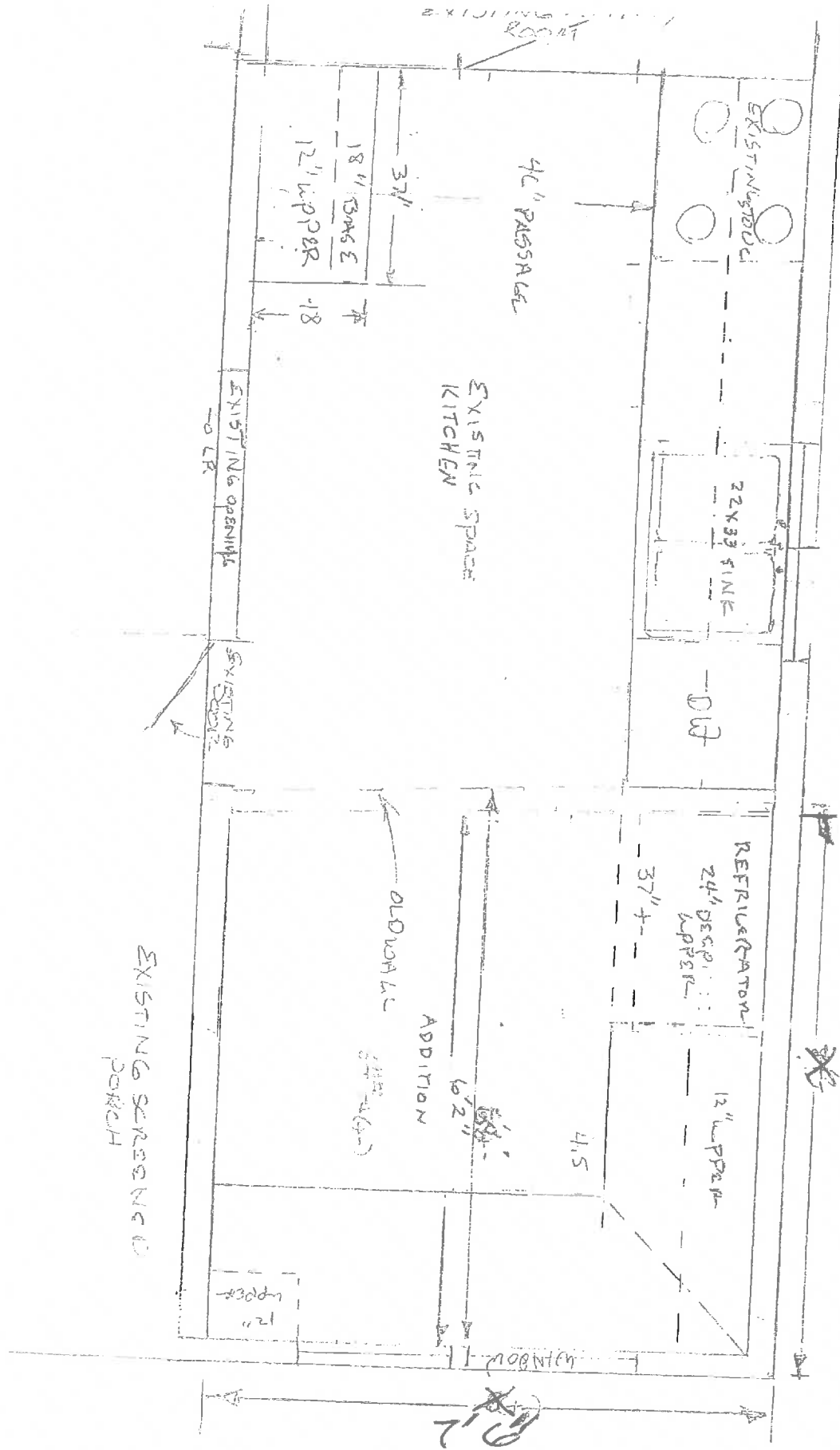
Pitches less than 3:12 and/ more than 12:12 are subject to further design review.

The proposed roof pitch of the gabel roof is 4:12 to match and the existing shingles will be Chateau Green to match the existing shingles.

#### **8. Additional Features:**

We will remove and reinstall the double hung double window in the new north wall to maintain the existing exterior appearance.

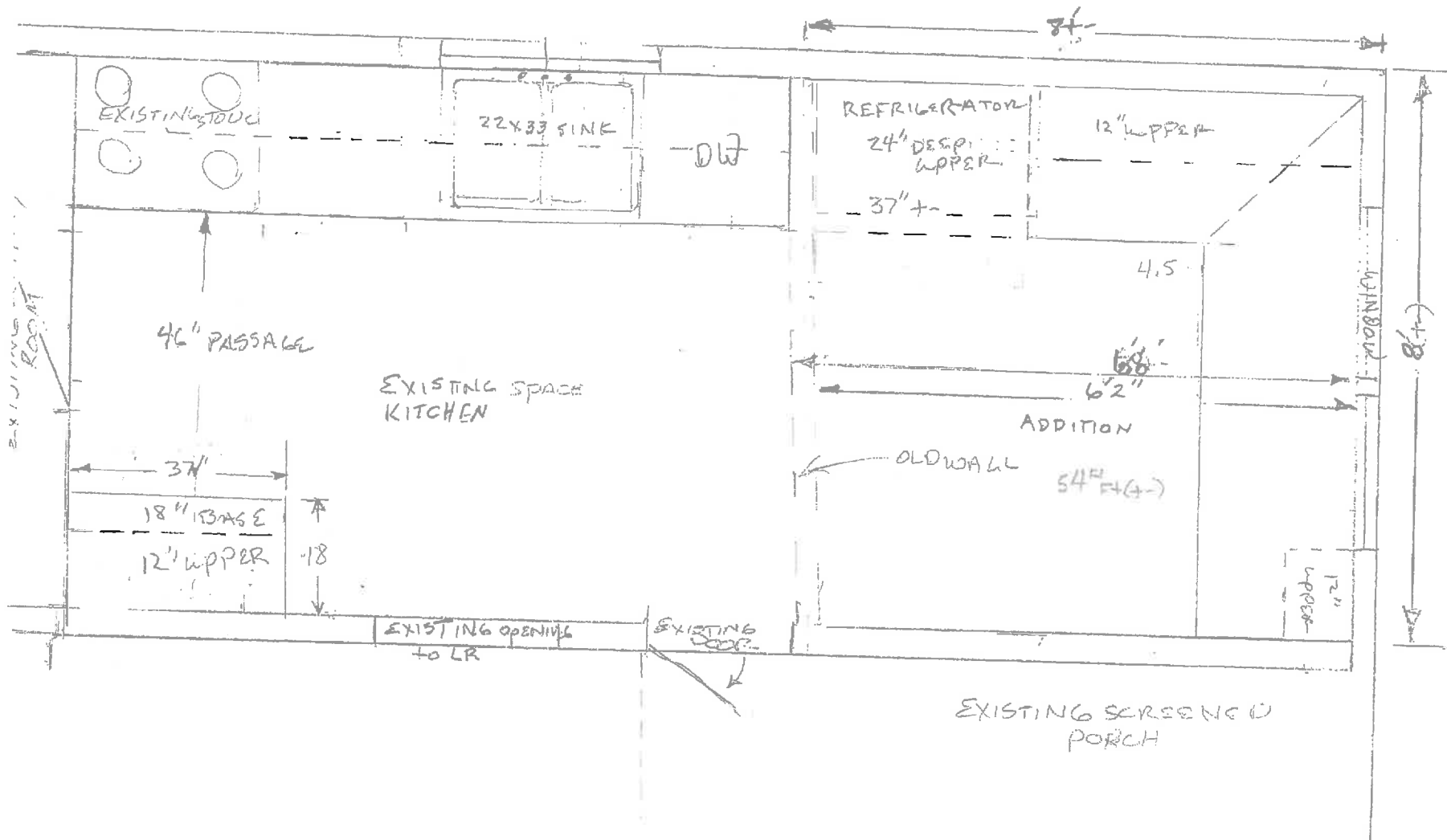
1/2" = 1' SCALE



# Contenido Aerial Water View 2023



1/2" = 1' SCALE



#3

CHATEAU GREENLOWENS CORNING  
ARCHITECTURAL SHINGLES TO  
MATCH EXISTING

12" TO MATCH  
EXISTING  
PITCH 4"

EXISTING SCREENED  
PORCH

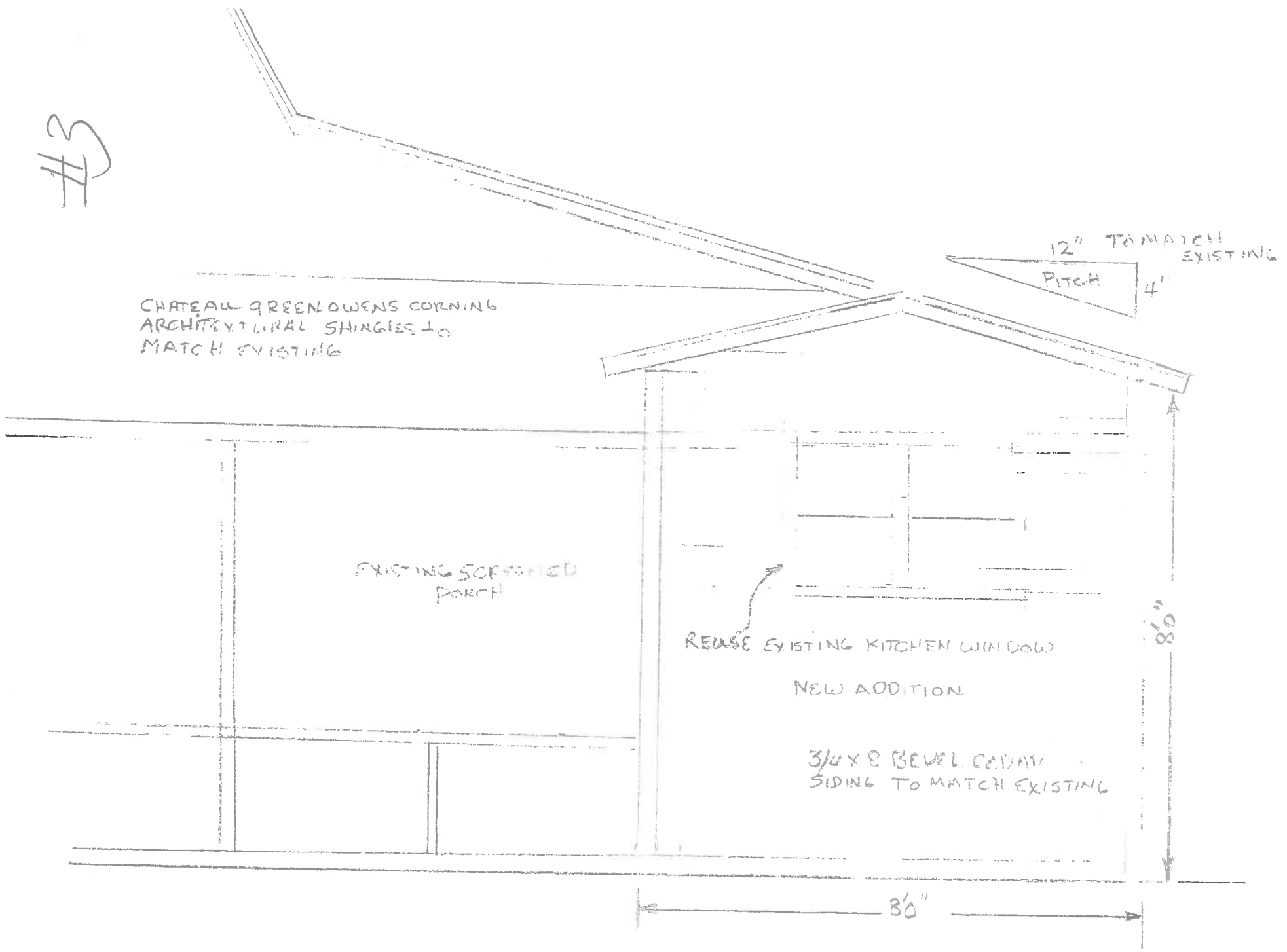
REUSE EXISTING KITCHEN WINDOW

NEW ADDITION

3/4" x 8" BEVEL CEDAR  
SIDING TO MATCH EXISTING

8'0"

8'0"











# VILLAGE OF EPHRAIM

FOUNDED 1853



## EPHRAIM BOARD OF APPEALS MINUTES

Tuesday, September 19, 2023, 4:30 PM

**Present:** Chair-Karen McMurtry, Debbie Eckert, Sara Glenn, Keith Krist

**Staff:** Brent Bristol-Administrator, Andrea Collak-Clerk/Treasurer

**Guests:** Greta & Jacob Odders, Bruce Gantz, Jessica Sauter, Susie Samson, Roy Harsch, Thomas Munns, Paul Jones, Wanda & Kevin McDonald, Michael McCutcheon

1. **Call to Order:** The meeting was called to order by McMurtry-Chair at 4:30 PM.
2. **Quorum:** A quorum of the Ephraim Board of Appeals is present for this meeting.
3. **Compliance with open meeting law and public notice requirements**

Bristol confirmed that the agenda was posted following open meeting law and that public notice requirements have been met.

4. **Changes in Agenda:** None.
5. **Announcement of Proceedings:**

### **Chair McMurtry read the Announcement of Proceedings Role of the Board**

The Village Board of Appeals is an appellate board required by state law in any municipality that has adopted a zoning ordinance. The board does not have the authority to amend or repeal any provision of the zoning ordinance. Its authority is limited to appeals regarding interpretations of ordinance provisions, and considerations of variances. The board functions like a court. Its purpose is to give a full and fair hearing to any person whose property interests are affected by these matters. Its job is to apply the zoning ordinance and appropriate legal standards to the facts of each case. The board meeting and public hearings are open to the public. A taped recording is being made of the proceedings.

### **The Appeal of the Board Decisions**

A decision of the board may be appealed by commencing an action in the circuit for this county within 30 days after the date of filing of the decision in the office of the board.

### **Instructions for Witnesses**

Anyone wishing to speak should wait until called upon as a witness; address your comments and questions to the chair and state: Your name and place of residence, your qualifications to speak on this matter, the source of your information, and whether you favor, oppose, or are only providing information in this matter and your concerns.

6. **Jon Pflieger – 9868 Hidden Spring Rd**
  - a) **Variance from 40' rear setback standard**

Public Hearing opened by Karen McMurtry. The notice was read into the record. This is case number 152, notices were sent out September 8, 2023, and the hearing date is September 19, 2023, to hear and transcribe testimony both for and against, written and verbal. Public Hearing on zoning appeal application on property #121-01-24312723J1, variance from 40' rear setback standard.

The property is zoned Commercial South. The proposal relocates an existing cottage on the property resulting in no net change to the number of structures that exist. While making the structure approximately 9' more conforming to the rear setback it still does not meet the 40' rear setback. The

move does result in making the property compliant with the 25' building separation standard of the ordinance.

Chair McMurtry asked the committee members if they inspected the site. Some of the committee members knew the property in question, and some passed by and visually inspected the property in question.

### **Statement by the Applicant**

Jacob Odders, owner of the cottage noted that the existing cottage 18' x 24' is not usable in the condition it is now. The cottage is not safe. It needs major reconstruction due to wind damaging the foundation. It also does not meet setbacks at the location it is now. Moving the cottage to the new location with a new foundation under it still would not meet all the setbacks, but his understanding is it will be closer to meeting them. The size of the property does not have enough room to meet all the setbacks. Moving the cottage does not conflict with adjacent properties, does improve the nature of the site, does not cause harm to public interest, and does not require multiple or extreme variances.

As the cottage foundation sits, there are public safety concerns, so putting it on a new foundation will correct that. Moving it to the new location will improve the layout of the buildings on the property and make the appearance more pleasant.

### **Reading of the Staff Report**

The subject property, parcel #121-01-24312723J1, is owned by Jacob and Greta Odders and is located at 9868 Hidden Spring Rd. The property is zoned Commercial South and is used as a single-family residence/cottage rental.

Bristol in his notes stated that the proposal calls for the relocation of the cottage that presently exists on the property to a new location. While the location is approximately 9' further from the property line than the cottage as it exists today, the new location is not compliant with the 40' rear setback requirement. The new location does remove an existing nonconformity. Moving the structure farther to the south and away from the primary residence brings the 25' building separation requirement into compliance.

A regular zoning permit cannot be issued because the proposed project does not comply with the 40' rear setback requirement for new work in the Commercial South Zoning District.

The applicant is requesting:

- A 25' Variance from the 40' rear setback standard of the Ephraim Code of Ordinances.

### **Correspondence:**

Bristol reported that there was one correspondence received concerning this matter.

**Dave Chomeau, 9864 Hidden Spring Road**, supports the application of Jon Pflieger. Jacob and Greta Odders are good neighbors and have dramatically improved this property.

**It was confirmed that there was no ex-parte communication.**

**Witness or Visitor Statements:**

Susie Samson, a neighbor who lives across the street noted that she used to live in that little house with her family when she was young. She supports the idea of moving the cottage. It will make the area look so much better.

**Findings of Fact: Separate form included.**

Sara Glenn questioned whether they explored another location on the property and make it more conforming. Jacob Odders said that moving the cottage forward would destroy the existing hedges and cedar trees. They also did not want to position the cottage close to the road but rather have a nice yard area in front of it.

Glenn asked Bristol to see whether the cottage would be setback-compliant if moved forward. Bristol said that technically, relative to the dimensions of the property, there would probably be a room in the middle of the property, but he cannot speak to existing vegetation on the property. Glenn believes that it is physically possible to meet the setbacks in this case. There is enough land, and she does not see hardship in this situation like in many cases in the past where it was physically impossible because there was no space. If you are going through the effort of moving something and have enough land to meet the setbacks, why not make it conform?

Bristol opened an aerial map/photo of the property in question to look at the vegetation and see whether the cottage could be pulled closer to the center and the road, and still meet the 25' building separation. Odders said that his concern with moving it too far forward and meeting a 40' setback is that the trees screening the property from Hidden Spring Road would have to be essentially removed and when walking out the front door of the cottage you would walk right onto the graveled parking area. Does the board propose to eliminate the parking? Jacob Odders believes that having a home set back off the road is prettier than one right on the road. Glenn said she would not want to lose that buffer of trees from the road.

Glenn asked Bristol whether the adjacent property behind the proposed location is buildable. Bristol said it is too small to be buildable. Eckert believes that the cottage would look better back in the corner as proposed. Krist would like to go with what was proposed. He believes that is the best use of that land.

**Public Hearing Closed by Karen McMurtry.**

**Conclusions of Law:**

**Unnecessary Hardship:** The cottage is not usable in its present condition, location, privacy, and visual appeal. They will have to give up tree screening and parking space to make it compliant.

**Unique Physical Property Limitations:** The owner will have to give up tree screening and/or parking to make it compliant. It would not aesthetically improve the property.

**No Harm to Public Interest:** This improvement is not harmful to anyone. Moving the cottage to the new location will improve the layout of the buildings on the property, preserve this historic building, and make the appearance more pleasant. It will keep the building off the road from a safety standpoint.

**Glenn moved, McMurtry seconded to grant the requested 25' variance from the 40' rear setback standard of the Ephraim code of ordinances as presented with no conditions, all ayes, and the motion carried.**



**7. Bruce Gantz – 9868 Crystal Springs Rd****b) Variance from 20% impervious surface standard**

Public Hearing opened by Karen McMurtry. The notice was read into the record. This is case number 153, notices were sent out September 8, 2023, and the hearing date is September 19, 2023, to hear and transcribe testimony both for and against, written and verbal. Public Hearing on zoning appeal application on property #121-35-0005, variance from 20% impervious surface standard of Ephraim Zoning Code.

The property is zoned R1 Residential. The proposal is for the construction of a driveway from the road to the lower level of the property where the existing residence is located. Properties in the R1 district are permitted up to 20% impervious surface. The property as it exists today is noncompliant with this standard, as it presently is at 23.8%. The proposed driveway addition would take the property to 32.9%, an increase of 9.1% or 1,625 square feet.

Chair McMurtry asked the committee members if they inspected the site. Some of the committee members knew the property in question, and some passed by and visually inspected the property in question.

**Statement by the Applicant**

Gantz noted that he purchased the property in 1986. When he returned for the summer of 1987, his neighbor to the west had put in a driveway to their property. The neighbor allowed his family to use the driveway for loading and unloading items and people who could not use the stairway access to the property. The property to the west is now owned by the neighbor's daughter and she has severely limited their access to the driveway. His wife developed ALS in 2016, and her limited mobility limited access to the property. Emergency services, access to the property, along with safety concerns for walking up and down the stairway are now an issue.

The proposed plan exceeds the impervious surface area allowed for the property. A variance will be required due to the grade of the proposed driveway necessitating that the surface be blacktop or impervious to prevent washouts. The flat area at the base of the driveway could be pervious materials which will reduce the need for additional impervious surfaces. The proposed driveway is limited to a standard driveway width.

Gantz stated that he would need a driveway to repair things. Gantz asked J.F. Construction and Mike Parent to design the driveway. It will be a straight shot without turnaround, and it will give him access to the house for delivery of things and construction. He needs to repair a stairway going up to the parking lot, which is falling apart, and he must start at the bottom. This driveway is essential to maintaining the property. Gantz noted that some areas are included in impervious surfaces, but he believes they are pervious such as a walkway on the flat part which is stone and gravel around it as well as gravel under the deck.

The proposed driveway will not impact the neighbor's property. It will not impair sight lines. A stone wall on the east property line will prevent erosion or excess water erosion to the neighbor to the east. Driveway access to his home will ensure public safety and welfare as emergency access will be available that is presently not there. Not having this access imparts substantial hardship and safety to him and his family as well as the community.

Mike Parent, J.F. Construction said some buildings are elevated off the ground and have no foundation but gravel underneath as well as walkway on the flat part and underneath the deck that

should not be included in impervious surface calculations. It is still over 20% but not as bad as the 32% that was calculated. The natural slope of the property is for the water to drain into the bay and not to the adjacent property on the east. The water will stop at 65' from the water and there is still the loan area from the house to the bay to filter and naturally drain any water.

### **Reading of the Staff Report**

The subject property, parcel #121-35-0005, is owned by Bruce Gantz and is located at 9868 Crystal Spring Rd. The property is zoned R1 Residential and is used as a single-family residence.

Bristol in his notes stated that the proposal calls for the construction of a driveway from Crystal Springs Rd down to the lower level of the property where the existing home is located. Properties in the R1 district are permitted up to 20% impervious surface. The property as it exists today is noncompliant with this standard, as it presently is at 23.8%. The proposed driveway addition would take the property to 32.9%, an increase of 9.1% or 1,625 square feet.

A regular zoning permit cannot be issued because the project does not comply with the 20% impervious surface maximum standard in the R-1 district.

The applicant is requesting:

- A 12.9% Variance from the 20% impervious surface standard of the Ephraim Code of Ordinances.

### **Correspondence:**

Bristol reported that there was no correspondence received concerning this matter.

**It was confirmed that there was no ex-parte communication.**

### **Witness or Visitor Statements:**

Jessica Sauter, 10363 North Coral Hill Road, daughter of the applicant supports the project. The removal of the permission to use the neighbor's driveway created hardship to have access to the property and to maintain the property. To have that access would be very helpful.

### **Findings of Facts: Separate form included.**

Glenn agrees that everyone should have access to their property. However, she is struggling with pervious versus impervious material for the driveway. Glenn feels that should be explored. Bristol said that the subgrade is as important as the paver itself. If a 100% permeable paver was set on the gravel base compacted with heavy machinery it would be just as impervious as blacktop.

Mike Parent suggested a detention area/berm area built towards the water to slow down the water that runs into the bay.

Gantz said that the slope is steep and from the safety standpoint he would rather have a blacktop than gravel. There will have to be a wall on either side of the driveway, so it does not spill out or fall apart. The impervious material or detention/berm area could be used down at the bottom of the driveway. The proposed driveway would be almost 30' shorter than the neighbor's driveway located closer to the water beyond the house and there was never an issue with runoff causing any scouring of the land.

Bristol noted that if the variance is granted then very likely the Plan Committee will be involved

from a land disturbance standpoint.

**Public Hearing Closed by Karen McMurtry.**

**Conclusions of Law:**

**Unnecessary Hardship:** There is no vehicular access to the property to access and maintain the property.

**Unique Physical Property Limitations:** There is no driveway to the house.

**No Harm to Public Interest:** This improvement is not harmful to anyone. It will also make the area accessible and safer. The condition of the berm area will protect the environmental aspect as well.

**Glenn moved, Eckert seconded to grant the requested 12.9% variance from the 20% Impervious surface standard of the Ephraim code of ordinances as presented with the condition that some berm/water retention element is incorporated, all ayes and the motion carried.**

**8. Leslie & Roy Harsch – 9931 Water St**

**a) Variance from 15' side yard setback standard**

**b) Variance to allow footprint addition in Protected Waterfront District**

Public Hearing opened by Karen McMurtry. The notice was read into the record. This is case number 154, notices were sent out September 8, 2023, and the hearing date is September 19, 2023, to hear and transcribe testimony both for and against, written and verbal. Public Hearing on zoning appeal application on property #121-01-24312723B1, variance from 15' side yard setback standard of Ephraim Zoning Code. Variance from footprint increase standard in Protected Waterfront (PW) district of Ephraim Zoning Code.

The property is zoned Protected Waterfront. The proposal is for the construction of 56 square foot addition to the subject property. Structures in the PW district are limited to those in existence. Additions to existing structures in the PW district that add footprint can only occur with a variance or with conditional use review by the Plan Committee if the footprint from a structure existing on the property that is to be removed can be reclaimed. Additionally, the proposed addition is noncompliant with the 15' side yard setback requirement of the zoning code. The proposal calls for a 15' side yard setback, placing it on the property line. Construction on the project began without a permit and stop work orders were given.

Chair McMurtry asked the committee members if they inspected the site. Some of the committee members knew the property in question, some passed by and visually inspected the property in question, and some used the pictures provided.

**Statement by the Applicant**

Roy Harsch apologized to the board for starting the project without a permit. Harsch noted that the present cottage at 9931 Water Street was originally built by his wife's family in 1920. The Vail family at the time had also built the house on the adjacent property at 9933 Water Street and the original house up the hill at 3024 German Road. As was the common practice at that time, all these Vail houses were built without kitchens because summer residents took their meals at the various hotels located throughout the Village. In 1940 the existing kitchen at 9931 Water Street was

constructed in a very small 7x10 feet space. When the Village of Ephraim enacted its zoning restrictions, the Vail houses at both 9931 and 9933 Water Street were nonconforming with respect to both the front yard setback requirement of 30 feet and the side yard setback of 15 feet. In 2015 Roy and Leslie obtained ownership of 9931 Water Street property.

The existing kitchen is very cramped, and it is impossible to have more than two people in the kitchen at the time of cooking/serving. It is impossible to open the refrigerator door while someone is cooking. The 21-inch space precludes standing in front of the stove and opening the oven door. You must stand to the side of the stove when opening the oven door. It is not a safe way to cook. There have been several times that hot pans have been dropped or contents spilled.

They are requesting a variance to construct an 8 x 7 ½ feet addition to the kitchen. This addition would be in the corner area formed by the north wall of the kitchen and the west wall of the screened-in porch. The existing west wall is currently nonconforming. The existing cottage was constructed at an angle very close to the property line dividing 9931 and 9929 (Munns's property). The new northwest corner of the proposed addition wall would be at the property line. Thus, a variance of the entire 15 feet side yard setback is necessary. There is no feasible alternative to move or add an addition for a larger kitchen. They are proposing to move the existing two double-hung windows out to the north wall of the addition. The exterior will be ¾ x 8-inch beveled cedar siding painted white to match; the addition will have a gabled roof using matching green shingles. The pitch will be 4 x 12 to match the existing roofline.

Because of the small size of the addition of the 8-inch concrete footing, no formal plan was required. They believe that the concrete footing will tie the existing stone foundation together, contributing to its longevity. The proposed thick foundation walls will help correct an existing drainage problem that comes from the roof runoff and two downspouts on the adjacent house at 9929 Water Street. This contributed to the general wetness under the existing cottage and rotting of the access opening frame as well as some damage to the existing foundation. They plan to construct a simple gravel French drain at the end of the footing and foundation which will extend toward the lake to the beginning of the existing landscaped drainage and connect with the rock drainage area constructed jointly with 9929 Water Street during shoreline protection improvements. There will be no modifications to the existing yard elevations. They will continue to maintain the present vegetation and topography. The new addition will not significantly change the character of its view from the water and will be only minimally visible from the road with no change in character. The existing birch, cedars, and other bushes will continue to effectively reduce the view of the house from the water.

They believe that the grant of the requested variance will not have any adverse effect on anyone. The owner of the 9929 Water Street house has expressed his support for variance and the proposed project and their joint plans to address the drainage of rainwater.

### **Reading of the Staff Report**

The subject property, parcel #121-01-24312723B1 is owned by Leslie & Roy Harsch and is located at 9931 Water Street. The property is zoned Protected Waterfront and is used as a single-family residence.

Bristol in his notes stated that the proposal is for the construction of 56 square foot addition to the subject property. Structures in the PW district are limited to those in existence. Additions to existing structures in the PW district that add footprint can only occur with a variance or with conditional use review by the Plan Committee if the footprint from a structure existing on the property that is to be



removed can be reclaimed. Additionally, the proposed addition is noncompliant with the 15' side yard setback requirement of the zoning code. The proposal calls for a 15' side yard setback, placing it on the property line. Construction on the project began without a permit and stop work orders were given.

A regular zoning permit cannot be issued because the project does not comply with the 15' side yard setback of the Ephraim Code of Ordinances and because it adds a footprint to an existing structure that is not permitted, as proposed, under the Ephraim Code of Ordinances.

The applicant is requesting:

- A 15' Variance from the 15' side yard setback standard of the Ephraim Code of Ordinances.
- A Variance to allow the addition of footprint in the PW district from the Ephraim code of ordinances.

**Correspondence:**

Bristol reported that there were three pieces of correspondence received concerning this matter.

**Shelley and John Cox, 9939 Water Street**, have no objections to the variance as presented for 9931 Water Street.

**Kevin and Wanda McDonald, 9935 Water Street**, owners of the adjacent property, support Leslie and Roy Harsch's request for a variance and have no reservations or concerns. They learned how difficult it can be to occupy a historic home without at least some reasonable accommodation for occupants and guests of various ages and health conditions. Protected Waterfront property owners should be permitted to preserve their homes not only for their vintage beauty but to ensure they retain a safe living environment. The 8 x 7 ½ addition is a necessary improvement that will allow their kitchen space to be a safer cooking and working area. They believe that this variance would not change the aesthetics of this beautiful property and in keeping with the history of the village.

**Cog MacNeil, 9923 Water Street**, in his letter, noted that his family was very good friends with Betty and Malcolm Vail, and he grew up with Leslie's son Chris. MacNeil agrees with the comments submitted by McDonald's regarding this application. Roy and Leslie have done a wonderful job with their shoreline protection improvements and his family is very pleased with how the Harsch's property looks from the water. He believes that this small addition when finished will fit in and would have no negative impact on this view.

**It was confirmed that there was no ex-parte communication.**

**Witness or Visitor Statements:**

McMurtry pointed out different dimensions throughout the application and incorrect measurements. If the dimensions of the construction are 8 feet x 7 ½ feet, then it would be a 60-square-foot addition, not a 56-square-foot addition as presented in the application.

Tom Munns, 9929 Water Street, adjacent property neighbor, sees no problem in having this done and has no objections whatsoever. The kitchen is too small and by doing this project, he is helping to escalate the water towards the bay.

Michael McCutcheon, Village Board President, noted that in his 11 years of presidency, the Village Board and committees worked hard and have done a pretty good job to keep Ephraim Ephraim. The concern he has is not about the neighboring properties but rather what door this would open when you take the ordinance to its absolute limit. In this case, the corner of the proposed kitchen addition would go right on the lot line. Even though it is only 60 square feet of addition we must look at the history of Ephraim and the ordinances written by the people and as a direct result of the ordinances we have Ephraim. Ephraim is a unique community within the peninsula, and maybe one that is unique within the state, and we work hard to keep it that way. We have got to look at the long-term effects of grating a seemingly very harmless request.

Wanda McDonald, 9935 Water Street, stated that her family loves Ephraim. They restored an old home and do not want to make any changes to it because the Village is so beautiful. However, the Harsch home is one of the remaining beautiful homes on the waterfront because so many of them have changed. These houses were built in the 1900s and the homeowners cannot help where or how they were built. There are plenty of people in the Village who want to protect its beauty, but McDonald also thinks that homeowners should be allowed to make their property safe. They are not asking to make a family room addition or to go up. They are asking to make their kitchen safe.

Glenn asked whether there was any other space that could be used to expand the kitchen. Harsch said it would be difficult and disruptive to do that. It is not that big of a house to start with. The entire house does not comply with the 15' side yard setback standard. It is built at an angle. The corner of the kitchen is 2 feet from the adjacent property line. However, the way it was built does provide a lot of benefits; creates a lot of yard space behind the house towards the water and the view from the water is impressive. It is its unique feature. It is a beautiful house in a beautiful setting, and it will stay that way even with the proposed addition that would reach the property boundary. If granted, the easement will have to be filed but his neighbor is agreeable to it.

More discussion about whether there was more space to expand the kitchen, maybe even relocate the guts of the house. Eckert asked whether the owner contacted the kitchen design person about reconfiguring the kitchen. Harsch said that he talked to the people that build houses. Eckert noted that it is amazing what experts can do with space. Harsch said that with the small space they have there is not much to reconfigure.

Eckert wondered why the kitchen became a safety issue and hardship now when they lived with it since 1940. Harsch said that he and his wife owned the cottage from 2015 but they were not using it all the time. They would like to spend more time in that cottage.

Krist noted that he visited the house before and knew what they were dealing with. Krist believes that this project should be allowed because there is a danger to the people occupying the kitchen.

#### **Findings of Fact:**

Glenn asked to address each variance separately with a 15' side yard setback variance first.

Glenn stated that this is not an easy case and there is no easy answer to this. Building to go to the lot line was never allowed and less than that was turned down. It concerns Glenn, the property being in Protected Waterfront District. In this case, it is not a huge infringement, but she is concerned about the message this would send.

Eckert agreed with Glenn. Eckert does not even agree with fences being erected on the lot line if you

need to get around and maintain it. Moreover, the addition would stay with the property, not the owner.

Glenn noted that she read the intent of the Protected Waterfront ordinance about keeping the view corridors open and seeing the water. In this case, the addition is not going to block the view corridor more than it is now.

McMurtry can understand the safety issue, too.

Krist believes that what is being requested is fine because he has been in the house and the house needs an extension to make the kitchen livable and safe.

Eckert has never visited the house, but she believes the kitchen designer could reconfigure the space and make something that is livable and safe. Eckert noted that she has seen small safe kitchens in the hotels, smaller units, and tiny homes that are popular.

Glenn suggested asking the applicant to explore other options. Glenn does not believe every avenue was explored. Maybe the unnecessary hardship can be overcome differently. Eckert agreed.

Harsch said that he could also fill out a building permit application for a new, same-size cottage with a different floorplan, tearing the existing cottage down. He would block the view of the water across the property to make it setback compliant. Harsch believes that would have a huge impact on the view of the cottage from the water and greatly curtail the water view from the road. Bristol explained that there is a mechanism through the Plan Committee by Conditional Use application if setback-compliant but with no guarantees.

Harsch understands that the decision is not an easy one. However, the alternative is not necessarily an improvement. Any variance hearing is circumstantial only to the applicant and does not set a precedent. The Board of Appeals views the facts and circumstances of the applicant only. If you want to table this application, I will get experts to say something. It is very difficult to do anything in that kitchen. Otherwise, I would not be here.

Paul Jones, said that he spent a lot of time on architectural and engineering considerations with Roy Harsch. The home was built as a boat house by Malcolm Vail, the person who started the Ephraim Yacht Club. The cottage is a historic district relic. There is nothing else that can be done to reconfigure the kitchen. You cannot tear out a supporting wall, built with 2x4s, and put in a long enough header to span an 8-foot span which requires two 10-inch lam beams to have adequate head clearance. You cannot do that. The roof would sag. The suggested kitchen design reconfigurations are not reasonable. If there was anything else that could be done Roy would have done it. There are just not any options.

### **Public Hearing Closed by Karen McMurtry.**

#### **Conclusions of Law: Separate form included.**

**Unnecessary Hardship:** The building was pre-existing before any setbacks were in place. Because of the location of the plumbing, it would be difficult to relocate the kitchen. The only option is to expand.

Eckert believes that the small kitchen can be redesigned.

**Unique Physical Property Limitations:** The house was built before any setbacks at an angle and current zoning requirements prevent any enhancement to this cottage without a variance.

**No Harm to Public Interest:** The addition would not block any more water views because it was built at an angle. It still maintains the spirit of the Protected Waterfront intent.

Glenn asked about the next steps after the approval. Bristol noted that if the requested variances are granted this item will go to the Historic Preservation and Plan Committee for design review only.

Glenn suggested tabling the motion on the floor and asking the applicant to explore other options and bring any additional material to the packet they have already supplied. Eckert stated that she is a visual person, and this decision is very difficult to make without some interior pictures of the property. Is what is proposed the only option? Part of the burden of proof is to show that they exhausted other possibilities.

Bristol noted that the motion and the second will have to be rescinded to make a new motion to table. McMurtry rescinded her motion. Krist refused to rescind the second. McMurtry asked whether the majority rules in such a situation. There was no information handy on what the steps should be when there is a refusal to rescind the second. The Board of Appeals members; McMurtry, Eckert and Glenn decided to vote on the motion on the floor even though that was not their intent.

**McMurtry moved, Krist seconded to grant the requested variance from the 15' side yard setback standard of the Ephraim code of ordinances as presented with no conditions, Glenn nay, Eckert nay, McMurtry nay, Krist aye, and the motion failed 1 to 3.**

Bristol noted that this situation has never happened. Bristol suggested consulting with the Village attorney on this. Bristol suggested making the motion they would like to make.

**Glenn moved, McMurtry seconded to table this item and request additional information about the necessity for expanding the footprint to reconfigure the kitchen, Glenn aye, Eckert aye, McMurtry aye, Krist nay, and the motion carried 3 to 1.**

## **9. Adjournment**

**McMurtry moved, Krist seconded to adjourn the Board of Appeals meeting at 6:45 PM, all ayes and the motion carried.**

Recorded by,

Andrea Collak - Clerk/Treasurer

# VILLAGE OF EPHRAIM

FOUNDED 1853



## EPHRAIM BOARD OF APPEALS MINUTES Thursday, September 28, 2023, 11:00 AM

**Present:** Chair-Karen McMurtry, Debbie Eckert, Sara Glenn

**Absent:** Keith Krist

**Staff:** Brent Bristol-Administrator, Andrea Collak-Clerk/Treasurer

1. **Call to Order:** The meeting was called to order by McMurtry-Chair at 11:00 AM.
2. **Quorum:** A quorum of the Ephraim Board of Appeals is present for this meeting.
3. **Changes to Agenda:** None.
4. **Discussion and possible action on a motion to take the variance request of Leslie and Roy Harsch at 9931 Water Street for variance from the 15' side yard setback and to allow footprint addition in Protected Waterfront District, off the table:**

**McMurtry moved, Glenn seconded to take the variance request of Leslie and Roy Harsch at 9931 Water Street for a variance from the 15' side yard setback and to allow footprint addition in Protected Waterfront District off the table, all aye and the motion carried.**

5. **Discussion and possible action on a motion to rescind the previous action on the variance request of Leslie and Roy Harsch at 9931 Water Street for a variance from the 15' side yard setback and to allow footprint addition in Protected Waterfront District:**

**Glenn moved, McMurtry seconded to rescind the previous action on the variance request of Leslie and Roy Harsch at 9931 Water Street for a variance from the 15' side yard setback and to allow footprint addition in Protected Waterfront District, all ayes and the motion carried.**

6. **Discussion and possible action to reschedule the variance request of Leslie and Roy Harsch at 9931 Water Street for a variance from the 15' side yard setback and to allow footprint addition in the Protected Waterfront District:**  
Bristol noted that he was looking for the motion to postpone the appeal hearing until additional supporting documentation requested by the Board of Appeals members from the applicant at the last meeting is submitted. McMurtry clarified that with this action they are allowing for a future meeting to get more information from the applicant.

**McMurtry moved, Glenn seconded to postpone the appeal hearing on the variance request of Leslie and Roy Harsch at 9931 Water Street for a variance from the 15' side yard setback and to allow footprint addition in Protected Waterfront District, all ayes and the motion carried.**

7. **Adjournment:**

**McMurtry moved, Glenn seconded to adjourn the Board of Appeals meeting at 11:15 AM, all ayes and the motion carried.**

Recorded by,

Andrea Collak - Clerk/Treasurer