

VILLAGE OF EPHRAIM

FOUNDED 1853



Plan Committee Meeting Minutes Tuesday, September 24, 2024 – 7:00 PM

Present: Andrew Bartelt, Grace Held, Susie Samson, BD Thorp

Absent: Monique McClean, Michael McCutcheon, Kenneth Nelson

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

Guests: Michael Larsen, Roy Harsch, Diane Taillon, Duska Pearson, Kelsey Stone, Lane Methner, Paul Wilson

1. **Call to order:** Bristol – Administrator/Zoning Administrator called the meeting to order at 7:00 PM. Bristol asked committee members to appoint the chair for this meeting.

Held moved, Bartelt seconded to appoint Thorp to chair this meeting, all ayes, and the motion carried.

2. **Quorum:** A quorum is present for this meeting.

3. **Approval of previous minutes**

Samson moved, Bartelt seconded to approve the Plan Committee meeting minutes from August 27, 2024, as presented, all ayes, and the motion carried.

4. **Changes in Agenda:** None

5. **Visitors' comments:** None

6. **Michael Larsen – 2951 Valentine Ln – Conditional Use – Additional Acc. Structure**

Bristol noted that the Board of Appeals request for a variance was denied at the August 22, 2024, Board of Appeals hearing. Two applications on the Board of Appeals agenda were seeking after-the-fact variances for structures that were partially constructed without a permit. The applicant was before the Plan Committee last month for a concept review. The applicant applied for a conditional use to build an additional accessory structure on the property. By ordinance, every additional structure over one requires Conditional Use.

Notice was sent to all Ephraim property owners and neighboring municipalities within 300' regarding this Conditional Use application. Bristol has received two pieces of written correspondence regarding this application.

Kim Barkmeyer, 2964 Valentine Lane, lives across the street from the Larsen's and has no objection to my neighbor building a chicken coop and run enclosure.

Scott and Duska Pearson, 2928 Valentine Lane, are not in support of approval of the new additional accessory structure at 2951 Valentine Lane. They believe that the village requires special approval for conditional use of accessory structures with an aim towards furthering the aesthetics of the village. The property currently has multiple accessory structures visible from village streets and neighboring properties. They believe that modifications to the existing garage or shed on the property could accommodate a chicken coop and if designed appropriately, would mitigate aesthetic impact on Valentine Lane.

Larsen stated that in the Spring of 2022, some friends offered their 3 sons 8 chickens to raise. They picked up a small coop from Tracker Supply and placed it on the top of a planter box out back of the house. They had no idea that those pre-existing planter boxes were already encroaching on a 10'

setback from the side property line. To try and protect the chickens, a modest 4' tall run enclosure was built. Once a net was put over the top, the protection from predators was not very good. All 8 chickens were killed in late winter/early spring 2023. Because children loved taking care of the chickens and collecting eggs, they decided to replace them and built a new run enclosure that is more substantial and safer against predators. It is tall enough so that he could help the children when needed. Larsen mentioned that it never occurred to him that they might be encroaching on a property line, certainly no more than the pre-existing buildings and planters already did. The construction is currently halted.

The applicant explained that they would like to use the chicken run and coop for raising chickens for eggs. The structure would be located near the east property line, between the shed and patio/house. The structure is made of plywood with plastic roofing, chicken wire, and dirt floor. The chicken coop and run enclosure area was modified after the Board of Appeals hearing. It is smaller and has a 9'x 19'8" footprint with a single rake roof reaching a maximum height above the ground of approximately 13" (at the peak of the roof and lowest point of the ground). It will comply with the 10' setback from the side property line requirement.

The placement of the coop/run is the least visible from all but the closest neighbor. They talked with the closest neighbors, and they said it was fine with them. The location minimizes the visibility from the streets and most other neighbors and preserves the most trees. This is the most convenient and best location for the enclosure. The applicant has no issue with screening the side that is visible from the street with either plants or firewood. He suggested extending the overhang of the roof on that side and making it a place for storing the firewood to keep it dry.

M. Larsen concluded that when complete the outer chicken run enclosure will be painted to match the house and the shed (cream and burgundy trim) once they have permission to finish the structure. They would like to make it a very appealing-looking and visually pleasing structure. Larsen highlighted that the structure has been intentionally built as screw together structure so that one day when his kids are done wanting to raise chickens it can be easily disassembled and taken down. He always looked at it as a temporary structure.

Larsen provided the committee with a visual demonstration of what the chicken enclosure looks like now and what is proposed.

Held asked whether the applicant considered using the shed as a temporary chicken coop and converting it back to a shed once they were done raising chickens. Larsen said that they did not consider that option. The shed has other functions. It is a finished shed with a concrete floor foundation, insulation, and drywall. It will turn into unhealthy conditions that chickens face in large farm environments with no natural connection to the dirt and healthy microbes in the soil. Larsen believes that would be a poor choice to house the chickens.

Thorp asked whether they considered adding on to the garage. Larsen said that would require cutting down the trees. There is no perfect solution no matter how much land anyone has. The proposed location is the least visible location from most of the neighbors and streets and does not require cutting down the vegetation.

Bartelt noted that the applicant has done everything the Committee has asked. Bartelt likes it would be painted to match the other structures on the property.

Thorp mentioned that some of the neighbors in that area are concerned about the unfinished look, health concerns, and property values. Thorp would like to keep neighbors happy.

Thorp asked the committee members to consider putting on a couple of conditions if this item is approved.

The short discussion regarding the deadline for a fully finished structure, what section of the chicken structure should be paneled, and what section should have a chicken wire. The committee discussed whether the chickens should have free run, or they should always be contained in the chicken run enclosure, so they do not cross on neighboring property. The applicant is willing to keep them in the enclosure if that is required. Bristol said the committee should consider the whole property in case the applicant decides to make a little fenced area for chickens to forage.

Duska Pearson said that the property in question has land where the chicken enclosure can be built. Also, what is the application for the rest of the village residents? Pearson said she would also apply for an additional accessory structure. People would ask for one more structure on their property. Are we prepared for 3 additional structures on every property in Ephraim? Pearson feels that the standard has changed, and the applicant was not required to present the committee with architectural drawings or materials. Pearson believes that the aesthetic of Ephraim should be maintained everywhere in Ephraim. It is not a chicken opposition but a standard opposition, concluded Pearson.

The committee members discussed how to include a "temporary" component in the motion.

Larsen is happy to receive inputs from neighbors either directly or through the Village. He would like to support his kids independent of these challenges. If there are conditions, he would like to do his best to fulfill those conditions.

Pearson believes that fencing should be discussed as part of this plan. Especially, if the chickens should be contained within the whole property and not just the chicken enclosure.

Bristol noted that it is a burden of the applicant to keep the chickens on their property, with or without a fence. Otherwise, the permit will be revoked. The process is outlined in the ordinance for conditional use. If there is evidence that something is out of compliance, it will come before the Plan Committee for discussion.

Diane Taillon cannot say with certainty whether the approval of this will affect the property values. However, if the potential buyers were looking at a home and chickens were out on the neighboring property, they might not consider purchasing the home because of it. Thorp added that the appeal of the neighborhood can go down. That may bring the prices down. Bartelt noted that there is an ordinance that allows chickens. Maybe such an ordinance should not exist.

Bartelt moved, Samson seconded to approve the Conditional Use application for an Additional Accessory Structure for Michael Larsen at 2951 Valentine Lane for the purpose of keeping chickens with the conditions that the structure would be finished within 120 days with proposed modifications such as painting, paneling and screening of the structure from neighboring properties and street, chickens should be contained within the property at all times, the structure should only be temporary structure for no longer than 18 years, and that the structure should be taken down within 12 months when done raising chickens; any violation of above conditions would result in voiding of the permit; Samson aye, Held nay, Bartelt aye, Thorp nay, and the motion failed 2 to 2.

7. Lisa Forsman – 2940 Wilder Ln – Concept Review - Greenhouse

Bristol noted that the contractor for Portside Builders Inc. reached out to him regarding adding a greenhouse to 2940 Wilder Lane. It is a 15-acre parcel in a Rural Residential District. This would be a Conditional Use application for an additional accessory structure and might need an exception for being sided in front of the principal building. The picture was attached.

Kyle Daoust, Remodel Salesman/Designer from Portside Builders Inc explained in his letter that the lot size is just over 15 acres. It has a long driveway hidden deep in the woods. The new well is being drilled to be a seasonal well and no new septic is being run anywhere. The well will be within 25' of the proposed greenhouse. The unit will go on top of Portside's subbed-out foundation system.

The committee members are concerned about another accessory structure on the property. Thorp said that discussion on the number of accessory structures was supposed to be discussed this afternoon at the Plan Committee Working Session meeting but there was no quorum. It will be discussed the next month.

Bartelt has no concerns with the structure. Held likes the concept of the greenhouse. Also, it is a big property and not in view of anyone. Samson said that the proposed structure is very attractive. However, it is adding another building.

8. Roy Harsch – 9931 Water St – Concept Review – PW footprint modification

Bristol noted that the applicant was before the Board of Appeals for a variance from the 15' side yard setback standard of the Ephraim Zoning Code as well as variance from the footprint increase standard in the Protected Waterfront (PW) district of Ephraim Zoning Code. Ultimately both variances were denied.

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, placing it 1 foot from the property line. Construction on the project began without a permit and stop work orders were given at the time.

The Board approved the new Protected Waterfront Ordinance, and the applicant would like to opinion of the committee on whether there is a mechanism within the code to get the kitchen addition. The biggest piece of this request that is outside of the purview of the Plan Committee is that the proposed

addition is noncompliant with the side yard setback requirement. However, the Harsch family is talking with their neighbor; the Munns family; about doing a property swap through a quick claim deed. The Munns family would give the Harsch family a small triangle to make a new kitchen addition to become more conforming than the present corner of the building. In exchange, the Munns family will get a little sliver of the property closer to the water. The swap will make the Munns family slightly more non-conforming to the same side yard setback standards. For this item to be considered by Conditional Use, the Munns family will have to go before the Board of Appeals to get a variance to create a new property boundary. If the Board of Appeals variance is settled, does it still meet a definition of the Ephraim zoning code?

The applicant would like to start the process of asking for a PW Design Review of a modification to their existing cottage located at 9931 Water Street consisting of a small addition to the existing kitchen under the recent adoption of the Village of Ephraim Ordinance No. 05-2024. It will possibly be the first request to be submitted under a newly adopted ordinance.

Harsch apologized for his mistake. It was a bad decision, and he has been paying the consequences. Harsch explained that they would like to obtain a building permit to construct an 80-inch by 90-inch or 6-foot 8-inch by 7-foot 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 southwest corner is 8 feet from the property line, the existing northwest 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 setback requirement.

By way of background, the present cottage was originally built by his 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 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. Their cottage was created when the original boat house was remodeled in 1940 to include a kitchen, bathroom, two bedrooms, and screened porch. The cottage footprint has remained the same footprint 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. Harsch and his wife purchased a half interest in the 9931 Water Street 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 they obtained ownership of his 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 the 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 must stand by the side of the stove and open the door. This is very difficult to do for anyone and is increasingly harder for both Leslie and Roy. It also is not a safe way to cook. There have been a few times that hot pans have been dropped, the contents spilled, and people burned.

Because the new northwest corner of the proposed addition wall would extend to the existing property line, they reached an agreement with Tom Munns (9929 Water Street) to change their respective property boundaries. They would like to obtain ownership from Munns of a small triangle. This triangle is shown on the attached Site Map prepared by Stantec. This Site Map also shows the identical triangle that would be 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 northwest corner of their cottage is now.

The excavation for the proposed addition, the removal of several stumps, and the concrete footing, concrete floor, and stone foundation will allow them to correct a water problem that has existed for some time. Rainwater from their roof and two downspouts from the roof of the house on 9929 Water Street have contributed to 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 the crawl space below the house. They 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 downgrade through the existing landscaped bed to the stone drains they installed as part of the shoreline protection that they installed jointly with 9929 Water Street.

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. They made a significant effort to construct their shoreline protection in conjunction with their adjacent neighbors to provide a pleasing view out to the bay and a traditional view from the water. 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 shoreline protection they implemented at their cottage maintains this public view and the proposed addition does not impact this view in any manner.

Harsch concluded that he would not like to be in a position where he would have to tear down the family house. The alternative would be tearing it down and building to the maximum extent that will do nothing to maintain the look of Ephraim that makes Ephraim quaint. Harsch does not want to replace the house with a modern structure. However, that is the option.

Thorp asked the applicant to obtain well-drawn plans of his project and suggested discussing this concept at the next meeting when all 7 members of the Plan Committee are present.

9. **New business for next meeting/next meeting date:** The next meeting is Tuesday, October 22, 2024, at 7:00 PM.

10. **Adjournment:**

Held moved, Bartelt seconded to adjourn the Plan Committee Meeting at 8:45 PM, all ayes, and the motion carried.

Recorded by,

Andrea Collak-Clerk/Treasurer

DRAFT