

VILLAGE OF EPHRAIM

FOUNDED 1853



Plan Committee Meeting Minutes Tuesday, October 29, 2024 – 7:00 PM

Present: Michael MacCutcheon-Chair, Andrew Bartelt, Grace Held, Monique McClean, Kenneth Nelson, Susie Samson, BD Thorp

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

Guests: Randy Nelson, Roy Harsch, Kelsey Stone, Lane Methner, Kristin Nemecek, Dean Nemecek, Paul Wilson

1. **Call to order:** The meeting was called to order by Michael MacCutcheon -Chair at 7:14 PM.
2. **Quorum:** A quorum is present for this meeting.
3. **Approval of previous minutes**

Thorp moved, Held 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. **RaeAnne LLC – 9922 Water St – Accessory Structure/Railing**

Bristol noted that the building was before the committee a few times. This time there was some work done (fence/railing and pergola erected) without permitting. Bristol talked to the applicant, and this application is an attempt to get after the work permits. The applicant wanted to replace the wood picket fence with an aluminum railing and add the accessory structure – an aluminum pergola to the north side of the building. The picture was presented for review. The project meets all dimensional standards. Bristol read the letter from the applicant.

Mike Tomasian, in his letter to the committee, apologized for being unable to attend the meeting. Tomasian stated that this project went from a simple remodel to a major commercial build. It took his wife Shannon and him by complete surprise at how bad this building was. The previous owner had hidden all the rot with spray foam insulation, and they had to take out massive loans to restore this beautiful building. They managed to save the historic chimney at a great cost to them, but they are very happy with the architectural beauty of this new building, and they hope it will stand the test of time. Tomasian and his wife had gone to the Shorewood Condo Association and had approval for the commercial railing etc. It is ADA-approved and is "wood-like" in that it has the attributes of a typical wood railing but is powder-coated aluminum for strength and longevity. There will never be rust or rotted wood as this is impervious to the elements. Tomasian noted that they had no idea they needed further approval and if they had they certainly would have come before the Village. They thought they were doing a good thing, and they truly hope and ask for approval as they had a tremendous investment in this project. The pergola is to help keep patrons shaded and dry in inclement weather. They thought umbrellas that blow around and poke people would be bad, so they wanted a better solution. They want to be good stewards of this property and good members of the community, and they are excited to hopefully be serving the best donuts and coffee soon.

This item went before the Historic Preservation Committee (HPC) for design review purposes. The HPC members discussed this item relative to the Historic Preservation Ordinance and were unanimous in recommending denying both structures because they do not meet aesthetic and historic standards. Nelson quoted from the ordinance “*Traditional fences in the district were dry stone and wood fencing, which represent a historically authentic kind of fencing. In the case of metal, vinyl, or*

plastic fences, samples must be provided for evaluation by the Historic Preservation Committee for referral to the Plan Committee. This will provide the use of non-traditional materials that reflect the look of traditional fencing.”

Plan Committee members agreed with HPC recommendations.

Thorp moved, Nelson seconded to approve the Accessory Structure/Railing application for RaeAnne LLC at 9922 Water Street, Unit 9, as presented, all nays, and the motion failed.

A short discussion on whether the applicant should remove the structures. It was decided that the applicant would have until the next meeting to come up with a modification.

McClellan moved, Bartelt seconded to give RaeAnne LLC at 9922 Water Street, Unit 9, a chance to come up by the next Plan Committee meeting with modifications for the railing and pergola to meet the Historic Preservation ordinances, all ayes and the motion carried.

7. Bethany Lutheran Church – 3028 County Q – Design Review – Addition

Bristol noted that the applicant would like to demolish the existing 1950s addition and construct a new, bigger 410 sq. ft. addition with ADA compliant bathroom, vestry/conference room, and small kitchenette. It would be a wood frame construction with a gable roof 8/12 pitch using gray asphalt shingles. The roof will tie into the addition and make one continuous piece. White (natural Door County limestone) and 6” painted cedar beveled siding and trim, double hung wood windows will be added. All materials would match the existing materials on the church. All existing vegetation and topography would remain as is. The Bethany Lutheran Church has never had a source of water. They would like to share the well with the Pioneer Schoolhouse. Ephraim Historical Foundation (EHF) owns both buildings, the Pioneer Schoolhouse and the Bethany Lutheran Church. Randy Nelson added that the setback of the proposed addition is roughly 35 ft.

Bristol added that because it is a corner lot it is subject to a 40 ft front setback from both rights-of-way. Looking at adjacent surveys, there is an allowance where the Plan Committee can apply setback averaging by using two adjacent properties. In this case, using property to the north with a 22.5 ft setback. Adding 22.5 ft to the standard 40 ft front setback equals 62.5 ft. Dividing by 2 the setback average would be 31.25 ft. Bristol added that if the Plan Committee would like to use setback averaging; used with some regularity; there is a mechanism to allow the addition without the need to go before the Board of Appeals for variance.

Cody Schreck from Ephraim Historical Foundation noted in his letter to the HPC and Plan committee that the Ephraim Historical Foundation Board of Directors met on Friday, October 25, and the Bethany addition was included as part of the agenda. From a design standpoint, there were no motions made to deny the addition as presented. However, the point was specifically made by the EHF board that we do not give permission to tap into the Pioneer Schoolhouse well yet. That aspect of the project is not specifically relevant to HPC, as the committee is bound by the aesthetic regulations of the Historic Ordinance, but it is relevant to the overall project and the Plan Committee's considerations. In short, before EHF makes a motion to approve Bethany tapping into the existing well it was agreed that more data needs to be gathered on the codes/policies on the existing well, the age/capacity of the well, and that there needs to be a Memorandum of

Understanding created between EHF and Bethany outlining responsibilities for utility bills, maintenance, etc.

This item went before the Historic Preservation Committee (HPC) for design review purposes and HPC recommended approval of the colors and materials as submitted.

The Plan Committee members had no issues with the proposed addition.

Nelson moved, Held seconded to approve the Design Review application for an Addition for Bethany Lutheran Church at 3028 County Q as submitted, based upon using setback averaging, all ayes, and the motion carried.

8. Townline 1 LLC – 2848 Valvaere Ct – Design Review – New SFR

Bristol noted that the applicant was not able to attend this meeting. However, the application is very similar to what was proposed at the previous meetings. The materials were provided. The height at peak would be 25 ft which falls within the 28 ft standard. Bristol has no issues with this proposal.

Bartelt moved, Thorp seconded to approve the Design Review for New SFR at 2848 Valvaere Ct for Townline 1 LLC, all ayes, and the motion carried.

9. Kristin & Dean Nemecek – Concept Discussion – Home Business

Kristin Nemecek noted that they will be relocating to Ephraim in the Spring of 2025. They are currently working with Van’s Lumber & Custom Builders on developing plans for their new residence that will be located at 9979 Norway St. It is their desire to incorporate a home office serving the operation of Pioneer Acres Cottages. To provide a personal welcome to their guests, they would like to have check-in/registration at their home office. The guests will be encouraged to leave keys in their cottage upon departure. Except for an occasional walk-in guest, this should be the extent of any cottage-related activity on the property. Their home will be in the R-1 zoning district where Home Business/Occupations are listed as conditional uses. They feel comfortable that the proposed level of activity will comply with the standards listed in section 17.15 (4). Re: (j) (3). If the cottage office is not considered a personal service business by the committee, they would ask that it be considered as “other use” as stated in (j) (5). Dean also plans to operate his consulting business out of the office, totally online.

Bristol added that the home office/occupation does require Conditional Use.

10. 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 (PW) 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 the 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. Roy provided the committee with visual documentation and explained what was proposed to be done.

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.

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.

Thorp inquired about the offset, so the square footage is not increased. Bartelt read from the PW ordinance; *“the footprints in the PW District can be modified but increases to the total footprint of individual structures within the district are prohibited.”* Harsch said that he can offset a portion of the storage shed which is part of the primary structure but has an outdoor entrance. Bristol noted that the offset cannot be any space outside of the exterior walls.

Bartelt would like to see the drawings of the old and new with clear dimensions, so they can be compared at the next meeting. Committee members agreed. If the committee is satisfied with the plans, then Mr. Munns will be encouraged to pursue the variance through the Board of Appeals. If the variance is approved, the application can come back to the Plan Committee for a Conditional Use Hearing.

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 it to the maximum extent which would be costly and 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.

- 11. New business for next meeting/next meeting date:** The next meeting is Tuesday, December 17, 2024, at 7:00 PM. There will be no working session.

- 12. Adjournment:**

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

Recorded by,

Andrea Collak-Clerk/Treasurer