

VILLAGE OF EPHRAIM

FOUNDED 1853



Plan Committee Meeting Minutes Tuesday, December 17, 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: Mike Tomasian, Shannon Tomasian, Matt Meacham, Michael Larsen, Kelsey Stone, Lane Methner, Paul Wilson, Scott Pearson

1. **Call to order:** The meeting was called to order by Michael MacCutcheon -Chair at 7:21 PM.
2. **Quorum:** A quorum is present for this meeting.
3. **Approval of previous minutes**

Thorp moved, McClean seconded to approve the Plan Committee Working Session meeting minutes from October 29, 2024, as presented, all ayes, Nelson abstained, and the motion carried.

Thorp moved, McClean seconded to approve the Plan Committee meeting minutes from October 29, 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 said that the application was before the committee a few times. The last time there was some work done (railing and pergola erected) without permitting. 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 application was denied, and the applicant was asked to present the committee with different options.

Mike Tomasian suggested that since the pergola is already white, and set back on the side of the building, they would like to apply wood grain PVC to the face of the pergola. The front part that is seen would be covered in PVC wood grain boards. This wood grain PVC is the exact material that is on the building itself and will blend in much better than the smooth white it came with.

This item went before the Historical Preservation Committee (HPC) for design review purposes and the HPC members recommended the approval of the design review for accessory structure covering six vertical posts and horizontal roof line with wood-like material to match the siding of the main building.

Thorp moved, Held seconded to approve the Accessory Structure/Pergola application for RaeAnne LLC at 9922 Water Street, Unit 9, provided that six posts and horizontal roof line are wrapped in wood-like material to match the siding of the main building, all ayes, and the motion carried.

Tomasian mentioned that when it comes to commercial state-approved ADA railing, they tried to model their railings after the black railings at the Historic Village Hall. In the beginning, they were told that black and white were acceptable, and as they drove around the village, they noticed the black and white street signs as well as the new black lighting. They especially liked the black railings at the village hall and how they contrasted with the buildings, stone, etc. This contrast is what looked so

appealing to them, especially since the railings were safely separating patrons from the parking lot. Their main goal was safety and not having white railings blend in with the white building, so cars could see the divide. Many children and families will be sitting on the patio, and the black railing was a much safer choice. However, if too much of the black is not approved, they can do a few things to whiten things up even more.

1. They can apply more of the wood grain PVC boards to the face of the railings. This would cover most of the black.
2. In the Spring we can install white flower boxes. This will be very vibrant and colorful, and the greenery will water fall over and cover much of the black.
3. The bushes are in their infancy but once they grow and the flowers bloom, much of the bottom will block the black as well.
4. Painting/spraying the railing white.

This item went before the Historic Preservation Committee (HPC) for design review purposes. The HPC members discussed this item but voted down the proposal of applying the wood grain PVC boards to the face of the railings; main horizontal and main vertical posts of the railing; with wood like material 2 to 2.

Samson noted that she softened towards the idea of black railing. She likes it. She acknowledged that there are places in the Historic District that have black railings. Why should this applicant be denied?

Held likes the idea of flower boxes to soften and cover up most of the black. McClean agreed that flower boxes and bushes would cover up the railing and the PVC boards would not be necessary. McClean is also open to the boards if everyone agrees.

Nelson said that his concern with just flower boxes is that they can be easily removed and all that would be left is black aluminum railing. Nelson would prefer the wood-like covering of the main horizontal and main vertical posts of the railing.

Bartelt said that the flower boxes are optional. The issue is not the black-and-white color but the material. Bartelt believes that applying more of the wood grain PVC boards to the face of the railings would be the best the applicant can do at this point.

Thorp would like to go with a wood look for the main horizontal and main vertical posts of the railing. Spindles can stay black.

Thorp moved, Bartelt seconded to approve the Accessory Structure/Railing application for RaeAnne LLC at 9922 Water Street, Unit 9, provided that the outside main horizontal and main vertical posts of the railing with white wood-like material to match the siding of the main building as presented, all ayes, and the motion carried.

7. Roy Harsch – 9931 Water Street – Concept Review – PW footprint modification

Bristol said that at the last meeting it was decided that before the Plan Committee would give the final determination whether the applicant was a candidate for the Protected Waterfront (PW) footprint modification by Conditional Use, the applicant had to show a drawing depicting where he would make up the footprint to be reclaimed, so he could potentially be able to keep the kitchen

addition he constructed without permits. Bristol presented the applicant's previous application and two new items, a handwritten note, and an unclear drawing. Harsch was not present to speak about his drawing.

Bristol noted that 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 ever so slightly more non-conforming to the same sideyard 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 and create additional nonconformity of the setback. If the Plan Committee determines that this item fits within the Conditional Use for footprint then there should be a variance hearing for the Munns family. If those go through the Harsch family will come back before the Plan Committee for the Conditional Use hearing for the PW footprint modification.

McCutcheon suggested writing a formal letter to the applicant with clear steps regarding this process.

Nelson noted that this was the third time this concept review was on the agenda. Nelson does not see any progress from Harsch. The Committee needs to see a clear, certified drawing of the square footage offset. Thorp agreed.

Bartelt read from the last meeting's minutes; "...would like to see the drawings of the old and new with clear dimensions, so they can be compared at the next meeting." Bartelt said that what was asked of the applicant was not done. Bartelt went on; "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." Bartelt noted that the committee has not even seen the drawings of the old and new with clear dimensions. Bartelt believes this is a complete waste of time. Bartelt agreed the letter would be helpful to clarify the steps, move it along, and get someplace.

8. Michael Larsen – 2951 Valentine Lane – Conditional Use – Re-Hearing – Additional Acc. Bldg

Michael Larsen said that the decision that was made for the Conditional Use hearing left him in an interesting position. Larsen studied the Village ordinance and some Wisconsin laws as he wanted to understand some of the things that came up during the discussion to make sure he had clear delineation of information.

Larsen clarified that there are already three buildings on the property; the main house and two accessory buildings (the outbuilding/shed and the garage). The definition of the **building** in the Village code is "any roofed, enclosed structure used, designed or intended for the protection or shelter of persons, animals or property."

However, there are other definitions. One is for the **garage** which has its own specific definition as an accessory structure and not an accessory building; "A structure primarily intended for and used for

the enclosed storage or shelter of motor vehicles or boats of the family resident upon the premises. Carports are considered to be garages.”

There are other examples besides garages specifically listed under the accessory structures in ordinance **17.15(3) Accessory Structures** such as pet houses and runs. That would imply that the chicken run would be an accessory structure and not an accessory building. The accessory structure needs to be smaller than 1000 sq. feet and smaller than the main building. No more than 15 feet in height and meet setbacks. Larsen acknowledged that there is a 10-foot side setback that needs to be met in his case.

Larsen continued reading the ordinance; *“No more than one accessory building shall be permitted on a lot in a residential district. Additional accessory buildings shall only be allowed by conditional use.”*

Larsen pointed out that the accessory structures do not need conditional use permits, only a regular zoning permit.

Bristol said that the definition of ‘enclosed’ in the Village’s zoning code is absent, but the key definition would be the building definition and whether it meets the definition of ‘**enclosed**’ would be the key issue.

Larsen noted that because the definition of ‘enclosed’ was silent within the Village’s zoning code he looked through Wisconsin Statutes and traditional legal definitions. He found two versions of the legal definition of ‘enclosed’.

- building is enclosed because you cannot see inside unless you look through the window or you open the door.
- there have to be a minimum of two walls impermeable to gasses leaving the structure in order to be enclosed

Larsen went on to say that the chicken run is transparent and very open in terms of air, only enclosed by chicken wire which does not meet the legal standards that he can find for calling the chicken run enclosed. Therefore, Larsen believes the chicken run is an accessory structure and not an accessory building and does not require a conditional use hearing only a regular zoning permit. Larsen would like to have this clarified.

Thorp brought up his note from October’s working session stating that all buildings are structures, but not all structures are necessarily buildings. Thorp explained that he voted down this conditional use at the last meeting because he did not want to see a precedent set of having 3 accessory buildings in a residential district (R-1). His feelings about this conditional use did not change. Thorp believes that the applicant could simply add to the existing garage to avoid having another accessory building in the R-1 zoning.

Larsen believes he would be in violation of another part of the ordinance. He would build closer to the road than the setback of the primary structure. Even though the garage already exists does not mean that it can be automatically added onto without permission. The proposed spot is one of the few areas where this chicken run could get built and meet the full set of requirements in the ordinance. Larsen believes that it is important to understand where the other structures fall in the definition. Is there a precedent set that this is an excessive number of accessory buildings? Larsen noted that

garages are explicitly called out as accessory structures in the accessory structures section of the ordinance including pet houses and runs even though they may be buildings under the general building definition.

After a short discussion committee members agreed to consult a Village attorney regarding the definition of the building versus a structure relative to chicken wire and protection of the chickens.

Bartelt moved, Thorp seconded to table this matter until the definition of building and structure was clarified, all ayes, and the motion carried.

9. Julia Uihlein – 10239 Water Street – Special Exception – Metal Roofing

Bristol noted that the committee will consider a special exception request from Julia Uihlein relating to the use of metal roofing on the porch of a cottage renovation project located in the historic district. Notice was sent to all Ephraim property owners and neighboring municipalities within 300'. Bristol did not receive any correspondence regarding this item.

The applicant would like to lift the 2 log cabins that are on the property and build a new foundation under the existing cottages. The main cottage will remain in the same location and have the same elevation. The second smaller cottage will be moved slightly North at least 10' from the property line to make the structure compliant with the side yard setback. The elevation will remain.

The exteriors of both buildings are staying the same with existing siding, replacement in kind of windows (as necessary). New roofing on both buildings; standing seam copper on the porch and western red cedar shingles elsewhere. There will be no added decks or patios. Minimal finished grading will be required as the grades will not be changing.

Nelson added that the HPC recommends unanimously the Plan Committee approve the standing seam copper roof.

The committee members had no issues with the proposed metal roofing.

McClellan moved, Thorp seconded to approve the Special Exception/Metal Roofing application for Julia Uihlein at 10239 Water Street as presented, all ayes, and the motion carried.

10. Julia Uihlein – 10235 Water Street – Special Exception – Metal Roofing - Design Review of New SFR

Bristol said that the committee will consider a special exception request from Julia Uihlein relating to the use of metal roofing on accent roofs on the new home located in the historic district. Notice was sent to all Ephraim property owners and neighboring municipalities within 300'. Bristol did not receive any correspondence regarding this item.

Bristol noted that it is a large home, but he worked at length with David Green, a representative from DeLeers Construction, on-site planning and dimensional work. The project meets all the dimensional standards.

The applicant would like to build a new residence. It would be a wood-framed 2-story residence with an unfinished basement and attached garage. The building will have gray stained cedar siding, gray or brown synthetic cedar shake roof, and natural masonry. Also, they would like to use a natural copper roof and flashings that will patina to a natural bronze tone. The applicant would like to preserve the existing topography.

Materials were provided. David Green, representative from DeLeers Construction explained at the HPC meeting that it is the content of the copper that predicts whether it would patina to brown or green color.

Nelson added that the HPC recommends unanimously the Plan Committee approve the copper roof.

The committee members had no issues with the proposed metal roofing and design review of the new single-family residence.

Bartelt moved, Thorp seconded to approve the Special Exception/Metal Roofing/Design Review of New SFR application for Julia Uihlein at 10235 Water Street, as presented, all ayes, and the motion carried.

11. **New business for next meeting/next meeting date:** The next meeting is Tuesday, January 28, 2025, at 7:00 PM.

12. **Adjournment:**

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

Recorded by,

Andrea Collak-Clerk/Treasurer