

VILLAGE OF EPHRAIM

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Planning Committee Meeting Minutes

Tuesday, January 24, 2017 – 7:00 P.M.

Village of Ephraim Administration Office, 10005 Norway

Present: Chair-Mike McCutcheon, Walt Fisher, Grace Held, Matt Meacham, Jim Stollenwerk, Ken Nelson

Absent: Susie Samson

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

Guests: John Held, Cindy Nelson, Bruce Nelson, Hugh Mulliken, Jim Peterman, Tad Dukehart

1. Call to Order
Meeting called to order by chair McCutcheon at 7:00 P.M.
2. Quorum
A quorum is present for this meeting.
3. Changes in Agenda
Bristol mentioned few typos in the agenda.
4. Visitors' Comments
None
5. Approve 11/16/2016 Plan Committee Minutes

Motion per Fisher to approve 11/16/2016 Plan Committee Minutes as written, seconded by Grace Held, and motion carried.

6. Robert Krebs – 9907 Water Street – Fence
Bristol introduced this item. Representative from Meissner Landscape reached out to Bristol in respect to the fence in the historic district in Ephraim. The fence was planned to be put up within the road right-of-way. Bristol instructed them that DOT would not permit to build anything new within the road right-of-way and that they need to move it back out of the road right-of-way. They were also instructed to get a permit for this project from the Village, added Bristol. The fence went up knowingly without the permit sometime in November, 2016. Bristol has no issues with the fence from dimensional standpoint. Bristol went on saying that within the zoning ordinance there is a provision for the penalty. As written it is five times fee for every day that non-conformity exists. HPC suggested charging the owner the fee from the day fence went up. The issue Bristol has is that they have not been served with written notification and formal request for the fence to be removed. Bristol has no problem with charging the owner single \$125.00 fine but has an issue charging \$125.00 fine per day without proper notification. At the Planning Committee noon meeting it was discussed to take this situation as the opportunity to be more rigid and to make it known to the public that there is an ordinance in place and Village will use it as necessary, so residents do not take too few many liberties with their projects, pointed out Bristol.
Bristol noted, that HPC passed the recommendation to instruct the owner to remove the fence until they get the permit and not to consider the application until the fence is removed.
Dukehart clarified that the HPC committee did not have a problem with the fence but with the way it was done and that is why they decided that the owner has to be properly notified to remove the fence until they get a permit for this project.
Fisher did not see anything in the ordinance that suggests that owner should be notified by letter. Bristol explained that it is him taking some liberties with that as he would question the defensibility of such action. Fisher pointed out that they knew about the permit process and knowingly put the fence up without a permit. Fisher suggested considering fine rather than

removing the fence.

McCutcheon mentioned similar situation with shed on Schmeltz's property that was removed after they were notified. McCutcheon thinks this issue should be dealt with in the similar manner. Fisher pointed out that Schmeltz's were not instructed from Bristol personally to get permit.

Bristol reported that this is not the first time people built something without the permit and retroactively got design approval. They were neither notified to remove it nor fined for every single day but rather a single fine, added Bristol.

Grace Held suggested not removing the fence but assessing the owner daily fine from the day fence was put up knowingly without the permit until a current day without the notification. McCutcheon said this is the time to draw the line. Planning Committee at the noon meeting suggested attaching with every permit a copy of pertinent ordinance that will have to be signed by applicant, digital notification as well as including this notice in spring newsletter. This item on the agenda could serve as an example, added McCutcheon.

Meacham thinks the Village needs to set the standard not to be taken advantage of in the future. This item should be tabled and not considered and Bristol should send the owner the notification to remove the fence until next meeting or they are going to be fined.

McCutcheon asked the committee if the applicant should be fined at least single fine of \$125.00. Grace Held believes that it is very small amount for blatantly disregarding the rules.

Motion per Meacham to table the application for Fence at 9907 Water Street as presented in front of us, seconded by Fisher, Fisher aye, Stollenwerk aye, Meacham aye, Nelson aye, McCutcheon aye and Grace Held nay, and motion carried.

McCutcheon wanted to know on his and Grace Held behalf what are the option to arbitrary tack on days as the amount \$125.00 seems small. Stollenwerk pointed out that the committee should enforce the ordinance and send the message to citizens rather than punish the applicant. It is almost childish to jack up the price over \$125.00, added Stollenwerk. Grace Held believes that it is much easier to pay small fine and still not follow the ordinance.

Bristol read the ordinance stating that permit fee five times a normal fee should be required if a violation is failure to obtain the permit. This fee shall not release the application from full compliance with the ordinance chapter nor from prosecution from its violation. A separate offense shall be deemed to be committed on each day on which a violation of the ordinance occurs and also for each day that the violation continues after the date set by order issued in the name of the Village or by a court for its removal or correction.

Ken Nelson believes that the real message that can be send would be by ordering to take the fence down and they should be notified as soon as possible.

Motion per Fisher whereas the fence located at 9907 Water Street was put up in violation to the ordinance, \$125 fee be assessed and the fence must come down, Village will send the letter that will stipulate 5 business days to take the fence down upon receipt of the letter by the owner, seconded by Meacham, and motion carried.

John Held believes that this would not happen if there was a landscape plan. John Held went on saying that the Village should be more proactive and put people on notice immediately and not wait sixty days to address this issue.

Fisher noted that it is the Village responsibility to protect all of the property owners in the Village and image of the Village and if people violate the ordinances it could affect other residents of the Village.

Ken Nelson added that the Village changed some of the ordinances and now landscape plans

are required as part of the application.

7. Paul Flottman – 3065 Anderson Lane – Window Replacement
Bristol introduced this item. Paul Flottman applied for window replacement on the front porch with white, vinyl, double hung, similar to those windows placed on side of the building with entrance door. HPC did recommend the approval, added Bristol.
Fisher questioned if the size of the windows will remain and Ken Nelson questioned if the number of windows will stay the same. McCutcheon did not think the application was specific enough. The committee members agreed to call the applicant.
Paul Flottman clarified that proposed windows will be about the same size but were there are five windows there will be four double hung windows and were there are four or three windows there will be three double hung windows.

Motion per Meacham to accept the application for Paul Flottman at 3065 Anderson Lane, Window Replacement as presented, seconded by Grace Held, and motion carried.

8. Zoning Administrator update on previously approved agenda items/projects
Bristol reported that shed from Schmeltz's property was moved third week of December.
9. New Business for next meeting
None
10. Adjournment

Motion per Stollenwerk to adjourn the Planning Committee Meeting at 6:55P.M., seconded by Ken Nelson, and motion carried.

Recorded by,

Andrea Collak-Clerk/Treasurer