

VILLAGE OF EPHRAIM

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Planning Committee Meeting Minutes

Tuesday, October 24, 2017 – 7:00 P.M.

Village of Ephraim Administration Office, 10005 Norway

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

Staff: Brent Bristol-Administrator

Guests: Mike Reince, Hugh Mulliken, Marianne Roppuld, Brad Russell, Jim Peterman, Maggie Peterman, Elfie Johnson, Sue Volkman, Julie Walkins, Doug Schwartz, Rob Moore, Sherri Moore, Betty Chomeau, Dick Christensen, Diane Taillon

1. Call to Order
Meeting called to order by Michael McCutcheon – Chair at 7:00 PM.
2. Quorum
Quorum is present for this meeting.
3. Changes in Agenda
None
4. Visitors' Comments
None
5. Approve 9/26/2017 Plan Committee Minutes
Fisher and Bristol pointed out a few changes needed to be made in Item 8.

Motion per Nelson to approve 9/26/2017 Plan Committee Minutes as amended, seconded by Meacham, and motion carried.

6. Daine Taillon – 3038 Spruce Ln – 8 Unit Garage Structure – Design and Use Review
Fisher stated that as an owner of property adjacent to the property in question he would like to recuse himself from voting on this issue.

Bristol introduced this item. The item was tabled at the last month meeting due to lack of information from stormwater design standpoint. There were also some question marks on how the project fits within the ordinance language, added Bristol.

The applicants did seek the counsel with Baudhuin Surveying and Engineering and submitted the report on stormwater management for the property in question. The applicants reduced the number of garages from 10 to 8, added Bristol.

Bristol stated that he did also seek the legal opinion on this issue and presented the committee and audience with memorandum from the public attorney Jim Kalny at Davis & Kuelthau Attorneys at Law.

The attorney stated in his report that the parcel is presently a single zoning lot as defined by the Ephraim Zoning Code. The parcel has two principal structures on it, both of which are dedicated to a principal residential use. The proposed garage structure is not intended to be subordinate to the existing principal structures, nor is its use to be incidental and related to that of the principal structure or use of the premises, which is located on the same lot. Hence the proposed garage is not an accessory structure. What is proposed is an additional structure containing a use distinct and independent of the existing residential structures and thus the proposed garage is an additional principal structure.

The parcel is zoned commercial which allows for more than one principal use on a lot. The use of the term "may" on two occasions within the first sentence of 17.15(2)b grants discretion to the Plan Committee to determine whether to require separate zoning lots or establish building

separations. In exercising that discretion, it is relevant that is the plan committee decided to establish building separations and allow the garage to be placed on the parcel, the proposed garage would be conditional use.

The Plan Committee has two decisions to make: whether they should permit the garage on the parcel by establishing building separations and whether the parking structure should be permitted as a conditional use.

The attorney stated that he is not aware of any similar proposal coming before the Village in the time he has been advising but has been informed that there are several situations, where more than one commercial principal structure has been permitted on one zoning lot. However, none of a situation where the Plan Committee has considered adding a parking garage to two principle residential rental properties on one zoning lot so he could not advise regarding how the Committee has exercised its discretion in similar situations in the past.

Stollenwerk read the ordinance **17.26 (g) Compatible Infill** stating; *Any improvement, particularly in the case of new construction, which is in keeping with the simple lines, mass, scale, building materials, setbacks, window treatment, color, and architectural style of adjacent structures, and which enhances the overall character of the village rather than drawing attention to itself and detracting from overall character. Whether or not infill is considered compatible shall be the responsibility of the HPC and the Plan Committee.*

Nelson believes that this item needs to go through the conditional use process and determine if the 25 foot separation is appropriate in this case.

Held believes that separate zoning lots identification would not work in this situation.

Meacham agreed with Nelson and believed that this item needs to go through conditional use process.

McCutcheon, Stollenwerk and Samson agreed with Nelson and Meacham.

Hugh Mulliken, project contractor, mentioned few examples of building separations in the Village and noted that the Village set the precedence by allowing those with 25 foot separation as stated in Village ordinance.

Make Reince, one of the investors, asked if they could get concurrence of the counsel to at least except the attorney's recommendation to consider this going forward as principle use.

Elfie Johnson stated that many people are concerned about the future look of Ephraim. Johnson believes that the structure would be simply a storage unit put in the middle of the Village. When owners of Ephraim Yacht Harbor Condominium bought their property they bought it with understanding that there is no garage.

Diane Taillon added that it had never been a storage unit but had been for cars called Ephraim Coach House, American traditional name representing building for housing particular pieces/cars.

Sue Volkman believes that the proposal meets the ordinance. It is an opportunity to rectify the situation for some of the people who are in adjacent property.

Julie Walkins inquired about regulation for the proposed units in case they get sold over time.

McCutcheon concluded that Planning Committee has to look at existing ordinances and see how this proposal matches up. This proposal deserves to go through the conditional use process.

Nelson read the ordinance **17.25(8)(e)** stating: *The combination within a single parcel or premises of commercial transient lodging uses with other commercial uses, when other such commercial uses are open to persons other than guests within transient lodging units, renders the development and conditional use. Within the conditional use review, the Plan Committee shall review the proposed mixture for compatibility and impact upon the community. If the Plan Committee determines to approve the use mixture, the Committee shall determine the total floor area and retail floor areas as defined in ordinance 17.09 and zoning lot must be large enough to accommodate such under subpar.4.*

Nelson does not believe that the committee should try to decide on 25 foot separation parameters at this meeting but determine it once the proposal goes through conditional use process.

Held believes that if the garage is additional principal structure it requires two separate lots and thus does not fit in this case.

Meacham, Samson, Stollenwerk and McCutcheon agreed with Nelson.

Motion per Meacham to table the application for Design and Use Review for Diane Taillon at 3038 Spruce Ln, 8 Unit Garage Structure based on conditional use, seconded by Stollenwerk, and motion carried.

Walt Fisher rejoined the committee.

7. Ephraim Condos – 9854 Water Street – Fence – Design Review
Bristol explained the Ephraim Condominium would like to replace their current split rail fence with a like kind on the waterfront side of their property. They would also like to add four 18”x18”x48” stone pillars. Bristol has no issues with this application.
The committee members had no issues with this application.

Motion per Samson to accept the application for Fence, Design Review for Ephraim Condos at 9854 Water Street as presented, seconded by Nelson, and motion carried.

8. Richard White – 9976 Moravia – Faceprint Change – Window Replacement
Bristol introduced this item stating that this is one of the back units at Anderson Condos next to Moravian Church lot. They would like to replace white south facing 10” bow window with white flat window of casement/picture/casement design. Bristol has no issues with this application.

Motion per Meacham to accept the application for Faceprint Change, Window Replacement for Richard White at 9976 Moravia as presented, seconded by Held, and motion carried.

9. Angela Reed – 2728 Pioneer Road – Conditional Use – Keeping of Farm Livestock
Bristol introduced this item. Even though keeping of farm livestock in rural residential zone has been in the ordinance there was no one to pursue it. Notice was sent to all Ephraim property owners and neighboring municipalities within 300’. Bristol presented the committee with a correspondence from Ed Smieszek who has no problem with this request.

Bristol introduced Angela Reed to the committee.

Reed is requesting a permission to raise small scale livestock; 8 ducks, 7 miniature goats, 10 chickens (give or take); for personal use only to help provide for their family. As current hobby farmers in Illinois it has been their dream to move to Door County. Purchase of their dream house is contingent upon approval of this proposal. Reed assured the community that everything will be tasteful, well cared for and clean.

Motion per Nelson to accept the application from Angela Reed at 2728 Pioneer Road for Conditional Use, Keeping of Farm Livestock referring to maximum 7 miniature goats on average on the property as measured in the fall, seconded by Held, and motion carried.

10. DC Sled Dogs – 10355 Water – Temp Signage

Bristol explained that by definition temporary signs may be displayed no more than three times per calendar year and for a period of time not to exceed two weeks per permit.

Door County Sled Dogs owners are requesting to erect a plastic sign SLED DOGS, 3x2.5 in size, for 4-5 hours per week between May 15th and September 30th, 2018 on the side of the road. It is up to the committee to decide if this is permissible or too far reaching and how the Village would monitor this request, added Bristol.

McCutcheon suggested having another permanent sign much like a hotel with hang down sign informing visitor of dogs present on the property or adding the hang down sign on their permanent sign to make things easier.

Bristol stated that according ordinance one sign; open/closed, vacancy/no vacancy and sale; per business is permitted.

Meacham does not like how the idea of temporary sign as presented. Temporary signs are not issued on number of hours but on number of days, added Meacham.

Motion per Meacham to deny the application for Temp Signage for DC Sled Dogs at 10355 Water as presented, seconded by Held, and motion carried.

11. Discussion and recommendation regarding the Village Streetscape Plan

Nelson believes that after the monumental vote to proceed with street reconstruction through historic district the Plan Committee as well as the Historic Preservation Committee should be involved in decision making on some of the design details as this project will have an impact on historic nature of the district. McCutcheon stated that the Village is looking for help from everybody. The committee members agreed.

12. New Business for next meeting

None

13. Adjournment

Motion per Meacham to adjourn the Planning Committee Meeting at 8:13P.M., seconded by Stollenwerk, and motion carried.