

# VILLAGE OF EPHRAIM

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## Planning Committee Meeting Minutes

Tuesday, December 5, 2017 – 7:00 P.M.

Village of Ephraim Administration Office, 10005 Norway

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

**Absent:** Grace Held

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

**Guests:** Hugh Mulliken, Diane Taillon, Brad Russell, Jim Peterman, Elfie Johnson, Sue Volkmann, Julie Walkins, Doug Schwartz, Harold Halverson, Rob Moore, Sherri Moore, Betty Chomeau, Dick Christensen, Fred Bridenhagen, Bruce Nelson, Cindy Nelson

1. Call to Order

Meeting called to order by Michael McCutcheon – Chair at 7:03 PM.

2. Quorum

Quorum is present for this meeting.

3. Changes in Agenda

None

4. Visitors' Comments

None

5. Approve 10/24/2017 Plan Committee Minutes

McCutcheon and Nelson pointed out few changes that need to be made in item 6.

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

6. Ephraim Coach House – 3038 Spruce Ln – 8 Unit Garage Structure – Conditional Use

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.

McCutcheon introduced this item and pointed out that the committee met to discuss the allowance of 8 unit garage structure under conditional use.

Walt Fisher read his letter in which he stated that he and his wife, Joan Fitzpatrick reside at 3052 Spruce Lane and their property abuts the property in question. The application for a third principal structure falls under Section 17.26 (g) of the ordinance – Compatible Infill. Part of the section deals with mass and scale of the new structure. The square footage of the new proposed structure is larger than the combined square footage of the two existing principal structures already on site which would mean that the third principal structure on the site would become the predominate structure. Fisher gave the committee the comparable saying that his house is 40' wide and 40' deep (1600 sq. ft.) and the proposed structure is 48'x48' (2304 sq. ft.) almost half again as large as the footprint of his house. Fisher pointed out section 17.25(8)(c) of the ordinance stating that it is Planning Committee's responsibility to decide if the mixed uses are compatible. Fisher believes that the proposed third principal structure has no relation to the use of the existing buildings and does not enhance the use of those structures. Fisher quoted Hugh Mulliken and Mike Reince from the September 26, 2017 minutes and said that he did not believe the proposed garage units would actively be used year round but rather used as over the winter storage units. Fisher concluded that the sheer size of the proposed car/storage building and the fact that it has no relation to the existing use of the site means that the application does not merit

conditional use.

Bristol reported that there was a correspondence received regarding this matter.

Hans Zoerb wrote on behalf of his mother Elizabeth Pope, who has owned the property at 3031 Spruce Street since the mid-1960s. They oppose the proposed application. The structure's intended use for storage of cars, recreational vehicles and boats makes this building and the proposed parking area around it a "mini-storage facility" with multiple owners/users who do not reside on the premises; clearly a departure from the current uses of that specific property and of those in the neighborhood.

Frank Heidler, owner of the property located at 3036 Cedar Street in Ephraim pointed out issues he has with the application itself and with proposed structure. Heidler and his wife do not approve of this structure being built in its current proposed location. They believe that the proposed structure does not fit easements on west edge of the property and will take away from the look of Ephraim's historic district and mentioned 2 adequate storage buildings located close by desired location of 8-unit structure. Heidler questioned why this structure could not be built at Ephraim Yacht Harbor Condo property and inquired about rules what can/cannot be stored in case the application gets approved.

Gary and Mary Evenson, residents at Unit 1 of the Spruce Street Condominiums located across the street at 3047 Spruce Street, stated in their letter that they do not feel that it is right to allow the property owner to subdivide the land as it has remained undeveloped for many years and fits very well in the historic district of Ephraim. A stand-alone storage building will not improve the aesthetics or existing architecture in this area of Ephraim. Evensons were concerned about disturbing a green space, an extremely large footprint and potential drainage issue.

Karen Webster, owner of the property located at 3047 Spruce Street was also concerned about the drainage plan. Webster also believes that building a storage unit on the property for people that do not reside there goes against her thoughts of historical Ephraim.

David Zoerb was in his letter representing his family who have owned the property at the corner of Spruce and Moravia, across the street from the proposed garage site since 1965. He feels the proposed building should not be allowed and pointed out that it is obvious that the proposed building scale, footprint size, and intended use are not consistent with surrounding land use practices in this part of the Village.

Alan Stover, owner of Unit 403 at Ephraim Guest House had no objections as it appears well done and keeping with "downtown" Ephraim. He suggested recycling rain water by draining it into a large barrel for use around the property.

Condo Owners Association Inc. at Edgewater Resort at 10040 Water Street opposes the approval of a multi-unit garage on 3030 Spruce Street.

Kathy and Dennis Miller, residents at 3050 Cedar Street stated in their letter that although the project does not affect their property they do not think it is in the best interest of Ephraim as it does not reflect the historical character of the Ephraim community which residents strive to maintain. They do not consider the area large enough for eight garages. They questioned whether the future intent is for living quarters as the structure has gables and upstairs windows.

Bristol added that HPC passed it along to the Planning Committee with questions regarding compatible infill and change of use over time.

McCutcheon read a section from October 24, 2017 minutes that reflects the summary of attorney's opinion on this issue.

Hugh Mulliken understands that conditional use does not mean automatic denial but usage under certain conditions. Mulliken suggested conditions that the committee could consider putting on this permit that would minimize an impact on the neighborhood. Mulliken mentioned landscaping from the road, motion sensitive down lights, gable windows not be allowed and use restrictions.

Mulliken went on saying that the state of Wisconsin measures buildings by cubic feet and not by square feet. He gave the committee the comparable saying that the proposed structure has a building volume of about 21,000 cubic feet, Mr. Fisher's building has a volume of about 30,000 cubic feet and the building across the street has a volume of about 80,000 cubic feet.

Mulliken, by using county format of bases of approval, explained that the new structure would not impact public health, safety and character of surrounding area because it is not large in comparing it to surrounding buildings and is compatible with the existing buildings on the property. Mulliken believes that people are concerned about things they cannot envision.

Diane Taillon addressed the letters and pointed out that they did seek the counsel with Baudhuin Surveying and Engineering regarding drainage and submitted the report on storm water management on this issue. Taillon pointed out that they are not requesting variance or removing trees as it was mentioned in the letters. Taillon went on clarifying that it does fit the easement on the west edge of the property and there is going to be condo association with by-laws, rules and regulations.

Meacham is not in favor of the project that has three principle buildings on the property due to compatible infill. Meacham does not see it fitting with historic district of that area.

Nelson read ordinances pertinent to this application; **17.15(2) (b) Commercial Lots** stating: *The Plan Committee may require that separate zoning lots be described for each principal structure or it may, instead, establish building separations. Plan Committee approval of more than one principal structure for a commercial lot of record does not modify ordinance density standards. No lots may be reduced in size or altered in dimension if doing so will result in the lot or structures within the lot not meeting applicable dimensional requirements;*

**17.25(1) b** stating; *Regulations established for the commercial areas are intended to accomplish a balance between accommodation of development and change to allow the Village to share the economic growth of Door County and to provide visitors with facilities and services desired by them while not, in the process, destroying the distinctive atmosphere and character of the Village as a small Village emphasizing unique historic traditions;*

**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.*

**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 two existing principal uses, transient residential out there and proposed new structure unrelated to the first two uses, the 25 foot minimum separation requirement is not appropriate.

Stollenwerk does not believe that this structure belongs to the historic district of the Village of Ephraim. The structure is incompatible with the existing buildings.

Samson was concerned about the future of the units, lighting and a traffic during busy summer season.

McCutcheon mentioned compatible infill and harmony of the request with usage of nearby lands. Available land in Ephraim is very limited and approval of this conditional use might trigger a similar requests in the future, concluded McCutcheon.

**Motion per Meacham to deny the application for Conditional Use for Ephraim Coach House at 3038 Spruce Street, 8 Unit Garage Structure as presented due to the meeting standards and criteria in 17.44(4) (a), 17.15(2) (b), 17.25(1) (b), 17.25(8) (e) and 17.26(g), seconded by Stollenwerk, Samson aye, Stollenwerk aye, McCutcheon aye, Nelson aye, Meacham aye, and motion carried.**

Walt Fisher rejoined the committee.

7. Matt Myre – 9883 Harbor Row – New SFR – Design Review  
Bristol introduced this item. Matt Myre would like to build traditional single family home. It would be a third house built in enclave of Ephraim. Bristol has no issues with the application, dimensions are met but would like to call attention to changes of site plans and drainage plans of what was previously approved. The footprint and building location for the third house has changed from original and it is only 4 inches from wetland corridor. DNR has no issue but they will pay close attention to the excavation part to make sure it is in compliance with their rules. Bristol mentioned that developer has also amended rain garden and drainage plan and because some of that was not completed to plan between units 2 and 4, Plan Committee should give some consideration to establishing a completion level from rain garden and storm water standpoint.

Fred Bridenhagen stated that he is not against the project if it is good for the Village but there is lots of water shed from those buildings. None of the existing buildings has water garden at the back side and the water goes down the hill onto the other properties. Perhaps there is a better way of handling the water up there, added Bridenhagen.

Meacham mentioned that he visited the site twice and looked at the previously approved plan. None of the rain gardens that were on the plans are in place right now so there is nothing to capture the water. Meacham feels that there needs to be some reassurance on rain gardens and storm water runoff before the committee looks into approving the third unit.

Nelson looked at the original approved storm water plan from 2010 and unit 2 and 4 that are in place should have rain garden wrapping around the back of the unit 2 and unit 4 should be 8 feet from the edge of property. But when you go out there it is impervious all the way to the drop off into the wetland so it is hard to imagine how those rain gardens are going to be built anymore, added Nelson. I am not comfortable approving this project until there is a plan showing how the

water will be retained on the property rather than going into the wetland area, concluded Nelson.

The committee members agreed with Meacham and Nelson.

McCutcheon concluded that there needs to be new comprehensive plan because the Village has a responsibility to everyone affected by this project.

**Motion per Fisher, whereas there is a concern about drainage on the site and rain gardens have not been installed, to table the application from Matt Myre until more comprehensive plan for water control on the whole site is submitted, seconded by Samson, and motion carried.**

8. Karsten Topelmann – 3060 Church St – Change of Use  
Bristol introduced this item stating that Lars Topelmann and his wife Monique McClean are interested in opening a small bistro in a cottage that sits at the southeast edge of their parents' property, just in front of the Hanseatic Art Gallery. The restaurant will be small, cozy café or bistro, specializing in European and Domestic wine by the glass, beer and specialized cheese and charcuterie boards. In keeping with the charm of the village, the interior and exterior of the cottage will remain quite similar to what it is now. An attached porch could seat 4-6 people at a bar looking out the window toward the bay. Inside the cottage are two small rooms. One room would be additional seating of 2-3 tables with seating 6-8 people and the central room would house the cheese case, wine bar, prep area and register/checkout. The kitchen is adjacent to central room and will contain the sink and dishwasher, refrigerator, food and wine/beer/non-alcoholic beverage storage, glasses, cheese boards and other utensils. The restroom that is currently at the end of the cottage will be updated. The proposed hours of operations are roughly 2-8PM. Bristol added that the parking with only six available parking spots will be an issue for this application. The restaurant would be required 4 parking spots including one spot for an employee. The gallery is required 10 parking spots which all together comes to 14 parking spots. They are looking for Planning Committee to waive that requirement for 8 additional parking spots.

Meacham mentioned other businesses that were granted exception on parking spots in the past.

Fisher stated that the gallery is never open past 3PM. Fisher believes that this is the sort of thing that benefits not only property owner but also the Village and should be promoted in the historic district. Right now the gallery being grandfathered in meets the parking requirements and so if they were not opened at the same time parking that is there could be justified, added Fisher.

Nelson agreed with Fisher stating that this is exactly what the Village is looking for in the historic district when people repurpose historic building. Parking seems to be an enemy of the historic district, added Nelson.

Stollenwerk agreed and added that parking should not be an issue for this particular little bistro.

Brad Russell pointed out that there are never more than three cars on that parking lot at one time.

Meacham argued that the parking had to be in place when it was a book store. Bristol said that the most recent use was residential use, rental property with required 2 parking spots grandfathered in. The new use requires 4 parking spots including one for an employee so it is not a waiver of 8 parking spots but rather waiver of 2 parking spots altogether. If there is no need for an employee parking spot because the intent is to run the business themselves then it is a waiver

of just 1 parking lot.

**Motion per Nelson, whereas the existing transient use of the building in question requires two parking spots and the new use as a restaurant would require three; given that the employee parking spot will be eliminated since it will be the same employees as the adjacent business; to make a parking exception of one required parking spot for Karsten Topelmann at 3060 Church Street, Change of Use application, seconded by Meacham, and motion carried.**

The committee agreed on looking into amending the parking ordinance in the historic district.

9. Jeff Kruger – 10451 Townline – Special Event Signage  
Bristol introduced this item. Jeff Kruger, new owner of would like to use 3' x 6' temporary sign announcing their new business and opening date. It would be on canvas and hung on front of the building.

The committee agreed that this application is very similar to what was approved for Vintique shop in 2016.

**Motion per Meacham to accept the application from Jeff Krueger at 10451 Townline for Special Event Signage as presented, seconded by Samson, and motion carried.**

10. New Business for next meeting  
None  
11. Adjournment

**Motion per Nelson to adjourn the Planning Committee Meeting at 8:45P.M., seconded by Meacham, and motion carried.**

Recorded by,  
Andrea Collak-Clerk/Treasurer