

VILLAGE OF EPHRAIM

FOUNDED 1853



EPHRAIM BOARD OF APPEALS MINUTES
Monday, September 24, 2018, 4:30 p.m.
Village of Ephraim Office – 10005 Norway

Present: Chair-Karen McMurtry, Diane Kirkland, Debbie Eckert, Sara Glenn, Keith Krist

Absent: Paul Burton

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

Guests: John Grochowski, Ken Nelson, Dick Volkmann

1. **Call to Order:** Meeting called to order by Chair McMurtry at 4:00 P.M.
2. **Quorum:** A quorum of the Ephraim Board of Appeals is present for this meeting.
3. **Compliance with open meeting law and public notice requirements**
Bristol confirmed that the agenda was posted in accordance with open meeting law and that public notice requirements have been met.
4. **Changes in Agenda:** None.
5. **Announcement of Proceedings:**

Chair McMurtry read the Announcement of Proceedings Role of the Board

The Village Board of Appeals is an appellate board required by state law in any municipality that has adopted a zoning ordinance. The board does not have authority to amend or repeal any provision of the zoning ordinance. Its authority is limited to appeals regarding interpretations of ordinance provisions, and considerations of variances. The board functions like a court. Its purpose is to give a full and fair hearing to any person whose property interests are affected by these matters. Its job is to apply the zoning ordinance and appropriate legal standards to the facts of each case. The board meeting and public hearings are open to the public. A taped recording is being made of the proceedings.

Appeal of the Board Decisions

A decision of the board may be appealed by commencing and action in the circuit for this county within 30 days after the date of filing of the decision in the office of the board.

Instructions for Witnesses

Anyone wishing to speak should wait until called upon as a witness; address your comments and questions to the chair and state: Your name and place of residence, your qualifications to speak on this matter, the source of your information, and whether you favor, oppose, or are only providing information in this matter and your concerns.

6. Ephraim Foundation – 3060 Anderson Lane

Public Hearing opened by Karen McMurtry. The notice was read into the record.

This is case number 143, notices were sent out September 13, 2018 and the hearing date is September 24, 2018.

The subject property, parcel #121-01-13312731P, is owned by Ephraim Foundation, Inc. and located at 3060 Anderson Lane. The property is zoned R-1 Residential, the lot is approximately .82 Acres in size.

Bristol in his notes stated that the Foundation is applying to construct an accessory building of 240 square feet. The proposed structure is intended to house the tram which is used for historic village tours.

A regular zoning permit cannot be issued because the proposed construction is not in compliance with the village ordinance.

The Ephraim Foundation is requesting:

- A 4' Variance from the 40' front setback per. 17.15(3)(A) of the Ephraim Zoning Ordinance
- A Variance from the 20% impervious surface standard per. 17.24(1) of the Ephraim Zoning Ordinance to allow an additional 240 square feet (0.7% increase). Current Impervious surface is approximately 40%.

Previous variances for setbacks, principal building footprint, and impervious surface have been granted to this property in the past, added Bristol.

Chair McMurtry asked the committee members if they inspected the site. All of the committee members have inspected the property in question.

Statement by the Applicant

John Grochowski from Ephraim Foundation explained in his application that he is respectfully requesting a variance of 4' front from the 40' front setback and a variance from the 20% impervious surface to place pre-built wooden shed that would be delivered to site location, SW corner of the property, behind barn. The shed would be painted the same color as barn museum/office with slate metal roof and door, so it would blend in with the rest of the property. The accessory structure would be located behind the barn and would not be visible from the main highway.

The Ephraim Historical Foundation's vision is to faithfully preserve, sustain, and share the history, culture, and beauty of Ephraim. Located within the Historic District of Ephraim, they serve as the stewards of the village's history. While only 36,074 square feet, the property contains historic buildings, offices, and parking space and thus is limited by the size and configuration of the property. These features limit the Ephraim Historical Foundation in their ability to install an accessory structure. The proposed location for the accessory structure is the most suitable but would extend to approximately 36 feet from the Anderson Lane right of way; which would exceed the 40 feet front setback requirements of the ordinance. The accessory structure setback would

be approximately 12 feet greater than that of the Anderson Barn. The Anderson Barn predates the ordinance and already extends into Anderson Lane right of way.

Alternative locations on the property would be difficult to access with electric tram with no driveway, would not allow for adequate turning radius, would not meet the requirements of a 63 foot setback from the centerline of State Highway 42 and would cost more to run electric to.

The Ephraim Historical Foundation property is currently at the allowable 20% maximum lot coverage. Building the accessory structure without exceeding the limit would require removing a section of the parking lot to create additional uncovered ground and thus decrease the amount of parking available both to the patrons and visitors to Ephraim.

The proposed accessory structure would provide the necessary protection for electric tram used throughout the summer and fall for tours of the village and museums (Anderson Barn History Museum, Archival Resource Center, Svalhus Research Library) and ensure the tours continue. Offering tours positively impacts tourism in the village. Currently, in order to provide some protection for electric tram, it is covered with tarps when not used. The tarps are unattractive and detract from the beauty of Ephraim.

Finally, the 240 sq. ft. footprint of the accessory structure would have a minimal impact on drainage on the property. During the spring of 2014 and significant flooding to excessive rain, Ephraim Historical Foundation contracted with Baudhuin Surveying & Engineering as well as Lily Bay Sand & Gravel LLC to install drain tile on the property. The project significantly improved drainage on the property and has benefited not only Foundation but also neighboring properties. The drain tile project more than compensates for the minimal footprint of proposed accessory structure.

Bristol added that the Ephraim Foundation have been through few variances on the property throughout the history. There were Board of Appeals variances granted years ago for various levels of construction and improvements on the property. The last one was in 2007 when part of the backside parking was removed and remainder was left as service drive made of paver block material that was changed from full asphalt material. Paver blocks are presently considered impervious surface by Ephraim ordinance. Ephraim Foundation would be placing impervious surface on the top of the impervious surface. They are not asking for additional impervious surface but more of the change of use of that impervious surface. If approved, Bristol is looking for amending the previous variance of 20% of approximately 40% of impervious surface that was already granted in 2007 by Board of Appeals rather than granting additional variance.

Correspondence:

Bristol reported that there was one correspondence received in regard to this matter.

Walton Shields, owner of the property located at 3063 Anderson Lane in Ephraim stated in his letter that the site of the proposed variance is directly across the street from his residence. Shields expressed strong endorsement of the proposed accessory building to

house Ephraim Historical Foundation electric tram as the tram is currently parked behind the Foundation, covered by a trap and is visually an eye sore.

It was confirmed that there was no ex parte communication.

Witness or Visitor Statements:

Volkman stated that tram is the mode of transportation for so many people that some up to Ephraim in the summer and fall. Volkman would like to make it more presentable and more secure. Volkman believes that any additional impervious surface caused by electric tram storage building would be easily handled by the new sewer system installed in 2014.

Glenn questioned if lean on structure would be an option. Bristol stated that lean on structure would require more variances than what is proposed.

Krist pointed out very narrow space between the principal building and accessory structure that could cause accumulation of water especially during the winter months. Grochowski believes that it would be easily handled by the new drainage.

Public Hearing Closed by Chair McMurtry

Findings of Fact:

The Zoning Administrator Bristol filled in the statistics of the property on the findings of fact form. These are an area variances under section(s) 17.15(3)(A) and 17.24(1) of the ordinance.

Conclusions of Law:

Unnecessary Hardship:

Kirkland believes that there is an unnecessary hardship because they are providing more service to the public and there is no other location more suitable for electric tram that could deteriorate if not covered.

Glenn agrees that there is unnecessary hardship coming from the size of the lot that is less than an acre and makes it that much harder to meet the ordinance conditions.

Eckert feels that unnecessary hardship was proven due to the size of the lot.

The Board of Appeals agreed that the unnecessary hardship is present in that a literal enforcement of the terms of the Ordinance would be unnecessary burdensome to the applicant because of the size of the lot and the existence of the building that predates zoning ordinance.

Unique Physical Property Limitations:

Kirkland stated that lot line is less than 40 feet according to plat map.

Glenn mentioned the age of the original barn and its location already being further into the setback aspect of the property poses unique physical property limitations in trying the best to meet the setback.

The Board of Appeals agreed that the unnecessary hardship is present due to physical limitations of the property rather than the circumstances of the appellant because of the existing structures and true lot line being closer than the road shows it to be.

No Harm to Public Interest:

Kirkland does not think there is an issue with setback not being met.

Glenn believes that having the drain tiles installed alleviates any concern about impervious surface.

Eckert and Krist believe that it is in public interest to grant the variances.

The Board of Appeals agreed that the variance will not be contrary to the public interest and will observe the spirit of the ordinance, secure public safety and welfare and do substantial justice because it will look better and it will enhance the public by continuing to provide the service.

Motion per McMurtry to grant the requested 4' variance from the 40' front setback without any conditions/mitigations from the Board of Appeals and amend the variance from the 20% impervious surface without any conditions/mitigations from the Board of Appeals, seconded by Glenn, and motion carried.

7. Adjournment

Motion per Glenn to adjourn the Board of Appeals meeting at 5:15 P. M., seconded by Krist, and motion carried.

Recorded by,
Andrea Collak - Clerk/Treasurer