

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, OCTOBER 16, 2017
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

Present: David deCourcy-Bower, Tim Hallquist, Jeff Pfannerstill, James Schneeberger, Randy Swenson, Jack Wenstrom and Tim Fenner

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bush y

Roll Call

1. Motion (Fenner/Schneeberger) to table the Jt. Architectural Board/Plan Commission Minutes of September 18, 2017. Carried (7-0).

2. Architectural Board review and consideration of revised building plans for construction of a secured self-storage facility located at 840 Rose Drive for Benchmark Secured Storage of Hartland LLC.

Administrator Cox stated he thought someone from Benchmark Secured Storage of Hartland LLC would be at the meeting to summarize the changes but no one from Benchmark Secured Storage of Hartland LLC was present.

Cox said he included in the packet a comparison sheet of the original plans that were originally approved on which he highlighted elements that changed. deCourcy-Bower said it basically looks like they have reduced the number of windows and changed the brick. Pfannerstill said it appears as though they will be using 2 types of different brick and they have changed how much of one they will have as opposed to the other. Cox said basically one of the things they have done is go to a consistent 2 window theme for the long top to bottom windows and a consistent 2 window theme on all facades and that evidently works better for the interior design. He said they also eliminated some window sets on the north elevation on the building which is the side facing the interior and changed the way the bricking is done. There was brief discussion on whether the windows over the overhead door are removed in the revised plans or not.

Fenner said that in some committees if the petitioner is not present to answer questions it is simply tabled to the next meeting, because if people have legitimate questions then there is someone there to answer them. Pfannerstill thought it was a good point to bring up and for the future maybe the petitioners should be asked to be present when they have revisions on their plans that way they are present to answer any questions the Architectural/ Plan Commission may have. deCourcy-Bower asked if the Industrial Park has certain requirements in regards to building. Hussinger said yes there are material requirements. He said it is a B-5 zoning and the guidelines within a B-5 are that they want a substantial amount of brick, precast concrete panels,

decorative block, cut stone, efface type product and decorative aluminum panels of not more than 10% of the exterior. deCourcy-Bower asked if the efface meets those requirements and Hussinger said it does.

Motion (deCourcy-Bower/Wenstrom) to approve the revised building plans for construction of a secured self-storage facility located at 840 Rose Drive for Benchmark Secured Storage of Hartland LLC, contingent on Building Inspector Hussinger verifying the south elevation windows above the garage windows. Carried (6-1) Fenner voted no.

3. Plan Commission review of amendments to the Zoning Code relating to the size of accessory structures and other updates and discussion of amendments related to temporary occupancy of residential structures.

Hussinger said right now the max size for an accessory structure is limited to not more than 20% of the yard but said there are lots where you could have 6000 sq. ft. building and a 1200 sq. ft. house. He said he thought the amendment for accessory buildings in the Zoning Code was appropriate. Hussinger said he picked 800 sq. ft. because it is basically the size of a 3 car garage and he said we do limit the height to not more than 15 ft. to the roof.

deCourcy-Bower asked what is done in the case of non-conforming structures. Hussinger said he has a number of non-conforming buildings and it is not a problem. He asked what happens if you need to repair it. Mr. Hussinger said you can repair it, fix it, and maintain it, but if a tree falls on it, you would have to go thru a process to get a variance. deCourcy stated he sees backyard garages that are 2 story garages, or carriage houses if you will and he thought it would be a detriment to the district if you had them all look like standard garages.

Hussinger asked about possibly using a catch all phrase such as "unless approved by Plan Commission". Pfannerstill pointed out we want people to use their property but just not have a small house and an extremely large accessory structure. Hussinger was asked what type of things are people using these structure for, and he said to store cars, repair cars or to build a classic car for enjoyment etc.

Hussinger said he thought there should be some sort of path in the zoning code to follow if someone wants to put a structure in the rear that is greater than 800 sq. ft. Pfannerstill asked if this is a gray area right now, for example if someone wants to build a 24' x 26' garage. Hussinger said for something like that he would probably send them here. He said if it's a shed and it's in the right location he would probably just approve it, but if it's a garage with an overhead door they are going to come here. There was brief discussion on having guidelines in the zoning code. Hussinger said if they want a bigger accessory structure maybe it would be more appropriate that they should go further off the property line.

deCourcy-Bower asked if play structures were considered in accessory uses. Hussinger said right now it is done on a case by case basis. He said they should be 5 ft. from the property line, in the rear yard only and he doesn't know of any that are more than 15 ft. tall, but doesn't want to regulate that. There was brief discussion on non-conforming structures. Cox stated they can bring all the amendments back in November and then send it up to the Village Board.

Pfannerstill said the next thing to discuss are the amendments related to temporary occupancy of residential structures. Pfannerstill stated the Village can't regulate the 6-29 day time period for temporary occupancy of residential structures but can work within the confines of the law and can put their voice in it and their municipal code. He also said the Village can control the 0-6 days' time period though. Reading from the memo, Fenner said the legislation says a political subdivision cannot enact an ordinance that prohibits the rental of dwelling for 7 consecutive days or longer. Cox said Chapter 97 of the Wisconsin Statutes has been updated regarding Bed N Breakfasts and he passed around a document outlining what the statute changes are. He said it also just added a change about limiting the 6-29 day period. He said the statute clarified, that things like a BNB or other things that are rented through air BNB can be taxed under the room tax regulation. He asked the Plan Commissioners what they would like to do regarding 7-28 day range if anything. He said the state says we can limit the total number of days, for example say they can only do that 180 days a year or 200 days a year or 260 days a year but we have to give them at least 180 days. Cox was asked what if someone transfers and wants to lease out their home for a year. Fenner commented no ordinance can prohibit the leasing of 7 days or longer and said the BNB only deals with 6-29 days. Pfannerstill said that there are people not going through the proper protocol and getting the proper licenses. He said he wanted to see what the State says to do so he looked at the WI dept. of agriculture, trade and consumer safety. He said it talks about having zoning codes in place, having a room tax ordinance or if one needs to be enacted. He said it also talks about what the owner has to do such as getting state and county licenses. Cox pointed out there is a condition in the Conditional Uses that requires them to meet all state and local regulations such as getting state and local permits.

deCourcy-Bower said the key thing for him is whether it needs to be a conditional use or if they just need to add the appropriate language in the zoning code. Hussinger said the key to a permitted use and conditional use is that with a conditional use they are required to do a public hearing and the neighbors of the owners would be notified. Fenner said that whatever they end up calling this there needs to be some fundamental rules that are consistent. He said he is inclined to go that way because maybe in a neighborhood it isn't appropriate to do that. He said he doesn't know what that means to the prohibition but they can't do something inconsistent to the ordinance but some element of control is appropriate. Hussinger asked how would that enforced or controlled and how do the property owners know that those standards exists. Fenner said the same way that the BNB owners know now. He said it's in the zoning ordinance and it specifies the standards. Hussinger said there really is no code enforcement as long as they are following the rules. Fenner added if they aren't following the rules then there needs to be some sort of code enforcement. Hussinger stated he is worried about that, because it's usually more of a single family use, it's more transient and feels it's going to fall on his shoulders. Hussinger said the vast majority aren't going to be problematic but every now and then you are going to get one. Fenner said Hussinger's comment seemed to suggest it is just single family dwelling units and he doesn't read it that way. He said it applies to a residential dwelling and, for example, if he lives in a high-rise condominium and its residential, then it applies. He said a dwelling unit is simply a place used for living by 2 or more people. Hussinger said he just assumed it was a single family home but it could be any residential dwelling and his point is that they are trying to protect the village from something extreme. Pfannerstill said his

understanding is that you can't stop it but you can put into place regulations such as yearly permitting and fire checks. deCourcy-Bower said he has a real concern if you are going to start inspecting people's homes and mandating that they have certain upgrades to them in order to rent them out. He asked where is our liability if we miss something, we give the permit out and then something happens. Whereas he said if we don't touch it then it is the homeowner's responsibility to provide a home to their guest that is safe. He said secondly he wouldn't want to put those restrictions on people to rent their homes out. Hussinger pointed out that homes built 10 yrs. ago do not meet today's standards. There was brief discussion on BNB uses.

Cox said does it matter to us that someone wants to make their home available to rent, plus then you have all these other questions that go with it. He said for example I am going to rent Tim's house for 7 days while he is in the Bahamas. He said the question is, what are the conditions we are going to place on that and how are we going to do that? He said the other thing is, are we going to allow that year round because the state says we can limit that? He said those are the type of things that need to be decided. He said whatever is decided in that 7-28 day window, we have to assume that we are talking about a money making process here, and that is different than someone leasing their property for a year. There was brief discussion on short term rental. Fenner said he has come to the conclusion that one size doesn't fit all. There was brief discussion on a tourist house and a BNB. Cox said one way to proceed would be to look at the issues that would arise in those 7 days and how would you address them. Fenner said since the Village only has one BNB, no room tax and no hotels what about an approach to just sit back and wait to see what happens in other communities that have this and let their experience guide us.

Fenner said he doesn't know if he wants the Village to be a leader so to speak or cutting edge on this. He said the Village doesn't have an economic investment in this kind of thing and rather than spend a lot of time and energy on this, there are a lot of communities that have put in the time and energy. He said experience is the key here and maybe another communities experience can give the Village guidance on it. Pfannerstill thought that was a good idea to look into it over the next month or so. Swenson said maybe taking longer than a month would be better. There was brief discussion on street parking for temporary occupancy of residential structures. Cos asked the Plan Commission if they wanted to talk about the less than 6 days. After some discussion it was stated that there is a lot to look into and that they should reach out to other municipalities, look at their codes and see what they did.

4. Adjourn

Motion (deCourcy-Bower/Swenson) to adjourn. Carried (7-0). Meeting adjourned at 8:20 PM.

Respectfully submitted by
Recording Secretary,

Deidre Bush y, Deputy Clerk

