



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

January 21, 2021

Remote Via Zoom / Telephonically

**Present:** Chairperson Steve Tegeler, Commissioners Jeremy Laws, Kim Moloney, Steve Miller, Bruce Agnew

**Excused:** None

**Staff:** Deputy Clerk Angela Kulp

**Guests:** None

Chairperson Tegeler called the meeting to order at 7:35pm.

**GENERAL ADMINISTRATIVE:** The Commission welcomed Bruce Agnew to the Planning Commission. The Town Council confirmed Bruce's appointment to the Position No. 2 of the Planning Commission at their January meeting. Bruce has a wealth of public-service experience that will be of significant assistance to the Commission and to the Town.

Due to Commissioner Miller's ongoing meeting schedule conflict, the Commission discussed moving the regular time of all Planning Commission meetings each month on the 3<sup>rd</sup> Thursday from 7:00pm to 7:30pm. Commissioners also discussed moving the regular meeting to the 4<sup>th</sup> Thursday of the month. The Commission will meet on a special meeting date of the 4<sup>th</sup> Thursday in February due to other conflicts for their February meeting and determine at that time their decision with a vote.

**MINUTES:** Commissioner Moloney moved to approve the December 17, 2020 minutes as written. Commissioner Laws seconded. Vote: 3 For, 0 Against. Motion carried. Councilmember Miller joined the meeting after this vote and Commissioner Agnew had not been present in December and therefore abstained.

**COUNCIL UPDATE:** Deputy Clerk Kulp noted:

- The Council passed both 5G Ordinances.
- The Council has the Planning Commission's Short-term rental recommendation in their hands for consideration, for monitoring and no current action.

**OLD BUSINESS:** There was no old business to discuss.

**NEW BUSINESS: Reconstruction, Zoning**

Deputy Clerk Kulp shared she reached out to Building Official Crystal Kolke to clarify what problem is being solved by changing the requirements on the

remodel/reconstruction definitions in the Zoning Code, as commissioners requested in their December meeting. She noted Ms. Kolke addressed her concerns when she reported them initially and does not have anything to add at this time, adding a study is needed by this Commission to determine better solutions. Therefore, Deputy Clerk Kulp re-directed the commissioners to the initial inquiry for discussion, to focus on **the cost limit of reconstruction falling behind today's current construction costs**, for the problem we have needing a better solution. In re-examining the original request from Ms. Kolke, commissioners noted there are two issues: in addition to current construction costs falling behind, there are **nonconformities that must be considered for unintended consequences**. Deputy Clerk Kulp also reminded Town Planner/Engineer Stacia Schroeder expressed support in the same initial request for removing the MEP (mechanical/ electrical/ plumbing) systems and increasing the limit by an amount equal to the cost of living.

As discussions unfolded, Chairperson Tegeler expressed his concerns for the ramifications of setting the bar too low or too high. He noted when too low, structures may need to be brought up to code. He also surmised many existing non-conformities may lie with setbacks rather than gross floor area. While there was broad support among commissioners to raise the dollar limit to keep up with construction costs, Deputy Clerk Kulp noted it is the large remodels that push against the dollar limit, cause the most controversy and are the most challenging to monitor. Urging consideration of Chairperson Tegeler's concerns, she noted it may not make sense to lower the existing limit, but raising it could increase these examples, and often they may be better served if considered a rebuild instead. Being that a dollar limit must be adjusted to keep up with costs over time, she noted Ms. Kolke's suggestion of removing the cost component entirely and relying on the 50% threshold.

Commissioner Moloney focused her concerns on the challenges with non-conforming structures, especially those overbuilt already, and any unintended consequences or potential loopholes that may be exploited. She urged additional review and revision of definitions and noted the importance of the variance process with rebuilds. Noting historic properties, she wondered if variance criteria could be loosened giving more latitude. Currently, the Beaux Arts variance process includes only state requirements as specific requirements here have already been removed. Commissioner Moloney also expressed support for Ms. Kolke's suggestions on solutions to eliminate the cost component or removing MEP systems from that cost. She shared she supports raising the dollar limit and noted the grey areas of the code need to be tightened, although typically Beaux Arts codes are often written more broadly to allow flexibility.

Commissioner Laws was concerned about any impacts to neighbors and preservation options for older homes, so as not to force any teardowns. He expressed support for focusing on changes to the exterior envelope and requiring a variance to address nonconformity. Noting rising construction costs, he expressed support for raising the threshold for the dollar limit last set a decade ago. He urged reviewing of best practices from other jurisdictions, also noting uniqueness of nonconforming structures here, especially historic homes.

Commissioner Agnew expressed support for removing the MEP from any cost component and raising the dollar limit threshold. He noted two categories of examples needing focus, with large remodels pushing the limit, and historic properties. He suggested historic structures have special circumstances that could include incentives to maintain, and disincentives to tear down. Most commissioners understood and agreed on the importance of protecting historic homes with incentives, noting they often cost more to maintain and need additional flexibility, sharing their firsthand experience.

Deputy Clerk Kulp noted the Village is extremely unique with architectural styles spanning a century, with historic examples over 50 years old. Specifically, she highlighted original homes here of 100 years old or more have dwindled down to less than 10% of housing stock and are most at risk of being lost - especially when on larger lots. Commissioner Agnew shared his perspective as an owner of one of these original homes. Deputy Clerk Kulp noted challenges Commissioner Agnew also has with a small lot and several landmark trees.

Commissioner Miller expressed caution as he outlined concerns about incentives, dollar limits, and goals that should be considered. He emphasized the importance of preserving character through our Comprehensive Plan and was also concerned about unintended consequences, finding balance, and noted advantages with variances.

Commissioner Miller noted in summary we have consensus on:

1. Raising the dollar limit and/or eliminate MEP or tie to an index.
2. Not changing the 50% requirement.
3. Minimizing unintended consequences of nonconforming structures.

Additionally, agreement was largely found with:

- Focusing on exterior character preservation and leaving interiors alone.
- Special considerations for historic homes.

Discussions will continue at their next meeting.

**Adjourn:** Commissioner Laws moved to adjourn the meeting. Commissioner Agnew seconded. Meeting adjourned at 9:06pm. Vote: 4 For, 0 Against. Motion carried. Chairperson Tegeler had to leave early, prior to this vote.

**Next Meeting:** The next Planning Commission meeting is expected to be held remotely as before at 7:00pm to accommodate a quorum, on a special date of Thursday, February 25, 2021.

Respectfully submitted,  
Angela Kulp, Deputy Clerk