

City of Bayfield

Architectural Review Board Meeting Agenda

January 11, 2024, 3:30 p.m. Bayfield City Hall

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Call to Order

Approve Agenda

Review Previous Meeting Minutes of December 18, 2023

Public Input on Agenda Items

Agenda:

1. Discuss Historic District Ordinance / Guidelines

- Continue reviewing draft ordinance: Historic Preservation Ordinance
- Virtual meeting with Jason Tish, Certified Local Government and Preservation Education Coordinator

2. 01-2024: Glai Abutbul, 9 South Broad Street

- Seeking permission to construct an 8'x32' upper deck and add roof structure over it on north building elevation (Review Revised Plans)

3. Zoning Administrator Report(s)

4. Next Meeting Date and Time:

- January 22, 2024, 5 p.m.
- February 26, 2024, 5 p.m.

Note:

- Applications and plans will be available for inspection during the meeting.
- The Architectural Review Board may adjourn temporarily to inspect any of the properties listed on the agenda. If they elect to do so, a notice will be placed on the front door informing the public.

Adjournment

City of Bayfield

Architectural Review Board Meeting

Minutes of December 18, 2023

Call to Order - Approve Agenda: Chairman Carrier called the meeting to order at 5 p.m. at the Bayfield City Hall followed by roll call.

Present: Carrier, Hedman, Reimer, Shrider, and Spence

Absent: Bogaard and Phillips

Others: Joe Haskins, Tom and Daughter Koehnen, Win Stephens, and Clerk/ZA Hoopman

Review Previous Meeting Minutes of November 27, 2023: Hedman/Shrider moved to approve the minutes with corrections. Carried.

Public Input on Agenda Items: None.

Agenda:

- 1. 33-2023: Glai Abutbul, 9 South Broad Street:** Seeking permission to construct an 8'x32' upper deck and add roof structure over it on north building elevation
 - Shrider/Reimer made a motion to approve the application as presented. Discussion ensued. Motion withdrawn.
 - Spence/Hedman made a motion to reject the application. Site plan is incorrect, survey is difficult to interpret, aluminum railing and detail on them is lacking, mass of proposed roof line and pitch is inappropriate. Carried, all ayes.
- 2. 34-2023: Thomas & Erica Koehnen, Block 96, Lots 19 & 20 (8th St. & Rittenhouse Ave.)**
Seeking permission to construct new 24'x30" home with attached 22'x22' garage
 - Hedman/Shrider made a motion to approve the application for new construction with the following amendments:
 - a. Windows on east side of building will be changed to casement w/gridding to simulate a double hung (not between the glass)
 - b. The proposed sliding doors on east elevation will be changed to patio doors.
 - c. The front yard setback will be amended to 15'.Carried, all ayes.
 - Shrider volunteered to oversee this project.
- 3. 35-2023: Win & Nancy Stephens, 125 South Fifth Street:** Seeking permission to re-roof house with wish Ash Gray Steel
 - Shrider/Reimer made a motion to approve the application as presented with the understanding the cedar shakes on the south elevation will be retained. Carried, all ayes.
 - Shrider volunteered to oversee this project.
- 4. 36-2023: Narrative Properties, LLC, 107 Manypenny Avenue, Unit 101:** Seeking permission to replace overhead doors with windows/doors and to add another entrance with new windows
 - Chairman Carrier recused himself as he was the applicant.
 - Shrider/Spence moved to approve the application a presented. Discussion ensued. The garage doors will be recessed similar to the others on the adjacent building to the west. Carried; all ayes.

5. Zoning Administrator Report(s) – Review List and Assign Projects to Committee Members

The Committee reviewed the last three years of permits and noted if they were completed, in progress or not started. Some require follow-up and they were assigned to staff/board members. Updates will be provided as they are received.

6. Discuss Historic District Ordinance / Guidelines

- Continue reviewing draft ordinance
- Discuss district(s) and confirm the district/list to be used

The Committee is seeking to set up a special meeting with Jason Tish, Certified Local Government and Preservation Education Coordinator so they can ask questions and seek clarity on the proposed amendments to the Historic Preservation Ordinance. The proposed timeframe would be January 10th, 11th, 15th, or 16th. Chairman Carrier will reach out to Tish to make arrangement.

- Should a definition be added to designate a “period of significance”?
- Is it advisable to require all properties in the Historic District to be subject to maintenance? Not all structures are contributing/pivotal.
- What guidelines should be applied to non-historic properties?
- Should the district boundaries be referenced in the ordinance?

In the meantime, Hedman noted she would add a date to the proposed ordinance and will resend it out to Committee members.

7. Next Meeting Date and Time:

- Special Mtg. - TBD
- January 22, 2024, 5 p.m.
- February 26, 2024, 5 p.m.

Adjournment: Shrider/Hedman moved to adjourn. Carried. (7:36 p.m.)

Minutes by Billie L. Hoopman, Clerk/ZA

From: Susan Hedman <susan.hedman@gmail.com>
Sent: Tuesday, December 19, 2023 3:55 PM
To: Matt Carrier; Mike Spence; rob riemer; Tom Shrider; Jerry Rittenhouse; Tom Bogaard
Cc: mayoringberg cityofbayfield.com; cityclerk cityofbayfield.com; Jason L Tish
Subject: Updated draft of proposed revisions to Bayfield Historic Preservation Ordinance
Attachments: Ch 21 & 423 draft rev 12192023.pdf; 1998 HPO Ordinance.pdf

As requested, I am circulating the latest draft of proposed revisions to Bayfield's historic preservation ordinance. In the attached draft, I have accepted all changes shown in the "track changes draft" distributed at the 12/18 ARB meeting and added a header showing the date of the draft. Here's a link to existing ordinance language, if you would like to compare:

Chapter 21 [City of Bayfield, WI Boards, Commissions and Committees \(ecode360.com\)](https://www.ecode360.com/cityofbayfield/wi-boards-commissions-and-committees) (see last page of attached draft)
Chapter 423 [City of Bayfield, WI Historic Preservation \(ecode360.com\)](https://www.ecode360.com/cityofbayfield/wi-historic-preservation)

The attached draft addresses all recommendations that we have received from Jason Tish to revise the existing ordinance to make Bayfield eligible for funding and technical assistance as a Certified Local Government: [Certified Local Government Program - Historic Preservation Fund \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/learn/programs/certified-local-government-program-historic-preservation-fund)

As noted in the email below, Jason has provided some additional suggestions for definitions of "historic site" and "historic structure" that we may wish to consider adding to the draft. However, as we consider those additions, it should be noted that Bayfield's 1998 Historic Preservation Ordinance (see attached) does not specify a "period of significance" that could be used in the definition of historic site or structure.

Matt is reaching out to Jason to see if he is available to meet with us in January. There are a number of issues to discuss -- including the advisability of requiring all properties in the historic district to be subject to the maintenance requirement in Section 423-5 of the attached draft and options for oversight of structures in the historic district that do not have a historic designation.

Happy reading -- and Happy Holidays!

----- Forwarded message -----

From: Jason L Tish <jason.tish@wisconsinhistory.org>
Date: Mon, Dec 18, 2023 at 11:13 AM
Subject: Re: Updated Chapter 423 draft
To: Susan Hedman <susan.hedman@gmail.com>, cityclerk@cityofbayfield.com <cityclerk@cityofbayfield.com>, Gordon Ringberg <MayorRingberg@cityofbayfield.com>, Matt Carrier <mcbayfieldcouncil@gmail.com>

I agree - by the definition of 'improvement' in 423-2, any building on any property in the historic district would be subject to the maintenance requirements in 423-5.

If there's any reason or desire to make a distinction between 'improvements' that are historic and those that are not, there's a way to handle that. Some cities, in the *definitions* section, define "historic site" separately from "historic structure," where a "historic site" is the legal parcel associated with a designated historic property (it may have historic buildings and recent structures on it), and a "historic

structure" is any building or structure (regardless of which parcel it's on) that was built within the 'period of significance' of the historic district - the range of time when the historic buildings in the district were built. That would be dependent on your historic district having a defined 'period of significance.' I don't know if it does. Having a definition of 'historic site' allows a city to apply the standards for 'new construction' to parcels with historic buildings already on them - like for a new garage or ADU. Having a definition of "historic structure" allows a city to apply the rules more rigorously to those buildings that 'contribute' their historic character to the historic district.

-Jason

JASON TISH

CERTIFIED LOCAL GOVERNMENT COORDINATOR

PRESERVATION EDUCATION COORDINATOR

State Historic Preservation Office

816 State Street, Rm. 305

Madison, WI 53706

608.264.6512

From: Susan Hedman <susan.hedman@gmail.com>

Sent: Sunday, December 17, 2023 15:26

To: cityclerk@cityofbayfield.com <cityclerk@cityofbayfield.com>; Gordon Ringberg <MayorRingberg@cityofbayfield.com>; Matt Carrier <mcbayfieldcouncil@gmail.com>; Jason L Tish <jason.tish@wisconsinhistory.org>

Subject: Updated Chapter 423 draft

Billie -- Here is an updated Chapter 423 draft, which has been revised in response to Jason's comments. The draft is ready to be included in the ARB packet -- and I think it would be a good idea to also include the Historic District map (attached) and documentation showing designation of the Historic District by the City Council (which I will leave to you to find).

Jason -- Thank you so much for your assistance. Please let us know if you have any further comments on the updated draft and, if you have time before our Monday 5pm ARB meeting, I am hoping that you might be able to opine on the applicability of § 423-5 to buildings in Bayield's Historic District. It's my understanding that all buildings in the Historic District would be considered "improvements" as defined in § 423-2 and would be subject to the provisions in § 423-5 Maintenance of historic structures, historic sites and improvements within historic districts. Is that correct?

Chapter 423

Historic Preservation

[**HISTORY:** Adopted by the Common Council of the City of Bayfield 4-1-1992 (§§ 15-5-1 through 15-5-6 of the 1992 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Historic Preservation Commission — See Ch. 21.

Building construction — See Ch. 152.

Zoning — See Ch. 500.

§ 423-1 Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is beneficial and in the interest of the property, safety and welfare of the people of Bayfield. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- B. Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- C. Stabilize and improve property values.
- D. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- E. Improve and enhance the visual and aesthetic character of the city.
- F. Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.
- G. Strengthen the economy of the City of Bayfield.
- H. Promote the use of historic structures, sites and districts for the education, pleasure, and welfare of the people of the City of Bayfield.

§ 423-2 Definitions.

The following definitions shall be applicable in this chapter:

HISTORIC DISTRICT

Historic District shown on the City of Bayfield zoning map.

HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission established by § 21-8.2 of Chapter 21, Boards, Commissions and Committees, of the Code of the City of Bayfield.

IMPROVEMENT

Any building, structure, site, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including lighting fixtures, signs and the like.

§ 423-3 Nomination and designation of historic structures, historic sites and historic districts.

A. Criteria. A historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, or cultural significance to the City of Bayfield, such as a structure, site, or district which:

- (1) Exemplifies or reflects the cultural or architectural history of the community; or
- (2) Is identified with historic personages or with important events in national, state or local history; or
- (3) Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction; or
- (4) Is representative of the notable work of a master builder, designer or architect who influenced his or her age.

B. Procedures.

- (1) Nomination of historic structures, sites, and districts.
 - (a) Nominations of historic structures, sites and districts shall be initiated using a form provided by the Historic Preservation Commission.
 - (b) The Historic Preservation Commission shall review the form for completeness and evaluate the nomination using the eligibility criteria in Subsection A above.
- (2) Designation of historic structures and historic sites.
 - (a) The Historic Preservation Commission may, after notice and public hearing, recommend designation of historic structures and historic sites, or rescission of such designation, after application of the criteria in Subsection A above. At least 30 days prior to such hearing,

the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected, including the owner of the affected property. Such owners shall have the right to confer with the Commission at the scheduled public hearing. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes.

- (b) The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed recommendation. Within 10 days after the close of the public hearing, the Commission may recommend designation of the property as either a historic structure or historic site, or recommend rescission. After the recommendation has been made, notification shall be sent to the property owner or owners.
 - (c) Such recommendations shall then be sent to the Common Council for approval. Notification shall be sent to the property owner or owners of the Council's decision on the recommendations.
- (3) Designation of historic districts.
- (a) The Historic Preservation Commission may select specific geographically defined areas within the City to be recommended to the Common Council for designation as historic districts. A district may be designated for any geographic area of particular historic, architectural or economic significance to the City in accordance with the criteria in Subsection A above.
 - (b) The Historic Preservation Commission shall hold a public hearing when considering a recommendation of a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to all Common Council members and the owners of record, as listed in the office of the City Assessor, who are proposed owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice shall be sent at least 30 days prior to the date of the public hearing. Following the public hearing, the Commission shall vote to recommend, reject or withhold action on the proposed district. This recommendation shall be forwarded to the Common Council within 30 days.
 - (c) The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, must either designate or reject the recommended historic district. Before doing so, the Council reserves the right to hold another public hearing on the matter if it so chooses. However, designation of the historic district shall be accomplished by adoption of the plan for the district in ordinance form. If the Common

Council rejects the proposed historic district, it shall be remanded back to the Historic Preservation Commission for further consideration.

4. Rescission of Historic Designation

- (a) The procedure for rescission of historic structure designation and historic site designation shall follow the procedure set forth in Subsection **B 2** above in all respects, except that the process may be initiated by the Historic Preservation Commission or by a property owner seeking to rescind a historic designation based on undue economic hardship. Any such application for rescission shall be submitted to the Historic Preservation Commission and must include documentation showing the costs of maintaining the historic structure or site, the property owner's financial resources, and other financial resources available to the property owner.
- (b) The procedure for rescission of historic district designation shall follow the procedure set forth in Subsection **B 3** above.
- C. Interim control. No building permit shall be issued for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council. In no event shall the delay be for more than 90 days.

§ 423-4 Regulation of alteration of historic properties.

- A. Certificate of appropriateness required. No owner or person in charge of a historic structure, historic site, or property within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such structure or any improvement on such site or property unless a certificate of appropriateness for such work has been granted by the Historic Preservation Commission.
- B. Standards for approval. Upon filing of any application for a certificate of appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:
 - (1) In the case of a designated historic structure or historic site, the proposed work would adversely affect the exterior appearance of the structure; or
 - (2) In the case of the reconstruction or alteration of an existing improvement within a historic district, the exterior of such improvement would adversely affect the external appearance of other neighboring improvements; or
 - (3) In the case of a proposed demolition, the building or structure is of such architectural or historical significance that its demolition would be detrimental to the City of Bayfield, or

the demolition would adversely affect the external appearance of other neighboring improvements, or any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair, provided, however, that the demolition shall be approved if denial of the application would result in the loss of all economically reasonable and beneficial use of the property.,

- (4) In addition, in determining whether to issue a certificate of appropriateness, the Historic Preservation Commission shall consider and may give decisive weight to any or all of the following U.S. Department of Interior Standards for Rehabilitation:
 - (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- C. Procedures.
- (1) Upon approval of an application for a certificate of appropriateness, the Historic Preservation Commission shall issue the certificate of appropriateness. Upon the issuance of such certificate, a building permit may be issued by the City if all other City permits have been obtained.
 - (2) Should the Historic Preservation Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.
 - (3) If the Historic Preservation Commission fails to issue a certificate of appropriateness, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the requirements of this chapter.
- D. Applicability to agencies, utilities and transportation companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.
- E. Other permits, appeals and ordinances. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical code, or building or housing codes of the City shall apply, unless waived by the appropriate state or City officials. The Historic Preservation Commission may support or propose such waivers before the appropriate state or City appeals body.
- F. Compliance with certificate. Work authorized by a certificate of appropriateness shall be started within 12 months following said issuance of the certificate or the certificate shall expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-work order has been issued, work on that portion of the project must cease immediately. However,

work on other portions of the project may continue provided they comply with the other provisions in this chapter.

- G. Ordinary maintenance and repairs. Ordinary maintenance and repairs as defined by the Historic Preservation Commission may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces similar in appearance and provided that the work does not substantially change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- H. Emergency conditions. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or property in a historic district, the Building Inspector may order the remedying of these conditions without the approval of the Historic Preservation Commission. The Building Inspector shall promptly notify the Historic Preservation Commission of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Historic Preservation Commission when remedying the emergency conditions.

§ 423-5 Maintenance of historic structures, historic sites and improvements within historic districts.

- A. Every owner or person in charge of a historic structure, historic site or improvement in a historic district shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter.
 - (1) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.
 - (2) The Common Council may appoint a Building Inspector to enforce this chapter. The duties of the Inspector shall include periodic inspections at the direction of the Common Council, of designated historic structures, historic sites and historic districts.
 - (3) The Building Inspector shall give the Historic Preservation Commission notice of properties which, in his/her opinion do not meet the standards set forth in Subsection B below.
- B. Every owner or person in charge of a historic structure, site, or improvement in a historic district shall keep in good repair all of the exterior portions of all structures and improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;

- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The excessive peeling of paint, rotting, holes, and other forms of decay;
- (7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

C. Exceptions for economic hardships.

- (1) An owner or person in charge of a historic structure, historic site, or improvement within a historic district may seek an exception to the requirements of Subsections **A** and **B** above on grounds that compliance would cause undue economic hardship and that the granting of an exception would not unduly interfere with the intent and purpose of this chapter.
- (2) An application for an exception shall be submitted to the Historic Preservation Commission which, after consideration of the application, shall make a recommendation for its approval or denial to the Common Council. The Common Council, after consideration of the application and the recommendation of the Historic Preservation Commission, shall then approve or deny the application.
- (3) In determining whether the grounds stated in Subsection **C(1)** above have been met, the Historic Preservation Commission and Common Council shall consider the following factors:
 - (a) The financial resources of the applicant.
 - (b) Other financial resources available to the applicant.
 - (c) The costs of compliance.
 - (d) The impact of the exception on the historic structure, site, or district in question.

§ 423-6 Regulation of new construction in a Historic District or on a Historic Site.

- A. Certificate of appropriateness required. No owner or person in charge of a historic site or property within a historic district shall construct a new improvement thereon unless a certificate of appropriateness for such work has been granted by the Historic Preservation Commission.
- B. Criteria for approval. Upon filing of any application for a certificate of appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless the exterior of such improvement would adversely affect the external appearance of other neighboring improvements and shall consider the following guidelines where applicable:
 - (1) All new structures should be constructed to a height visually compatible with the building and environment with which they are visually related.
 - (2) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - (3) In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
 - (4) The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
 - (5) The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
 - (6) The existing rhythm created by existing building masses and spaces between them should be preserved.
 - (7) The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
 - (8) The texture inherent in the facade should be compatible with the buildings and environment with which it is visually related.
 - (9) Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
 - (10) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

- (11) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- (12) The street facades should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- (13) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

C. Procedures.

- (1) Upon approval of an application for a certificate of appropriateness, the Historic Preservation Commission shall issue the certificate of appropriateness. Upon the issuance of such certificate, a building permit shall be issued by the City if all other permits have been obtained.
- (2) Should the Historic Preservation Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.
- (3) If the Historic Preservation Commission fails to issue a certificate of appropriateness, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the requirements of this chapter.

D. Applicability to agencies, utilities and transportation companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.

E. Other permits, appeals and ordinances. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical code, or building or housing codes of the City shall apply, unless waived by the appropriate state or City officials. The Historic Preservation Commission may support or propose such waivers before the appropriate state or City appeals body.

F. Compliance with certificate. Work authorized by a certificate of appropriateness shall be started within 12 months following said issuance of the certificate or the certificate shall

expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-work order has been issued, work on that portion of the project must cease immediately. However, work on other portions of the project may continue provided they comply with the other provisions in this chapter.

§ 423-7 Violations and penalties.

Any person or persons violating any provision of this chapter may be fined not less than \$50 nor more than \$500 for each separate violation, and a stop-work order shall be issued if necessary or appropriate. Each and every day which a violation continues may be deemed to be a separate offense. Notice of violations may be issued by the Building Inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

§ 423-8 Other Duties of the Historic Preservation Commission.

In addition to those duties already specified in this section, the Historic Preservation Commission:

- A. Work cooperatively with other entities to ensure the continuing education of the citizens about the historical heritage of the City and the historic properties designated under the provisions of this chapter.
- B. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
- C. Make recommendations for designation of historic sites, structures, or districts .
- D. As it deems advisable, may receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

§ 21-8.2 **Historic Preservation Commission.**

A. Establishment. There is hereby established a Historic Preservation Commission for the purpose of protecting and enhancing the City of Bayfield's historic and cultural heritage, as embodied in historic structures, sites, and districts in the City.

B. Powers. The Historic Preservation Commission shall have authority to designate historic districts, sites, and structures in the City of Bayfield and to approve exterior alterations to designated properties.

C. Membership.

(1) The Historic Preservation Commission shall consist of seven City of Bayfield residents. Of the membership, if available in the City, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker or a licensed agent; one shall be an Alderperson; one shall be a member of the Plan Commission; one shall be a member of the building trades; and one shall be a member at large. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the members of the Commission subject to confirmation by the Common Council.

(2) Terms shall be staggered for three-year periods.

(3) The Chairman shall be elected by a majority of members of the Commission.

(4) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointments.

(5) Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.

D. Organization.

(1) The Historic Preservation Commission shall organize and adopt rules for its own government in accordance with the provisions of this section.

(2) Meetings shall be held at the call of the Chairperson or when requested by the Building Inspector and shall be open to the public.

(3) Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.

(4) A quorum shall be a majority of members, and all actions shall require the concurring vote of at least a quorum.

E. Powers. The Historic Preservation Commission shall have the powers set forth in Chapter

423, Historic Preservation, of the Code of the City of Bayfield.

From: Matt Carrier <mcbayfieldcouncil@gmail.com>
Sent: Tuesday, January 9, 2024 7:30 AM
To: cityclerk cityofbayfield.com
Subject: Re: ARB - Questions and Comments regarding Proposed HPC Ordinance Update

Hi Billie, please include Mike's comments in the packet for the ARB meeting with Jason. Thanks!

On Tue, Jan 9, 2024 at 7:29 AM Matt Carrier <mcbayfieldcouncil@gmail.com> wrote:

Hi Jason,

We are looking forward to having you attend our meeting virtually on Thursday. The packet and link to the meeting will be coming out this week and we will be sure you get them. Ahead of them I wanted to send you some comments/questions I received from a board member Mike Spence they are attached. In my discussion with Mike I noted that I would share his comments/questions with you ahead of the meeting so the board can discuss them. If you have time please look them over. These will be some of the questions asked at the meeting.

Thanks,
Matt

----- Forwarded message -----

From: Mike Spence <mlspence52@outlook.com>
Date: Thu, Dec 21, 2023 at 1:43 PM
Subject: ARB - Questions and Comments regarding Proposed HPC Ordinance Update
To: Matt Carrier <mcbayfieldcouncil@gmail.com>, Susan Hedman <susan.hedman@gmail.com>

Hello Matt and Susan,

Following my review of the Proposed HPC Ordinance rewrite, I do have a few questions and a couple of observations. Overall it is a major improvement and if necessary I would support approving it "as is"; however if the ARB could discuss my redline comments/questions (or some portion of them), I believe the overall document would be better. I would appreciate your review of my redlines, and honestly if you have a rationale for the current wording, I would be open to just moving forward and approve as drafted.

I am still confused regarding "what is contributing" under the new ordinance? I really believe this needs to be defined, or at least referenced to a specific list. I like the current list of Pivotal Structures (with pictures in the current Design Guideline) but agree that might be too limiting. I would support using a list of all the properties identified as "contributing or pivotal" on the 1980 Nomination Form (this is what I believe I have included in my latest excel spreadsheet). This is the most inclusive, but many of the properties are gone or heavily modified, but it is a defined starting line.

Thoughts please.

If you would like to talk, any time before our January meeting with Jason, just give me a call.

Have a great holiday and Merry Christmas to all.

mike

Mike Spence

P.O. Box 1302, Bayfield, WI 54814

612-600-8969 | mlspence52@outlook.com

Chapter 423

Historic Preservation

[**HISTORY:** Adopted by the Common Council of the City of Bayfield 4-1-1992 (§§ 15-5-1 through 15-5-6 of the 1992 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Historic Preservation Commission — See Ch. 21.
Building construction — See Ch. 152.
Zoning — See Ch. 500.

m.spence comments - 12-20-2023

§ 423-1 Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is beneficial and in the interest of the property, safety and welfare of the people of Bayfield. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- B. Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- C. Stabilize and improve property values.
- D. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- E. Improve and enhance the visual and aesthetic character of the city.
- F. Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.
- G. Strengthen the economy of the City of Bayfield.
- H. Promote the use of historic structures, sites and districts for the education, pleasure, and welfare of the people of the City of Bayfield.

§ 423-2 Definitions.

The following definitions shall be applicable in this chapter:

HISTORIC DISTRICT

Historic District shown on the City of Bayfield zoning map.

HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission established by § 21-8.2 of Chapter 21, Boards, Commissions and Committees, of the Code of the City of Bayfield.

IMPROVEMENT

Any building, structure, site, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including lighting fixtures, signs and the like.

Question - should we define "Contributing"?

§ 423-3 Nomination and designation of historic structures, historic sites and historic districts.

A. Criteria. A historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, or cultural significance to the City of Bayfield, such as a structure, site, or district which:

- (1) Exemplifies or reflects the cultural or architectural history of the community; or
- (2) Is identified with historic personages or with important events in national, state or local history; or
- (3) Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction; or
- (4) Is representative of the notable work of a master builder, designer or architect who influenced his or her age.

Question - Do we have this form? Should it be attached as an "Exhibit"?

B. Procedures.

- (1) Nomination of historic structures, sites, and districts.
 - (a) Nominations of historic structures, sites and districts shall be initiated using a form provided by the Historic Preservation Commission.
 - (b) The Historic Preservation Commission shall review the form for completeness and evaluate the nomination using the eligibility criteria in Subsection A above.
- (2) Designation of historic structures and historic sites.
 - (a) The Historic Preservation Commission may, after notice and public hearing, recommend designation of historic structures and historic sites, or rescission of such designation, after application of the criteria in Subsection A above. At least 30 days prior to such hearing,

Question: Should ARB recommend a Public Hearing to notify public of changes within new ordinance? (I recommend we do)

the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected, including the owner of the affected property. Such owners shall have the right to confer with the Commission at the scheduled public hearing. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes.

- (b) The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed recommendation. Within 10 days after the close of the public hearing, the Commission may recommend designation of the property as either a historic structure or historic site, or recommend rescission. After the recommendation has been made, notification shall be sent to the property owner or owners.
 - (c) Such recommendations shall then be sent to the Common Council for approval. Notification shall be sent to the property owner or owners of the Council's decision on the recommendations.
- (3) Designation of historic districts.
- (a) The Historic Preservation Commission may select specific geographically defined areas within the City to be recommended to the Common Council for designation as historic districts. A district may be designated for any geographic area of particular historic, architectural or economic significance to the City in accordance with the criteria in Subsection A above.
 - (b) The Historic Preservation Commission shall hold a public hearing when considering a recommendation of a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to all Common Council members and the owners of record, as listed in the office of the City Assessor, who are proposed owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice shall be sent at least 30 days prior to the date of the public hearing. Following the public hearing, the Commission shall vote to recommend, reject or withhold action on the proposed district. This recommendation shall be forwarded to the Common Council within 30 days.
 - (c) The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, must either designate or reject the recommended historic district. Before doing so, the Council reserves the right to hold another public hearing on the matter if it so chooses. However, designation of the historic district shall be accomplished by adoption of the plan for the district in ordinance form. If the Common

Council rejects the proposed historic district, it shall be remanded back to the Historic Preservation Commission for further consideration.

4. Rescission of Historic Designation

- (a) The procedure for rescission of historic structure designation and historic site designation shall follow the procedure set forth in Subsection **B 2** above in all respects, except that the process may be initiated by the Historic Preservation Commission or by a property owner seeking to rescind a historic designation based on undue economic hardship. Any such application for rescission shall be submitted to the Historic Preservation Commission and must include documentation showing the costs of maintaining the historic structure or site, the property owner's financial resources, and other financial resources available to the property owner.
- (b) The procedure for rescission of historic district designation shall follow the procedure set forth in Subsection **B 3** above.
- C. Interim control. No building permit shall be issued for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council. In no event shall the delay be for more than 90 days.

§ 423-4 Regulation of alteration of historic properties.

- A. Certificate of appropriateness required. No owner or person in charge of a historic structure, historic site, or property within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such structure or any improvement on such site or property unless a certificate of appropriateness for such work has been granted by the Historic Preservation Commission.
- B. Standards for approval. Upon filing of any application for a certificate of appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:
 - (1) In the case of a designated historic structure or historic site, the proposed work would adversely affect the exterior appearance of the structure; or
 - (2) In the case of the reconstruction or alteration of an existing improvement within a historic district, the exterior of such improvement would adversely affect the external appearance of other neighboring improvements; or
 - (3) In the case of a proposed demolition, the building or structure is of such architectural or historical significance that its demolition would be detrimental to the City of Bayfield, or

Just a "heads up" - this could be significant and should be highlighted "change" from the existing ordinance? Note - to determine this may required additional detail and work the ARB has typically not wanted to get involved in.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

C. Procedures.

- (1) Upon approval of an application for a certificate of appropriateness, the Historic Preservation Commission shall issue the certificate of appropriateness. Upon the issuance of such certificate, a building permit may be issued by the City if all other City permits have been obtained.
- (2) Should the Historic Preservation Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.
- (3) If the Historic Preservation Commission fails to issue a certificate of appropriateness, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the requirements of this chapter.

D. Applicability to agencies, utilities and transportation companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.

E. Other permits, appeals and ordinances. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical code, or building or housing codes of the City shall apply, unless waived by the appropriate state or City officials. The Historic Preservation Commission may support or propose such waivers before the appropriate state or City appeals body.

F. Compliance with certificate. Work authorized by a certificate of appropriateness shall be started within 12 months following said issuance of the certificate or the certificate shall expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-work order has been issued, work on that portion of the project must cease immediately. However,

recommend revising wordage to:
"started within 3 months and completion within 12 month.
Applicant may apply for 12 month extension, if no changes are proposed, and does not required HPC review. If scope or detail have or are proposed to change, application must be revised and resubmitted to HPC for reconsideration. (coordinate with 423-6 F)

This is establishing "new or additional" requirements on everyone who owns or is in charge of a property within the current or new historical district boundary.
Discuss need for formal public notice?

work on other portions of the project may continue provided they comply with the other provisions in this chapter.

- G. Ordinary maintenance and repairs. Ordinary maintenance and repairs as defined by the Historic Preservation Commission may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces similar in appearance and provided that the work does not substantially change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- H. Emergency conditions. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or property in a historic district, the Building Inspector may order the remedying of these conditions without the approval of the Historic Preservation Commission. The Building Inspector shall promptly notify the Historic Preservation Commission of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Historic Preservation Commission when remedying the emergency conditions.

§ 423-5 Maintenance of historic structures, historic sites and improvements within historic districts.

- A. Every owner or person in charge of a historic structure, historic site or improvement in a historic district shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter.
 - (1) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.
 - (2) The Common Council may appoint a Building Inspector to enforce this chapter. The duties of the Inspector shall include periodic inspections at the direction of the Common Council, of designated historic structures, historic sites and historic districts.
 - (3) The Building Inspector shall give the Historic Preservation Commission notice of properties which, in his/her opinion do not meet the standards set forth in Subsection B below.
- B. Every owner or person in charge of a historic structure, site, or improvement in a historic district shall keep in good repair all of the exterior portions of all structures and improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;

- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The excessive peeling of paint, rotting, holes, and other forms of decay;
- (7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

C. Exceptions for economic hardships.

- (1) An owner or person in charge of a historic structure, historic site, or improvement within a historic district may seek an exception to the requirements of Subsections **A** and **B** above on grounds that compliance would cause undue economic hardship and that the granting of an exception would not unduly interfere with the intent and purpose of this chapter.
- (2) An application for an exception shall be submitted to the Historic Preservation Commission which, after consideration of the application, shall make a recommendation for its approval or denial to the Common Council. The Common Council, after consideration of the application and the recommendation of the Historic Preservation Commission, shall then approve or deny the application.
- (3) In determining whether the grounds stated in Subsection **C(1)** above have been met, the Historic Preservation Commission and Common Council shall consider the following factors:
 - (a) The financial resources of the applicant.
 - (b) Other financial resources available to the applicant.
 - (c) The costs of compliance.
 - (d) The impact of the exception on the historic structure, site, or district in question.

This is imposing "new or additional" requirements on everyone who owns or is in charge of a property within the current or new historical district boundary. Discuss need for formal public notice?

12/19/2023 Draft Revisions to Ch 21 & 423

Note: This is the List from the old ordinance 423-4 B (5) para. a through m.

§ 423-6 Regulation of new construction in a Historic District or on a Historic Site.

- A. Certificate of appropriateness required. No owner or person in charge of a historic site or property within a historic district shall construct a new improvement thereon unless a certificate of appropriateness for such work has been granted by the Historic Preservation Commission.
- B. Criteria for approval. Upon filing of any application for a certificate of appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless the exterior of such improvement would adversely affect the external appearance of other neighboring improvements and shall consider the following guidelines where applicable:
 - (1) All new structures should be constructed to a height visually compatible with the building and environment with which they are visually related.
 - (2) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - (3) In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
 - (4) The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
 - (5) The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
 - (6) The existing rhythm created by existing building masses and spaces between them should be preserved.
 - (7) The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
 - (8) The texture inherent in the facade should be compatible with the buildings and environment with which it is visually related.
 - (9) Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.

Scale & Massing

Rhythm & Texture

why? and what does this mean?

- (10) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

Why do "roof design" need to match? What is "visually compatible"?

This requirement could be blended into Item 1 thru 3 above (scale & massing above)

This is very good, however it now requires a "Landscape Plan" to be submitted for all applications (which we should be getting anyway). This could be seen as a change, do we need a public notice?

(11) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

(12) The street facades should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

This requirement should be integrated into Item 1 thru 3 above (scale & massing).

(13) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

Discuss/Confirm/Define "inherent characteristics of the area": is this a good thing?

C. Procedures.

(1) Upon approval of an application for a certificate of appropriateness, the Historic Preservation Commission shall issue the certificate of appropriateness. Upon the issuance of such certificate, a building permit shall be issued by the City if all other permits have been obtained.

(2) Should the Historic Preservation Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.

(3) If the Historic Preservation Commission fails to issue a certificate of appropriateness, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the requirements of this chapter.

D. Applicability to agencies, utilities and transportation companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.

in writing

E. Other permits, appeals and ordinances. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical code, or building or housing codes of the City shall apply, unless waived by the appropriate state or City officials. The Historic Preservation Commission may support or propose such waivers before the appropriate state or City appeals body.

F. Compliance with certificate. Work authorized by a certificate of appropriateness shall be started within 12 months following said issuance of the certificate or the certificate shall

recommend revising wordage to:
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Applicant may apply for 12 month extension, if no changes are proposed, and does not required HPC review. If scope or detail have or are proposed to change, application must be revised and resubmitted to HPC for reconsideration.
(coordinate with 423-6 F)

expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-work order has been issued, work on that portion of the project must cease immediately. However, ~~work on other portions of the project may continue provided they comply with the other provisions in this chapter.~~

Dollar amounts are too low in today's economy. Recommend \$500 to \$5,000.

§ 423-7 Violations and penalties.

Any person or persons violating any provision of this chapter may be fined not less than \$50 nor more than \$500 for each separate violation, and a stop-work order shall be issued if necessary or appropriate. Each and every day which a violation continues may be deemed to be a separate offense. Notice of violations may be issued by the Building Inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

§ 423-8 Other Duties of the Historic Preservation Commission.

In addition to those duties already specified in this section, the Historic Preservation Commission:

- A. Work cooperatively with other entities to ensure the continuing education of the citizens about the historical heritage of the City and the historic properties designated under the provisions of this chapter.
- B. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
- C. Make recommendations for designation of historic sites, structures, or districts .
- D. As it deems advisable, may receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

Is Underlining indicating a previous "change or addition"?

§ 21-8.2 **Historic Preservation Commission.**

A. Establishment. There is hereby established a Historic Preservation Commission for the purpose of protecting and enhancing the City of Bayfield's historic and cultural heritage, as embodied in historic structures, sites, and districts in the City.

B. Powers. The Historic Preservation Commission shall have authority to designate historic districts, sites, and structures in the City of Bayfield and to approve exterior alterations to designated properties.

C. Membership.

(1) The Historic Preservation Commission shall consist of seven City of Bayfield residents. Of the membership, if available in the City, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker or a licensed agent; one shall be an Alderperson; one shall be a member of the Plan Commission; one shall be a member of the building trades; and one shall be a member at large. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the members of the Commission subject to confirmation by the Common Council.

(2) Terms shall be staggered for three-year periods.

(3) The Chairman shall be elected by a majority of members of the Commission.

(4) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointments.

(5) Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.

D. Organization.

(1) The Historic Preservation Commission shall organize and adopt rules for its own government in accordance with the provisions of this section.

(2) Meetings shall be held at the call of the Chairperson or when requested by the Building Inspector and shall be open to the public.

(3) Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.

(4) A quorum shall be a majority of members, and all actions shall require the concurring vote of at least a quorum.

E. Powers. The Historic Preservation Commission shall have the powers set forth in Chapter

423, Historic Preservation, of the Code of the City of Bayfield.

**BUILDING PERMIT APPLICATION
CITY OF BAYFIELD, WISCONSIN**

IMPORTANT -- Complete All items. Mark boxes where applicable

I. LOCATION OF BUILDING

Number and Street
9 South Broad Street

Lot 9 Block 91

II. TYPE AND COST OF BUILDING - All applicants complete

A. TYPE OF IMPROVEMENT

- 1 New building
- 2 Addition (if residential, enter number of new housing units added if any in Part D, 13)
- 3 Alteration (See 2 above)
- 4 Repair, replacement
- 5 Wrecking (If multifamily residential enter number of units in building in Part D, 13)
- 6 Moving (relocation)
- 7 Foundation only

B. OWNERSHIP

- 8 Private (individual, corporation, nonprofit institution, etc.)
- 9 Public (Federal, State, or local government)

D. PROPOSED USE For "Wrecking" most recent use

- | | |
|---|--|
| Residential | Non residential |
| <input type="checkbox"/> 12 One Family | <input type="checkbox"/> 18 Amusement, recreational |
| <input type="checkbox"/> 13 Two or more family - Enter number of units | <input type="checkbox"/> 19 Church, other religious |
| <input type="checkbox"/> 14 Transient hotel, motel, or dormitory
Enter number of units | <input type="checkbox"/> 20 Industrial |
| <input type="checkbox"/> 15 Garage | <input type="checkbox"/> 21 Parking garage |
| <input type="checkbox"/> 16 Carport | <input type="checkbox"/> 22 Service station, repair garage |
| <input type="checkbox"/> 17 Other - Specify | <input type="checkbox"/> 23 Hospital, institutional |
| | <input type="checkbox"/> 24 Office, bank, professional |
| | <input type="checkbox"/> 25 Public Utility |
| | <input type="checkbox"/> 26 School, library, other educational |
| | <input type="checkbox"/> 27 Stores, mercantile |
| | <input type="checkbox"/> 28 Tanks, towers |
| | <input type="checkbox"/> 29 Other - Specify |

C. COST

10. Cost of improvement \$6,000.00 (Omit cents) \$ _____
 To be installed but not included in the above cost
- a. Electrical _____
 - b. Plumbing _____
 - c. Heating, air conditioning _____
 - d. Other (elevator, etc.) _____
11. TOTAL COST OF IMPROVEMENT \$ _____

IV. BUILDING PERMIT APPLICATION SUBMITTAL

1. Building Permit Application (provided by the City) must be filled out in it's entirety and signed by the property owner.
2. Detailed Site Plan - must list all dimensions to property owners lot line. Use reverse side or similar drawing.
3. Elevation Drawings - must submit elevation drawings for all sides of building that will be changed or modified.
4. Survey - required for all new construction, and for any project where the existing footprint is increased.
5. Historic Preservation - written information is needed to support your application with respect to historic preservation (does new construction fit with old, how does new construction fit with other neighboring properties, see Historic District Guidelines).
6. You or a representative must be at the Architectural Review Board meeting to present plans and answer any questions the Board may have about your application/project.

III. SELECTED CHARACTERISTICS OF BUILDING

PRINCIPAL TYPE OF FRAME

- 30 Masonry (wall bearing)
- 31 Wood frame
- 32 Structure steel
- 33 Reinforced concrete
- 34 Other - Specify _____

DIMENSIONS

- 48. Number of stories 2
- 49. Total square feet of floor area, all floors, based on exterior dimensions
- 50. Total land area, sq. ft.

RESIDENTIAL BUILDINGS ONLY

- 53. Number of bedrooms 3
- 54. Number of bathrooms 2
 - Full
 - Partial

V. IDENTIFICATION To be completed by all applicants

Name	Mailing address - Number, Street, City, State	ZIP code	Tel. No.
1. Property Owner <u>Bali Abutbul</u>			<u>608-963-2120</u>
2. Contractor <u>Gerald Haskins</u>	<u>PO Box 995 Bayfield WI</u>		<u>715-209-8047</u>
3. Architect <u>Joe DeFoe</u>	<u>Bayfield WI</u>		<u>715-292-4730</u>

The owner of this building and the undersigned agree to conform to all applicable laws of (name of permit jurisdiction).

Signature of Property Owner _____ Address _____ Application date _____

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE

Approved by _____ Permit fee _____ Date permit issued _____ Permit number 33-23

01-24

Certificate of Approval Application

Name: Gali Abutbul
Street Address: 9 South Grand Street
Mailing Address: _____
City/State/Zip (Mailing): Bayfield, WI 54814
Block: _____ Lots: _____

Description of proposed activity:
NEW UPPER DECK / WITH NEW CONSTRUCTED ROOF OVER IT
ALL NEW ALUMINUM WHITE RAILINGS W/ TREX DECKING.

Describe how this project complies with the Historic Preservation Ordinance:
RAILING'S MATCH NEIGHBORS, ROOF SHINGLES
MATCH, ROOF FEATURES MATCH EXISTING.

I have received a copy of the City of Bayfield's Historic District Guidelines, and I understand I must abide by the terms of the permit, and that it is my responsibility to contact the City should my site plans change.

X

Applicant's Signature

Date

11-20-2023

NOTE: Permits may be revoked without notice if misrepresentation or any of the above information or attachments is found to exist.
Permits shall expire within 6 months, they may be extended for an additional 6 months with proper approval.
Permit is null and void if issued in error.

Permit No.: _____
Permit Received: _____

Approval/Denial Date: _____
Building Permit No.: _____

By: _____

Building Permit Paid: _____ Yes / _____ No

Building Permit Application Worksheet

Must be filed with the Application

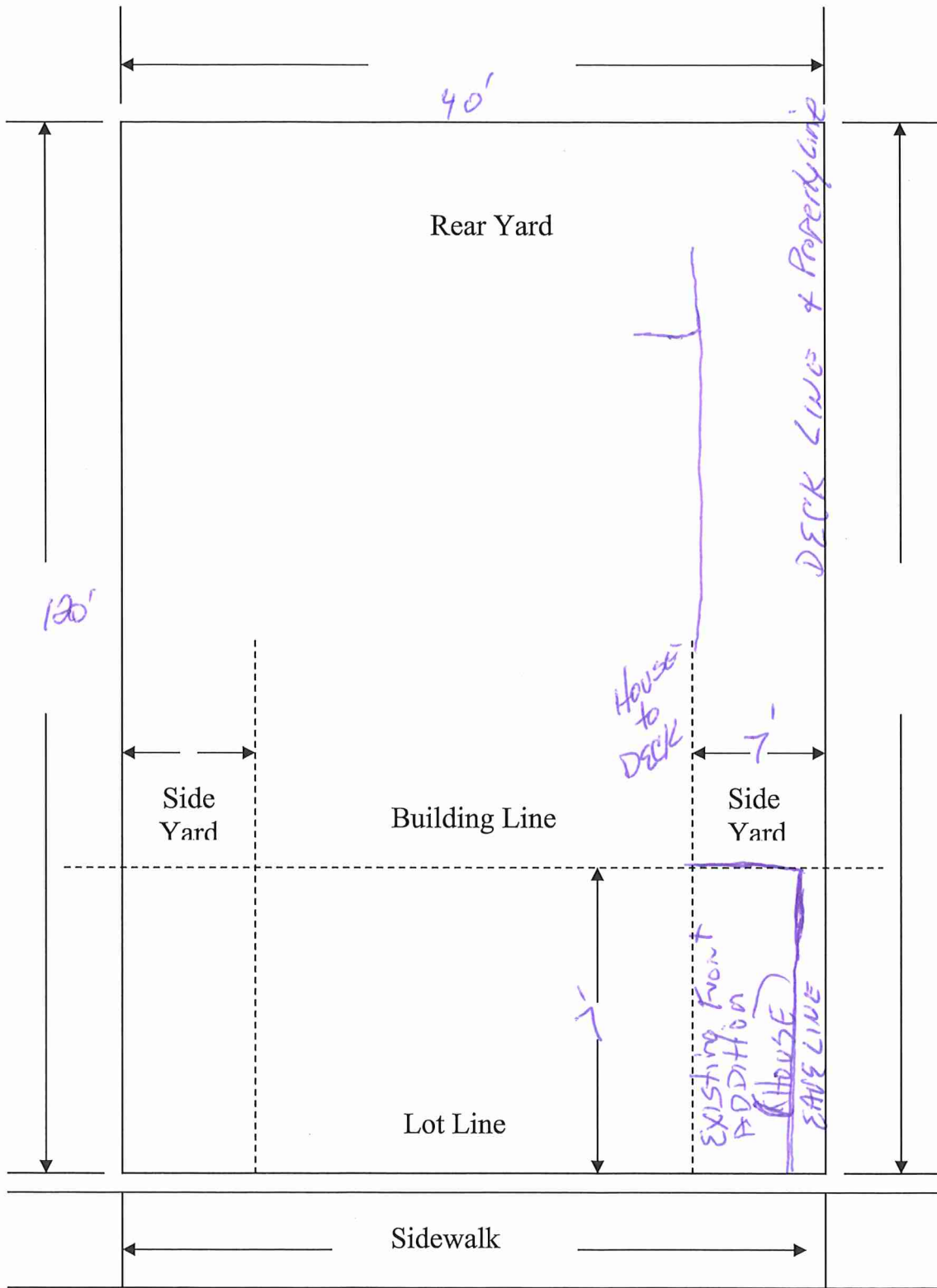
Please check each box and attach the required material as indicated:

- Completed Building Permit Application.
 - Completed Building Permit Application Worksheet.
 - Elevation Drawings – for all sides of building that will be changed or modified including all current and new exterior lighting.
 - Survey – for all new construction and for any project where lot lines are questionable.
 - Certificate of Approval Application – for properties located in the Historic District.
 - Acknowledge that you or a representative will be present at the meeting.
-

Please respond to all that apply, be specific:

1. Construction Type: NEW UPPER DECK WITH SHED ROOF 36'X7'
2. Size (Dimensions): SHED ROOF 36'X7', UPPER DECK 37'X7'
3. Siding Material:
Currently: NONE Proposed: _____
Siding Color:
Currently: _____ Proposed: _____
4. Roofing Materials:
Currently: BLACK SHINGLES Proposed: BLACK SHINGLES
Roof Color:
Currently: _____ Proposed: _____
5. Windows: Style: NONE Size: _____
Style: _____ Size: _____
Style: _____ Size: _____
Style: _____ Size: _____
6. Doors: Style: NONE Size: _____
Style: _____ Size: _____
Style: _____ Size: _____
7. Height: _____ (to be measured from the lowest elevation on the footprint of the building projected vertically on the natural surface of the building site, as it existed prior to any filling, excavating, or grading and verified by the certified topographical survey, to the highest roof peak)

Fill in dimensions and locate accessory buildings.



MAP OF SURVEY

REMONUMENTATION OF THE SE CORNER OF LOT 10 IN BLOCK 91 OF THE ORIGINAL PLAT OF BAYFIELD, BAYFIELD COUNTY, WISCONSIN

C/L RITTENHOUSE AVENUE

30'

C/L BROAD STREET

BEARINGS ARE BASED ON THE NORTH LINE OF LOT 10 ASSUMED AS S 89°40'37" E



SURVEYOR'S CERTIFICATE

I, PETER A. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY CERTIFY:

THAT ON THE ORDER OF GAIL ABUTBUL, I HAVE MADE A SURVEY AND MAP OF A RECONUMENTATION OF THE SE CORNER OF LOT 10 OF BLOCK 91 OF THE ORIGINAL PLAT OF BAYFIELD, BAYFIELD COUNTY, WISCONSIN;

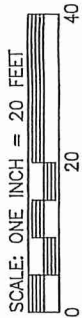
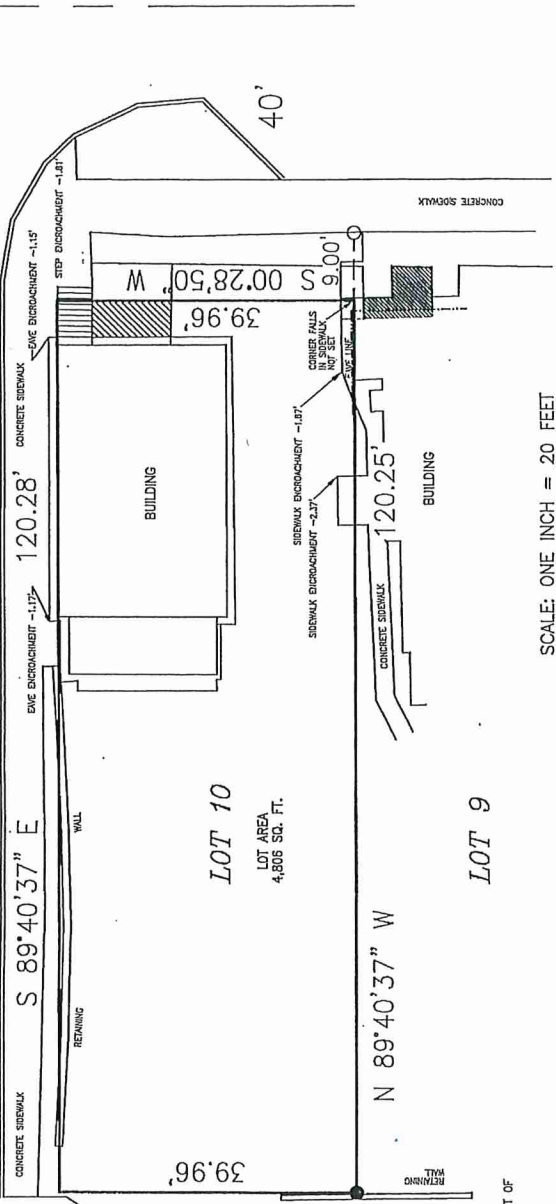
THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY; AND

THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Peter A. Nelson
PETER A. NELSON RLS #3071

LEGEND

- 1-1/4" IRON PIPE FOUND IN PLACE
- 1" x 18" IRON PIPE SET THIS SURVEY



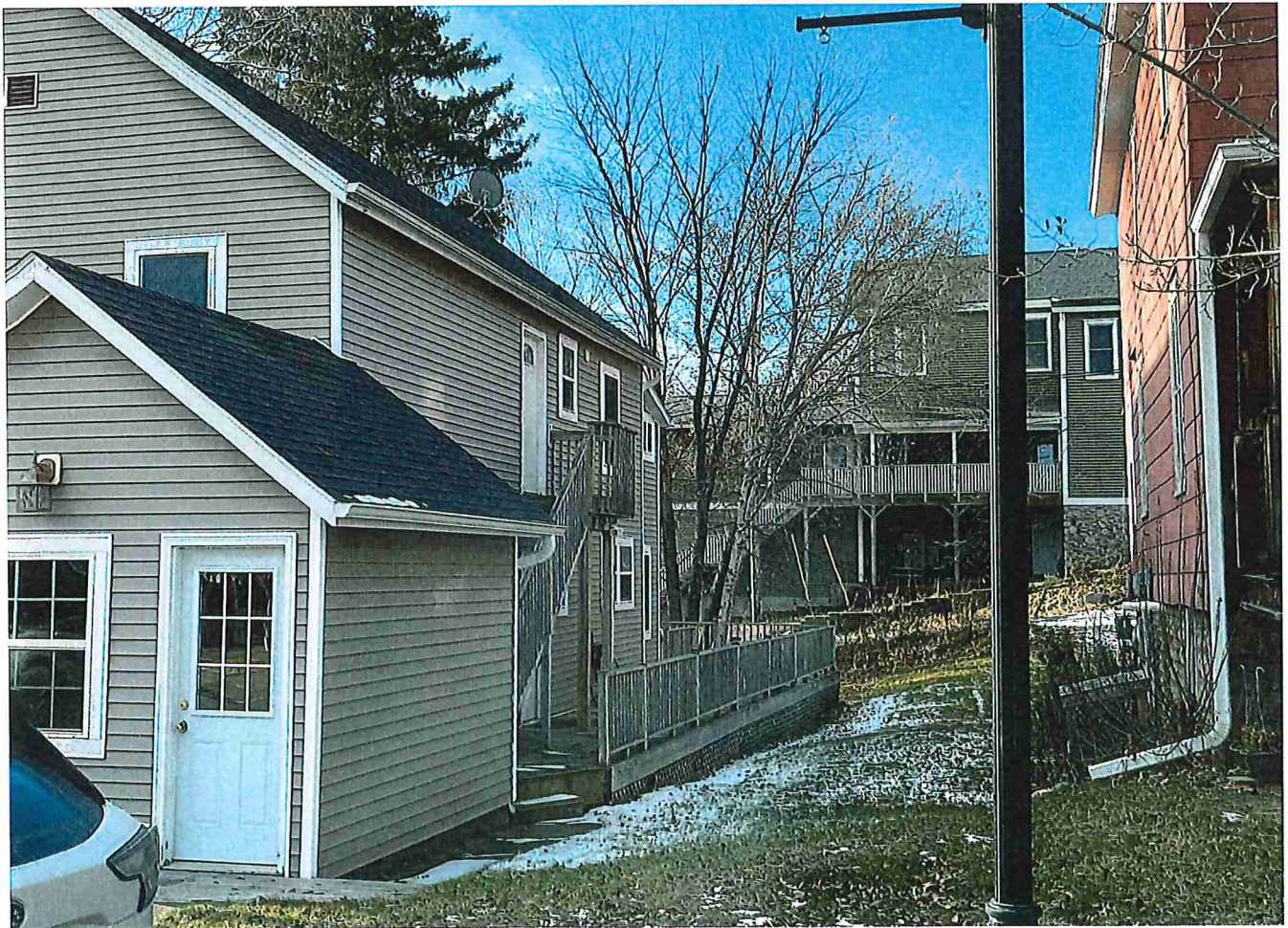
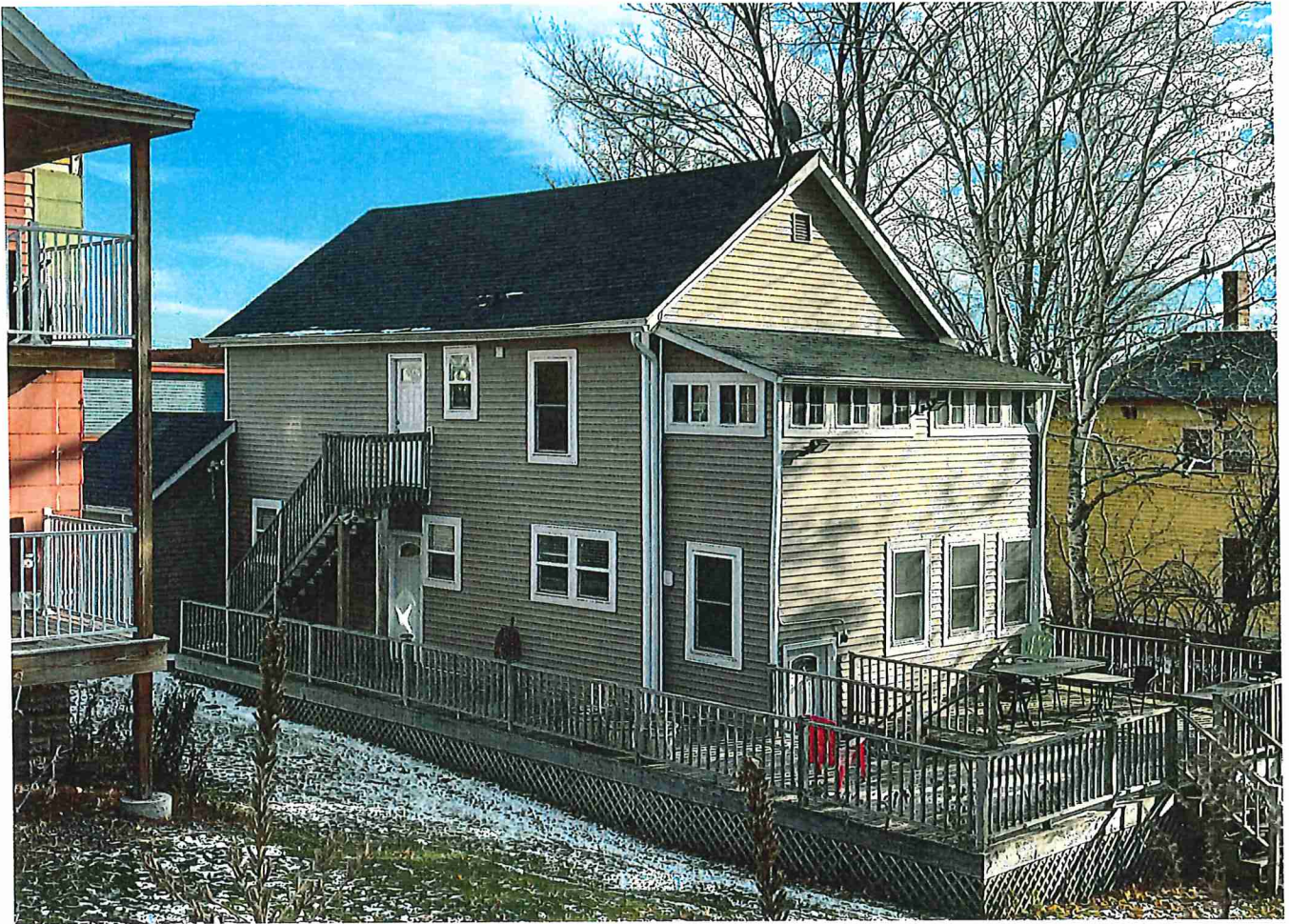
FULL LOTS ARE RECORDED AS 40' X 120'

CLIENT: ABUTBUL, G.
 JOB NO.: N15/058
 SCALE: ONE INCH = 20 FEET
 MAY 23, 2016

DRAFTED BY: T. OKSUTA
 FILE: N/BAYFIELD
 PSDATA/N11058 ACAD/BLK91/N16058 ABUTBUL
 NB. 375 PG. 127

NELSON
SURVEYING
INCORPORATED
 SURVEYING FOUR TRACK OF THE WOODS SINCE 1954

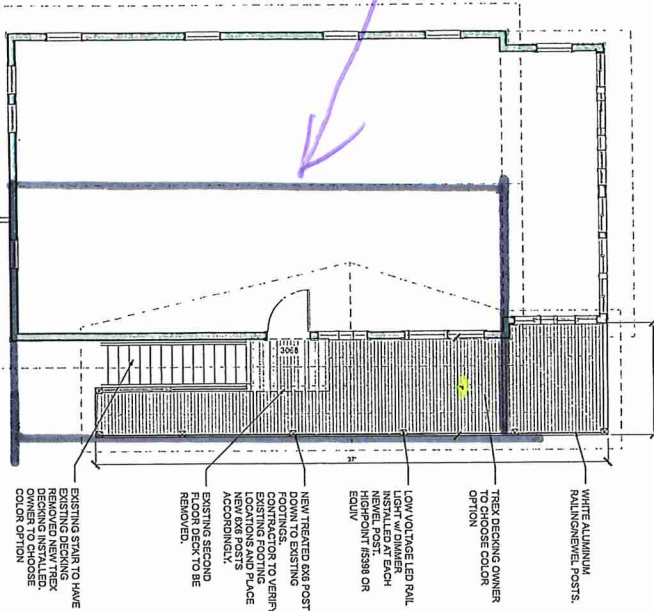
101 W. MAIN STREET
 SUITE 100
 WISCONSIN 54606
 (715) 852-2523
 FAX: (715) 852-5100



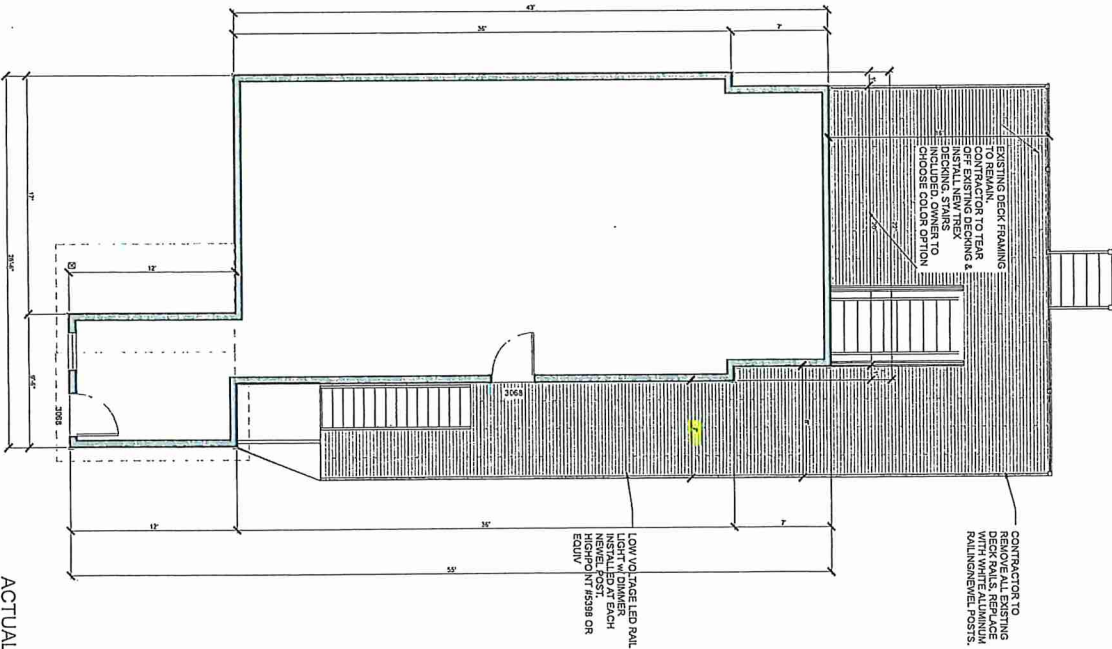
New shed roof to match with existing roof

4/12 Pitch

UPPER LEVEL PROPOSED COVERED DECK

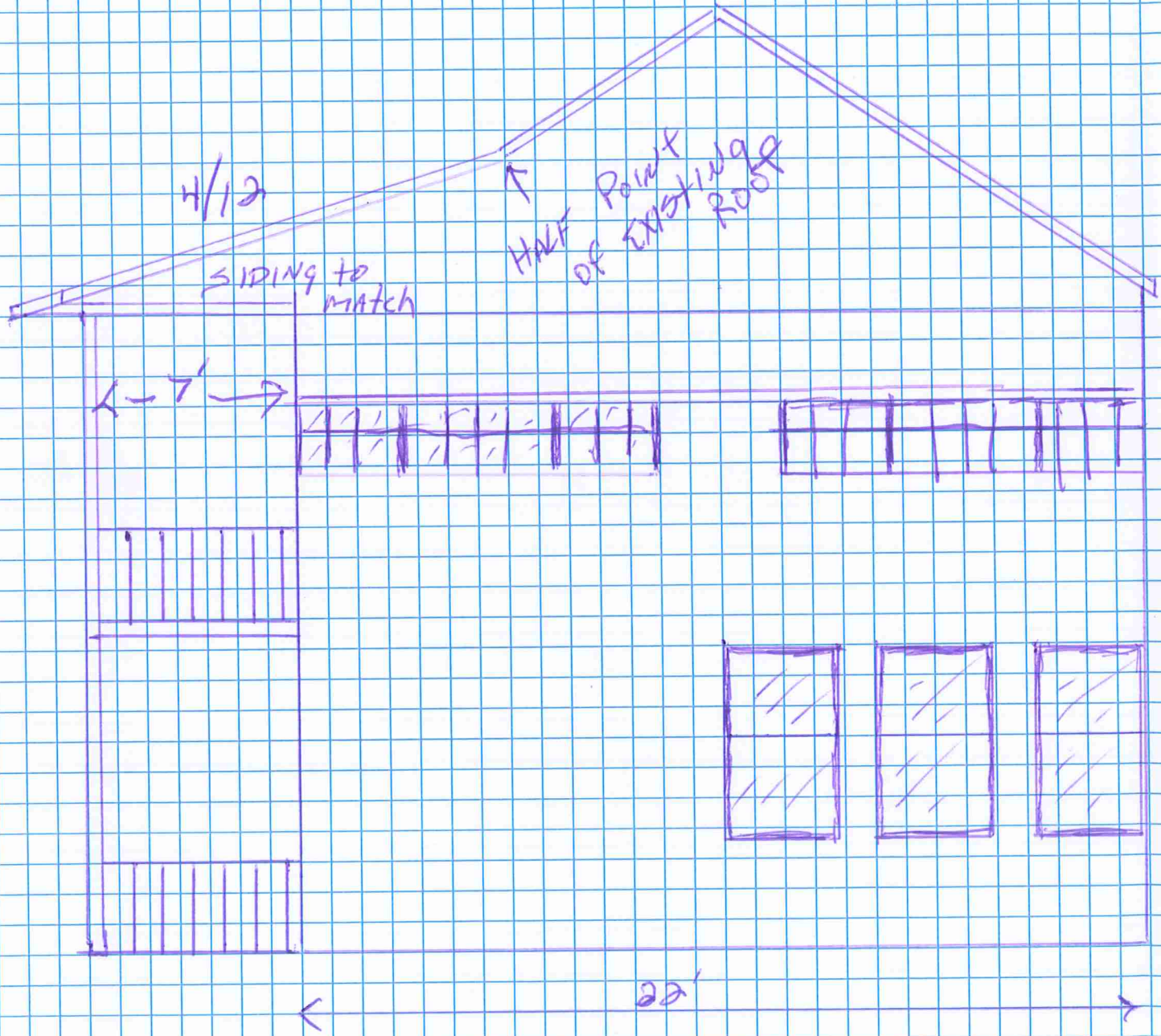


MAIN LEVEL



ACTUAL PAPER SIZE IS 24"x36" NOT TO SCALE WHEN PRINTED OUT ON 11"x17" PAPER

DATE: 10/29/2021 SCALE: 1/4" = 1'-0" SHEET: 2		GALI ABUTBUL 9 S. BROAD ST BAYFIELD, WI 54814	MAIN LEVEL DECK REPLACEMENT NEW UPPER LEVEL DECK	MAIN LEVEL UPPER LEVEL	<table border="1"> <thead> <tr> <th colspan="3">REVISION TABLE</th> </tr> <tr> <th>NUMBER</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISION TABLE			NUMBER	DATE	DESCRIPTION									
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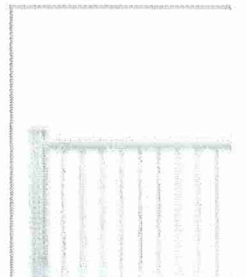
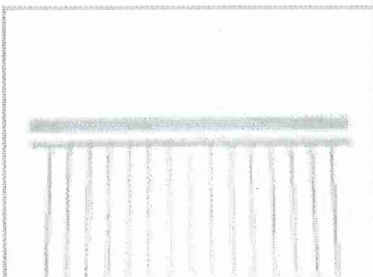
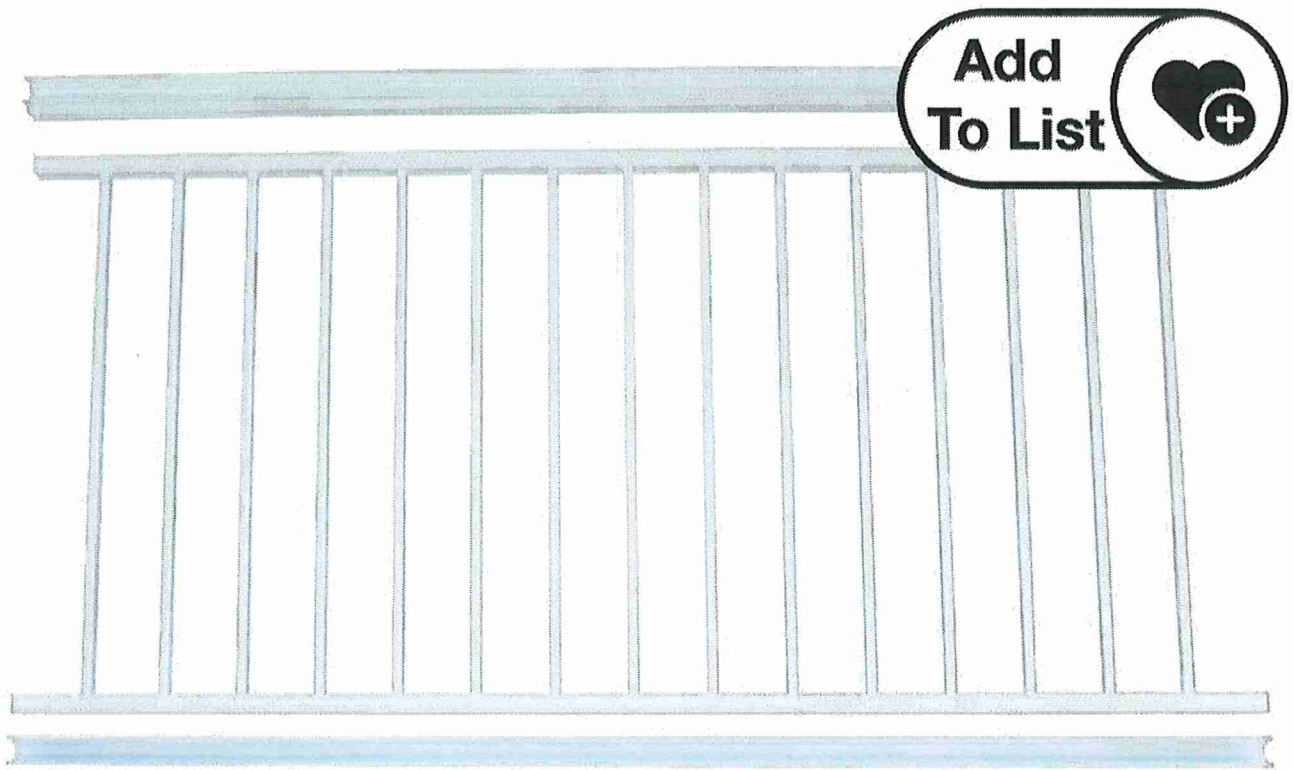


WEST ELEVATION

Williams 36" x 6' White Preassembled Powder-Coated Aluminum Railing Panel

(Actual Size: 34" x 69.43")

Model Number: CP262306W | Menards[®] SKU: 1717804



Product Type	Level Railing & Panels
Material	Aluminum
Color/Finish	White
Assembled Width	69-7/16 inch
Assembled Depth	2-1/4 inch
Assembled Height	36 inch
Number of Spindles per Panel	15
For Use With	36" x 3" Aluminum Post
Includes	Railing Panel, Support Leg, Top and Bottom Rail Snaps, Mounting Hardware, Install Instructions
Package Quantity	1
Resistance Features	Cracks, Rust, Corrosion,



[ADD TO CART](#)

Rail Panel

(Actual Size 34" x 93")

Model Number: 1710906 | Menards[®] SKU: 1710906



white



Color/Finish	Black <i>white</i>
Assembled Width	95-3/4 inch
Assembled Depth	1 inch
Assembled Height	36 inch
Number of Spindles per Panel	21
Minimum Opening Width	4 inch
Maximum Opening Width	96 inch
For Use With	UltraDeck Steel Railing System
Includes	Level Rail Panel
Package Quantity	1
Resistance Features	Galvanized, Corrosion, Powder Coated
Spindle Shape	Square



2023 City of Bayfield Building Permits

Permit #	Name	Address	Approved by	Type	Date Approved	Assigned/ IP C
01-23	Bodin's Inc.	208 Wilson Ave	ARB	New Stairs, stair reno, door, windor	1/23/2023	C
02-23	The Bayfield Inn	20 Rittenhouse Ave	Withdrawn	Mount a satellite kitchen on upper deck	Withdrawn	XXXXX
03-23	Adam Putschoegl	11 S 7th St	ARB	Rpl siding, add/rpl windows, add chimney, add 12x12 rear screened porch	2/27/2023	Carrier/IP
04-23	Kurt Dicke	321 N 1st St	ARB	Siding, roofing, balcony addition, screened rear porch	3/27/2023	Spence/IP
05-23	Beth Paap	521 Washington	ARB	Asphalt roof over 6th St entrance, replace windows	4/24/2023	C
06-23	Neil & Donna Schultz	Block 91 Lot 1 & 18	Rejected 4/24/23	16x20 office & parking lot		XXXXX
07-23	Kim West	11 S 3rd St	ZA	Repair roof leak + wall on W elevation (materials to match existing)	5/5/2023	C??
08-23	Linda Georgeson	21 E. Lynde Ave	ARB	10x55 carport on accessory structure	5/22/2023	ZA Check /IP
09-23	Craig Hoopman	207 Wilson Ave	ARB	Siding, doors, railing	5/22/2023	Hedman/ IP
10-23	Jeff Kliner & Liz Woodworth	20 N. 7th St	ARB	Replace Bay window w/ 3-double hung unit	5/22/2023	Shrider/C
11-23	Chris Bell	5 S. 6th St	ARB	Replace cedar shake roof w/ asphalt + paint pivitol structure	5/22/2023	Shrider/C
16-22	Bill Bland	321 Front St	ARB	6-month extension for porch project	5/22/2023	Spence/IP
12-23	Holy Family Church	232 N 1s St	ZA	Replace garage roof with same	6/6/2023	??
13-23	Clint McCowan	20 N 2nd St	ZA	Replace basement egress window	6/12/2023	C
14-23	Seagull Bay Motel	325 S 7th St	ZA	Replace roof on Ice House with same	6/19/2023	C
15-23	Craig Hoopman	207 Wilson Ave	ARB	20' x 30' Accessory Structure	6/26/2023	C
16-23	Craig Skaaden	25 N 6th St	ZA	Replace deck and railing	6/29/2023	C
17-23	Beth Cozzi	217 N 10 St	ZA	Replace deck and railing	7/12/2023	ZA Check /IP
37-22A	CORE Community Resources	257 Manypenny Ave	ZA	Demolition only	7/17/2023	Carrier/IP
18-23	Anne Lynch & Ross Huelster	120 N 2nd St	ARB	Replace 5'10.5"x2'4" window w/ 2'7"x1'10"	7/24/2023	C
19-23	Eric Thomson	309 N 2nd St	ARB	West elevation addition include a 2nd floor	7/24/2023	Spence/IP
37-22B	CORE Community Resources	257 Manypenny Ave	ARB	Plan Amendmtns	7/24/2023	Carrier/IP

2023 City of Bayfield Building Permits

Permit #	Name	Address	Approved by	Type	Date Approved	Assigned/ NS IP C
20-23	Dave Ujke	217 S 7th St	ARB	5'x8' Addition	8/28/2023	Carrier/NS
21-23	Jenny Tumas	25 S 12th St	ZA	Replace roof on back half of house	7/26/2023	C ZA Check
22-23	Marty & Beth Peterson	27 S 9th St	ZA	Shed repair	8/23/2023	Shrider/IP
23-23	Jennifer Breitingger	29 N 6th St	ZA	Replace roof - asphalt	8/23/2023	C
24-23	Steve Pattee	32 S 6th St	ZA	Replace porch floor	8/30/2023	C
25-23	Paul & Dianne Nussbaum	140 S 9th St	ZA	Replace roof - asphalt	9/21/2023	C
26-23	Japs Family Trust	219 N. 5th Street	ARB	Replace roof w/metal	9/25/2023	Johnston/IP
27-23	Jim Kuzzy	141 N. 3rd Street	ZA	Replace Door	9/25/2023	C
28-23	Keith and Rita Payne	204 N. 2nd Street	ZA	Replace Asphalt Roof	10/16/2023	C
29-23	James Maass	12 N. 5th Street	ARB	8'x10' Shed (in lieu of garage) Must paint and add landscaping	11/27/2023	ZA/ IP
30-23	Lake Winter Holdings	104 Riffenhouse	ZA	Replace siding rear w/ same	11/15/2023	ZA Check /NS
31-23	Bayfield Inn	20 Riffenhouse Ave	ZA	Replace flat roof, w.same	11/14/2023	C
32-23	Neil & Donna Schultz	41 S. Broad Street	DENIED by ZA	16'x20' add.- incomplete & unclear	DENIED	XXXX9/26/2023
33-23	Gali Abutbul	9 S. Broad Street	DENIED by ARB	New upper deck with roof, north side	DENIED	XXXXX
33-33	Ted Gephart	411 Rice Avenue	ZA	Replace roof with asphalt	11/21/2023	IP
34-23	Tom Koehnen	8th Street	ARB	New Constr.House w/attached garage	12/18/2023	Shrider/NS
35-23	Win Stephens	125 So. Fifth Street	ARB	Replace Roof with Steel	12/18/2023	Shrider/IP
36-23	Narrative Properties, LLC	107 Manypenny Ave	ARB	Replace overhead doors, w/windows & doors	12/18/2023	Hedman/NS
37-23	Gali Abutbul	9 S. Broad Street		New upper deck with roof, north side		
38-23						
39-23						
40-23						
41-23						
42-23						
43-23						
44-23						
45-23						
46-23						

2023 City of Bayfield Building Permits

Permit #	Name	Address	Approved by	Type	Date Approved	Assigned/ NS IP C
47-23						
48-23						

2024 Permit #	Name	Address	Approved by	Type	Date Approved	Other
01-24	Gali Abutbul	9 S. Broad Street		New upper deck with roof, north side		
02-24						
03-24						
04-24						
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