



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, SEPTEMBER 21, 2020, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

Chair Don Carlson called the Zoning & Planning Board of Appeals meeting to order.

B. ROLL CALL.

I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Alternate: Tom Hoy

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

Present: Tommy Everman, Don Carlson, Jim Hutchison, Thomas Hoy, Excused: Gregory Babcock, Noel Halvorsen

Chair Don Carlson asked if anyone needed abstain from voting, if anyone was out to any of the properties and if anyone spoke to anyone regarding the variances on tonight's agenda. All stated no, with the exception of Tom Hoy. He stated he will be recusing himself from Agenda Item #1, 2029 Lakeside Place, under Regular Business.

Others Present: Ald. Kathy Lefebvre

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the September 21, 2020, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison to approve the agenda with the correction that the next meeting date is October 19, 2020. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the August 17, 2020, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison amend the minutes by adding the attachment to the packet. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

E. REGULAR BUSINESS.

Chair Don Carlson asked for a motion to open the floor.

Moved by Tommy Everman, seconded by Jim Hutchison to open the floor for discussion for the entire meeting. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

1. (Appeal 20-025) Steven M. Bieda, Mau & Associates, on behalf of Darrel and Diane Hawley, property owners, propose to construct a single-family dwelling along with site alterations within the AO District of the 100 year floodplain and Low Density Residential (RI) District at 2029 Lakeside Place. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1330(a)(1) fill area and Section 13-1330(a)(1)(c) retaining wall height (Ald. K. Lefebvre, District 6).

Moved by Tommy Everman, seconded by Don Carlson to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, No- None, Abstain- Thomas Hoy

2. (Appeal 20-028) Juliane Kania, property owner, proposes to retain an existing driveway in a Low Density Residential (RI) District at 333 South Webster Avenue. The applicant requests to deviate

from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1717(b)(1), minimum driveway setback (Ald. R. Scannell, District 7).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

3. (Appeal 20-029) Jerry Hanson, on behalf of the Green Bay Packers, City of Green Bay, property owners, propose to install various directional signs in a Public/Institutional (PI) District at 1265 Lombardi Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2005(d) directional signs-sign area (Ald. C. Wery, District 8).

Moved by Thomas Hoy, seconded by Jim Hutchison to grant the variance as requested. Motion carried.

Yes- Don Carlson, Jim Hutchison, Thomas Hoy, No- Tommy Everman, Abstain- None

4. (Appeal 20-030) George LeFevre, on behalf of Norman and Virginia Johnson, property owners, propose a deck on the rear portion of their single-family home located in a Low Density Residential (R1) District at 2456 Morning Star Trail. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback (Ald. C. Stevens, District 5).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

Moved by Tommy Everman, seconded by Thomas Hoy to close the floor for discussion. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

F. INFORMATIONAL.

I. Discussion on procedural items related to the Board of Appeals.

Board discussion regarding procedures of the Zoning & Planning Board of Appeals.

2. Date of next meeting: September 21, 2020.

Correction - Next meeting is October 19, 2020.

G. ADJOURNMENT.

Moved by Tommy Everman, seconded by Jim Hutchison to adjourn. Motion carried.
Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

VERBATIM MINUTES

- Don, I think we're ready when you are.
- Is he muted right now?
- Don, I don't think we can hear you.
- I'm not coming through, huh?
- There you go, now we can hear you.
- All right, I guess I'll have to speak louder and more directly.
- No, you sound good.
- All righty. I'll call this meeting of the board of appeals to order. I do expect Neumeyer to join us shortly, but in the meantime, we can go through our roll call. I'm Don Carlson and I'm the chairman. Mr. Everman, would you care to wave? Tommy's here? Neumeyer, we're waiting for you. Mr. Hutchison, would you care to make wave?
- I'm here.
- Finally, Mr. Roy?
- I'm here.
- Very good. We do have four people on the board, which that is a quorum. And when Neumeyer comes, we'll make it five. All right. Does anyone need to abstain from voting on any of the issues tonight?
- I need to abstain from number one.
- All righty. Was anyone out to see the properties before us tonight?
- Nope.
- [Dave] No.
- I take that as a, no, from everyone. Did you speak with anyone regarding the variance requests before us tonight?
- No.
- [Dave] No.

- I take that as a, no, from everyone as well. We do need a motion and a vote to approve the agenda.
- And one thing on the agenda, I don't know if it matters, but on the very end of the agenda, it says next meeting date and it has today's date. I don't know if that matters or needs to be revised.
- Oh, well noted. Dave, the next meeting is October something.
- [Dave] October 19th.
- Very good.
- We know the change.
- A motion to approve the agenda with change.
- [Dave] I'll second it.
- All in favor, aye.
- Aye.
- Aye.
- Aye.
- Opposed? Okay, that carried, we have the agenda approved. Regarding the minutes from the last meeting.
- [Tommy] I couldn't find-
- Does anyone try to make a motion?
- I was attacked. I couldn't find those anywhere. Are those in the packet or where are those located? When you click on it, it has it's blank right now.
- If you go into the civic clerk website, you can go back to the minutes from the last meeting.
- When I click on the link it's blank, but they never been incorrect, so I'm fine with a motion to approve.
- [Dave] I'll second.
- All right, we have a motion made and seconded to approve the minutes. From the August meeting, all in favor?
- Aye.
- [Don] Aye, opposed? Okay, that carries. We have the minutes approved, we have the agenda approved. At this point before we get into the good part, we need to have a motion and a vote on opening the floor for discussion.
- I'll make a motion to open the floor for discussion for the duration of the meeting.
- I'll second.

- Okay, motion made by Tommy, seconded by Jim to open the floor. All in favor?

- Aye.

- Aye.

- Okay, we've got the floor open for business. We can finally start on the good stuff. So why don't we go into the Hawley property on Lakeside place. And Paul, if you could tee it up for us and remind us of why we're looking at this again.

- [Paul] Sure, thank you, Mr. Chair. This is a request that was tabled at the last meeting for further information. This is a property at 2029 Lakeside place. This is a new build for a single family home that happens to be within the flood plain. As a result of that, there's quite a bit of information that we need, and that was lacking at the last meeting. However, the applicant has provided some new information that satisfies staff's concerns. There's more detailed information in your packet regarding the variance requests. So our concern was just some clarity on what was being proposed based on the information provided the applicant is meeting the 15 feet of fill around the structure. So that is not necessarily a need for a variance. The issue now becomes with the height and the grade change of the proposed wall. So that is still regulated in the code. The maximum feet height is two feet in height for a retaining wall. I think they're going to about a height of six feet and the lack of grading ideally was supposed to be a three to one slope coming back down to the property lines that is not necessarily being met in this case here. So again, the revised information is in your packet. There's also some on the screen here as I'm sharing it, there was one letter of objection from a nearby property owner that also had concerns at the last meeting. That's also attached within the packet. The revised information was also run past the DNR and they have no objection to this request. So from staff's perspective, we feel there's sufficient information now for the board to consider a decision.

- Thank you, Paul. So the issue then is that, if they're going to adhere to a two foot step away from the wall, they've got to somehow raise all the rest of the property several feet.

- Right, and I also failed to mention too, that I think the board had requested that the applicant go out and talk to the adjoining property owners. The applicant did do that, and there is a, I guess I would call a signed petition that's attached within the agenda where neighbors have signed off and that they don't object to what's being proposed. I think the applicant wanted to maximize the land area here so that's why they didn't cut into that 15 feet of fill. So that's why I think that the height of that wall is the way it is. If they would have gone something last, they would have had to cut into that 15 feet of fill and ultimately reduce their side yards.

- Okay, is the applicant on here that can talk to the issues that Paul has raised? I know Mr. Holly is on here, but I believe we had a gentleman from model last time.

- Yeah, Steve Dida should be here.

- I'm here.

- Yup.

- All right, I'll give you my spiel, if you'd like.

- Sure.

- So we asked for these variances almost on a daily basis now, one more in the flood plain. We're all seeing what's happening with the bay right now with the high water and the winds and everything else. When you're in the flood plain, we just are required to build this high. In this case, we have an older couple that want a fairly flat yard, so that's why we're requesting to have six foot wide walls on either side. This lot actually is kind of as

a luxury because we have a wide lot and we're able to get our 15 feet of fill on both sides and still have our two feet from the property line to do all the things we need to do for offsite drainage, because it does take a substantial amount more of fill to actually fill that full 15 feet out. But in this case, they want a flat yard they're in their seventies. When you start talking about slopes and walls and things, when you do a three to one slope, it's actually hard to mow that with a lawn mower. So if you do riding lawn mower type thing, that's not, can we always say it's not comfortable to ride a riding a lawn mower than three to one slope and cut the grass. Four to one, no problem, three to one is too steep. They want a flatter yard, so that's why we're filling out and doing the six foot walls. The second part of it is when you start looking at doing two foot walls, excuse me, and you're staggering these two foot walls as you come in. You need to build a base every time you move that wall in or stagger it in to do two foot high walls. So all of a sudden you're building three footings to get up to six feet and build three to four high walls. The cost was just through the roof to do that. And again, we have the ability to build one wall at 15 feet out from the foundation, which meets all the DNR requirements. So this is what they wanted to do. And it's kind of the only way for us to accomplish a flat yard. If you go up and down the bay shore or anywhere around here, you'll see walls everywhere. You're gonna see houses elevated everywhere you go. The rocks, the walls are different materials between rock, wood, stone slabs, this one's gonna be, there's some photos that we included. This one's gonna be a retaining wall, a purchased retaining wall block wall, which is very stable, you see some of the designs that are in there. And again, part of why we had the meeting on-site with the neighbors so that we could discuss, it's gonna be a six foot high wall, the challenge is trying to explain to the neighbors that if they ever need to do something with their home or they wanna elevate it or take it down and build a new home, they're gonna be needed to be built to the same elevation we are. So explaining that on-site, we've helped with put some visuals on the ground so they could see what we're talking about as far as the wall life and have us meet their sign off on it, which again Paul mentioned is in our backend and we have signatures from the adjacent landowners there. So if you've got questions for me, I mean, that's the big thing we're asking for the one variance, no matter which way we would approach any of these floodplain lots, we have to ask for variance. Typically you can't meet the 15 feet of fill to the side yard, so in this case, we're fortunate that we can. So we're just asking for a different variance that you guys probably haven't seen before, but we're asking for these on a weekly basis, just about in other communities of some sort, usually the lots on the bay are narrow more like 60 feet wide and so usually we're asking for walls to be built within six or eight feet of the house as opposed to 15.

- Okay, thanks. Paul, is the height of the wall, the significant difference between this variance request and what we've seen before?

- I think so, right. So like Steve mentioned a lot of times when people are asking for a reduction in the field, it's because they have a narrow lot and they provide that step to wall. Again, this is kind of a luxury to have that type of width, to put in a basically flatter yard than others might have.

- All right, I'll turn this over to questions, to Tommy and Jim.

- [Madison] Kim. Elder Lafave would like to speak too.

- Oh, I'm sorry elder person Lafave.

- [Madison] No, that's okay, I'm on the phone. Sorry you can't see me.

- I think we should hear from you before we have questions from the board.

- [Madison] Okay, yeah, someone mentioned that it's a narrow lot, it's not, that's a wide lot. That's one of the wide ones on Lakeside, very wide. And another thing, I got a question for Paul in a way, how were they allowed to put all that filling without the wall retaining it, because the neighbor told me there are a big clouds rolling off of it now. And we are lucky we've been in a really dry period. What if we had all the rain that we had this on the spring? All that would be just washing down into both sides of the Neighbors yards.

- I think permits have been released for the fill of the site and maybe the foundation with the understanding that they were proceeding through the variance. With the permit being issued, they're required to obtain erosion control permit, and then implement that plan. So there should be erosion control measures on the site to prevent offsite or onsite erosion. So I don't know whether that's an issue here. I haven't been to the site, but there should be a plan in place to address that.

- [Madison] I didn't look at lately. I think it was last week I went down and I couldn't see anything 'cause I didn't stop and look, but I kind of slowly went by, but it looks like it's just piled there. I think Paul, maybe you should go take a look because I-

- I'll get on. Erosion control measures are all up on the site.

- [Madison] They are?

- Yes they are.

- [Madison] Okay. I will take a look at that because I did not see anything that for me that I could see so that, because I'm very concerned. He said there's stuff rolling off already, be clumps rolling off.

- It's okay if it's rolling off as long as it's behind our erosion control. We do have a full erosion control plan that was filed with the city and approved. But if you are gonna have clumps of material until it's finished, until we can come back and finish it, they're taking field as they get it as they dig their foundation and do those things. But it's gonna look like a construction site, and that's why we do the erosion control until such time as we've finished it, essentially.

- [Madison] 'Cause my concern is I think the wall should be put in as soon as possible.

- Okay, we'd love to.

- Yep.

- I guess that's what we're here for.

- [Madison] Okay, thank you.

- Thank you. Okay, Tommy, Jim, you have any questions?

- No, just to comment, I know I was one of the people that talked about, going and touching base with the neighbors, I think last meeting. And so it sounds like they did a thorough touch base with all the neighbors and got the signature. So I just wanted to comment and say I appreciate that, so thank you for doing that work.

- I've got a question on the surface that's raised. Is there something obstructing someone from locking off that wall? Walking over it?

- No, we would not have a fence on top of the wall. They're not required property.

- It's not required if you build a six foot wall to have something, to keep someone from walking off of it?

- Not in private property, it is not.

- No, I think it's treated as landscaping. It's not part of a structure or a duck, so maybe the property owner should consider something like that for their own safety and liability, but it's not a requirement of the city.

- Paul, was the city's concern, the height of the wall? Was it a safety issue then or is it just an appearance issue?
- It's an aesthetic issue, I think. This is a local requirement. So the 15 feet of fill as a state requirement, back in 2009, when we updated our floodplain requirements, we added some of this language and about, retaining walls and drainage easements. I think the idea is that a lot of these structures are obviously sticking out of the ground. So the ordinance intent is it's kind of transitioned back down on the natural grade. So that's why you see a kind of a stepped or terrace approach, and that's why there's a maximum height of two feet. It's not that this is a poor design. It probably should work to provide flood protection, for us it's simply an aesthetic issue.
- Okay.
- To avoid that sheer drop, but again, this is a candidate for a variance and that's why they're before you.
- Yeah, okay.
- [Madison] This is all I'm gonna say. He brought up something and I just thought of it again. There's another question, has DPW been involved in this too? The check that drainage drain storm drain in the alley will be able to handle this all coming off. I know they're connecting with that. Then one of the neighbors was concerned because some of the people are putting their sub pumps hoses out into the alley.
- I don't know that they're making direct connections, if they are, that would be part of the permitting process at this point. Again, I don't think the permit's been fully completed, but it should be addressed through that process.
- [Madison] Okay, so DPW would be also checking into that, make sure that the drain can handle that?
- DPW or our inspectors will be looking at that as part of the infrastructure review.
- [Madison] Okay, good, thank you.
- Maybe just to help with that, Paul, we do submit a full erosion control storm water management plan to the city as part of this process. And I believe that goes to engineering as part of the process that has been approved when we were issued our permit already to start construction on the home. So that has all been done and looked at by the proper authorities that's been made.
- All right. Members of the board, if you have no further questions, perhaps an emotion would be in order.
- A motion to approve the variance?
- Does anyone care to second that motion? I will then second the motion so that we can bring this to a vote. We have a motion made by Tommy Everman seconded by me to approve the variance as it has been presented to us. All in favor?
- Aye.
- Aye.
- Aye.
- Opposed? Tom, did I get your vote?
- I think I'll abstain from this one.

- Oh, that's right, I'm sorry. You'll all have to put up with my limited attention span. Thank you, we have three members voting and we have a majority of those three in proving the variance, so we have the variance, it's a long drawn out process on our part, but it has been finished, thank you. We'll move onto the next one.

- Thank you.

- Thank you. We have the Kania property on a Webster. Tom, or Paul, you wanna help us out on this one?

- [Paul] Sure. This is a property at 333 South Webster Avenue. This is a rental property. There were some improvements made to this property without a permit, or some paving done along the North property line here you can kinda see it delineated. The entire lot wasn't or the entire driveway wasn't painted, but a good portion leading to the parking in the back was. This is some photos of the improved asphalt area that was done. The issue here is with the side yard setback. Because of the zoning, it reverts back to the side yard setback, which is six feet, not two and a half feet like we typically see. So that's the reason for the variance request as the encroachment into the side yard setback of the driveway.

- Okay, and that larger setback is due to the height of the building?

- [Paul] It's in the parking session and refers back to the zoning code. So because this is a commercial type property, it's more on the commercial side of the requirement.

- And how close are they coming right now?

- [Paul] I think the applicant maybe have to speak to that. I believe they'll add on possibly over property line. That may be a question that the applicant will have to address or maybe verify as per this request.

- Ms. Kania, would you care to speak? I think you're still muted. No.

- What about now?

- There you go.

- That sounds good.

- Okay, thank you, sorry.

- Oh, there's just a delay, all right, we'll get used to it. Go ahead.

- Sorry. It is right up to the property line.

- All right. Would you care to explain why you believed it was necessary to bring it so close to the property line?

- I apologize for not getting a permit. I didn't realize I had to do that, but the reason I went all the way to the property line is because otherwise you can't get through there. I have a very small truck and there's two and a half feet of clearance on each side when I drive through there. If I make it any smaller, someone is in danger of hitting my house. It's actually happened in the past.

- Okay. How close is your house to the property line in the area that you're concerned?

- Roughly 15 feet.

- Okay. So if you stuck to six, which is what the ordinance requires you to have nine feet of pavement to get cars in and out from behind your property.
- Correct, but I have my furnace exhausting right there and some downspouts, that stick out at least a foot and a half, so that brings it down even more narrow.
- Okay.
- If you look at the picture, the last picture, all those plants are there hiding my downspouts.
- Okay, if you go back one Paul, that one, right? Yup, I see. Okay. Well, at that point you have paved up to the pretty much at the beginning of that bed for your plants. How wide is this spot that we're looking at right now? I assume this fence is darn close, perhaps right on perhaps over the property line.
- [Juliane] Yeah, it's right on the property line. I believe the whole west from fence to house is 15 sheets and take away, like three feet for that clamping bed. They're hiding those downspouts and you're left with, whatever that is, 12 feet or whatever.
- Okay. Do we have any recommendations from city or traffic regarding how wide a driveway should be in this type of case, Paul?
- Well, I think nine feet's very tight. Depending on the size of vehicle, you might need a minimum of 10, maybe 12, if you consider door swings.
- Okay. Is the property owner to the side that's affected by this? Have they had any input on this process other than the letter?
- They've received a letter, I haven't received any calls or questions regarding this request.
- How did this issue get brought up?
- I believe there was a complaint filed through our inspection department.
- Okay. Ms. Kania, do you know anything about how this would have arisen? Is there a complaint from a neighbor that you're aware of?
- Not that I'm aware of, no. I have a good relationship with all my neighbors and I would think they would approve the blacktop. It makes the whole area look nicer and cleaner.
- Yeah.
- Ms. Kania, when was the house built?
- I think it was 1904.
- Well, things have changed.
- Yes they have.
- Yeah, I think so. Tommy or Jim, did you have any questions?
- Is this a residence or is it a business?

- It's a residence.
- It's residential and it's, excuse me. It's only commercial because I have multifamily.
- Got you.
- How many vehicles would you expect to have to go through that driveway each day?
- Roughly five to six.
- What was it like before? Before you paved it I assume it perhaps was a dirt or gravel driveway?
- It was gravel and I had continuous erosion problems with the water running off. It's kinda actually a little steep there and it was just continuously eroding. I had to do something other than gravel.
- Okay. Well the issue then seems to be that you've got a very narrow spot there, you may have over encroached a bit, but I guess I'm wondering if it's even possible or feasible for you to continue with what you've got, if you were to follow exactly according to their ordinance. And I look, two of my colleagues, Mr. Hoyt, Mr. Everman, and Mr. Hutchinson regarding what your thoughts are regarding what we have here.
- Oh, wow, so that is your fence, correct?
- Correct.
- So from a visibility perspective, the neighbors are not gonna be aware of really where the driveway is, they can't see it.
- No.
- I have no comments except for it to me, this seems to fit within what we're supposed to kind of look at it as the property itself. The house is built in a way that is close to the property line and cars are bigger nowadays. And to get a car in and out, it seems like there's not even if they had two feet off of the left, there's no way that we're ever gonna find six feet and two and a half, I think would be even tighter or still tight. So to me, it's just, that's the hardship, and the permit, permitting aside, I think that is understood now and I see no issue with this.
- How are you, Jim?
- I agree with Tommy.
- All right. It looks like we're in good agreement here. Perhaps a motion is in order.
- Motion to approve.
- I second.
- Okay, We have a motion made and seconded to approve the variance for this property on South Webster. All in favor?
- Aye.
- Aye. Opposed?

- You have your variance.
- Thank you very much.
- All righty, we move on to the next one. It's Mr. Hanson here to talk about the Packers. Who is here to talk about the Packers?
- That would be me, sir.
- Very good.
- My name is Cassandra Polansky, my colleague Joan, is also joining me. Good evening board, and Jerry sends his regards, he had a scheduling conflict and couldn't make it tonight.
- All right, before we let you get going, I wanna hear from Paul on what the situation is.
- Sure, yeah this is at Lambeau field. They are proposing to install some directional signs throughout the site. Directional signs under our zoning code are limited to six square feet for commercial properties. They are proposing signs that are closer to 20 square feet in size. They are needed for issues related to COVID, security, and mobile ticketing, I believe. So these will be scattered throughout the campus so to speak, some are permanent, some are temporary, I believe. But again, this is a directional sign issue and it's a difference between six square feet and 20 square feet as is the issue with the variance request.
- So they could put all of these in Paul are just too big. There's not too many of them in other words.
- [Paul] They're just too big, yup.
- Okay.
- And it's very typical Lambeau field. I think any signs they tend to put up are bigger than than most and I think they've been before the board several times in the past years seeking variants for different signs. So this is, I guess another example of that.
- Yeah, I agree. I agree, I'm gonna turn this over to Jim and Tommy and Tom, see if they have any questions. I have no problems with what's being proposed.
- I have no problems with fact the situation we're in and the information that the signs contain. So I have no problem with it.
- Right.
- I don't think it's gonna impede any visibility to traffic, and it is from a perspective of enhancing public safety. I have no issue with any.
- All righty.
- Only question I have is obviously these are related to what the current condition we're in, is that correct? So COVID related stuff like that, correct?
- Yes. In part also related to other security measures and to getting requirements mandated by the NFL. So in order to allow fans into our building this season, and in future years, these signs are being met. They did all of the placements that are recommended.

- So is this something that is gonna be permanent for the next 10 years? Here's our situation that we're in with COVID and splitting measures and keeping people, you said mobile ticketing. So these gonna get pulled out when the situation's over?

- We don't know that from the NFL, it's they will be permanent for the foreseeable future until the NFL looks its mandate.

- So my question to the board, is that something we should consider? We approve a sign they've got 15 to 20, I didn't count. I'm not sure 10 signs, whatever it is. And then the situation's gone, everything's back to normal, whatever that looks like at some point we can all hope and now it turns into advertising for whatever. Do we care? Is that something we should be considering? If we approve it now, is it approved forever?

- Good question. Paul, this revolves back to you. Let's say those sign 20 square feet of piece, but COVID is cured and we're into a situation like Tommy hypothesizes, where the signs are used for something else. Would that effect? Could those signs be used for something else, given the qualifications of whatever variants we put on this tonight?

- I suppose they could, technically we're not supposed to look at content of signs. It's difficult sometimes, but I mean, for us, these are directional signs, but we can't regulate the content or the future content of what they might put on there. I think as far as the sizing perspective, when there are events at Lambeau field, there's several thousand people there and I think these sizes are probably appropriate for the number of people who will be needing to gain that information. So it's probably acceptable from that perspective. But again, we don't regulate the content and they can change that over time.

- But these are informational signs, right?

- These are what we call directional signs. They are like candy, you can put them wherever you want, but they are limited in that six square feet in size. They're meant to be helping people who are on the campus, give them direction on where to go or what to do. It's just that it's a sizing issue in this case.

- Yeah.

- And part of my comment in regards to campaigning and visibility to traffic, that was where I was going with this, Don.

- Yeah.

- No downstream, no matter what style, it's not gonna impact your visibility to the traffic on the left and right, dirt slipping back from the roadway.

- All right. I'm satisfied. A motion would be in order, gentlemen.

- Make a motion to approve as requested.

- I'll second it.

- Okay, we have motion made and seconded to approve the variance request for the signage of Lambeau field. All in favor?

- Aye.

- Aye. Opposed?

- Nay.
- Three, one. You've got your variants.
- Thank you.
- Thank you gentlemen.
- Thank you. Last step, Mr. Lafave, speaking on behalf of the Johnson's on Morningstar?
- Good evening?
- And which one of you is Mr. Lafave?
- Over here.
- Very good, okay. Thanks, we're getting another leg so we can deal with that.
- Oh, sure.
- Go ahead. I'm sorry, before you go ahead, we'll let Paul tear it up.
- Okay.
- Sure, let me get there. This is a property at 24-56 Morningstar trail. This is a single family home. They would like to add a deck to the rear of their property. As you can kinda see from the aerial photo here, the lot is rather large, the home is setback quite a bit, the proposed deck will be going back in this area here I think approximately where the tree is, the issue is they wanna add the deck, but there is a 25 foot rear yard setback that runs along this rear property line. That deck would encroach within there, I believe about up to 17 feet. So there's a small difference there in the setback, but the deck is considered part of the principal dwelling for setback, and that's the reason for the request is that encroachment into the rear yard setback.
- All right. And the people immediately behind this property, we have been informed?
- They are the same people.
- Well, that makes it even easier, doesn't it? So, we have them encroaching upon their own property, Paul.
- Well, it's maybe joint ownership, but there still is a property line there that we have to hold them to, so that's the reason for the request.
- Got it, okay. So we can't go seeking whether or not those people approve our complaint, they are the same people.
- Right, and I suppose they could adjust the property line to meet the setback. That might be a possibility but that's more convoluted and would kick out the property line from its alignment, so to speak. So I think this was the preferred option.
- Great, okay. Questions, Tommy, Tom, Jim?
- So we're clear the difference between an Alba and needing this is eight feet, is that right?
- That's correct.

- Okay.
- Now, looks like they've tried to cut the corner off a little bit to make it a little easier.
- Yeah.
- Okay. Would the applicant care to talk any further about what we have here?
- I can.
- Go ahead.
- Basically, it's a short distance that it actually would have been impede on the 25 feet. Like I said, we did try to cut it off to try to give us a little bit more room there. But if we will go any smaller, then that it impedes on the exiting the rear portion of the home.
- True. It says they're rebuilding existing deck was there one year.
- Yeah, there was a deck there, there was that large tree there, the tree was removed and therefore, well, it was a large tree and the roots, basically this member of the deck pushing up on it. So the deck was removed prior to getting permits. So it's no longer there. I mean the face structure is there, but -
- How big was it? How big was the original deck?
- It's exact, basically the same size, exactly the same size is what. But the previous owners must have just done it on the side without getting it proper from him, is what I understood.
- Oh, okay. Okay, questions, Tommy, Tom, Jim?
- Just a comment, it seems to me that almost if the house was built straight-
- Oh yeah.
- It's all the houses are straight on the block, then this one's just kind of built diagonal, and had the house straight. It probably would be fine within it. It's just kinda the house is built at a weird angle-
- Correct.
- You're not gonna move the house, so I'm okay with this.
- Yeah, I'm fine with it too.
- Yep.
- Yes.
- Sounds like we're in violent agreement. So a motion would be in order.
- Motion to approve?
- I'll second.

- Okay, we have a motion made and seconded to approve the variance request for the property on Morningstar, all in favor?

- Aye.

- Opposed? Four-zero, you have the variance.

- Thank you to everyone.

- You're welcome.

- Yeah.

- This point we should close the floor.

- Okay, also move to close.

- There we go. I'll second her first, whatever when we wanna tell.

- All in favor to close the floor?

- Aye.

- Aye. Okay, floor is closed. You had some comments, Jim, before we interrupted you?

- I only were getting these applications for a floodplain a lot and it concerns me a little bit, I was on the fence post on approving the one tonight, but apparently safety isn't our concern necessarily, but it seems like we're running into the same situation time after time, based on what the city's rules and laws are. I wonder if there's a communication we can have with the city, from the board to maybe upgrade those, or I guess, I would ask Paul, what can we do with regard to that?

- It's a challenge, right? I mean, it's a vertical challenge here. We've had this discussion with staff and all their personal fav, we feel our requirements are satisfactory. The problem is applying those requirements to each unique circumstance. In this case on Lakeside, they did have sufficient room, but they wanted a flatter yard so to speak. So I think from an aesthetic perspective, I think from a practicality perspective, the code functions, it's the application and it's the cost to make those improvements on-sites. So, I think we're always open to discussing code and improving the codes. I don't know if I see something that's a glaring issue that we could correct necessarily, but I'm open to discussion on it.

- Yeah I think I know where you're coming from Jim, but it seems like the safety issue is something that the owner is going to have to deal with regarding his own liabilities and things like that. This isn't a safety issue affecting the public. It's a safety issue affecting the owner of the property, and any visitors that he has. It's gonna look funny, but ultimately, we're gonna start to see a lot of these as more shallower properties get developed back.

- Right.

- I'm okay with having to deal with this on a piece-by-piece, a case-by-case basis. I think it would really tie up the, try to come to a resolution that would save us a lot of trouble.

- Yeah, I can see that.

- I think they've got other things that they should be worrying about. So, but they are kind of fun to see because, my gosh, that all of that's expensive, and I salute to anyone who wants to build a house out there for that reason.

- And I think the one thing that's unique building in the flood plain, is that they need the help of some professionals, either a land surveyor or a civil engineer, maybe even an architect to help do this design so that if you gotta consider the size of the site, the desire of the home and the home that they want, and it's the professional that's gonna help provide that design to them that hopefully meets their needs. We're just simply looking at it. Does it provide flood protection? Is it aesthetically appropriate I guess.

- Right.

- Right.

- Well, they're gonna end up looking like all the rest of them out there. It's just that their wall is gonna be a little higher than most. But they're all gonna be in that situation. There's gonna be a little tunnels all the way through that those of property as the water comes through.

- I think just kinda bring up last month's meeting and then my follow up email and I think Jim's touching on it. I've talked about it a couple of times and I think there's something we can be doing better in terms of whether it's a quarterly report that we send to alder persons that says, hey, listen, these were all the variances for your district. Whether they choose to take it to council or do anything with it, if they're busier with other things or there's other problems in the community they need to be aware of, that's fine. But I think, I don't know. I just, I'm very compelled to say that I think there's a great feedback loop that this board could provide to these aldermen to know what pain points are. And one of the biggest things people wanna do is live in their properties and develop their properties and add value to their properties. And if the Broadway, and behind every one of those lots of skinny and no one can build a driveway and no one can build a garage store and we know, okay, in the last six months we've had 30 of these come through. I think that's a great piece of feedback to say hey, listen, there's these different areas in our community that are really stuck. What can we do? Is there any way we can look at things? I don't know, I just think, I feel like there's something there. I don't know if I'm articulating it well, but I think that's -

- All right, I see your point. First of all, Paul, what feedback do they get other than them perhaps reading the minutes from our meetings or the agenda, which will clue them in.

- [Paul] That would really be it, did I lose the screen here?

- There we go.

- There we go.

- Do you think there would be some value in letting them know a little? I see Tommy's point, you would think we could put together some sort of a report that says these are the variances and in fact this is becoming repetitive and this type of case.

- I certainly think that is a role of the Board of Appeals is to be mindful of the requests that they get and if there's something that they see a lot of that the board would share that with staff. I think the can do it as staff pretty much, I believe. So, I think if you have some agreement that there is some concern, I think you should let staff know, and we can help vet that and we can have a discussion here at the board and then have a game plan. Ultimately it would probably go back through the plan commission at some point, if there was some ordinance changes. I don't know if the council would wanna know directly or not, they are monitoring the minutes, right? All the persons and alderman are monitoring what goes on in their district. But I think the

board can give them a more of a comprehensive picture if you see something. But I think we should have a discussion with staff, the board and staff to strategize that, so to speak.

- You know, when I kind of two of the webinars that were offered and it certainly has changed my perspective with respect to the role of the board that run in regards to negotiating a pathway of through some of the legislation that's going on in regards to the plan commission. But I don't know that we really should be the sharp point of the spear. I think that's kind of where Tommy's going to. From the discussions that I saw in regards to the variance board, one of them really surprised me was the comment that alder persons should not actually be exerting any influence on a decision made by the Zoning Board.

- Yeah, that's true, I've heard that, I remember that.

- So, I think our role is more of a negotiators then I'm kind of comfortable with how that it is, but I see Tommy's point in respect to maybe it's tailoring some sort of a quarterly report so that they're aware of the frequency of numbers do speak loudly. And sometimes you need to give folks a nudge to get a change going in the right direction.

- And I appreciate those comments. I think, to clarify kind of my stance, it's just data, that's it. And we'd have to figure out a way to like code them. 'Cause there's all kinds of different variances that we see, right? So we have to go through the last year and I don't mind being part of this and helping staff, or I could do my first draft at something on a spreadsheet and share it with staff and say, this is kinda what I'm thinking, but just every week we had four tonight, right? Whose district was it in? So here's district one through 12, I think there's 12, right at 12. Right, and then they get, today's September 21st and they had two variants requests for driveways and that's it. And that gets totaled up over the course of a three month period, and they can get this report. It's just data, hey, in this quarter, your district had four driveways, one flood plain, three fence requests, whatever. And they can, then that's all we're doing. We're just providing them what happened, and that gives them a summary, I think. And I can appreciate, I know a couple of the alders, they have a lot going on and they have a lot of emails I mean, even with the voting that had happened and it's coming up and roads and all of these different things that they have to deal with all that time that was getting, I think, lost in some of the stuff. And so just, I think a summary report that they could digest within a page, I think would be of something. I think it's just a matter of coding through each one of these meetings, we had four tonight that takes less than a minute. Once we have the spreadsheet built, it would take less than a minute.

- And in that same vein, as we looked at the one request for the driveway houses built in 1904 and the setback 115 years ago. Okay well, maybe we should put a grandfather clause in there that any home built after say 1980, has to conform to XYZ. But if it's prior to 1980, we're gonna grandfather you in and let you go forward. That would to me would make a lot of sense.

- Yeah, I think areas to your, and I agree with you and certain areas, we know those homes were built at certain times. You know what I mean? And so you would see, I think more of those over time start to pop up because those homes were built at certain times. And I think then that becomes that data, that feedback that says, okay, cool, we need to look at this situation and provide obstacles for people in those areas to develop their properties and make them live-able. If you can't park a car or don't have a driveway, those homes are never really gonna gain a ton of value for people and property taxes aren't gonna go up and all of the different mechanics that go along with growing a city, I think those become obstacles. If I have to constantly get approval for permits or this and this and this, you kinda wanna open that up for people and give them comfort to say, you can make this live-able and you don't have to jump through a bunch of hoops.

- Yeah we have had an appeal to the council regarding parking in front of the front door, I remember. I think since I've been on the board, that's the only thing that we may have taken, but we did get a decision. It was one that I didn't expect, but we got one.

- And what was good about that? Not to not to add more, but I thought what was really good about that is that we gave our, we saw a lot of it. We gave our recommendations, the Police Chief, the Fire Chief, the council all discussed it and they came back and said, this is it, right? And it's made those conversations fairly easy for us now.

- Yeah, I agree. I think some sort of a report, hopeful, especially if it could be grouped into saying, we had this many driveways, this many, or this many setback problems, this many of something else, I think that could be valuable to the council.

- I think it might be valuable to talk to Paul too. He got pinch points that he has to deal with, and this might be a way to kinda not so much get them off the hook, but at least make life easier for them is having a more current standard.

- Well, I think ultimately it's probably the responsibility of staff or the zoning administrator to generate that report. I mean, we have that at our fingertips and we can do that. I guess it's what the board wishes and we can generate that type of report. It's just knowing the fields and what you're looking for as far as output.

- Yeah, I see. I think we could, since everything is completely distinct, we could legitimately come up with one that simply lists every single variance we've granted in the last year, let's say, but I think the value would be if we can lump certain decisions together, much like we did with the front door parking thing. And perhaps in the case that came up tonight the setback because of a driveway kind of thing. You can take a shot at it, Paul, or have some of your folks take a look and see if they can see these little groups and clusters and similar stories appearing that it would be at least helpful perhaps for the council to know.

- Yeah, I think Tommy's right. We can code these things by zoning category, by land use, by setback or whatever the case might be. We can somehow summarize it and staff see something that we can share with the board, or if the board sees it, we can have a discussion about what we should possibly do so I can start working on that, sure, and that's not a problem. I'll do it by your typical quarter and we'll see what we can generate for next meeting.

- Okay, that sounds good.

- Thank you.

- Great.

- What you said, and then just making sure that also the district, I think, as one of the database points, as you're building the spreadsheet out of district two, district four, whatever. I think is a critical data database point.

- Or if it's like a historic property, if we see a lot of variances in historic districts, maybe that's something like that because of the age of the house, maybe we need to make some ordinance change. So, we'll try and get some fields out there and I'll let you guys proof it, so to speak and then we can tweak it as we go forward.

- Love it, dude. Thank you for-

- Yeah, that's good.

- I think it will over time evolve into something that'll be, I think valuable.

- Yeah, and we can submit that as like an informational item from the board of appeals to the council and they can put it on their agenda and they can see the analysis that the board has or staff has.

- Love it.
- Anything else for tonight, gentlemen?
- Just the time at the end of the meeting to discuss this. I appreciate it, so thank you.
- Yeah, I think that was a good discussion.
- Yeah.
- Yes.
- Okay. A motion to adjourn?
- Second.
- All in favor?
- Aye.
- We are adjourned.
- Thank you.
- Thank you.
- Have a good night.
- See you guys.