



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, APRIL 19, 2021, 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.

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 see any of the properties? Did you speak to anyone regarding this variance request?

Present: Don Carlson, Gregory Babcock, Tommy Everman (arrived at 5:37 p.m.), Noel Halvorsen (arrived at 5:32 p.m.), Jim Hutchison, Excused:

Alternate: Tom

Chair Don Carlson asked the following questions:

Does anyone need to abstain from voting? All present stated no.

Was anyone out to see any of the properties? Tom Hoy went to the properties on S. Clay and E.

Mason. All others present stated no.

Did you speak to anyone regarding this variance request? All present stated no.

C. APPROVAL OF THE AGENDA.

1. Approval of the agenda for the April 19, 2021, meeting of the Zoning & Planning Board of Appeals.

Moved by Gregory Babcock, seconded by Jim Hutchison to approve the agenda. Motion carried. Motion carried.

Yes- Don Carlson, Gregory Babcock, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

D. APPROVAL OF MINUTES.

1. Approval of the minutes from the March 15, 2021, meeting of the Zoning & Planning Board of Appeals.

Moved by Gregory Babcock, seconded by Jim Hutchison to approve the minutes from the meetings of March 15, 2021 and April 8, 2021. Motion carried.

Yes- Don Carlson, Gregory Babcock, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

2. Approval of the minutes from the April 8, 2021, special meeting of the Zoning & Planning Board of Appeals.

Moved by Gregory Babcock, seconded by Jim Hutchison to approve the minutes from the meetings of March 15, 2021 and April 8, 2021. Motion carried.

Yes- Don Carlson, Gregory Babcock, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

E. REGULAR BUSINESS.

Moved by Gregory Babcock, seconded by Jim Hutchison to open the floor for discussion. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tom Hoy, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Tommy Everman arrived at 5:37 p.m.

1. (Appeal 21-008) Steve Bieda, Mau & Associates, on behalf of DMG Holdings, LLC., property owner, proposes to construct a new drive-through restaurant in a General Commercial (C1) District at 1302 E. Mason Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, Floor Area Ratio (F.A.R.) (Ald. B. Galvin, District 4).

Tommy Everman recused himself from this item due to arriving late. Tom Hoy will be the alternate voting in Tommy Everman's place.

Moved by Gregory Babcock, seconded by Jim Hutchison to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tom Hoy, Jim Hutchison, No- Noel Halvorsen, Abstain- Tommy Everman

2. (Appeal 21-010) Ryan Kieler, property owner, proposes to install a hot tub in a Low Density Residential (R1) District at 1959 Evans Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-531(a), setback for spas (Ald. J. VanderLeest, District 11).

Moved by Gregory Babcock, seconded by Noel Halvorsen to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

3. (Appeal 21-011) John R. Borski, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 1043 S. Clay Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, side yard setback accessory structure (Ald. B. Galvin, District 4).

Moved by Gregory Babcock, seconded by Noel Halvorsen to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

4. (Appeal 21-014) Phil Jennings, Creative Sign Company, on behalf of Spring Lake Church, property owner, proposes to install two wall signs that contain a digital message center located in a Downtown Two (D2) District at 310 N. Adams Street, Suite 110. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2019, changeable copy, maximum size (Ald. R. Scannell, District 7).

Moved by Gregory Babcock, seconded by Tommy Everman to grant the variance as requested with

the condition that the EMC sign on the East side of the building be turned off at 9:00 p.m. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Gregory Babcock, seconded by Tommy Everman to close the floor for discussion and return to regular order of business. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

F. INFORMATIONAL.

1. First Quarter Variance Report (January - March 2021).

Discussion was had between Board Members and Staff regarding the First Quarter Variance Report.

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

A Discussion was had regarding procedural items related to the Board of Appeals.

3. Next Meeting Date: May 17, 2021

Chair Don Carlson stated he will not be in attendance at the May, Zoning & Planning Board of Appeals meeting.

G. ADJOURNMENT.

Moved by Tommy Everman, seconded by Gregory Babcock to adjourn. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

VERBATIM MINUTES

- Either we have Tom Hoy, we have Greg Babcock, we have Jim Hutchison. There are two that probably will join in the future. But we can proceed with what we have here. Gentlemen, did you speak with anyone regarding the variances before us tonight?
- [All] No.
- Did anybody go out to look at the properties before us tonight?
- No.
- No.
- I went to the one on Clay and the one on Mason.
- Okay. How about the abstention? Anybody believe they need to abstain from any of the items tonight?
- No.
- No.
- I don't believe so.
- All right. We have a total of four of our members on. I see no reason why we can't proceed with the approval of the agenda. The agenda, the one that's in our hands right now. Anybody have any changes? Or a motion would be in order.
- I'll make a motion to approve the agenda for April.
- I'll second.
- Okay, we have a motion made and seconded to approve the minutes for tonight or for the, yeah, this meeting. All in favor?
- [All] Aye.
- Opposed? No, all right. Four-zero, we're good. Still don't see any of our other members on yet. All right. We can now talk about the approval of the minutes from the last two meetings. We had a meeting back in March. We had a special meeting on April 8th. Have you gentlemen had a chance to look at the minutes for those meetings and perhaps a motion would be an order.
- Looks like Noel just joined in. Mr. Chairman?
- Yep, I see Noel. Hello, Noel. We're at the point where we're approving the minutes from the last two meetings
- I'll make a motion to approve the minutes from the last two meetings, the special meeting and our regular one from March.

- I'll second.

- Okay, we have a motion made and seconded to approve the minutes from the last two meetings, March 15th and April 8th.

- [All] Aye.

- Opposed? Okay, at this point, without Tommy Everman being online, Mr. Hoy is voting tonight. If Tommy appears, Tom you're certainly welcome to offer comments, but the voting then will revert to the five that are the members.

- Understood.

- Good. Okay, at point we need a motion to open the floor.

- I'll make a motion to open the floor, Mr. Chairman.

- Very good. Do I have a second?

- I'll second.

- Second.

- Even though Noel seconded it, but he was muted.

- Way to look out for each other. All right, we have a motion made and seconded to open the floor for discussion. All in favor?

- [All] Aye.

- Opposed? All right, we're ready to go. Paul, anything you want to talk to us about first? Otherwise you can proceed with teeing us up for the first item.

- Sure. Thank you, Mr. Chair. I'll start with number one right away. Let me bring up some graphics to show you. This property is located at 1302 East Mason Street. And that's the southeast corner of East Mason and North Irwin Avenue. The site's comprised of three parcels. They're currently vacant. They're zoned General Commercial. And the proposal is to put a Scooter's drive-through restaurant or coffee shop on this particular property. This is a proposed site plan showing the location of the Scooter's. Again, East Mason Street and Irwin. A drive-through kiosk, basically, it doesn't have any indoor seating, but it's strictly for drive-through coffee. So all the access would be coming off of Irwin Avenue. If they drive around the structure and then pick up on the west side of the structure. The issue with this request is it doesn't meet our FAR, our floor area ratio and that's the ratio or the relationship between the size of the building and the lot. The building's proposed at about 600 square feet or so. The lot itself is about maybe 4/10 of an acre or so. I think it's about 16,000 square feet or something to that effect. So the minimum floor area ratio for this zoning district is 0.1, 0.1 The proposal here would be at 0.04, so they're well under that requirement. And that's the reason for the variance request.

- All right. Who's speaking for the applicant tonight?

- Jon LeRoy from Mau and Associates.

- All right, Mr. LeRoy, why don't you explain the case?

- Good evening. Thank you for your time. So, as Paul pointed out, ahead and develop a Scooter's coffee shop here on the corner of Irwin and Mason. Currently it's three lots, three smaller lots. DMG Holdings owns the land and is looking at it as one parcel. So the parcel themselves would need to go ahead and to be combined into one. With that said, with the property, that leads us to where, with the larger parcel, we have 0.04 for an FAR. When trying to go ahead and see, could you see one lot work here, these smaller lots, and still have driveways and things of that sorts that would work out? It just does not with how Mason Street is and traffic on Mason Street, for safety, to go ahead and get cars in and out and still allow for an easement to the barber shop which is next door. When consulting with the city, the feedback was to go ahead and have the one entry onto Irwin, rather than onto Mason, to go ahead and have traffic ingress and egress out to a single control intersection over at the stoplights that is there. With that you have a loop around for the store. With that it also gives some more safety precautions here with this site itself to where you'd notice some cars that are placed in the queue here for the . All in all, when things are extraordinary busy, you could have 14 cars in the queue in the drive-through and not have any out onto Irwin. So we're taking advantage of using the entire site itself for the . Additionally, as far as Scooter's and their business model, the 620 square feet for the building itself is the largest they have for their businesses. So they're putting the largest business on here and we're still using this entire site to go ahead and get traffic in and out. It's about this property and the property next door and trying to do it safely without having people going and utilizing East Mason Street, since folks are going 40 miles per hour and it's right near an intersection.

- Very good. Is there anyone else that wishes to speak for or against this item? I'll note for the record that Mr. Everman has joined us. Tom, we're certainly interested in your comments, but we have our five regular voting members present tonight. I did not hear anybody else saying that they wish to speak for or against. I guess I have a question. If you made a, if you just doubled the size, a little over doubled the size of your building, it would still fit.

- Correct, the building would fit on the property itself, but there's no interior, actual service to have, as a typical restaurant, say, inside. All the service is based off of, for folks getting in and out. So it's not part of the business model to have any interior seating for the property.

- Okay. Yeah. So essentially you're, the way it looks to me, is that you could build a building that qualifies FAR with the plan that you've showed us, but perhaps over half of the building would be worthless to you or unnecessary and a needless expense.

- Correct, yes.

- The alternative is--

- How about if you, oh, sorry.

- No, go ahead, Greg. I was just gonna turn it over to the rest of the group.

- Okay. If you built more of that building, would that impede the drive, let's say build a larger building, and 'cause your business is based upon traffic through drive-through, would that impede that model in terms of not being effective from a business standpoint for the drive-through customers, does that make sense?

- Right, I hear you on that. As a consultant, as far as engineering and planning, we'd defer to Brody Stitz. He's the general manager for the first Scooter's. Himself for any insight on that.

- Okay. He's here?

- Brody is here.

- Can you guys hear me okay? Okay, perfect. Yeah, so the model itself, it's about a 600 square foot drive-through coffee kiosk on its own. So, on doubling the building in size is not within the model of Scooter's, as we would franchise it. The kiosks are designed to accommodate the full service needed for the cars coming through. Giving it a little bit of a smaller building gives us that larger car stack as well. So again, like what we have mentioned before, it's about a 14 car stack that's lined up there for the kiosk itself. And again, the kiosk itself too, it's built a little taller than a normal building and that allows us to have storage higher up. So I guess that's why the kiosk itself is the size of that roughly 600 square foot.

- Okay. Thank you.

- Any other questions, gentlemen?

- Just curious, in terms of the configuration, will there be the ability of folks to walk up and get coffee?

- Right. So the way it's configured right now is, this would be a drive only usage right here. We do have a sidewalk that goes out on the eastern part of the building, lined up to go to East Mason. That's meant and intended for the employees of Scooter's coffee. Right now the intention is just to have this go ahead and be drive-thorough only.

- Any other questions for the applicants?

- Don, just a comment. Just because I came late and I know Tom was probably here on time and I apologize to everybody for being late. I was in the middle of an employee conversation. I would not feel comfortable, because I'm way caught up, but I think Tom probably, is it possible for him to vote on this one, and then I'd be involved in the other ones, since I was late, is that possible?

- Yes. You can recuse herself at any time for any reason.

- I'll recuse. I feel bad. And I apologize again, just for being late. Tom, if you don't mind stepping in, because I don't want to slow everybody down for me to get caught back up.

- No worries.

- Fair enough. I don't hear any more discussion or questions, gentlemen. So if we think we have reached a decision, I'm interested in a motion.

- I'd like to make a motion to approve the request. The basis for it is that given the business model and, it's not being an indoor dining type of restaurant. It's more for the drive-through and vehicle traffic. And I think they, utilizing that lot, in coordination with their business practice, which is mainly drive-through types of business, and to do that, they need a smaller building. And so I think that given the type of business, they're utilizing the lot the best they can to accomplish that. And I think that's the hardship, given the fact that they need to have more space for the vehicle traffic. So that's my motion. I motion to approve the requested variance.

- I'll second the motion. I agree with Greg.

- Yeah, I think you guys have raised the perfect point. I'm not sure that there's any reason to feel that this business shouldn't be put in this corner. It seems legitimate and it seems reasonable. And I guess that's why we're here, is to provide variances for situations like this. Before we get to the vote, I don't want to skip Paul, in case there's something he may think we are missing.

- No, nothing that you're missing. But I failed to mention before that this item was before the Plan Commission recently. Because it's a drive-through facility they had to apply for a conditional use permit, and that's moving

on to the council tomorrow. One of the conditions of approval was that they come to the board and obtain this variance to continue the process.

- Okay, before we vote, does anybody want to say anything? Otherwise--

- I just--

- Go ahead, go ahead, Noel.

- This location, although there's a busy street running next to it, you've got a lot of neighborhood adjacent to it. And I think there's gonna be a number of frustrated walkers who are gonna want to stop by for a coffee. And although that could add a little bit of square feet by having a counter to serve the pedestrian and make it a little. I don't care for the fact that it isn't welcoming to that. And I think that adding a little bit of square footage to get closer to the floor area ratio in order to add a walk-up counter would be a good addition to the project. But, I understand there's a motion on the floor. I'm probably in the minority on this, but I may vote no on the motion.

- Paul, is that an issue that the conditional use permit would address?

- There is a proposed walkway, but not a walkup window per se. So there's an ability for access to get to the building, but not necessarily for the pickup.

- All right. Yeah, Noel, I see your point. I just think that that's maybe a question that can be raised outside of the issue of the variance. But you've brought a fair point. All right. We have an issue before us that has had a motion in a second, so I'll call for a vote. All in favor of the motion before us say aye?

- [All] Aye.

- I see three, Greg's four, four to one. All opposed? You oppose, Noel?

- Nay.

- Okay, Noel's opposed. So it's four to one. You did get your variance. Thank you, gentlemen. Next up, Paul, you want to introduce the Evans Drive property?

- Sure I will, just hang on a sec. Okay. Sorry about that. So the property's at 1959 Evans Drive. Here we go. It's a corner lot. West side of Green Bay. Zoned Low Density Residential. A corner lot, fairly tight lot here. The proposal is to put in a hot tub. Here's an image from the street, from the applicant, showing the single family home. This is the corner where the hot tub would be placed. Regarding pools, ponds, and spas, which are regulated in the Zoning Code, there's a minimum 10 foot setback from both the side and rear yard. So, in this case, the place where the hot tub is is in violation of those setback dimensions to the rear and side yard.

- Okay, so is it, is there two variances needed for each side yard, Paul? Side and side?

- No, I think it's one request. One motion could be made for it, yes.

- Okay. Is the applicant on board tonight?

- I am.

- Mr. Kieler, would you care to tell us?

- Sure, thank you for the time. Fairly straightforward. Being a side lot, my positions for a hot tub are fairly limited, assuming that I don't want to have it easily visible from the street, just for privacy and curb appeal type reasons. One side of my house has got a gradient to it. So really the spotlight out on the diagram is really the ideal spot to kinda hit on all the checkboxes as far as a nice relaxing place to have a hot tub, as well as private and in consideration of the neighbors and that kind of stuff. I have spoken with all of my neighbors. No one's got any concerns. We've got a good relationship between everyone around me. And I'm confident there isn't any opposition to it.

- On the picture that looks like there's some pieces of wood placed down. Was that from something that was there previously?

- No, that was my kind of roughing in of where it would be, just to get a visual idea of size wise, for how big the hot tub is.

- Okay. Is there a reason why you're not, let's say six feet from the edge too?

- So if we would move the hot tub towards the house, you can see the corner of the house in the picture. There is a requirement that the hot tub be six feet from where the electrical panel is. And that's where the electrician thought the panel would go, is on that corner of the house. So if we move it further away from that north lot line then it gets closer to the house and closer to the electric panel, which isn't, no matter where I move it, I've been in violation of some sort of ordinance. So, also, if I would move it like right up to where the house is, there's windows, along that is a finished basement. So then it would be obstructing windows.

- Okay. It just looks to me that the way it's been put out there that if you moved it forward enough to, let's say even six feet, you'd have enough room. I guess, it's just me perhaps, but I'm a little concerned about the closeness to your north property line.

- Yep, yeah, and yeah, I'm not sure where there's a bigger concern, being close to electrical or close to a lot line. The neighbor, so the nice part about this lot is all of our backyards back up to each other. So that corner there is in the backyard of both my neighbors. So it's not like I'm, by being on the lot line, I'm not right up against their house. It's an unfinished part of their lot as well.

- Okay. I've talked enough. I'll turn it over to the gentleman that accompany me on this. Greg, Tommy, Noel, Jim?

- I have a question for Paul, I'll jump right in. Paul, for me to understand the ordinance, the 10 feet by 10 feet, that's what I'm understanding. And is that a safety thing? Or is it just keeping a distance for neighbors? Why is the code written that way?

- I don't know if there's a real solid answer. I think maybe it's more arbitrary. But I think there's, it's a consideration for an appropriate distance just for maybe safety reasons and just the intensity of the use, so to speak. But that's been a requirement in the ordinance for quite a while.

- So by granting the variance, we're not encouraging any safety issues and stuff like that?

- Well, I think ultimately the responsibility falls to the property owner. The property is fenced currently. I'm not sure about the hot tub type, but many hot tubs have a locking cover or permanent cover on top. So, those would be appropriate, in compliance here. I think it's just strictly the issue of the setback.

- Okay. Thank you.

- What are the actual setbacks as proposed? It wasn't clear to me in the drawings. I couldn't see it.

- Yeah, let me bring it up again. Yeah, so here's the hot tub in blue. Three foot to the north and then six feet to the east and approximately seven, eight feet to the home itself.

- Okay. How come I can't see that? Okay. So three foot and six foot are the offsets. Okay.

- Yes.

- And from a design standpoint, setbacks notwithstanding, it seems to be the best location for it.

- Yeah. I agree. That corner is the place. It's the only place to put it.

- If I could jump in, one other thought I had on considering why they would want the set back is like privacy and noise type things. I am hoping to put some sort of pergola or kind of shelter around the hot tub, just to kind of take away some of that. So that way, if there is any lights or whatever or noise from the hot tub, jets or that kind of thing, it'll hopefully be dampened a little bit more.

- What's the thing on the drawing that says grade and it's got the arrow.

- Yeah, the house sits on a gradient. So that whole side yard there, while it would, if I moved to that direction it would get me further away from my east neighbor. But then I'd be on a pretty steep slope, which would add some hurdles for installation.

- Okay. All right.

- Any other questions for the applicant? If not, perhaps a motion would be an order.

- I'll make a motion to approve the requested variance, given the dimensions of this lot, being on the side, being the corner lot, and really just looking at this map of his explanations, with where he put it, and the difficulty with all the ordinances and so forth. I don't see a real other viable place to put this hot tub. And the fence is another thing that, for safety concerns in this area. He's got some, he brought up other ways that he can deal with the safety issues. His neighbors are not opposed. So, I think we should grant the variance, so I'd make a motion to approve.

- Second.

- Was that a second, Noel?

- Yeah.

- Okay. Yeah, I agree. With the fence there, I think the issue of interfering with somebody in the neighboring yard is mitigated. And moving at three or four feet one way or another isn't going to affect noise. So I don't have any objection to this either. So all righty, without further ado, we have a motion made and seconded to approve the variance before us for this piece of property. All in favor?

- Aye.

- Aye.

- Aye. Tommy? All right, we have five-zero. Two of whom are silent people.

- I thought I was unmuted, sorry.

- Very good.

- I'm rusty.
- Okay. Mr. Kieler, you've got your variance. Thank you.
- Thank you very much, everyone.
- Yep.
- Mr. Chair, I'd like to note to the applicant, that permits will be required. You should follow up with our Inspection Department. And also, I'm not sure if there's utility easements that are on that north and south line that he'll have to verify. So our staff will have to work with the applicant.
- Sounds good. I'll make sure I follow up with them. Thank you.
- All right. Next, we have the property on Clay Street. You want to explain this one to us, Paul?
- Sure. Will do. The property is located at 1043 South Clay Street. The northeast corner of South Clay and Emilie. There we go. Zoned Low Density Residential. Single family use. House is right up here on the corner. There is a detached garage back here that's existing. And this is from the applications, again looking, now we're looking east. Here is Emilie and South Clay. The house, and then here's the existing garage. It's apparently about a foot and a half off the north property line here, about 12 feet off the east property line. The proposal is to go, I think to put it back in pretty much the same place, maybe a smaller side yard here on the north side, but maintaining that northerly setback. In this case, there should be four foot setbacks for a detached garage, but I believe on the north side they want to maintain that foot and a half setback that the existing garage has.
- [Man With Applicant] When you get to say something, you're asking for two and a half feet.
- Yeah. Mr. Borski, why don't you chime in? You're next to speak.
- Okay, thank you. Thanks for your time, everybody. So the variance, I believe, is four feet on the north side, if you're 60 feet or a larger lot. And if you're under 60 feet, it's two and a half feet. So we're right on that 60. So I was hoping to have the variance of the two and a half feet from the north side, not the 1.2. So I wanna, I will move it over. I would move it over, just on that variance side. The four feet is a little bit excessive 'cause I have a very small backyard and it would make the second stall really hard to get in and out of. I take a lot of pride in my lawn, too, and my yard and landscaping and as much green space as I can have the better, 'cause, I know the neighbors always like to compliment on the yard and I like to try to make things look nicer. So just to be clear, the existing setback is maybe a foot or a little more? You're actually proposing then to move the garage a little bit further away from that property line. Is that correct?
- Two and a half feet from the property line.
- Okay. And the four in the back is the required setback.
- Correct.
- So really you're asking for a foot and a half on a side for which you're already moving it a foot?
- Correct.
- All right. I'm clear. Anybody else have any questions?

- Seems like a pretty standard deal for garages in these old neighborhoods. You don't have a lot of room to work with.

- Yeah, I agree. I suspect we may be--

- I agree. We see these pretty frequently.

- We may be in a lot of agreement on this one. I think there's ample reason to grant the variance.

- Yeah. I motion to approve.

- Second.

- Okay, the motion has been made and seconded to approve the variance as presented to us for the Clay Street property. All in favor?

- [All] Aye.

- Opposed. Okay, Mr. Borski, you have your variance.

- Thank you very much. Appreciate it.

- You're welcome. Finally, we have a sign issue. You want to tee us up on this one, Paul?

- Sure. Will do. Thank you, Mr. Chair. Let me just bring up the graphic here. So the title heading is at, we have it as 310 North Adams. I think I transposed the numbers. It's actually 301 North Adams. And just for clarification, that's the actual address. This is for Spring Lake Church. This is a portion of the Old Bay Lake Bank Building here. North Adams, Northland, Cherry Street here. The proposal is to add, I believe, two signs that have message centers on them, or digital message centers. And I'll have to have the applicant clarify that, but it appears that there's two on the same wall, which may require an additional consideration by the board for a variance for the number of signs on a wall, but we can discuss that further. But the variance is for the relationship between the static message here and the digital sign. Typically the code requires that static messages be larger than the digital message. So up to 96 square feet, the maximum digital or changeable copy that you can have is up to 32 square feet. So, in this case, the static message is smaller than the digital sign. So they're asking for a variance to increase that above the requirements in the ordinance.

- That's interesting. So we've got an ordinance that says that the static message has to be a certain size. Can you explain what the rationale for that may have been, Paul?

- Well, this is an older requirement, probably going back to the eighties or nineties, where actually it was more manual copy change. And then, obviously in the nineties and two thousands, it became more digital. But we interpret them the same. And I think the idea is that the ordinance doesn't or the committee doesn't want that changeable copy to be the dominant version of the signage.

- Okay. Okay. Who wishes to speak for the applicant? I think you're on mute, sir.

- There we go.

- There we go.

- Okay. I got it. Okay. The original thought was just to put two message centers. They do come enclosed in a cabinet themselves, four foot by six foot wide. And it was to promote things going on, obviously with the church, the downtown happenings that go on every once in a while, like Art Street, that type of thing. But

there's no need for that big static cabinet. All we ended up doing was putting that four by six message center within that kind of ID panel on the top. As an example, on page one of the art there, it does say Spring Lake Church, and there is another sign on top of the building. There is another sign that does say Spring Lake Church. That would be facing Cherry Street. Then there is another sign that would be on the Adams Street. We have a new facility in there. It's gonna be called the Spring Lake Community Center, focusing on things for the general public to come in, enjoy what we have going on with the church. And it's to promote that aspect of it. To be honest with ya, going with that larger static sign, there is just no need for it, because it's, both signs will be relegated to Spring Lake Church. And that's all we wanted to do was, promote things going on within the church, within the downtown community, so on and so forth.

- Okay. Now, you mentioned three signs. Are they on three walls or is two of them on the same wall?

- Well, there's two of them on the wall facing Cherry Street, on the south side of the building. There is, up on top, there's a big one. It's a narrow ribbon that says Spring Lake Church. And then this would be the second one on that side of the wall. And then there's only the one on the Adams Street side.

- All right. Okay. I guess I don't have any questions of the applicant. I'll pass it over to my colleagues here. Questions, gentlemen?

- I'm curious, if they took the Spring Lake Church portion off, would there be a need for a variance? So if they just had a digital sign?

- That would not be permitted under the ordinance. They have to be in tandem together. So it's really--

- I'm just trying to, so is it like--

- Yeah, it's really--

- Go ahead.

- It's really the static message that comes first. That's the principal sign. Then you can add a changeable copy, but it has to be within one foot of the static message. So they have to be grouped together. They can't be freestanding. That's at least the way the ordinance is written.

- Seems like, some of the feedback we're getting is may be, flagging the ordinance to, may be needed to be evaluated. This seems maybe one of those ones, it doesn't, like maybe we should look at it.

- Signs are tough. Signs are tough.

- No, I think that's a possibility. Our staff has talked in the past about updating the Sign Code. It a rather large beast to tackle and we just haven't got there yet.

- Got it.

- But, again, I think some of these requirements are slightly outdated, not to say they're not in effect, but they may be changed in the future.

- I'm trying to picture what would work. So like the intention behind it, is it like, like a movie theater where you have the movie theater sign and then the subtext is what's playing at the movie theater. Is that kind of the idea of behind the Sign ordinance?

- Are you talking to me? Or Paul?

- No, Paul.

- I want to understand the ordinance.

- It's simply difficult to tell. Yeah, it's difficult for me to say because of when the ordinance was written, but I think the idea is that the static message was a more aesthetically pleasing or desired, I guess, so to speak. But technology has changed, right. And I think there's more of a demand for these types of digital or EMCs. So that's something we have to take under consideration, when we consider revising the Sign Code.

- Okay. That was literally my only question.

- Okay. As I've said before, guys, signs are tough. It's a difficult ordinance to write, and I suspect as soon as you wrote one it would be superseded by some new technology. Any other discussions?

- I have a question with regard to the dynamic part of the sign. What's the anticipated use of that? Is it more moving scenario things? Or is it just printed text?

- Probably more so just printed materials, graphics. No movies of any kind. I know the city does not allow that anyway. So it would be just graphics, events, that type of thing. And if there's a concern, I know the Hotel Northland is right across the street from the Adams Street side. We can have that sign go off, say nine, 10 o'clock at night. Those can be automatically set to go off, to be turned off.

- Yeah, that would be the only side that would seem to affect--

- Residents or people sleeping, yeah.

- Exactly, yeah.

- Yeah.

- That would be a reasonable qualification to the variance should we grant one.

- Mm hm.

- What do you think guys? If we're in violent agreement, a motion.

- I'll make a motion to approve the requested variance with the condition that the one facing the Northland, I don't know, at nine o'clock, be turned off.

- That'd be fine.

- I'll second.

- Okay.

- Okay, Greg made the motion. Tommy gets credit for seconding. We have a motion made before us. Any for further discussion before we vote? Otherwise let's do it. All in favor?

- [All] Aye.

- Any opposed. Then I detect five-zero. You have your variance, sir. Thank you.

- Thank you very much.

- You're welcome.
- Have a good night.
- You too. We need a motion to close the floor, gentlemen
- I make a motion to close the floor.
- Second.
- All in favor?
- [All] Aye.
- Okay, the floor is closed. Paul, you want to fill us in on the informational.
- We just have provided the quarterly report for your information. There's nothing else further that we have to pass along as far as an informational item
- I noticed you are providing us with a new report. Maybe I am either forgetting or never saw it before, but could you explain how that fits in with what doing now?
- Yeah, I think we had a discussion last year about tracking some of these requests that come before the board. It kind of consolidates it and you get a kind of a more, of an overview of the requests and their timing. So I think, to Tommy's point at that time, is seeing trends of requests you continually see and maybe reporting out to the Plan Commission or the Council that look, maybe you should consider modifying or changing the ordinance. So I think it's just, kind of a look back and just some guidance on where you've been and where we're going, I guess.
- Okay. I thought it was good. And I thought the format was fine. Tommy, you were the one who was looking into this originally at the most.
- Yeah, it's great. I think this is gonna help long-term. I think the only thing, I would see if there's an option to add, again, I'm trying to think about this as a functional tool for aldermen, to get a good sense of like, "Hey, I can see Zone 7. "Oh, I see three this last quarter for my district. "What were they?" Without them having to do, they're very busy. They're all on a lot of committees and all that stuff. So is there a way to add a code or a piece or a tag that's like translates the code, like driveway or the overarching concept of what it is they're trying to do, like this last couple of ones, Sign issue. The one before it was garage setback. Or just garage. Something really really simple. Setback, garage. Anyways, something that they could really peruse through. I can be district seven, "Three for me, "setback, setback, setback. "Oh, they were all garage setbacks. "I need to talk to someone "about garage setbacks in my area." And I think that feedback loop creates some engagement by the alderman. And I think it also helps us identify areas within the city that maybe we need to go. Is there an exception we can make for that district or that area or neighborhood, or they can update the code? That's the hard part. Green Bay has got such a mishmash of different areas that were developed at different times. The whole city sometimes doesn't make sense because it won't fit within this one district. Aster is different than Norwood, which is different than the East side. So I think it's all just good relevant feedback for us. So this is great. Just that would be the one add, if we can. I have another administrative request. I know we all wanna get out of here, 'cause we had a long one the other day. But I'd be curious to get everybody's feedback. When looking through the packet for me, what I would love to see is, if possible, to have the agenda for tonight butt up against the actual packet of things. What happens I think is in the packet that you send, the agenda is the very first thing. And then it has minutes and I'm wondering, is it possible to have the minutes be first or have the agenda? So that way I can go back to the agenda and the packet. So it's reading like, "Okay, cool. "We've

gotten the minutes. "We've approved that. "All right, agenda for tonight." And just reversing that. I'm not sure if that's possible.

- I would think so, sure. I can talk to Jesse about doing that, sure.

- Does that make sense, guys, at all?

- Yeah.

- Yeah.

- It does.

- Okay.

- So you want it in chronological order, so to speak, right?

- Yeah, so when I open the packet I can review what happened last month. Great. I see that, perfect. Next thing is, and even instructions before that, instructions on how to log in, minutes, agenda for tonight, and then all the things on the agenda, and then that report.

- Okay. Let me work with Jesse on that and see what we can do.

- Thank you very much.

- You may want to put just a little cover letter on the front if people are trying to grab the packet or whatever you put online, that would indicate that, they may get confused by the minutes being, that'd be the only thought I'd have. Don't be disturbed, this is one of the first items on our agenda which follows these lists of minutes.

- For me, it makes sense when looking into the meeting, but just functionally, to be able to go through the thing and know what we're going over as we're using it. I think it's more beneficial. But I agree with you, function, like from an agenda, it makes more sense the way it is.

- Well, Jesse will have some good ideas. I'm sure Jesse and Paul can straighten that out.

- Cool.

- Attaching all of it to the meeting invitation and Zoom link would be awesome too.

- Paul, I have a question on that case we had last, the special one. So what happens if that ends up in circuit court? What's our involvement from there? Are we just basically done? Or can you explain that if a case gets to the circuit court? What's happening?

- Yeah, I'm not sure what's happening at this point. We haven't been contacted by anybody. As far as we're concerned, it's done. But I guess we'll wait and see if there's any court action or any court requests on our behalf that we'll have to involve the board. But I'm not aware of anything at this point.

- Has, in your experience, been other cases that have gone to court, Paul? And what was the involvement, if any, of the board members in that?

- Right.

- Yeah, I've been around a while and I've never seen one go to circuit court, so to speak. So I don't know what to anticipate at this point. If we get word, I'll talk to our Law Department, and we may have to bring Lindsay back to advise the board. But it's tough for me to speculate what your involvement will be at this point.

- And there could be some resolution before it even gets there, between the parties or something like that too, I would imagine, right?

- Right. I don't think court's the only route. There could be some settlement. Or there could be some claim against the city. So I don't know if there's gonna be legal action necessarily.

- Sure.

- Yeah. I've been on for 14 years. I have not, I do not recall anything ever going.

- I drove past the property and it's, was status quo. They haven't done anything with respect to moving it.

- They did remove the trailer, offsite. The construction trailer.

- I had another quick thing. Just an informational piece. I had a conversation with the mayor after our last meeting, just kind of getting a feeling for everything. And one of the things that came out of what we were working on is working on the application. I love that three step testing. And when I look at an application, I immediately go there and see if they've built their case there. So I think that's good. But then the spreadsheet that we're working on, in terms of getting that feedback back to the alderman. But I think that next phase that we were talking about, is getting the alderman, I think, to understand a bit more of why or how we approach decisions that we did, given the state of the last one that we dealt with, and at the heartfelt pain that a lot of people are going through. There's a lot of feedback coming back that we're heartless or that we don't, right? But again, that's part of what we're, how we're supposed to proceed. And so I talked to him about that and maybe the alderman can go through some of that, so they can be a better, have a better understanding of why or what we're supposed to do. And there was a suggestion maybe made, and I'm just throwing this out there because it was just a dialogue, but having an informational item on the city council's agenda agenda, rather than having them go to a training. And that we either a couple of us go and say, "Hey, this is who we are." Or maybe having someone from like a, like they did our training at the Northland, present and then have maybe Don or someone else within us be there for questions with the city council. So it's not a three hour, four hour training, but maybe a 15, 20 minute overview, really quickly, to understand the board of appeals function within the city and why we make decisions the way we do

- It's a good point. We get new alderpeople all the time. They may not always understand or choose not to. I won't be at the next meeting, guys. So, Mr. Babcock will be the chair for the May meeting.

- Okay, Paul, load it up I guess, huh?

- I'll do my best.

- And I don't think there's any, is that one still virtual? Because I'll be in California at that time. So I can still log in in California and do it for virtual, correct?

- Yep.

- Okay, I'll be there, as of right now.

- Yeah, we've got no word that anything's gonna change in the near term. So status quo at this point.

- Cool.

- All right, guys. I think we're done.
- I'll make a motion to adjourn.
- Second.
- All in favor to adjourn?
- [All] Aye.
- I guess we're it. Thanks guys.