



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, MAY 15, 2023, 4:30 PM
City Hall, Room 604 - The Harry Maier Room.
Virtual attendance is also available via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. ROLL CALL.

I. Members: Tommy Everman - Chair, Noel Halvorsen - Vice Chair, Barb Dorff, Steven Schuchart, Corey Bogenschutz, Joshua Koch

Present: Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, joshua koch

Excused: Corey Bogenschutz

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the May 15, 2023, meeting of the Zoning & Planning Board of Appeals.

Moved by Noel Halvorsen, seconded by Barbara Dorff to approve the agenda. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the April 17, 2023, meeting of the Zoning & Planning Board of Appeals.

Moved by Joshua Koch, seconded by Barbara Dorff to approve the minutes. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

E. REGULAR BUSINESS.

1. Discussion with City Legal Staff regarding multiple variances within an individual appeal request.
Discussion with Legal.

2. (Appeal 23-11) Consideration with possible action on the variance request submitted by Maureen P Trafford-Braun and Dan Braun, property owners and applicants, to create a wider parking stall within the front yard setback at 2626 He-Nis-Ra Lane (Ald. J. Brunette, District 12).

Chair Tommy Everman affirmed the Board of Appeals Board Members.

Chair Tommy Everman affirmed Jon Leroy. Dan Braun.

Speakers:

Jon Leroy

Dan Braun

Lindsay Mather

Moved by Barbara Dorff, seconded by Steven Schuchart to deny the variance for the parking stall within the front yard setback. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

Moved by Josh Koch, seconded by Noel Halvorsen to deny the request for the driveway taper. Motion Failed.

Yes- Josh Koch, Tommy Everman, No- Barbara Dorff, Steven Schuchart and Noel Halvorsen, Abstain- None.

Moved by Barbara Dorff, seconded by Steven Schuchart to approve extending a triangular taper starting at the front of the walk and ending 5 feet past right of way within legal limits for driveway expansion of a parking stall leading to a garage stall. Motion Passed.

Yes- Noel Halvorsen, Steven Schuchart, Barbara Dorff, No- Tommy Everman, Joshua Koch, Abstain- None.

3. (Appeal 23-13) Consideration with possible action on the variance request submitted by Colin Meise of Ruekert-Mielke, Inc., applicant; and Patrick Waeghe, property owner, to request exceeding maximum impervious surfacing coverage within the General Industrial(GI) district at 1124 N. Baird Street (Ald. S. Campbell, District 6).

Chair Tommy Everman affirmed the Board members.

Chair Tommy Everman affirmed Jon LeRoy, Patrick Waeghe, Sam Winterfield, Colin Meise.

Speakers:

Jon LeRoy

Patrick Waeghe

Sam Winterfield

Colin Meise

Moved by Joshua Koch, seconded by Noel Halvorsen to approve the variance requesting to exceed

maximum impervious surfacing coverage within the General Industrial(GI) district at 1124 N. Baird Street. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

4. (Appeal 23-14) Consideration with possible action on the variance request submitted by Juliane Kania, property owner and applicant, to create surface parking within the permitter parking lot landscaping setback at 333 S. Webster Avenue (Ald. B. Galvin, District 4).

Chair Tommy Everman affirmed the Board members.

Chair Tommy Everman affirmed Jon LeRoy, Juliane Kania.

Speakers:

Jon LeRoy

Juliane Kania

Moved by Steven Schuchart, seconded by Barbara Dorff to approve as requested. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

F. INFORMATIONAL.

I. Discussion regarding future options for Board of Appeals training.

Discussion between staff and legal regarding Board of Appeals training.

G. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Joshua Koch to adjourn. Motion Passed.

Yes- Tommy Everman, Noel Halvorsen, Steven Schuchart, Barbara Dorff, Joshua Koch, No- None, Abstain- None.

VERBATIM MINUTES

- [Man] Trying something new here. While I was catching up with Noel and trying to get myself, this was suggestion by Ms. Dorff, is to have me logged in as well on Zoom, since we kind of have a hybrid.

- But you can't plug in audio.

- Yeah, no audio. Just my face.

- Right, I did that too. Just so we can.

- Are you in too?

- I am.

- We are recording, whenever you're ready. Got it.

- Gimme 30 seconds. Okay, there we are. Steven can see me now. Hi, Steven.

- All right, let's go ahead and call this meeting of the Board of Appeals, May 15th to order. Welcome everyone. Thanks for being here. Appreciate it, team, everybody. Thanks for being here. How are you feeling?

- Good, ready.

- We're ready to go?

- Yep.

- All right. So we're gonna do, those that are joining us, so we're the zoning board of appeals. It's a quasi-judicial committee. We are not elected officials. We are appointed citizens. We work with the mayors team and they appoint us to this. Quasi-judicial means there's gonna be some formalities here, and legal. So they'll interrupt us and say, Hey guys, let's run this a bit different or whatever. And so we're citizens learning and trying to be great at what we do. So what we'll do is we'll, I'm gonna read some stuff here just because I like to wing it, they'd probably prefer for me to read it. So here we go. The zoning board planning board of appeals hears and acts on appeals for variances from the city zoning code requirements. The members of the board, I see, I went over on this, I should've just read it. The members of the board are appointed and the board acts as a quasi judicial body during these appeals, which means that appeals are presented like a case is presented in the court, and the board acts as the judge and determines whether to grant the appeal by majority vote. For each item, we will hear from the appellant and staff, and staff's over here, that's staff, and we do have a couple board members online as well. So you can see them over on the screen. That's Steven raising his hand. Do we have Corey online today or he is not with us today?

- Not yet.

- Not yet. So Steven is a board member and he waved, one more time, Steven. So, they're all voting members, so he'll ask some questions online. It's kind of a hybrid model. And we'll ask for additional witnesses if necessary at the appropriate time. But I'm the board chair, so I will, if there's too much debate happening, and I'll say, All right, stop. I gotta keep it, we all gotta go home anyway, right, at some point. So we'll be here all night. If you are the applicant or appellant for an item on tonight's agenda, we will ask you if you're in person to come sit up here and staff will take you through, kind of get our bearings down about what we're looking at. We'll ask questions and then we'll get to the testimony. We'll swear you in 'cause it is quasi-judicial so we'll ask that your testimony's true and then we'll, we'll dive in, present your case. Again, think about it like a court case. We've all watched courtroom dramas, right? So you're creating a case as to why you shouldn't have to follow the code when every other citizen does. What we're looking for is why is the place that you're doing that project, not you per se, but the land itself is not able to follow code and here are the reasons why. Does that make sense? We will also ask if there's conflicts. So some of us might have to recuse, which means they can't vote or discuss. At the end of the day, there's five of us voting today. So you just need a majority. So three votes and your application goes through and that's about it, right? Good. Good, good, good. So we're gonna do some housekeeping for about 15 minutes, hopefully it's not longer than that. And then we'll get into the items for tonight. Okay, thanks for being here. Thanks for being patient and we'll get through this. All right, so let's start. Roll call. Tommy Everman, chair here. Noel Halvorson, vice chair?

- Present.

- Barb Dorff.

- Here.

- Steven, I always get myself into trouble, Schuchart. Thank you. At this point, you that by now, huh? And then Josh Koch here every single week, every month.

- Koch.

- No problem. Sorry buddy, you're here. We don't have Corey as an alternate, but even if he was here, he would not be voting. So we've got a five person board. We're ready to go. Great. Approval of the agenda tonight, has everybody been able to see the agenda tonight?

- Move to approve.

- Thank you.

- Second.

- Thank you. So I have a motion to approve the agenda and seconded. Any discussion or adjustments that need to be made by staff or recommendations. If not, let's take a vote. All in favor of approving the agenda?

- [Group] Aye.

- All right, great. Agenda's approved. So minutes. Josh, if we want to get to the minutes yet.

- I'll make motion approve those minutes.

- There we go. Get a motion to approve and a second. All right. Any changes or adjustments to the minutes? All us in favor of approving the minutes from last month's meeting, say aye.

- [Group] Aye.

- We're good. We are through some of our housekeeping. We've got one agenda item here, which is a bit of overview from staff and some training opportunities for us, since we're always trying to get better here. So let's go on to regular business. Number one, discussion with city legal staff regarding multiple variances within an individual appeal request. Peggy?

- Good afternoon everybody, good evening at this point. So just a few quick things to go over. We're not doing a substantive training this week or this month, rather. As you may notice in the agenda a little bit further on, we have some space for a more robust discussion of what the board would like to see in terms of training. So we're gonna save that until the end. One thing we did want to discuss before we jumped into the discussion of the actual items on tonight's agenda is something that came up during the last meeting as far as if there is an application for, from one property owner that

requires multiple variances in order to accomplish whatever they're seeking to achieve. So for example, in the past we've had some parking lots that have had 1, 2, 3, 4 sometimes variances to several different parts of the code in order to, they need that many variances in order to complete the project as as they wish to do it. And because it's one project, we have the one hearing and the board has discussed all of the variances as kind of one lump discussion. One of the things that we wanna make sure is clear is that each variance is a deviation from the code and therefore there needs to be justification under the elements set out for granting a variance for each one of those deviations from the code. So for example, if we have a project that needs two variances, the board needs to go through and say, okay, first variance is this setback requirement, we're gonna deviate from that. Here are the elements here's the reasons why for each of the elements. And if that gets granted, go on to the second element then, or the second variance request and go through the elements for that item as well. Now, because these are all within the discussion of the same project, it is likely that there will be significant overlap for some of the elements. So for example, if the preservation of property rights and hardship elements are exactly the same for both variances, when you get to variance number two, you can say, okay, those two elements are the same. Let's, so for the reasons stated for the first variance, those two elements are met. Now we're gonna talk about these other three. So you don't have to go through and repeat yourselves excessively, but we do wanna make sure that we're hitting all of the elements for each code deviation to make sure that there's been sufficient justification provided each time there's a variance from the code. Any questions? Does that make sense? I think one thing that we, oh, sorry, I can't see.

- Oh, just a super quick question. So let's say there's two, let's say there's two code variance and they're dependent on each other. If we turn one down, do we still have to vote on the others or?

- Right, if they're dependent on one other, then that'd be a no. It'd be just done at that point.

- Okay, thank you. That's all I had.

- Sure thing. And one thing we talked with Jon about was trying to list them as like sub items. So for example, today if the first appeal had needed three variances, it would've been like 2A is for this variance, 2B is for this variance, 2C is for this variance. So it's very clear to the board what the three variances are, just so that it's all kind of spelled out. And while we're hovering around the subject of the agenda, I do just wanna remind the board as we go through each of the deliberations on each hearing, we have added the closed session language to each variance request, meaning that if there is anything, that if the board wants to deliberate in closed session, if you have questions for legal counsel that need to be discussed off the record, you can move to go into closed session and have those conversations there and then come back onto the record after the discussion is complete.

- Cool. To clarify, so we can speak through the reasons in our discussion. Hey, I think this variance fits within these five, I think this variance fits within these three, it still fits because I think differently it fits within these two. That's the discussion. And then we're voting to approve the application, or are we voting for each variance?

- There'd have to be a vote on each variance.

- Vote on each variance. Okay, great. Everybody got that? So we got a couple new processes, but also some tools. And I think for me, the closed session thing is just an important thing to note for us. If we want to have discussion where it's not in front of the public, maybe we're confused on

something, if that's a concern for us, whatever, we can motion to do that and then we can engage in a deeper discussion without it having always being on the record for everybody to see. So that's all, just pointing that out. I think it's a good option. Great, cool. Any other questions? Good, feel good? So good to see faces in here. Steven, we're gonna get you in here buddy.

- I was going to come but I had an automobile breakdown. So we've only got one car right now, so I didn't wanna strand my wife at home. So next time.

- Nope, nope, I love it. It's good to see y'all. Okay, let's get into it here. So we are gonna get into the next item on the agenda, which is gonna be someone from this group or someone online. But we're gonna get to number two, appeal 2311 consideration with possible action on the variance request submitted by Maureen P. Trapper Braun, note, I'm really horrible with last names and it's just a comedy of errors over here, so just forgive me. And Dan Braun, property owners and applicants to create a wider parking stall within the front yard setback at 2626--

- He-Nis-Ra.

- Thank you, Lane, He-Nis-Ra Lane in District 12. Who is here for that?

- Yes sir.

- If you want to come up and grab a seat up here, we're gonna go through some, again, some housekeeping stuff. We'll swear in Jon. We're gonna also ask about conflicts and then we'll have, once we're ready, we'll start taking your testimony. Okay, thanks for being here. Great, so before we get started, it's the goal of the board of appeals to provide and conduct hearing that is fair in form, appearance and substance. To ensure that this hearing satisfies these goals, each member of the board of appeals, please confirm the following for this appeal by stating, I confirm. One, I do not have a conflict of interest in this matter.

- [Group] I confirm.

- Great. Number two, I have not received any communication from any person or party about this matter.

- [Group] I confirm.

- Great, we're good to go. Okay, Jon, let's go ahead and jump you in here. Do you swear and affirm that the testimony you're about to give will be the truth?

- I do.

- All right, great. Let's jump into this one. Take us through it. Okay, so what looking at here would be two items here that we just talked about of the zoning code. These are independent items, they're not necessarily to have, one could be voted for or against, does not matter which one. So the first code in play is section 44-1746, Driveway shall lead from the public right of way directly to a garage door opening plus 24 inches on either side of set door or to a legal parking stall. Our second one is triangle tapers, section 44-1746C where the width of the driveway at the garage, the driveway shall be tapered between the garage or edge, the legal and governed parking space and the property line

starting a minimum of five feet from the parcel. So we'll get into it right here as far as what's happening. This is the parcel right here at 2626. They're looking to go ahead and add on parking space here on the eastern part of the property. This is the existing street view of the property. You'll note that as a two stall garage. There is a third legal nonconforming stall on the western part of the property line. The request that was made by the applicants, as noted, two different parts to it. One, they're asking for approximately four and a half feet past the garage door opening. The code states two feet. And they're asking for the triangle taper to start at the front of walk rather than at the back of walk. The back of walk is your property line and that's where in the code, the note of that, the taper must start a minimum of five feet from the parcel itself. So you need to go ahead and create a parcel within the code past this line and up towards the property. This is another overhead view provided by the applicants showing what they would like to go ahead and do. This green line that would be the property line and then the rest of the property with its stalls. To note, this is what is asked by the applicants here in one and two. This is what is applicable within the code itself. So let's go ahead and go back to starting with our request. You can go two feet past the garage door. They're asking for four and a half feet past the garage door. And then over here, so this is a sidewalk take. There's no sidewalk actually on the property, but the back of the lot is typically where your property line's located at, and that is where your triangle tap starts at and then must go five feet past that line and then begin its extension up towards the house itself of the parking stall. They're asking for that to go ahead and start back over at the front walk and then go ahead and bring the paper back up towards the house. I will note we have seen the front yard parking stalls in the past as far as questions go. Those have been related to single stall garages that are attached. With that in mind too, in that code you're allowed to have front yard parking stall past the driveway for single cell garages, but it cannot block the main entrance of a house. The main entrance of the house is right here past the garage door opening. That had to do the code itself. So that'll lead to our two questions in handwriting. All right, board, so that's the overview. Let's dive into any questions so we can get ourselves situated with Jon before we hear testimony. Barb, go ahead.

- Jon, on that diagram, where is the front door? Because it, to me, it looks like it would be in front of the front door.

- Right, so on on this diagram it would be past the actual scene right here. This would be approximately where the door is latched. This ledge between the garage door and the front porch is about two feet. And we can go ahead and give a bit more information on that to what would be exactly, but looking back under here, the garage door itself would start then in this black area and then this brick area would be approximately two feet, a bit more than that, but about two feet or so.

- So the two feet that's allowed by code does not impact the front door? To me, it is appearing that if it goes , it would land in front of the front door.

- Correct.

- Okay.

- Yeah.

- Thank you.

- Any other questions? I have one, but I'll go through the board first. Anybody have any other

questions?

- I just have one more.

- Okay, Barb, go ahead.

- For the triangle paper, if it's going to be put in there, how does that impact a future sidewalk going in or would it impact if there, if say, sidewalks were ever ordered into that area?

- So normally the point of the taper itself is to go ahead and have it be, if you have a normal sidewalk would be going through this area, you would notice it's, you kind of see the front lot -- And this right here is non-conforming, but this would not be legal either. We'd have to go ahead and start as an hourglass shape up back towards the proper line or the back of the walk itself. It's to go ahead and lead, to allow folks to go ahead and have a larger driveway itself. We have our maximums, or sorry, standards as far as 25 feet as the property line typically. But you can go ahead and make that go expand out further if you're leading to legal parking stalls, garages, drives around the house itself.

- So which makes that against the , the triangle?

- Why is it right there?

- Yeah.

- The code itself as far as making that to where that would be, because typically your driveway opening could be 25 feet at the property line itself. So the property line is this line right here, and that would make it wider than, essentially than what would typically allowed because you'd be starting beyond the property line into the public right of way at that point. So you start your widening at your property line, not over at the public area, which is the side one.

- But on the other side it is started,

- On the other--

- Yes.

- That is a legal nonconforming area on that side, guys. I'm sorry, you're saying that's a legal non-conforming.

- Correct, it's legal. So it was--

- But it was improved at some point in some previous action--

- Prior to when we had this rule.

- Yes, correct, yeah, yeah.

- Or not necessarily.

- Before the code went to effect, we normally look back to 2006. If it happened before 2006, it's okay if it was there. We don't have any records of showing this right now to go ahead and say this was an improved plan. Don't have it on file. We are having some of our records scanned right now. It very well could be in the files, but it's in the process.
- So I was questioning you. I could be on that side--
- Yes, that side is legal but it's not conforming on that side.
- Got it, thank you.
- To dig in to make sure I'm extremely clear, we are not to think or talk or discuss anything on that left side. Nothing we're talking about tonight has anything to do with that, so left side.
- Yeah, we're not just, that side is legal.
- Yep. It's okay--
- But legal meaning there's no issue there, but technically per the code, is nonconforming. You would not be allowed to go ahead and do this by rights, but because they're doing additions onto that, like sometimes parking lots are nonconforming, but then they, because they do something, yes, they have to conform. In this case, that is not the case, that's not the case.
- Yes.
- Got it. The other question I have is, can you go back to the property, the hand drawn overview?
- Yeah.
- Thank you. So if you can remember the green property line on the actual like satellite image, the triangle taper is going beyond the property line, the request?
- Yes.
- Yeah. Does that, I mean it's not their property, right? so like is that something that is a variance we can approve? It's in our zoning code that they can go into the city's right of way. It's in our code itself to that, you can go ahead and debate that here, whether that is allowed, this goes back to from before, it wouldn't, if it was brand new, it would not be allowed go ahead and happen. But if the arch was proven, I think what I'm trying to figure out, and maybe I'm asking the wrong question, is the, the property line exists that, and so anything beyond that green line up is the applicant's property below that line is not, it's not. Here's where, let's say for instance there was a legal parking stall right there in this area. That concrete exists right there in that spot in the public right of way in that area. You could do that. The issue is this request is asking to go ahead and make it a legal parking stall beyond it. So at that point we're starting new right here. And this, the legal parking stall is beyond the garage door. Yep. You need to start with at that point then--
- The taper itself.

- Right.

- So the reason why I'm asking specifically about it is, depending on how the salt shakes out in the testimony, I mean there is an option on the table, which could be an option three, which is we could approve the taper but not the four and a half feet. The taper could start shorter so the green line would come all the way down to match the red line for a taper. And so I'm just trying to make sure I can separate all of them in my head into different issues and options.

- Yes.

- So when I hear the testimony, I know why do you need to go all the way down? Because right now that taper doesn't matter if you go up and now we're really only dealing with the wind.

- Sure.

- Does that make sense? And that would be an acceptable option to go ahead and put forward here.

- Great. Any other questions guys?

- I'm in a good spot.

- Thank you for being here. So we're gonna swear you in. Before I do that, can I have you state your name and your address for the record and then I'll ask you for your testimony, well, we can do it all together. Do you swear that your testimony is gonna be the truth?

- I do.

- Great. Name and address for the record.

- Dan Braun, 2626 He-Nis-Ra.

- Great. Okay, great. So you've heard kind of us walking through if there's anything you need to clarify from what Jon does. He usually does a pretty good job. We'll give him a pretty good job there, taking us through. But if you need to clarify anything, that's great. Take us through your testimony as to why the code should be changed here.

- On the right hand side where the driveway, that really picks up. There's a hill on the street and on the right hand side there's a street, you can't see to the right there. There you go. And there's no real quick, when we park our cars in the spots we have now, there's no clear access to the front doors. We would rather have that, especially when we driveway. Now on that edge there's really hard to walk around vehicles to get to the front door. So when we access to the front door, not necessarily for parking, but .

- So it's a use case kind of idea for you?

- What's that?

- It's like a use case is what you're, do you mind putting the five things up for us, just so people here

also, 'cause again, you're also citizens as well, so we're all kind of learning how this thing goes. Our goal, if you can see this up here for variances, and that we kind of have to be able to check off in our head, does this request check off all five of these things. And so when you're presenting your case, you kind of wanna look at this and say, okay, cool is what I'm proposing, does it actually, can I convince the board that I have checked every single one of these boxes? So for example, if you look at hardship, the alleged difficulty, number five, the alleged difficulty in complying with the code, right? Following the rules is not self-imposed, meaning I'm creating my own hardship by doing it, and is not based solely on economic grounds. Some people come in and say, well I did this and it's gonna cost me a lot of money to rip it out. Well that's not, your financial situation is not a hardship. So what we're trying to determine is the land itself and you're trying to develop the land, which goes back to preservation of intent and preservation of property rights, is I can't do what everybody typically could do with their land because the land that I own is shaped like a triangle. You know what I mean? So putting in a driveway doesn't even make sense because the land's a triangle. And so I need to, the code doesn't apply. It can't even work on my property. So what I would like to hear for you, for me, is from a hardship perspective, the alleged difficulty in complying with this. Right now, for me, if I'm being upfront with you, I'm hearing it being a bit self-imposed. So help me get past that. That the land itself is not allowing you to comply.

- Okay, if you look tree that's right, right here and in the back, we have limited space when we, When we do park over here, there's no free access .

- You're saying you're wanting, excuse me, are you saying you're do this because you wanted to use it as a sidewalk, not the parking.

- Nope. not really gonna fix, getting out, and they still have stray shot 'cause it starts right the door right now, and two, we have trucks, trucks side by side, a whole lot of space. Straight shot to the front door. And then being a tree there and being on a hill makes it a little bit more easier getting in and outta the driveway.

- Go ahead Barb. Quick question for the applicant.

- So I, you may have sort of answered this, but I'm still trying to understand how an additional two feet would accomplish that. And then you're within coding, you don't need a variance. When we snow-blow the driveway, there is literally no straight shot to the front door of vehicles in the driveway. 'Cause the door . Additionally, it give us more access to, to the front door and safer entry and exit of our driveway 'cause of the tree and the boxes on the hill.

- When you say you're on a hill, you mean that the driveway is sloped to the road?

- The road is, the road is on a hill. It's sort of on a corner and a hill, so--

- Oh, I see.

- Up the hill, some parts around of the hill ...

- And how does, how does the additional space help with that? I'm not understanding.

- Getting in and out the driveway space.

- The aprons not gonna change any. So your entry to the road is the same.
- Right, the angle of the vehicle leaving the driveway would be a lot easier.
- Okay, all right. I see.
- To clarify as well, so a a big piece of, I think something that you're not necessarily privy to, maybe it's been mentioned in conversation with Jon, is anytime someone comes and even if you're saying to us, well, I'm not gonna park a vehicle there, anytime you create concrete or anything that is, a car could go in front of a front door. The fire department, we've asked them, we've gotten guidance, it creates a safety hazard. And so for me, if I'm, again being honest, like there's nothing we can do, if we grant this variance, there's nothing really stopping you from saying, great, I've got all this extra space. I'm gonna park a big truck and now I've got three trucks across. And now the access to your front door, beyond your own inconvenience, right, is not gonna be blocked. And that creates a safety thing. And we've denied variances, just contextually like, because of that safety concern. So I need to hear a bit more about, you know, the four and a half, I'm sitting here going, I think there's enough, for the two, compliance with the code is not gonna be your best situation, but it gives you something. Right now the extra two and a half feet creates that potential safety issue. You know, then you're look looking into the apron, going all the way down with a better angle over here. Well now you're past the property line, it matches the other side. But aesthetics aren't necessarily what we should be voting on either. So I'm just trying to make sure you have information that we have in our heads that you can speak to.
- I don't know if you've seen what my neighbors must have seen what's online and he sent in a request that he supported it. I didn't even know that he knew it, but we keep our yard clean and everything . He did, even knowing, for the variance and was like--
- He was saying, I'm okay with it.
- Yeah, yeah, he went online .
- But he wasn't saying in terms of like, what was his--
- He sent me a picture, what he sent-- Did he get anything? I didn't receive anything. And I wanna note to folks as far as that goes, if we received something, I would let them know that it needs to be notarized. It be like a normal court proceeding, not just have hearsay as far as your neighbors said this, but I didn't receive anything from him on this at all.
- So if they email, when you say notarized, do they need, they have to send certified mail.
- Not certified, but they need to have, it has to be something sworn, Steven.
- Correct. But I mean, what if they email it, which we've given them as an option.
- We have given 'em as an option in the past. This goes to our changes here over the course of time to go ahead and prove this. So we're in the sustained statutes, much like other court proceedings. We need to improve as far as getting actual sworn testimony rather than having hearsay. So we have

had some folks who have called up about both items asking to come in today and have chosen not to come in because they didn't want to come in and speak on the record, but they've gave support or, so that's sort of another request.

- I'll table that for now. Thank you.

- That's great. It's good.

- Any other questions for the applicant before we get to our discussion? Are we good, Steven? Any other questions?

- No, I'm good. Thank you.

- So what we're gonna do now, thank you for your testimony. We're gonna discuss, we're gonna kind of go through and debate those five things. At the end, we'll take a vote, and if you have any additional questions, we'll ask you. Feel free to sit here if you'd like until your item's over, and then we'll give you kind of the result. I mean, you'll hear the vote, and then we'll see where it goes from after that. So now we're gonna discuss it, okay?

- Great.

- All right.

- How are we feeling, board members? Strikes me that compliance can be achieved and still accomplished a lot of the same goals that are going on here. So I don't know that in my head or either of the variances that there's, that the hardship has been adequately demonstrated.

- Thank you Jon. Barb?

- I have struggled to find a way to say yes to any of the points at this point. Preservation of the intent that there's a driveway there, there's the intent that it's there. I don't see an exceptional, extraordinary, or unusual circumstance. I understand that it's inconvenience. We have a fire hazard, has a real inconvenience 'cause it's been hit twice by people. But we can't extend our driveway over that way because of coal, and I understand we can't do that. Property right, I really believe that the preservation enjoyment, I understand it's inconvenient to, more inconvenient to not have it wider to get to the front door, but you still can have preservation of your right to get to your front door or your ability to get to your front door with the two feet. Same within code. You can. And I guess I don't see that there, I don't think there's a detriment at all. I guess that's only one I could say yes, there is, to me there's no detriment. What I wish I could figure out how to do is to figure out a way to see us to the, I can't put our way to see us to the, I just can't under the law. And then the tapering would look pretty unusual if it were tapered, wouldn't it?

- Well it would match the other side if it tapered beyond the property line. So from an aesthetic perspective, if we wanted to remove, like, 'cause there's two different variances. There's the variance of the distance, which is the four feet compliance variance, and then there's a variance with the taper going beyond.

- Right.

- There could be a scenario, we approve the taper but not the distance. And so I mean we can, we can peel those out separately, which is actually what we have talking about.

- Right, right. Well, I'm sorry, go ahead.

- No, you're good.

- Go ahead.

- You know, for my, I can't prove, I can't, the width thing, the 24 inches, that's with code. I have to say that that's, I would be inclined to grant a variance for the taper but not for the width.

- Do you mind me asking, and if you don't know this, maybe you do, the distance, so let's say the, see the line coming across it touches the green dotted line at the bottom. What is the distance from, right there where your mouse is, from there to the garage door? Do you know what that distance is by any chance? Is that distance from there enough for you to use it to move a vehicle over? So a truck is, you're usually really good at these, how long is a truck typically? I dunno, 75, you can drive . The point being is, does that taper create enough of that exiting angle, right, being that the, on the other side there's that electrical box or whatever. Do we see that as not a self-imposed hardship to grant that taper? Like does the property itself--

- To grant a variance on any piece of this, you've gotta find those tests and you're hearing, anybody finding those tests.

- On the taper?

- Any piece of it? Well go back to the, I'm inclined to be where you guys are at. I just want to vet it out. Go back if you don't mind, to the over satellite, not the hand drawn, the satellite.

- Right, I was just measuring for you right now.

- Oh, great. About 25 feet, what it is--

- From the property line.

- Yeah, to the garage door line.

- And that was gonna be my only thing is that if the property line sits way up high, that's typically a shorter driveway than normal, then that to me is a hardship that's not self-imposed. 25 feet sounds great to me. The code--

- Just to make sure I understand things all right in my head, when we talk about property line, we're talking about the city's easement into the property, to the point where the city actually owns.

- Yes, sorry.

- That area that we're required to maintain as homeowners between the curb and the property line.

- Yes.

- So when we say property line, I've heard that called easement before, but I mean, I suppose it's the same thing, We're talking about the same thing, yes.

- Yeah, we're talking same .

- I just wanted to be...

- Yep, once you measured, I'm in a good spot. I'm inclined to vote no, guys, and it sounds like that's where we're at. As much as that always pains us, I'm not able to make a case for all five being checked and I have a--

- Not on a whim, no.

- Yeah, so anybody--

- Deny.

- Okay, I've got a motion--

- I second.

- And we're gonna do this side by side. So we're gonna do one at a time. So we have first and foremost the 4.5 variance. And so to clarify, Barbara, was that your motion to talk about that one first?

- The 4.5 variance.

- Thank you. So let's go ahead, and any other discussion on that variance? All those in, remember we're voting in Yes, the thing is for denial. Okay, so yes is for a no. All those in favor of denying the four and a half feet request, say aye.

- [Group] Aye.

- And then do we have a motion on the floor for the taper on the front?

- I'll make that motion. For the reasons--

- I could take, I could take a run at the compliance for the taper.

- So we have a motion to deny.

- We have a motion on the floor to deny Steven currently. Do we have a second for that? Do you have a second for that, Barb?

- Nope.

- Nope, okay.

- I'll second it.

- All right, so I have a motion on the floor to deny the taper as requested. If this motion is defeated, then we can have a motion on the floor to approve or discussion around approving. But that's where, we'll start here. All those in favor of denying the taper request, say aye.

- Aye.

- All those in favor of denying, opposed to denying the taper, say nay.

- Point of order.

- Yes. Point of order. Can't we have discussion before we decide if he has, if he has a way to make a run at these? I thought we--

- We can't. I said is there any more discussion--

- Right, but, but I wanted you, I wanted you to handle each one of those individually, discussion on the 4.5 and then discussion on the taper.

- Got it. That's what I thought we were gonna do, which is why I interjected early, or late I should say.

- Heard point of order. And we are, I don't know what that we can do legally to undo a motion on the floor. However-- I think we can do further discussion before the final vote.

- Yes.

- But we, I already voted, does that matter?

- The point of order was raised contemporaneously with the motion.

- Okay, great. So let's discuss the taper then, and we'll hold the, we'll hold the motion on the floor. Right now, let's do some discussion around the taper.

- May I have the justifications up on screen please? So just discussing the taper and assuming that the applicant wants to use his legal right to put in that two and a half feet extra on there in order to gain him more space in order to easily exit and, the car, especially during the winter, which I mean in the spring when it's muddy. So preservation of intent, I don't think this would be against the spirit and purpose of this. The idea is to make sure that things are, are relatively standard within the city. In this particular case, given the way the driveway is, I believe that that an exception would be warranted under, under exceptional circumstances. If we're going to allow the applicant to legally make that a wider spot and for him to be able to use it, logically we need to let him put in a corner taper there. He could put the corner taper farther up and be within code. But I think it would be a lot less useful in this particular case and especially considering where it sits in the current driveway situation. I

know we're not supposed to take no account aesthetics, but I mean that kind of gets us to, to the point of detriment. I think if it was a little weird, that would be not necessarily great. This also preserves his right to be able to legally put in that extra two feet for preservation of property rights and then the hardship, he could certainly comply. That being said, I think in this particular case we're looking at, at a situation where the end of the driveway and because of the hill he's on and because of the trees, he wants to be able to pull that out a little bit. And if we, if we force him to push that triangle taper point forward, we're going to be causing excessive damage to the lawn, which is detrimental to the neighborhood and to everyone else. And it's a safety issue. So in my mind I can, I can justify these five for the taper and the two and a half foot legal expansion of the driveway. And to me that's kind of the point here. To me, the big thing was the two and a half foot extension. The four foot extension didn't pass the test for me, unfortunately. But here I think we're enabling a citizen of Green Bay to actually use his property in the way that it was intended to be used with a very small variance change. I don't see a downside to it myself. And that's my case for this.

- I just wanna say I've heard several people say two and a half feet. We're talking about two feet.

- Two feet. My apologies, I misspoke.

- Yeah. The two feet within the code.

- Yes. Within the code. Yes. Yeah.

- Any other thoughts on what Steven said or any other discussion that's maybe different than that?

- I guess my thoughts in, in response to that is, I don't disagree with Steven that, which it sure looks a lot better having the taper managed, but that's just not one of the five considerations that we can have here. And I think that all of these issues can be accomplished through compliance. I think that we're talking about a 25 foot drive long driveway. I don't think that that any, any truck in the driveway is 25 feet long. So I think that there, there's the ability to comply without having to change the code for this particular circumstance.

- Yeah, Barb.

- Well, I can agree that there's the ability to comply without having to change the code. I look at my role on this board of appeals as one to many times to try to find a way to, yes. And I think that Steven has made some good points and this helped me be able to put yeses on all of the taper piece, which I wasn't necessarily able to do myself, but he's made some good arguments. And so in that case, because of the way I see my role, I would vote in favor of allowing this.

- The taper would mean--

- The taper, which would be voting against denial.

- All right, so her job, do you have anything else you wanna add?

- If I were to think of the desire for some sort of symmetrical taper as part of the, except as exceptional circumstances, like we'd have a taper that starts at the front edge of the sidewalk rather than at the rear edge on the other side of the driveway. And that somehow makes it different

enough. That's about as close as I can get to, to seeing eye to eye with Steven's arguments on, on all five these conditions being met.

- Yeah. I'm more inclined to be still a denial. I can't, I'm having a real tough time there with hardship, complying with the code is capable, it seems self-imposed. Number two, I don't see exceptional or extraordinary or unusual circumstances on this specific property, and looking at the property, not how the individual is using the property, I can see complying with this. To me, I can't get there on number five, so I'm inclined to deny. So how do we want to go about this?

- Oh, we've got a motion on board to deny. So I think we call the question on it. If the motion fails, then somebody else can make a motion based on the argument that they believe all five of these conditions are met with the case and the taper. And then we can make another motion to approve.

- Great. Are we good with everybody good with that process? Remind me again. The motion on the floor was made by and seconded by, So we have a motion on the floor to deny the request made by Josh and then seconded by Noel. We're gonna vote on that first. If that fails then we can go to the other one. Got it. All right. So all those in favor of denying the request, state aye.

- [Group] Aye.

- All those opposed to that.

- Aye.

- Nay. Sorry, say nay.

- Nay.

- So we have three nays and two ayes. So the motion fails.

- I move to approve.

- I second.

- All right. So I have a motion on the floor to approve the taper variance--

- From the leading edge of the sidewalk from the rear edge.

- Yep. As requested, right? So it would be like-- Really specific, can you go back to the hand drawn thing? That's why I asked that question the very beginning. So we're approving that the taper can go to that red line, start at the bottom of the red line, but it can't go out as to go further than the two feet to match the green line, right? So does that make sense? So right where that one and the circle is right, is where that, that green line would go all the way down to the red line. Everybody good with that? Now how specific do we need to be in what we're granting? Or is that just assumed with staff? And you can figure that out with staff. You're good. All right. So we're approving the taper to go down to the red line, but come up the follow of the green line 'cause the other one failed. All right, that's the motion on the floor. We have a motion to approve by Barb and seconded by Steve. All those in favor of approving that variance, go ahead and say aye.

- [Group] Aye.
- All those opposed, say nay.
- Nay.
- Josh did you vote?
- Yes, I did. Nay.
- Are we good? You got through that process good.
- Alright. No, no, you really did. I just was, I was a little bit disappointed.
- Nope, that's okay. I just, we were going all over the place. Wanna make sure we're good. So the variance for the taper has been approved, but the variance to go four and a half feet has been denied. So are you clear on kind of where you're at? Okay, great. So moving forward, depending on how you wanna move forward, please continue to work with Jon and the staff. They'll help you through that. And if you need to pull permits or anything before, before anything, double check please. We see too many people back here cause they forgot pull permit, something from perspective correctly. So Jon's team are great. Okay, thank you everybody?
- Alright, are we good? Hey, we got through some fun processes there guys. Good job everybody.
- Yeah, well done. Mr Chair. Thank you.
- Oh, I apologize.
- Oh no, it's good. We're doing good. All right, let's move on to number three. Item number three, appeal 2313 consideration with possible action on the variance request submitted by Colin--
- Maisel.
- Missing an L. Oh Maisel, ah, Ruekert & Mielke. Ruekert & Mielke, yep.
- And Patrick WAY-HEE, property owner. Thanks. It's request exceeding maximum impervious surface coverage within the general industrial district at 1124 North Baird Street and District Six. So are you guys here for that one? And then is there someone online as well for this one as well?
- Yeah, Colin. Colin is online.
- Thank you Colin. And to make sure I'm clear, are all three of you speaking as one testimony for this application?
- [Group] Yes.
- So there's no one on here that is here to speak for or against this that I need to keep in the back of

my head online or in person?

- Correct.

- Great. Alright, so same process. What we're gonna do is we're gonna swear Jon in, we're gonna do the whole thing over again. So thank you for being here. Thank you for your patience. We're moving on here. All right, Jon, do you swear the testimony give is gonna be the truth, no need to do conflict.

- Oh yes. We all need help. You're great. You're doing great.

- Do I need to read all of this again?

- No, we're gonna go through the conflicts to be fair, right, all that. Number one, I do not have a conflict or interest in this matter.

- I confirm.

- I confirm.

- I confirm.

- I have not received any communication from any person or party about this matter.

- I confirm.

- I confirm.

- I confirm.

- I love it. All right, good. So Jon, do you swear the testimony is gonna be the truth?

- I do.

- Perfect. Take us through and we'll to your testimony and we'll So names and addresses and swearing in. All right Jon. All right, so with this there's just one request from the code right here, that'd be section 44-802, 44-12 maximum pervious surface for a general industrial district at 80% max. So what you're seeing right here is an old aerial of the property over 1124 North Baird. It's industrial property and the property is up at a fire back last year. And so with that they're doing some reconstruction of the property that is different than what they had before. They'll be heading against some parking or plants parking and surface slot area up to the northern part of the property. This is an old aerial view, I'm sorry, street view of Baird looking down at a facility. And this is a street view over on Eastman, looking at the eastern part of the facility, which may have been reference to here later on. We're discussing this. What you're seeing right now is kind of existing conditions because of the fire and what's, what's burned down out there. But this is an aerial of the property. This is what the applicants are looking to go ahead and change onto the property. So you'll see this area over here in white, that's the existing building looking to go ahead and add on some space here for a loading dock for two loading docks over here and then put in pavements through first property. So we've had discussions staff and the applicants over the past month or so as to trying to get the

site into compliance. The applicants have taken our suggestions. There were a number of deviations to the code initially and it's been knocked down to this one with impervious surface. I'll note that before the fire just over on the property was in service. They're requesting now to go ahead and take it down to 83.08% of the property as impervious.

- Okay, not zero-nine.

- No. So that equals about 2,202 square feet of property that is still impervious over the maximum threshold for--

- Less than they were?

- But less than they were. Correct? Yes. The reason why it hasn't come in compliance now is because you're putting in the improvements and with that get to get the entire property down to that number. So you will note as far as like some places where looking back to their former site, they will not go ahead and meet issues here with this side of the property because they're gonna go ahead and do some repairing rather than reconstruction. And in that area they're gonna add some green space islands to go ahead and allow for that reach number, to go ahead and get up into levels that are closer towards 80% itself. But that said, they still do not meet the code as far as reaching that number. To give some reference as far as what 2,202 square feet means that's about 13 parking stalls. So within this right here to find that extra 3% or so would be about 13 parking stalls worth of area to, to get down to what the code is itself. Back over here on the front of the property. This area was not damaged. It's this a number of legal non-conforming things in the parking lot in that area, but it's not being changed so that it's not affected, it's these areas that are in gray that are being the new areas to the overall property itself.

- Thank you for that, Claire. It was gonna be a comment, it was coming a question in terms of, okay, let's get it to 80% what happens? So thank you for hedging that off. Any questions for Jon?

- Just again, making sure I'm right, so that was the north half of the building?

- Yes.

- On this, okay, all right.

- The overall property has to reach 80%, but--

- Yeah, yeah.

- Or that'd be the damages.

- Gotcha. Thank you.

- Okay, great. So what we're gonna do now is we're gonna go through, are all three of you gonna be testifying? 'Cause I only need to swear in those that are actually gonna be testifying, meaning speaking. If you're gonna be speaking, I need to get you on the record and sworn in. But if you're like, I don't need to talk, we don't need to get you in. It's a quick process that we wanna get. Okay, great. So we'll start with you. Do you swear your testimony will be the truth?

- Yes.
- And then your name and the address for the record.
- Patrick WAY-HEE. This address or my personal address? Your personal address is fine.
- I 124 North 3rd Street, Green Bay .
- Great. Thank you. And do you swear the testimony you'll be giving today is the truth?
- Yes.
- Okay.
- Sam Winterville, address, 216 State Road 55,
- All right, cool. And then Colin?
- Yep.
- Hey, Colin Maisel with River Milky. Address is 1400 Lombardi Avenue, suite 101S, Green Bay, Wisconsin.
- And do you swear that your testimony you give today will be the truth?
- Yes.
- All right, thanks guys. Appreciate it. All right, who's got the ?
- I'll take the lead if it's all right with everybody. Would it be fair and favorable if I come up to the screen and have--
- Yeah, that's fine.
- What's that?
- Do you want to just move your screen so they can see him online so he doesn't have to bring the iPad with him?
- Oh.
- He wants to go up to the, he wants to go show this.
- Oh, I was gonna walk up to the screen.
- Angle yours so that the camera, so that if anybody needs to see--

- So, we have in the room here, Patrick is the owner of the property and the project manager with Keller Incorporated. And then Colin is our civil engineer. So those are kinda the, oh thank you people that right here. So I think it's important to talk about how we got to where we are today. A fire last July, which destroyed the northern part of the building, was at that point the shipping receiving area in the building where the trucks would come in on north and those up and then back into an outside raised floating dock. Or they would turn and come and back off of and to a back bay overhead door. Once the building burned down, Patrick saw the advantages of having a loading dock from a safety perspective and a flow perspective on site. So we looked at positioning this dock anywhere in this building that we could make it work safely and effectively and also meet all of the codes and ordinances. The area on site that that works due to the shape of the property, which isn't exactly a triangle, but certainly narrows as you go north is here. And what that looks like from a maneuverability standpoint on site is if a truck is coming north on north Baird with nose in and with nose all the way to the back corner, just to be able to hit that dock backing in. If somebody's coming down REE-VER, very similar approach. This still doesn't allow us access going southbound on North Baird. We just can't hit the docks doing that. So a driver would need to come around more. Why that's important is, as I'm sure you know, truck maneuvering just takes up an immense amount of space. Maneuvering a a 73 to 85 foot long truck on a small site relatively takes up a lot of asphalt to accomplish that. Again, when the truck's in here, now we're coming down this way to exit the site in this direction because we can't make the turn back up this way. So again, a lot of the hard surface that could otherwise be green space is hard surface to get that truck to maneuver safely outside again, you see parking stalls. I know Jon did a great job of giving that visual of how many parking stalls the 2,200 square feet would comprise. This, there is a parking lot in this front corner that serves the, we'll call the office portion of manufacturing building. So that parking space is consumed by the office area. Jon, I think we agreed that that met the requirement for the office. So then the parking spaces in the back, which currently don't exist, would be for the employees inside the facility. But rather than parking employees on the street this way, they're off the street, they're safe enter the building when working. We met with the city and Jon, we went through what can we do to add the green space. We were still at that point, I think we were still at about that 88% and we knew we were gonna need a variance. We tried and tried to add green space areas here where there are no vehicle traffic because we can maneuver with the truck. You'll see some green space back here furthest from the building to keep all the parking spaces. And then again on the side of the building over here, just because again that truck traffic exiting. Add some additional green space on the inside of the loading docks as well as up the edge. So everywhere where we didn't need the asphalt is now green space. I think I covered it, Colin, unless, unless you're hearing something that I'm missing.

- I think, I think that does cover it. I mean the real, when we look at it from an engineering perspective, the turning templates are very tight. Like Sam said, turning south on North Baird is not an option. So in order to come out the turning movement was going around the east side of the building as he showed. I really think this will be an improvement as far as a safety condition for trucks no longer backing off of North Baird. And I think from an engineering perspective, when we look at alternatives, there's really, there's not a lot of alternatives here. This is one of the other options, would be building the building back as it currently was, which I think we would be allowed to do based on repairing an a burned building, which which would keep the impervious up around 88% where it is now and also keep that less than desirable turning movement coming in off of North Baird Street. So overall we feel like while we're still not at the 80%, it's a drastic improvement over what's there now. Both from increasing the green space and increasing the safety, not just for the folks using this facility but also others on Baird Street.

- Did you ever .

- The safety issue, I know we keep talking about it, but obviously I'm not occupying the building at this moment, but most of my trucks, when they came they would come north on Baird, turn left on REE-VER and then back into the building. Either myself or one of my guys would literally have to basically stop traffic.

- In this scenario?

- Yeah, it's the old building. So cause the neighbors building on the, I guess the northwest corner there right at the top of the screen, they are, it's a blind corner. Yeah, it's really close to the road. So we're out there acting as traffic cops every time a truck came. It's not ideal obviously. That's why, once the building burned and we looked at rebuilding in a different configuration, trying to get loading docks on the property, was one my top concern.

- Yeah. Anything else you guys wanna add? We're gonna obviously ask questions too, so more discussion might come out unless there are questions. But is there anything else you wanna add before we ask questions?

- I think we covered.

- Is there any questions for the applicants, plural? That means you did a good job. So same thing with before, might come to you and ask a follow up question as we get through our discussion, but we're gonna go through kind of those five points, see if we can get there with those five points. If we do or we feel good. Just say you deny or approve, just bear with us for a minute here. Again, thank you for your patience. All right, here we go. Who wants to lead us off?

- I would move to approve. I can, I can get there on all five of the elements. As far as preservation of intent, this is an industrial district. Frankly, I think it improves things quite a bit and gets more trucks off of the road and gets the safety things out of the public right of way, keeps things out of traffic. I think that there are exceptional circumstances, not only from the size and shape of the lot, that I think Tommy used the term triangle lot and this is pretty darn close to that. So maybe he was, he was thinking ahead there and so I think that under all the circumstances that, that there are exceptional circumstances here that are, are not, that are unique to this particular lot that are not around in the rest of the neighborhood. Preservation of property rights, this allows, allows the business to continue. It allows truck traffic to safely come, come and go and do all of those safety things on the property rather than out into the neighborhood. I think that there, there is an absence of detriment. I don't think there's gonna be an adverse impact on the neighboring properties or, or the area in general. Again, I think it's making things a, a heck of a lot safer and I don't see anything that, that makes this a self-imposed hardship here. I mean it's not often you look at a fire as creating an opportunity, but I think that's what we've got here. So for all of those reasons I would vote to approve variance. Yeah, thank you. Move to approve I should say. Okay, let's get through the discussion. I'll hold your motion to approve and we'll get that, 'cause I see some hands raised. Go ahead, Barb.

- I disagree with everything he said.

- Yep. Great. So anything you wanna add to it or something you disagree with? Steven, I see your

hand up. Go ahead buddy.

- Yeah, I would, I would concur as well. I'm also adding in the absence of detriment, there's actually a benefit, not just from a safety standpoint but they've actually reduced the amount of impervious area they have. And I mean these buildings I are, I assume are fairly old and we're not built for the size of semis we have today. You know, given the area that it's in that building has probably been there a fair amount of time and I think this actually improves the situation vis-a-vis coming closer to code and they've made considerable efforts to work with the city to get there and I think good faith and reasonable efforts in this case.

- Anything you wanna add to that?

- I've got nothing to add to that, Steven. The last, the other piece I was missing.

- So I was gonna copy paste Steven's last point and I just, I always like to point this out for the record. It's great when you see it working so I appreciate the work that you guys are doing. Jon, I could probably tell you put some work into this to try and come up with some creative solutions and getting stuff down. So working together to try and find solutions, adding stuff when you don't necessarily need, you could come in and easily ask for 88%. Like understanding the spirit of why we want that green space in the city. Trying to find places that you're not doing, putting together a great presentation in terms of speaking to a case and presenting it. All of those things, kudos. I'm a big process guy so I appreciate it when it kind of all comes together and you're like, that's how it works. So, great job.

- I have one question before we make the motion. For the engineers on this project, is it killing you that the loading dock isn't parallel to the right of way? That it's like slightly angled in.

- It was killing me a little bit.

- Nerd talk. I love it. That's all right. So a motion on the floor to approve the variance as requested. Noel got in there. Quick gun. Alright, we have a second, a motion on the floor by Josh and a second to approve, and a second by Noel. Any other discussion? All those who, why am I, all in favor, all in favor say.

- [Group] Aye. I was aye, by the way. I was too close. Alright, so you guys, five-zero. Great job. Keep working with Jon, obviously I'm sure you will, permits and everything and thanks for being here tonight. Thank you for your time. Thank you.

- Good luck. Thanks, glad you won't have to be .

- That's good. Probably other things you gotta worry about, right?

- Yeah.

- Good job everybody. All right, let's move on to item number four. This is appeal 2314 consideration with possible action on the variance request submitted by Julianne KAN-YUH.

- Very good.

- Yeah. Property owner and applicant to create service parking within the perimeter parking lot landscape setback at 333 South Webster Avenue in district four. And you must be , have a seat. Same process. So we'll start with Jon, we'll get to you, we'll discuss, we'll go. But before we do that, I'm not gonna forget the conflict thing. So number one, I do not have a conflict of interest in this matter. Say I affirm.

- I affirm.

- Great. Number two, I have not received any communication from any other person or party about this matter we're about to discuss.

- [Group] I confirm.

- Great. Hearing none, that means we have five voting members. Let's go ahead and move on, Jon. Do you swear the testimony you're gonna give is gonna be the truth?

- Yes.

- Great. Take us through it.

- Okay, so property here at 333 South Webster. No, this is, it's the narrower property here over, we're talking about a multifamily. It's legal under , but it is legal down right there. So this right here is section 44-1966, section 1C where parking lots border property line setbacks the property edge, the parking lot meet buffer requirements of 1964. So lemme go to 1964 and for any buildings that are two stories or more need either have 25 foot parking buffer between the property line and where rear parking is. So those who happened to have been here in 2020, this property was in front of us back then for this driveway entrance that is right along the property line. And it got approved as far as variance back then. Now this has led to in the back here putting improvements to go ahead and change gravel parking lot into a paved parking lot. So why are we here with this? We'll have to go ahead and put in a area that would be approximately 40 feet by 51 feet, sorry, 41 by 50 feet on the property between the garage and the house. And going back to our garages right here, house 40 feet between the house and the garage itself. 51 feet from the north property, sorry, 50 feet from the north property line down to the southern property line, getting about 10 feet in between. With our landscaping code, if you are a multi-family building and you were adjacent to residential on your property line, at that point you need to go ahead and meet 44-1964. 44-1964, you need to have a 25 foot landscape buffer between your parking lot and property. So when we're talking about larger multi-families, that comes into play. This is why we're here. Why this case comes into play because of a narrower lot here. So multifamily because it's what the use is, has to go through this process. If this were to go to code, it would leave 35 feet or so between the already acceptable line up to the north, 'cause of a variance up there back down to the South parking and back, I apologize. So rather than having the 51 feet or so this way, you'd be down to 35 feet should allow you for three parking stalls rather than five. I should note this is a five units parking complex. So technically speaking you need to have seven stalls. There's a two cell garage and five parking stalls. So that's at play. It's a gravel lot right now because it's coming in for the improvements, it has to go ahead and move the code as far as land taking aside setbacks. And that is the case. Also note one thing too, so the area is in a bit of a odd space as far as how the terrain goes out in this area. There were some concerns as far as what it would mean to go ahead and put an impervious surface back here. The impervious surface are fine

on this property even with the changes. But as far as drainage so close out in this area, it's something to keep in mind. You have the options to go ahead and potentially go ahead and put on conditions. We don't require draining plans or sorry, grading plans for this because it's so small, it's only 2000 square feet. But it's something that you potentially go ahead and add on if you wanted to with this, if you were to approve this variance request.

- So if I may, the concern is, is that by making that all impervious, we would create a drainage problem if I'm, I'm reading the elevation right to the rear.

- Potentially. So right now, keep in mind this is all gravel, so it is impervious right now. It's considered impervious by the DNR. It does, I think we can all be, that gravel does get soft. So there is some taking of the water, but the DNR considers gravel and pavement to be exactly the same as far as its pervious levels. But just wanted to know, yes, this water goes downhill here. There are a number of properties that have buildings right up along the property line itself, but that said this right here as far as where the water goes to is both off this way towards Webster and then downhill towards to the east, south.

- It's a hill up in the .

- Yeah, so this right here is, yeah, you're, they're on top of a hill essentially, as far as where this is at. It is higher, slightly back to the south. It goes downhill. I think we can picture that as we all taking Webster northbound in that area, you start to have a pretty gradual hill as you get an approach on Walnut. This is a more pronounced hill in the rear of the property, but I'll note it's about 30 feet or so from where the request was for the improved parking area. Just for me real quick, where the cars are parked to the top of that's a tree. That's why we're not able to see the gravel. Got it.

- Yep, great. I have no questions, Jon. Does anybody have any questions for Jon?

- And you said there's no, there's no grading plan for this particular.

- Not with things this small, no, we don't. Something that's required normally.

- And I don't know if this is a fair question or a right question and feel free to not not answer it, in your experience, is this, do you anticipate, I assume you're bringing this up because you anticipate this might be an issue.

- I bring it up, we don't have any sworn testimony, but people discuss this as far as issues go. I'll note as far as it goes there where other properties have buildings adjacent, they're higher than this park property here.

- Yep.

- When it comes to our building code in general, you can't create issues as far as new construction for putting in a parking lot compared. So any admin can say, I'm gonna make say three feet of fill right here and then create a problem with runoff. Don't intend that to be the case, but we have plenty of people go ahead and bring in, say, just typical driveway requests and we don't ask rating plans of those when it's this small.

- Okay. Would it be, would it be within our power and would it be reasonable in your eyes with your experience with, with construction and land for us to put in, if we were to approve it and that's an if, of course, for us to stipulate that they do not raise the level beyond a small margin.
- I think that's reasonable, yes.
- Okay, all right. Thank you very much Jon.
- And Jon, could you go back to one of the slides that shows the existing asphalt that was added after the action and I'm assuming that was added after the action in 2020 or something?
- Yes, this back, this photo was taken back in 2020, so yes.
- So I mean, it wouldn't make sense for somebody paving that parking area beyond this asphalt to dramatically change the grade of that. Because it wouldn't seem to be.
- Unless their basement's wet.
- Yeah, I suppose at the edges maybe.
- But I mean, you're, you're, you're essentially right. At least in my mind.
- Got it. Any other questions? I got the chair power for a moment. Any other questions for Jon? Oh yeah, the power is just, keep going.
- Not gonna hand it over. All right, Vice. Ready for testimony. All right, so state your name, address for the record and then you swear the testimony you provide me be the truth.
- My name is Julianne KAN-YUH and property address is 333 South Oak Avenue.
- Great. All right. State your case.
- I'm just trying to improve the parking situation. Gravel, I don't know if you ever tried to snow gravel, but I have to do a lot of it and it's a nightmare and I just, it would be a nice hard surface. Everybody can turn around and maneuver safely. Five units, five spots, and I can't go any smaller than that. And my lot is only like 60 feet wide. So unfortunately it takes up most of side to side.
- Are you the property owner?
- I am.
- It's five units, there's five different families or five different rented units?
- Correct.
- Basically like a apartment?
- Correct.

- Okay, great.

- And as far as the, I'm adding three inches of asphalt, so it wouldn't be a dramatically huge increase to create a runoff problem. It's 150 year old house. I have water in the basement. Yeah. So I don't know if I have any other questions.

- So essentially is it gonna, is it gonna be any bigger than the gravel area is now? It's essentially just taking the gravel area and paving it.

- Correct. It's exactly the same size as the gravel area there.

- You're not cutting down any trees or increasing the size. All right. Thank you.

- Barb, Josh, Noel, any questions for the applicant before we get to your general discussion? Steven took my questions, so there you go.

- Sorry.

- Love it. Okay, so we're just gonna, we're gonna discuss typically and then if we have any other questions we'll ask you and then we'll move to a vote. We'll see how this goes. All right. Any general discussion? Anybody want to take a stab at this? Where are we at?

- Well, I think the, if there hadn't been the previous variance granted, basically there would be the ability, what's the width of the lot?

- 60.

- 60 feet. So there'd be a 10 foot strip in the middle that could be paved because you got a 25 foot setback for parking with a landscape buffer for multi-family. It's clear to me that the zoning code is written, wasn't intended to apply to a, a 60 foot wide multi-family parcel. It just doesn't make sense to me. So I'm looking at this and I'm thinking, should you be able to park on a property? Yeah. You know, exceptional circumstances. Yeah, I guess the fact is that the zoning code is obviously written for much larger parcels than this one and doesn't just, doesn't work. And so I think that there's a condition there. The folks should be able to provide a quality product for their residents. I think the difference between gravel and asphalt, maybe in this market doesn't make that much difference 'cause it's so crazy for apartments right now. But there'll be a point where it's competitive and that's gonna be an advantage to you as a property owner to have a nicer parking lot. I don't think this is hurting the neighborhood in any way, especially if we add some element to the motion that talks about don't change the grades substantially. That's gonna cause runoff problems for the neighboring properties. And again I think the hardship, hardship here is that the permitted use is just on a too small amount. So I think the case is made and I think I'm comfortable supporting it.

- Copy/paste .

- Copy/paste.

- All right.

- Yep, yep. I would as well. I would also add that this is another one of those instances where there's actually not a, not just an add absence of detriment. There's an improvement in the neighborhood from gravel to asphalt overall. I think that that's good for everyone's property values and for the look of the neighborhood.

- Yeah, actually snow, snow blowing on on gravel is not only challenging, but once in a while you flame a piece of, of gravel pretty.

- Yeah, hard on your snowblower too.

- All right. Josh, you wanna add?

- I guess the only other thing I would add is that if we were to deny this variance request, we'd basically be telling the property owner, we no longer want this, this use on this property. So I, yeah, that's been said. Yeah. And this is a good example of, of, and I think the last one is, well hardship, it's not self-imposed, right? The hardship comes from the use of the land and the property and how it's being used. It's not something I'm creating, it's the whole thing, the property itself is a hardship in terms of things. So I think it's a good case for approval too.

- Anybody wanna make a motion?

- I motion to approve with the stipulation that they ensure that they don't create a drainage problem. Keeping it relatively level?

- Is that too broad? Like should we be more specific with that or just no raising like what do you guys think there? Because I mean I'd like that we can--

- I'd like to hear Jon, yeah, do you have a recommendation?

- So that's the general notion for any improvement, you can't go ahead and create a drainage problem. There wasn't one there. When this is brought up, I just wanted to note as far as this is a more precarious area because everything is so small, it's your call if you want to go ahead and note that. I think it's fine. Is it redundant? Yeah. I think we would need it if we were like creating like a gradient rule or anything like that, but I think that's implied with the fact that it's, right?

- And then I'll just simply motion to approve it as it's written.

- Okay, great. Thanks Steven. Anyone second? I have a motion on the floor by Steven to approve the application as written. Yes. And then thank you. And then seconded by Barb. Any other discussion? All those in favor say aye.

- [Group] Aye.

- Say nay. Okay, so five zero. So you're good. So thank you for going through the process. Thank you for being last. It's always not fun to be last, so I appreciate it. Yeah, and then just continue again, I say this every single time, just continue working with Jon. His team's awesome. You know, any permits that are needed, don't end up back here.

- Thank you.

- Thanks for coming out. Appreciate it. All right, so we are through the general items here. We are going into section F, which is informational. We're gonna do a little discussion about future options for the board of training. Can I add before you do it or you just do it?

- Oh, you definitely can add. I'm just gonna sit on the other side of table so it's more of a conversation.

- So I've joined Eagle and Jon for a discussion this week. And so I think what we're gonna discuss is, look, we're all citizens here, Noel, some of you deal, lawyer, whatever, some of us deal in this--

- Whatever.

- No, I'm just saying like the legal side of things. Barb's been on council before, but let's say I leave in a number, another regular citizen comes in. I can't be expected to be a zoning pro. I can't be expected to be a law pro. I'm just not dealing with it. So training, training, training, training. And I think last month's meeting for me was difficult because start, stop, start stop training. I want them to be able to perform what they're doing from, I want us to be compliant within legal stuff. But how much of that start, stop or what we're trying to do that's happening in the moment can be alleviated with ongoing training or optional training. And so I said let's create an informational item on this week's agenda and let's just spend a couple minutes, we don't need to meet here for an hour, but just discussing how does this board's absence of you, but also considering you on this board, how do we make sure this board doesn't pervert or go backwards or if we bring new people on, they feel not only are they being successful where we are, but they also can take us even further in being a great example of what a zoning board's appeal should look like in terms of process, understanding what we're trying to accomplish. So that's what I wanted to just discuss. There's some suggestions, whatever, but that, that's why this is on here. We're also volunteering our time, so at the same time you can't just train every month and get better.

- I just wanna say that things went incredibly smoothly tonight.

- Oh my gosh.

- And it's almost like it reminds me of when a group forms, it's like the norming and storming and we went through kinda a warming and storming and then performing, right?

- Yep.

- So we kind of had a storming part and we're we performed well tonight there wasn't starting and stopping then.

- Yeah.

- But significantly that--

- I, during the last one, I just turned around. I was like, I'm so proud of everybody, but I'm serious

again, if you Noel, you've been on second longest than me, I would say. And where we were previously to where we are, even the process that we've introduced, like going through the five things, we're getting way, way better at that. The process that we have, we're complying with legal requirements in terms of, swearing people in, stating names for record. So while we've added some formality, we're still, I think providing a service to the community, it's not super stuffy. So I think kudos to everybody, staff, legal, online. I appreciate you guys being here in person as well. I think that adds an element of speed and connection as well. So I just think from where we were two years ago to where we are now, even three years ago, it's a significant improvement. And even month to month, right, last month to this month. So great job everybody. I think we're doing great work. So let's keep it up. Well let's talk about training. Thank you Barb, for calling that up.

- I definitely wanna reiterate that I think everything's been going very well, like lots of improvements are being made and last month was tough with the, starting out with the meeting the interpreter and that process is, is very challenging and that's one of the things that, that we will do a little bit of training on coming up. It's just kind of, we anticipate that that will come up again. And so like what's the best way as a board for us to navigate through those.

- Required to provide that.

- Correct.

- So it's not something we can say it gotta go away, we have to do that. So we have to look at what that process looks like to improve it.

- I was at the school, school district meeting the school board head of PD. They had a simultaneous interpreter, which was very helpful because, but then when they did do the breakout among the groups, then it was not same. But that, is that something that's a possibility?

- So it's potentially part of what, and we won't spend too much time on this okay tonight 'cause it's not particularly what we're, aiming to chat about. But one of the things that we'll, that we're kind of looking into is we obviously had to do it over the phone 'cause of the time constraints, but theoretically it might be possible in the future to have someone in person and it's much easier to do a simultaneous translation when somebody's in person and the board's in person and they're, you're not dealing with that hybrid element as much. So it's possible, it's just something that we're all kind of navigating through this together.

- I'm glad to hear that's legal requirement though. Thank you.

- Just outta curiosity, I would assume that the other boards and councils in the city have this same problem with public comment. How do they handle it? Is that something we can copy.

- You mean with public comment on the quasi-judicial matters?

- Well, I assume that the city has a requirement to, to hear people who maybe don't speak English as well in other councils.

- That's really a much larger conversation and that really truly is, goes far beyond the scope of what we're--

- Yeah, I wasn't asking whether or not they should, I was just asking if they're doing that already, can we just do what they're doing?

- They're not.

- Fair enough. Fair enough.

- Enough being trendsetters here guys. We're innovators now.

- So, but we do, we have been trying to do some incremental training because we didn't wanna be overwhelming everybody with like, let's run through training on all five elements once a month or once every couple months, anything like that. But we also wanna make sure that we are hitting some of these concepts in a little bit more detail to make sure everybody's clear about what we mean by hardship. What the preservation of property rights is really supposed to mean. Are we, do we all have the same understanding as a board when we're applying, so we're applying the same kind of standards. And so we've been kind of trying, out the best way to do the training. Kind of feeling like maybe the one thing at a time isn't maybe the best way. Also got some feedback from Tommy that it's been a minute since there's been any kind of comprehensive training that you've got as a group.

- It was before COVID.

- Yeah. So it's, and I believe the resources that we have are from UW Steven's Point. We have some that are available that are more broad and then if we, if anybody, if there were more specific trainings that would cost some money.

- I actually got some training last year. I sat in on two classes that the chair had set up and I think it was through Steven's Point.

- Right, so UW Steven's Point offers periodical classes where it's a three to four hour session where they talk about different broad topics as far as zoning goes. And then going on Lindsay's point, there are special more paid courses that get into very specific aspects of zoning. It's my understanding that for new members, typically what should be provided is what's called a zoning handbook. It's a very long 200 plus page handbook. I see the face right there. But as far as getting to the degree in specifics, it does do a very good job of that.

- We've never gotten a copy of it.

- No, and that's where you're gonna get two things, two more things here. One is the zoning handbook that should go out but hasn't gone out. Two is there's two YouTube videos that are both eight and 10 minutes long and that Steven, you might have been referring to potentially. They're also pretty broad as far as most zoning boards get. And I know it's gone out in other times in the past to folks that also touch upon pretty broad basics of the role of this board and variances in general. Those three things are what the UW Steven's Point and the extension go ahead and put out in the world saying take this and run with it- Right? Yeah. In addition, there's been some talk as far as saying, so I believe the both of you happened to have gone to the, in February, 2019 there was a meeting over at Hotel Northland.

- Yeah.

- That was put on by UW Steven's Point. They happened to put one on here in PAC here or about two weeks ago. Yeah, they do it periodically. We've reached out to them to say, would you mind coming back and doing this again?

- They packed the ballroom over there and it was, it was like not only us but it was like all the metro area zoning boards and then there was folks from all over northeast Wisconsin there, so.

- So we're pushing on five years now so we're gonna ask to go ahead and see if they can come back here again. It's a similar, what was you'll see as far as the presentation, I think it's similar in most cases but as far as the, obviously the one-on-one conversations in the group will go ahead and change as far as the questions go. So we've reached out to them and I'll note that with this is something we can go ahead as far as our discussion here goes. I'll note all five six as far as Corey as well, we'll go ahead and email out YouTube videos. The city did appear back last year, looked at those two videos, asked their members to go ahead and watch before the meeting. And then did something like this similar meeting was over as far as regular business came back. What questions do you have? Like note the spot, do a time step with that five minutes and 30 seconds in. We'll go ahead and review that question right there. Have that back and forth with that. So that's a possibility we can do here next month. Just that's out there. It's readily available and I'll go ahead and check

- You're good. Informal thing. There's no formality.

- I would not wanna do it at the end of the meeting only because we don't know when the meeting is gonna happen and I think we have to be kind sharp. So some of our meetings that have gone to eight o'clock at night you're not feeling real sharp at that point, taking a lot of new knowledge. So I would rather have a separate meeting for that or do it, start meeting earlier if it's possible. Do it prior just--

- Yeah, you could schedule the meeting with folks, the petitioners that night and just say don't come and tell or something like that. We can start it, do 45 minutes on that.

- There was this idea, and I'm not sure if I'm jumping ahead here, but there was discussion about doing like there's the meeting and keeping the meeting, the meeting and like let's say every quarter we do an extra meeting on a different school. It's extra time from you guys, from a, from a volunteer perspective, but it's a meeting dedicated, it's on like an agenda. It's public meeting knowledge. So even public wants to come and they want to learn more about it. Which I think is a huge gap to not being addressed right now. You know, we can see it when people know how to prove a case and then we can see it when people don't know, right? So that's not what we're talking about. But by making it public, you might have one or two people that might be future applicants that want to come and listen to some of the discussion. But because of open meeting laws, we would have to schedule, it would have to be recorded, have to be willing to ask dumb questions on the record. And if no one cares about that, if someone's on YouTube and they wanna watch our training, it's better for everybody in a way because we're all just getting better. So that is an option that can be explored as well. So that way we're not taking up any of our meeting time with training. But I said I don't want to volunteer anybody's time in terms of saying well give more time to this.

- Well I think our hands on the handbooks and watch these YouTube videos and maybe have a couple more conversations like this at the tail end of meetings. Maybe we get to a point where like

we're good to go for now and tell us point comes back and does their full day, their, their foot not full day, but their full workshop and maybe that's good for now.

- And I mean I don't think, I mean at least for for for my part, the volunteer time for this is compared to other things I volunteered for relatively low. In terms of the commitment of my time. I would be happy to come into a quarterly meeting slash potluck and you know, and discuss some of these things rather than, than doing it on the night when our when the petitioners are in.

- And I know too, we've had conversations over the years as we're going through these and it's like how many times are we gonna see the widen the driveway for semi trucks in an industrial zone petition until you guys change the fucking code? You know, and it's like some of these things that we do see regularly are screaming for code revisions. Right, and it's like we may be, we could, if we could talk about that sort of stuff once in a while too as part of maybe some training, I would love that. And I know it's like yeah there's 800 revisions that need to happen to that code or whatever at any given time. But thinking about some of those things so that our future selves or future members of this board can not have to deal with some of them because they're, they're fixed now. You know, and If we could do those two things, I would be much more eager to spend some additional time.

- What does that sound like for everybody? Like what if it was a, an open discussion about some training but also 'cause we've gotten in in the past where we're not a legislative body, but if we could have a discussion where we could talk about things that we're potentially seeing on a regular, we could talk a bit about our process. I think that's a, that's a really good thing if we did that once every three months like I would be pumped about that. Cause then we're gonna--

- Yeah, I mean just put it out as an agenda item. We're gonna talk about training, we're gonna talk about, you know things with the zoning code. We're gonna talk about the audio/visual system in the room or whatever.

- It's like yeah, the back training thing.

- And we put together a, a regular agenda just like we do for any other meeting. Cause it's gonna be a real meeting so we could put down what we want and as long as it's there soon enough, I mean.

- So this is where we get into a little bit of the issue that we've kind of been having an ongoing discussion about, about just having kind of a, so part of what needs to be, what needs to happen when we have a public meeting, particularly with respect to the notice, is that the notice has to be very specific about what we're talking about so that it puts people in the community, it makes them aware of what specifically the board is going to be talking about. So we can't put something like general discussion of ordinances or something on, we would have to have--

- But you could have review of quarterly report of, or annual report of last year's actions grouped by chapter and verse of what was being petitioned against and say, wow, look, 12 of 'em were on this topic, let's discuss that. See if there isn't a communication we can pass onto somebody else.

- I think we could make it sufficiently specific to, to fulfill that requirement.

- So this board is different than some of our, our standing committees. So for example, like the parks committee has an agenda and specific things that it is, programs that it does within a calendar year.

So the parks director can provide a, an regular report to the parks committee about the activities of the parks committee because that's part of what you know is, is reporting on the activities of his department in relation to the budget and everything else that's set by counsel. This finding is different because this is primarily quasi-judicial. The only thing that you guys are, are looking at is the appeals themselves. So I'm looking currently at the actual jurisdiction that the board has is to hear appeals of decisions made by the zoning administrator, to hear appeals, to hear other matters refer to it. So not things that you as a board want to discuss, but if it's referred to the board by other entities or by staff. And then asking for assistance from other departments or commissions or boards. So there's not any, there's no place under the jurisdiction of this board to provide for kind of a freewheeling discussion of what potential code changes we might like to see because-

- No disagree completely. There's two things that jump out me that said exactly that, responding to requests from another group for input, like the plan commission or something says, Hey, you see all these petitions, are there areas that we might wanna look at and make changes to the zoning code based on the experiences you're having at the zoning board of appeals or the other cases like specifically asking for help. Like, help us, we're dealing with all these things on the same issue, change the code and make it easier on our lives.

- And I think, I think furthermore there's also nothing in there that specifically says we can't, and in the spirit of Barb, we're trying to say yes as much as we can within the rule set. And I think I, and we're not going to do anyone harm. We're gonna follow all the open records laws. We'll be specific in our agendas. The most we can do is make a recommendation. That's it. And that might be just a letter. So I failed to see the harm.

- She's saying that if I'm hearing you correctly that, let's say it's the plan, they're not a quasi-judicial because we're a quasi-judicial, we can't make referrals to legislative changes. Is that what you're saying? So if you were like a typical committee that was not quasi-judicial, that would be appropriate because we're we're ruling things. Yes.

- So and that's correct. And to address the point that you were making, also it is in those particular instances that, that you mentioned, those would be specific requests coming from other places to address specific items. So not like, hey, take a look at the code and flag the things that need closer examination, but literally like, look at this section of the code and tell us how many variances you've had on what, something to that effect. Not this kind of freewheeling discussion that, that we're talking about.

- Well, since there's not be any decision out it that has any legal binding, I, again, I failed to see what the problem is.

- Steven let, she was finishing, hold on one second.

- My apologies.

- The other point of it is that the plan commission actually is the body that does the legislative changes to our zoning code. So if there are problems that we are seeing on a regular, that you as a board are seeing as on a regular basis, you absolutely have a right to flag them within the context of a discussion of a particular variance and say, Hey Jon, we've been seeing these a lot lately. Is that something that you as staff can look into more closely and possibly bring up as a legislative change?

And then it's on staff to decide whether to do that and to bring it to plan commission and have plan commission as the legislative body determine whether to, to put that forward then onto council who also ultimately will make that determination. Though this body is not set up to have those same kind of conversations. The jurisdiction of this body is much more limited than a body like planning commission or one of our standing committees.

- Absolutely, but again, we're not making any decisions or voting on anything in those contexts. And that sounds a lot like prior restraint of speech. I don't, I mean, strictly speaking, the conversation we're having here doesn't fall into that definition either. So I mean I think you, if I may, you're reading this very rigidly. We are not a machine that you plug variances into and get yes or nos out of and that's it. That's, I mean, I guess--

- Yeah, hold on better. Nice. Sorry. There you go.

- So I understand Lindsay, pardon what you're saying. I understand you're saying and I have always thought that staff should be picking up on some of the things that are happening here to see and then that wasn't happening with the older staff. Now we have this new guy over here and maybe, maybe he could bring some of these forward. It seems like there's a path to it. There's a path. Yeah.

- I don't mind. Yeah, I don't mind giving it to Jon. That's fine.

- The path is through staff. So if we could say, gee, this seems like a variance that we've been working on a lot. I wonder if staff could, what could we ask?

- Sure. So, and you know, we've had these discussions at length within our, within our department is just to, just so everyone's clear, this isn't me unilaterally kind of enforcing any my own will on the body or anything like that. You know, we've discussed the potential for putting something on the agenda. If somebody says, Hey, we're seeing a lot of these variances, for you all to have a discussion about those variances and then from that, make some recommendation to staff. But the conclusion is really is that that's not really appropriate. That's not really within the, I mean the, the jurisdiction itself is very clear. There are only these four things that the board is designed to address and putting agendas on, putting items on the agenda of for discussion for its own accord and making some kind of recommendation to staff for some changes to happen down the road is not within the jurisdiction as it's written in the code.

- Is it written anywhere that we can't?

- Wait, hold on, let finish.

- You absolutely can make those suggestions to staff. You can do it in a meeting. You can do it like, again, when I say in a meeting, I mean in the context of a discussion of a particular variance. You can shoot Jon an email after the meeting that says, Hey Jon, we keep seeing this same variance, is your staff looking into this at all. And Jon can give you an answer by email and if it ends up being something that needs to go to for legislative changes, again that'll go to plan commission. These are things that you are able to raise individually with staff. They're just not appropriate for item unnoticed it a item on the agenda for discussion.

- Yeah.

- So what's the risk assessment in that? Where is the, where is the possible jeopardy and doing.
- Hold on, Steven. Noel had his hand up.
- Oh, I'm sorry. I can't see that one.
- I know, it's all good here.
- There we go.
- Sorry, go ahead.
- So I mean, is there, is there, do we, do we have to be convened in a regular meeting to talk?
- Yes. Anything that relates to city business has to be noticed as an open meeting and there has to be an agenda about what the, or at some kind of notice of what specifically will be discussed.
- Follow up, and can staff put on the agenda request for our input or can the plan commission ask us to come and comment on things that we're saying, or you know, things like that. I guess what I'm trying to get to maybe is it sounds like you know what we're asking of you. Can you figure out a way to let us do this?
- Yes.
- Because that's maybe what I'd like to see happen.
- I will say it's been fairly clear to me what you all would've been wanting to happen for quite some time now. But the constraint, the problem is I understand why you all wanna have the conversations. I understand it would potentially make things a lot easier if we could all just have like an a discussion on recurring issues. If we could have that on the agenda every month to just talk about what I get that, that would be super convenient and helpful potentially. But that unfortunately runs afoul of open meeting laws and it just is, it potentially exposes the city to fines for not complying with those laws. And it's just, it's not something that that can be done. Now, what you specifically ask for, if staff asks for the board to weigh in on a specific matter or plan commission asks for the board to weigh in on a specific matter or a specific ordinance, yes, that can happen because that falls within those other matters or those requests for assistance that are within the board's jurisdiction. But those have to come from those external places.
- So if I'm reading you right, the discussion we're having right now about our legal right to have a discussion isn't legal because this isn't talking about training, this is talking about what we can and cannot do. And it's not specifically put down on the agenda. So I, you have to understand that, that when I look at this from a risk assessment step, I'm not a lawyer and I don't pretend to be, but I'm, I'm failing to see who would bring charges for this, how it violates open meetings laws or how we can even have this discussion now if we're clearly in violation. 'cause it's not on the agenda and it's not that specific.
- Interruptions for training.

- If you all don't want training on your jurisdiction, that is absolutely fine.
- That's kinda not the point. But yeah.
- It's about training on our jurisdiction.
- Well we do have a lawyer here. So on the flip side, if we were your client, is there a legal way around this? I don't think, talk about that.
- I'm kidding. The one thing that I, just to follow what you were saying, what I thought was interesting cause we discussed this at length as well when I was in that meeting, cause I asked the question, well if we as a board all went to that training in 2019, why is that one not recorded or whatever. And that's because it's not the city of Green Bay as it as its own entity facilitating it. It's a college training class that we're able to go to. So because it's being facilitated by a college that we can all go there, we can discuss what's happening and fictitiously talk about scenarios, but because it's being advised by legal and city staff, everything, it has to comply with an open meetings laws. Is that, did I do a good job summarizing that kind of.
- Yes, the only clarification that I would make is that going forward at a training like that, if I, if you were all going to attend or, or a significant subset of you were going to attend, we would still publish a notice, right, that you all were going to the training and the training was on this subject matter. The parts about it not being recorded and everything else, that's absolutely accurate because it's not put on by us. So it doesn't have to do to be recorded in the same way that all of our meetings are recorded. But we do still have an obligation to publish a notice anytime there might be a group of you meeting and the, things relating to city business might come up. And even if we're talking hypotheticals either training, it's potentially possible it could be like, oh that's kind of like that one we had. And then suddenly we've ventured into city business. And so it's just better to have it to have it publicly noticed.
- I think to move on, cause I, I'm on the same page as everybody here, but I think we need to move forward in terms of this idea of referring consistent things. I think what we just need to do is like, as a team, Sean, you are on this team as well and you've got a part to play. I'm sure you want all citizens to be able to live in Green Bay and do all these great things, right? So if you are here and you happen to see something happening frequently, right, then he has complete ability to talk to whoever about code changing, right? We just can't say it.
- We can't take it as a discussion item. Like what's wrong with the zoning code? We can say, we can all write a manifesto and email it in.
- She said, we can say, Hey Jon this, we can say whatever. But like an actual general agenda discussion item, ultimately that's not our job. So Jon, in the course of even our regular appeals agendas, if he's seeing certain things, he can make note of it and he can work through the systems and channels to potentially change that. But we can't refer or have an agenda item specifically about that. It's not our, it's not our function. Does that make sense Jon?
- It makes sense.

- Jon--

- Notes as a staff here when we're talking in this room for the legislative part for plan commission, we do recognize if there are items that can come up consistently. I can know there is one here today that came up now for past three meetings. That should be next year. We can just kind we'll keep moving forward. So there's that. That was also part of the angle of getting the alder, when she was an alder involved, because they are the legislative body. They are noticed on here, Hey, this is in your district. So that report that I was advocating for to be generated were kept track of all the variances, could be data sorted in my opinion, even if it's a year, an annual report data sorted by district sent off the alternate, if they look at it and their constituents have, oh my gosh, I had 18 variances and all of 'em were widening driveways, I'm elected official for that area. I could possibly look at that and be like, Hey, I should talk to plan and say, Hey everybody in my district can't widen their driveway. What can we do about it? That's their job. So to me, that's why that report was, I think, critical. We're not referring anything. All we're doing is sharing data of what we've seen. As long as that data can be aggregated in a way that's not overwhelming, but 75 different pieces of code, Hey, this is a driveway issue, right? Yes. There's different types of variances, but as long as it's coded widening driveway or drive, you know what I'm saying? It has to be broad enough to be able to capture information that you can put together. But it can't be so specific where like lengthening driveway widening drive. Cause then it's like 75 different versions of data, then it's useless. These are driveway issues or whatever. And if there's a way to create an annual report that we could share with alders all, we're not referring anything. Right, and we're good. And we do, we keep track of that. So, and then share with the alders. Yeah. I'm serious. They're, that's their, their voting people are coming in requesting stuff.

- Just to tell you the process though, as can I, as as former alder, usually what we get is there's the committees, like something would go to a committee where it would be fully discussed. Then it would come to council where it would be fully explained if someone asked for it to be explained. 'cause they'd have to pull that agenda item. So as a group committee of the whole rarely meets where all of us would just, oh, here's a report. Let's just all talk about that. That does not happen. But it's something that went to plan commission and was voted upon in plan then would go to city council. So I don't know that--

- Couldn't an alder also go to and commission though? If I got a report and I saw, couldn't I go to I as an alder go to plan commission and say, Hey, in my district, could you--

- Do a communication? Otherwise, yeah, you would do a communication and ask it to become an agenda item. And then you typically might show up there. Is that okay? Am I going too long?

- I'll just bring everybody back to training. Topic of training though, if I can.

- Let's do that.

- The training--

- I'm training.

- The training for alder is the, a subject of a different meeting. So looking at the resources that, that Jon threw up there before with the manual and the YouTube videos and you know, reaching out to

Steven's point to, to possibly have a more in-depth training here. So we've kind of gone over that. What are your feelings on additional trainings from us? On more specifics. Do you wanna plan for a separate meeting? Do you want to if we don't structure something, there may still be times when Logan or I are like, you know what? We really do still need to trade on this, even if the board hasn't specifically asked for it. So we may just have to throw it on the agenda if the board hasn't expressed to us how you wanna receive that training. You know, the best way. So I really would like to kind of circle back and revisit that topic as far as, yes, you'll have these resources coming from Jon, but just in general, what is, what are the preferences, separate meetings, beginning of meetings, all of that.

- I think tacking on when we have some meetings like this is perfectly reasonable.

- Yeah, because it gets weird.

- But if it ends up being eight, the agenda items,

- Then David, we punt it and we just say, let's table that, table until the next.

- Cool.

- We're exhausted and we can say that.

- So to recap a couple things. One, the handbook and the YouTube videos, I think those are, there's an onboarding process.

- Somebody's probably got a quiz for those too.

- I'm serious though, but I'm, but I actually am serious though. Like there needs to be an onboarding process for this thing. Whether it's a paid certificate, I'm not spending taxpayer money, but you know what I mean. Like there needs to be, hey, watch these videos. Do this before you come to your first meeting. And whether it's like hand over heart, I did it and they're good. Or if there is a silly quiz, but I didn't get any of that when I came on. I was learning on the fly.

- I've been winging it since I came on.

- So I do think there needs to be, this is the different, there, there needs to, for everybody's sake, there needs to be an onboarding process and there needs to be a commitment for someone on this board that's coming on to say, Hey, you're gonna go through 10 hours in training, and that's it. Whatever it is, five hours, two hours. I don't care what it is. That should be something. When you join, you go through. And I think the handbook being given, whether you read it in depth or not, and then watching those two YouTube videos, if that's what we decide as part of the onboarding process or whatever that's done. So then that training's not necessary. You have it as a recourse. I can always request it. There's these informal trainings that we're having for like a agenda item. If we have time at the end of the meeting, we can go over, hey, let's talk about preservation of intent this week. And we can talk about that.

- And then you just say, and if, and if the Steven's Point thing happens anywhere within a 50 mile radius during your term and you haven't taken it already, you gotta sign up.

- Well, and that's what I was gonna get to last year there. Technically we all sign up for three year terms. So it should be every three years, you go through that training. Every three years.

- Oh yeah. Each person does. But, and it will be rolling training. So the training has to be offered every year.

- Well, because you're gonna get the onboarding and everything. That's more of like a higher level. Like I see overall thing, as long as you've gone through it once during your term, I don't care if it's your third year or your first year and you've still been onboarded. Right, you've still got resources, all that stuff. We've still got our informal training happening regularly to keep you up in, but the every three years of like going and getting your driver's test again. Like I would love to go back and do that training again. And that may sound crazy, but it's been five years and I would love a refresher.

- Years is a, there's a horizon that I can buy. I don't wanna do.

- Every, okay, so maybe once every five years, I don't know. But then that Steven's Point thing is, is a reoccurring thing as well. And I think you've got all these great layers that are, that are working together. Null votes for five years. I still vote for three.

- I would say since the terms of three. It almost has to be three.

- I'll go with .

- Oh, Barb, listen, think about the future though.

- Going with three.

- All right, so do we like that structure? Is that something we can, we can commit to?

- Makes sense to start that way.

- Yep.

- Can we do that?

- Yep, love to have all that training. And the book, I sent the book's pdf.

- Yes.

- You don't want it?

- I want it in my hands.

- I don't want a physical book.

- And I mean--

- Understood.
- Oh thank you.
- Handbook.
- Handbook.
- You can flick to the section.
- I look at these things too and it's like, sometimes it's like, I get it and then other times it's like, hush. I'd love to see three examples right now. Yeah.
- Check it in when we're, we're done. So that way we don't, we don't have to reprint, qualify.
- So it could be in a hard cover, right, and a property of the city and yeah, we could check it. Oh, but then I can still write and everyone would've loved 'cause would've--
- It would be like a used textbook in college.
- It would be.
- You all received an email with, with a PDF if you'd like to have it as well. And then the two YouTube links, let me know in response back, if you want a hard copy, I'll make it work for you.
- Yeah, thank you Jon.
- I would love to wrap this conversation with the chair. Are you ready for that?
- Yeah. Just going to go ahead on, on the whole Steven's Point every three years as far as that goes. As far as making the this become a an order. We will highly encourage 'em. We want that to happen as far as that goes. I can keep on not notify the board here. Hey there's one, one, I mean the.
- Mayor's office takes that into consideration when they're making appointments for continuation. Oh this person never took the training. There's a scofflaw, we're not gonna reappoint them to the board of appeals.
- My computer died.
- The other thing is, and we can talk about this a different time, I do think that we should not stop looking at training for these, this side of the things. So if there's like, hey, you're going to the board of appeals, right? Even what she said today when reading our jurisdiction, it's like verbiages matter. That matters. You've made a decision. No you can't do this thing and they're appealing your, the thing, and that's why they're here, right? Like that simple verbiage lets people know the city's made a decision. You represent the city, you represent it, and they're appealing your decision. So they're here to appeal though using those words I think is critical. But is there a a video that they can watch that is like, hey, when you go make a case at a board of appeals, here's an example, right? And it's got like the person, it's the thing, this is a good example of what this looks like. Or it takes 'em through the

five points. So hey, before you go, this is what a presented case looks like. Whether we actually create that video or someone does a little Google research maybe that exists out there that we could then give the applicants. Cause you're doing a great job, it seems like trying to fend off people coming before they're ready. And I noticed on the application is like, have you had a conversation with the planning team? No? Do not do anything. Yes, cool. You see what I'm saying? So there's the other side of the things that we need to provide as much information so they have a positive experience as well before they get here. And for most of those folks who have come here today, they even, nope, we can go out, go to YouTube right now and check out April and March. I've gone back and said look at what this board has done. Speak what they go ahead and say yes to go ahead and make your argument to go ahead and meet those five requirements right there.

- You can tell based off that, thinking about that. Yes, I dunno if they get the five requirements, 'cause on the application, it's still a three step test. No, you get that on the application. It's a seven page application. Now they see that on there as well. So they don't have to write down every last one of 'em. But they're noted when we have our conversations. Maybe there's a video of it of someone giving, there might be, yeah. So I dunno if we can look at that. But any information is good. Which is what I was saying to them, the end of the day, all of us are working together as a team. We're all, we're volunteering our time. You're city staff, you're here late to try and make this good. But it's citizens. I'm like, these are the things that come together. If we can get this humming, then it's like, hey, people actually love the city of Green Bay and it's a be great place to live and they work with us. They're all so stern in certain ways, but like we understand why they're letting us down gracefully. So it's all good.

- Tommy Everman.

- That's good.

- Zoning YouTuber. That's my, that's seriously from my perspective, is there anything we need to say about that or not yet?

- Not yet.

- Okay, cool. Great. Is that the end of that, that's it? Move to adjourn. So moved, what was it, and seconded.

- I'll second it. Oh sorry again. Last thing Steven, it great to see you in person. I'm sorry for your car troubles. Great job everybody tonight. Lots of progress. It's my favorite word in the world. And it was great to see a lot of friendly faiths in person, so thank you for that. All right, all those in favor of adjourning say, aye.

- [Group] Aye.

- Bringing to a close.