

**Board of Zoning Appeals**

Mon, Nov 21, 2022 7:30PM • 31:10

**Paul McCann (BOZ Chair) 05:03**

Fire up some microphones here. Good evening. I'd like to call the meeting of the Board of Zoning Appeals to order. First item of business is a roll call of our membership. We have four members here tonight. I am Paul McCann, the chair. Mr. Kevin Loosen.

**Kevin Loosen (BOZ Member) 05:26**

Present.

**Paul McCann (BOZ Chair) 05:27**

Mr. Michael Babbitts.

**Michael Babbitts (BOZ Member) 05:28**

Present

**Paul McCann (BOZ Chair) 05:29**

Scott Engstrom.

**Scott Engstrom (BOZ Member) 05:30**

Here.

**Paul McCann (BOZ Chair) 05:33**

Okay. So, we have four members. Just to give you an idea, there are no other people in attendance other than the applicant. So, there will not be public appearances tonight. But if there were people who wanted to give their opinion or ask questions, they'd be asked to come forward early on. Now we have two students, I think, probably coming in. Assuming you do not want to make a public appearance tonight. Okay. Then we'll be able to move along. But, so the board will hear your case tonight. It takes four yes votes to approve a variance. There are four members here so it'll basically need to be unanimous tonight. And you'll get the answer tonight before you leave.

**Paul McCann (BOZ Chair) 06:24**

So, first official item of business I guess is to approve the minutes from our October 17 meeting. Everyone had a chance to review those minutes?

**Scott Engstrom (BOZ Member) 06:35**

Yes, I'll move to approve.

**Kevin Loosen (BOZ Member) 06:36**

I'll second

**Paul McCann (BOZ Chair) 06:37**

Move to approve and second. Any discussion? All in favor say aye. Aye. Okay, so those minutes are approved. We waive the public hearing and appearances.

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**Paul McCann (BOZ Chair) 06:49**

So, the first case and only case tonight is 110 North Kensington Drive. Mr. Craanen if you would read the request for variance while you folks go ahead and come on up and position yourself at the number eight microphone now, please.

**Supervisor Kurt Craanen (Inspections) 07:11**

The applicant proposes to construct a second ground sign on a parcel. Section 23-522(a) of the zoning ordinance limits ground signs to one per parcel.

**Paul McCann (BOZ Chair) 07:20**

Okay. Fairly simple. If you could introduce yourself, sir.

**Eric Cates (Appleton Sign) 07:24**

My name is Eric Cates with Appleton Sign. I'm here on behalf of my client Valley Packaging Industries.

**Paul McCann (BOZ Chair) 07:30**

Okay. So, Mr. Cates, what what's necessary for us to be able to agree to a variance and to provide that for this project would be to understand what unusual circumstances or hardships there might be with this property that would make us consider something other than what is in the code.

**Eric Cates (Appleton Sign) 07:52**

Okay

**Paul McCann (BOZ Chair) 07:53**

If you could just express whatever concerns there are, whatever hardship you think you might have, so that we can consider that.

**Eric Cates (Appleton Sign) 08:00**

Sure. So, this case was brought to me. My client is opening up a new business inside their building called the Hub, which is a nonprofit put on by the United Way. Because of this new business, they need to rectify their wayfinding situation so traffic coming off of Kensington can appropriately use the driveways coming into their property.

**Eric Cates (Appleton Sign) 08:27**

Right now, they have two driveways, and they would like to split them based on the traffic that would be using each driveway. This parcel, we found out, is the same parcel, but it has two separate mailing addresses. So, what they want to do is use one of the driveways for trucks and buses to use to get back to deliveries and drop offs. And the other one is going to be used for visitors for the Hub and for the people that are actually working at Valley Packaging.

**Eric Cates (Appleton Sign) 09:00**

The hardship that they're seeing is if we direct all traffic into one driveway, there's a lot of pedestrian traffic, and they're worried about buses and trucks coming through where there's pedestrians walking from one part of the parking lot into the building.

**Paul McCann (BOZ Chair) 09:17**

Okay. Kurt, there was a plan view of this. Could you just put that up? I think that's what you're referring to?

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**Eric Cates (Appleton Sign) 09:24**

Correct. So, what we've been told is that there are two mailing addresses 108 North Kensington and 110 North Kensington. And if you can see items B and M, those are the placements for the two new proposed signs. They would like to direct traffic for trucks and buses at where we have M. So, they would turn in and use that long drive and get more towards the back of the building where deliveries would be. And then where we have B is where they would like to direct visitor traffic into that parking lot.

**Paul McCann (BOZ Chair) 10:06**

And currently, when you drive by there are temporary signs that direct that same?

**Eric Cates (Appleton Sign) 10:11**

Right, so we just recently put up a temporary sign, because the Hub was just had their grand opening and they needed to direct traffic in there. So, where it says B is where we would take out a sign. And there's also a wooden sign that is a permanent sign for them, but it's very old. We'd be removing that and replacing it with a new permanent, painted aluminum sign.

**Paul McCann (BOZ Chair) 10:38**

We don't have any indication of what size or shape or...

**Eric Cates (Appleton Sign) 10:42**

We do. I have drawings with me if you'd like to see them.

**Paul McCann (BOZ Chair) 10:45**

Yeah, I think that'd be good information. These are these are considered two ground signs right, Kurt? So, these are larger signs, not necessarily directional.

**Eric Cates (Appleton Sign) 10:55**

Can I approach?

**Paul McCann (BOZ Chair) 10:56**

You bet.

**Eric Cates (Appleton Sign) 11:06**

So, we have one sign being here, that's going to direct Hub and VPI entrance traffic. So, if you're looking at the map, that's the northern most.

**Paul McCann (BOZ Chair) 11:17**

So that's the one that you had under B.

**Eric Cates (Appleton Sign) 11:19**

Correct.

**Paul McCann (BOZ Chair) 11:20**

Okay.

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### Eric Cates (Appleton Sign) 11:21

And then the one in question, I believe, is this M. This is the one, the second sign that we would like to put up that designates the shipping and receiving for trucks. This sign is five foot by six foot wide for the sign cabinet here. We've got 92 inches.

### Paul McCann (BOZ Chair) 11:40

And that's one closer to Menards? That'd be...

### Eric Cates (Appleton Sign) 11:42

Correct, so we would be replacing this sign that is already there. With this one.

### Paul McCann (BOZ Chair) 11:47

So, Kurt, the sign that's already there. Is that a nonconforming ground sign? The temporary or the wooden one that's there?

### Supervisor Kurt Craanen (Inspections) 11:54

You have an image of it, right?

### Eric Cates (Appleton Sign) 11:56

I do.

### Paul McCann (BOZ Chair) 11:56

He does have a photo of it. I noticed that.

### Supervisor Kurt Craanen (Inspections) 12:02

Is it [indecipherable] feet from the property line?

### Eric Cates (Appleton Sign) 12:07

I believe so.

### Supervisor Kurt Craanen (Inspections) 12:08

Yeah. Yeah, it's set back. It's by that—is it the southernmost driveway into the property?

### Supervisor Kurt Craanen (Inspections) 12:15

Yeah, it's been [indecipherable] feet back, it [indecipherable] 28 feet tall.

### Eric Cates (Appleton Sign) 12:23

And so, we are going to set this back, I believe, 20 feet this way and 15 feet back from here for the proposal.

### Paul McCann (BOZ Chair) 12:30

But that's the second sign. There's two signs today. That one that he just showed you as the second sign is already on the property.

### Supervisor Kurt Craanen (Inspections) 12:37

Alright. So yeah. I don't know how long it's been there.

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**Paul McCann (BOZ Chair) 12:40**

So, it's on the it's on the second address, though, right? So, I'm sure somebody came along and thought well it's on a second property or it's on a different property going...

**Eric Cates (Appleton Sign) 12:47**

Correct. And it has a different address. So, we figured it could have its own sign, but then we found out that it's all considered the same parcel even though it has two different addresses. Do you guys need a copy of this?

**Eric Cates (Appleton Sign) 12:49**

I wouldn't mind showing that around a little bit. Do you have the M sign on here as well?

**Eric Cates (Appleton Sign) 13:06**

They're both in there.

**Paul McCann (BOZ Chair) 13:07**

This was the M.

**Eric Cates (Appleton Sign) 13:08**

Well, that one would be the location of B.

**Paul McCann (BOZ Chair) 13:11**

I thought B would be for buses. Is there is there any opportunity to make that sign conforming? Because you're allowed directional signs. Right?

**Eric Cates (Appleton Sign) 13:24**

Right. But I think the directional signs, I think we'd have to go smaller. And I think the size of this is going to be appropriate to catch traffic. And I'm just not sure if we're allowed directional signage out on Kensington.

**Paul McCann (BOZ Chair) 13:44**

I believe you wouldn't be. I mean, we have similar—Ballard Road, for example, the Voith property is that huge property with several different places. They have a number of probably 4 square foot maybe signs that show, you know, "shipping is this way". But they're big ground sign that says Voith is out front. Okay. And so, the reason—this is 35 miles an hour on?

**Eric Cates (Appleton Sign) 14:13**

I believe so.

**Paul McCann (BOZ Chair) 14:15**

So, the concern would be that people would be coming south to north and miss this sign?

**Eric Cates (Appleton Sign) 14:20**

Correct.

**Paul McCann (BOZ Chair) 14:20**

Come into the other?

**Eric Cates (Appleton Sign) 14:21**

Correct.

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**Paul McCann (BOZ Chair) 14:22**

And not be able to get to where they need to go?

**Eric Cates (Appleton Sign) 14:23**

Right and then you'd have—if you have trucks and buses coming that way, my client is worried about pedestrian traffic from the parking lot into their building and having busses and trucks coming there as opposed to use that southernmost driveway.

**Paul McCann (BOZ Chair) 14:38**

Okay. All right. Thanks. Are there any other questions for the applicant? Kurt, if I could ask you to put that plan view back up just showing the different driveways into the facility.

**Paul McCann (BOZ Chair) 14:59**

Yeah. So, you have—there's coming from the bottom of the page to the top of the page, you have the M entrance, which is the first one you'd see once you get past the Menards property. You have another that you're calling B. And then there's a third one even further north of that, that sort of your in out, I suppose, to the parking lot or to the main entrance. Because the main entrance is actually even with the word drive right in the Kensington Drive? Isn't the main entrance at bump out?

**Eric Cates (Appleton Sign) 15:42**

Up there? I believe it's the one where it's like by the—where we're calling B. The main entrance of the building, yes, it's...

**Paul McCann (BOZ Chair) 15:50**

Reception is to the building—if you go to the word drive in Kensington Drive and go east, that's where...

**Eric Cates (Appleton Sign) 15:55**

Correct. That is the main entrance. Correct. They have employee entrance comes in though...

**Paul McCann (BOZ Chair) 16:00**

In the middle of that south?

**Eric Cates (Appleton Sign) 16:04**

Correct. Correct.

**Paul McCann (BOZ Chair) 16:05**

Right. So, if someone goes past M, they can still go in B, drive through the parking lot and get to the same place they were heading. Is that true?

**Eric Cates (Appleton Sign) 16:18**

That is true.

**Paul McCann (BOZ Chair) 16:19**

Interacting your concern with other cars and pedestrians that are in that parking lot?

**Eric Cates (Appleton Sign) 16:25**

Correct.

**Paul McCann (BOZ Chair) 16:37**

Kurt, do you know from by definition what size directional sign they will be allowed?

**Supervisor Kurt Craanen (Inspections) 16:44**

Six square feet.

**Paul McCann (BOZ Chair) 16:45**

Six square feet. So, three by two or...? This one's three times that size?

**Eric Cates (Appleton Sign) 16:55**

It is and I believe the wooden structure that's there is probably a four by eight.

**Paul McCann (BOZ Chair) 17:17**

Any other questions?

**Paul McCann (BOZ Chair) 17:29**

Do you know that distance between M and B?

**Eric Cates (Appleton Sign) 17:35**

Probably a couple hundred feet. Yeah, I could scale it. I don't have my scale ruler with me. Could probably pull that up, though, couldn't you?

**Paul McCann (BOZ Chair) 18:00**

Just, have you—you just, showed that...show that picture again that you were just—because that showed B plus the one north of B, right on the right. And just. No. On the right of the screen that you were just looking at—the color Google Earth version, that one. So that's B in the lower part of the screen. And B Plus or whatever you'd call the one north of there. Can you can you push that up just a little bit to try to find that entrance. Er, I've got this all wrong, don't I? No, it's gonna.... Yeah, that would be it. So, it's even less than I imagined.

**Unknown Speaker 18:49**

Is that what's there right now?

**Eric Cates (Appleton Sign) 18:50**

Yes. And that will be removed as part of this project.

**Paul McCann (BOZ Chair) 18:54**

Replaced with the with the B sign

**Eric Cates (Appleton Sign) 18:56**

Right.

**Paul McCann (BOZ Chair) 19:03**

So that's, that's a temporary hiring sign.

**Eric Cates (Appleton Sign) 19:07**

That's not even there right now.

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**Paul McCann (BOZ Chair) 19:08**

If you go the other way then, Kurt, south on Kensington, you get to the other entrance. So, I mean, it seems even if someone—oftentimes we're in situations where it's 45-55 miles an hour, there's only 100 feet, and if somebody misses the first sign, they're in a totally different traffic pattern. You know, they can't get to where they're wanting to go.

**Paul McCann (BOZ Chair) 19:39**

This seems like you can get to where you want to go. Maybe not ideally, but you can. So that's the sign that you're also replacing that's wooden and temporary?

**Eric Cates (Appleton Sign) 19:50**

Correct.

**Paul McCann (BOZ Chair) 19:51**

That directs deliveries?

**Eric Cates (Appleton Sign) 19:53**

Correct.

**Paul McCann (BOZ Chair) 20:08**

I'm just going to ask you one more time, if you could just state what you believe the hardship is in this situation. So, Kurt can write that down.

**Eric Cates (Appleton Sign) 20:17**

Yeah, the hardship for my client is directing the appropriate traffic to the appropriate part of the building. The southernmost driveway, they would like to use for buses and trucks to be able to direct their traffic to the back part where they're accepting deliveries. And if the trucks and buses miss that driveway and go through to the next driveway, they have a fear of pedestrian traffic potentially being injured from walking across from the parking lot into the building, and the flow of traffic being different there. So, the hardship is basically just rerouting traffic for deliveries.

**Paul McCann (BOZ Chair) 21:04**

Are you familiar enough with the operation to know what the timing is of bus arrivals and truck arrivals versus employee?

**Eric Cates (Appleton Sign) 21:10**

I'm sorry, I do not. I do know that they have people coming and going throughout the day. It's not just heavy pedestrian traffic in the morning and at the end of the at the end of a shift. It's kind of all day long people are coming and going.

**Paul McCann (BOZ Chair) 21:23**

And is this M entrance intended to be two-way? Trucks will go in there and come out there exclusively?

**Eric Cates (Appleton Sign) 21:34**

It should be one way and trucks would be coming in there one way and then exiting. Oh, I'm sorry. They're turning around and exiting; it will be two-way. It will be two-way.



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**Paul McCann (BOZ Chair) 21:47**

Because if you told me they were coming back out of B.

**Eric Cates (Appleton Sign) 21:48**

No, they have the—if they have, see where it says GL3 there? In the grassy area right to the right of that, they will have another smaller sign that points trucks back through to M. So, it will be a two-way drive on M.

**Paul McCann (BOZ Chair) 22:08**

Seems pretty narrow for semis to be coming in and out at the same time. But maybe it's not an issue.

**Scott Engstrom (BOZ Member) 22:19**

Could you do a bigger sign where you denote, you know, "Truck entrance. Visitors next entrance"? I mean...

**Paul McCann (BOZ Chair) 22:31**

Put your main ground sign at?

**Scott Engstrom (BOZ Member) 22:33**

Yeah.

**Paul McCann (BOZ Chair) 22:33**

At M? That works coming from the south. It doesn't work coming from the north. Are these both going to be parallel to the road as they are today? Or are they going to be perpendicular?

**Eric Cates (Appleton Sign) 22:48**

They are perpendicular to the road.

**Paul McCann (BOZ Chair) 23:09**

And again, from an operational standpoint, you don't have data. You can't tell me there's 10 trucks a day or 10 buses a day or?

**Eric Cates (Appleton Sign) 23:16**

That I—no, that I do not know. I'm just providing a solution for my client that asked to do that.

**Paul McCann (BOZ Chair) 23:25**

Yep. Any other questions? If there are no other questions, we'll entertain a motion on the request for variance.

**Scott Engstrom (BOZ Member) 24:00**

I'll make a motion to approve the variance as requested. I think that given some of the directional traffic considerations we discussed here, as well as taking a look at the actual map and looking at the impact on drivers as they would be looking to enter the appropriate entrance to the facility, I think having two signs would actually benefit the flow of traffic and is in keeping with the spirit of the code. Specifically looking to the purposes of code at 23-500. Avoiding excess levels of visual clutter or distraction that are potentially harmful to traffic. I don't have that concern here. It's in keeping with other pertinent sections relating to the purpose of enforcement of this code.

**Paul McCann (BOZ Chair) 25:19**

Further discussion by the board?

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**Michael Babbitts (BOZ Member) 25:21**

Is there a way to limit the extent of this? Thinking 50 years down the road so that we don't—we're not limited to—we aren't providing two signs where it may no longer makes sense.

**Supervisor Kurt Craanen (Inspections) 25:39**

Typically, I mean, this just runs with the land. I mean, this business could change and they would always have this variance. We don't put sunset clauses on where they expire after 20 years.

**Paul McCann (BOZ Chair) 25:52**

Generally, it runs with

**Supervisor Kurt Craanen (Inspections) 25:52**

Or if there's a new owner, that would be difficult to track.

**Michael Babbitts (BOZ Member) 25:56**

I was wondering if we can tie it maybe to the two addresses or to the two functions of the space that you're diverting two different functions of traffic?

**Scott Engstrom (BOZ Member) 26:09**

I think that's—I think that could even be difficult for the business if they decided they had to rework the flow of traffic even within their own facility. In order you're saying.

**Paul McCann (BOZ Chair) 26:24**

I think it would be difficult to do that, Michael. One question I have, though, would be if we were to allow two ground signs, Kurt. And I don't know, if we've accepted in the, in the motion, that the two ground signs would be as proposed, or if two round signs would be as allowed by code and 23-522(b)(4) or (b)(3) maybe? I guess it's 3—restricting the size of the overall size of the two signs. So, Scott, I don't know if in your motion, you were allowing two ground signs that would be per code. Or if you're allowing to ground signs per applications.

**Scott Engstrom (BOZ Member) 27:27**

I would say per code. So, if I am being asked to amend the motion, I would confine it to as permitted under the terms of 23-522(b). Yeah, the subsection.

**Paul McCann (BOZ Chair) 27:44**

So, what that does, for you, Mr. Cates it suggests that the maximum sign of the two signs is 118 square feet for the primary sign and 32 square feet for the secondary sign. So, your secondary sign, I think, is six by five or something you said?

**Eric Cates (Appleton Sign) 28:04**

Correct.

**Paul McCann (BOZ Chair) 28:05**

Probably falls. And, Michael, maybe to your point, that probably using—the allowance for two ground signs probably does restrict the...it does not put up two huge ground signs. It does put in a primary and a secondary sign, and it would...

**Scott Engstrom (BOZ Member) 28:26**

I think that second sign would comply.

**Paul McCann (BOZ Chair) 28:30**

It does currently, but I think I think it's a good clarification maybe to your motion.

**Scott Engstrom (BOZ Member) 28:35**

Yep. Right.

**Supervisor Kurt Craanen (Inspections) 28:37**

Can I say something? Because the application that I received just said to ground signs. I know I think you presented new information at the hearing about what how big it would be.

**Eric Cates (Appleton Sign) 28:44**

Correct.

**Supervisor Kurt Craanen (Inspections) 28:45**

But they're absolutely right. I mean, you—you're not asking for increase in size of the size that's outside the scope of the code.

**Eric Cates (Appleton Sign) 28:52**

Correct.

**Supervisor Kurt Craanen (Inspections) 28:53**

So yeah. The other, the second one would be limited to what is it?

**Scott Engstrom (BOZ Member) 28:57**

32 square feet

**Supervisor Kurt Craanen (Inspections) 28:58**

32. 118 and 32 total.

**Eric Cates (Appleton Sign) 29:03**

Okay.

**Supervisor Kurt Craanen (Inspections) 29:04**

And I don't have the document in front of me anymore, Michael. But I assume if one is six by five, that's the secondary sign. The other one wasn't much bigger than that.

**Eric Cates (Appleton Sign) 29:13**

It wasn't 118 square feet.

**Paul McCann (BOZ Chair) 29:16**

Yep.

**Scott Engstrom (BOZ Member) 29:17**

So as a matter of formality, I will amend my motion for the reasons stated previously, to approve the requested variance, subject to the limitations in 23-522(b)(3) for the two ground signs.

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**Paul McCann (BOZ Chair) 29:33**

Okay. Kevin, you're okay with that, as the second?

**Kevin Loosen (BOZ Member) 29:36**

Mm hmm. I am.

**Paul McCann (BOZ Chair) 29:38**

So, we have a motion and a second. Is there any further discussion? If not, we'll take a vote. Mr. Engstrom?

**Scott Engstrom (BOZ Member) 29:48**

Aye.

**Paul McCann (BOZ Chair) 29:48**

Mr. Loosen?

**Kevin Loosen (BOZ Member) 29:49**

Aye.

**Paul McCann (BOZ Chair) 29:50**

Mr. Babbitts?

**Michael Babbitts (BOZ Member) 29:51**

Aye.

**Paul McCann (BOZ Chair) 29:51**

I will vote aye as well. So, four aye votes. Variance is granted.

**Eric Cates (Appleton Sign) 29:57**

Thank you.

**Paul McCann (BOZ Chair) 29:58**

You're welcome. Good luck with your project.

**Eric Cates (Appleton Sign) 30:00**

Thank you.

**Paul McCann (BOZ Chair) 30:05**

Are there any informational items tonight?

**Supervisor Kurt Craanen (Inspections) 30:07**

No.

**Paul McCann (BOZ Chair) 30:08**

I did want to make one thing or one caution or whatever, or one—I will not be available for the January meeting, Scott. You'll be in attendance for the January meeting. Yeah, we should probably keep those. Thank you. So just to get ready for that and let you know ahead of time that I'll be out of town for that. Anything else for the group or class tonight? I'll entertain a motion to adjourn.

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**Kevin Loosen (BOZ Member) 30:44**

I'll make a motion.

**Michael Babbitts (BOZ Member) 30:46**

I'll second.

**Paul McCann (BOZ Chair) 30:47**

Motion and second. All in favor say aye. Aye. Okay, we are adjourned. Thank you, everybody.