



**MEETING MINUTES**  
**ZONING BOARD OF APPEALS**

Tuesday, February 19, 2019  
7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Mary Beth Berns, Myrna Arevalo, Mary McAuley, Kiril Mirintchev, Violetta Cullen

Members Absent: Scott Gingold

Staff Present: Melissa Klotz

Presiding Member: Mary Beth Berns

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**Declaration of Quorum**

With a quorum present, Chair Berns called the meeting to order at 7:00 p.m.

**Minutes**

Ms. Dziekan motioned to approve the meeting minutes of January 15, 2019, which were seconded by Ms. McAuley and approved 5-0 with one abstention.

**Old Business**

**2510 Green Bay Rd.**

**ZBA 18ZMJV-0106**

Michael Meiners, lessee, applies for a special use permit for a Banquet Hall in the B1a Business District (Zoning Code Section 6-9-5-3) and oCSC Central Street Overlay District. The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Steven Bauer., attorney, explained the proposal:

- Request to operate a banquet hall at the facility.
- 10 on-site parking stalls are located in the front of the property.
- As requested by the DAPR Committee, the operator created a parking plan, valet plan, and conducted the noise study at varying times of day.
- Submitted updated Valet Parking, Waste Management, and Noise Mitigation Plan following DAPR.
- Applicant agrees to all DAPR conditions.

Chair Berns asked what valet route would be used because Prairie is a one way street so it would be enticing for valet drivers to cut through the alley, which is not appropriate for that volume of vehicles. Michael Meiners, operator, explained the preferred route from Haven or Kingsley would be to take Lincoln to Poplar to Central and then south down Green Bay.

Ms. McAuley asked how the operations for the Beacon Academy event worked since it had over 200 attendees. Mr. Meiners explained valet parking was at Haven and it worked well with no complaints. There was DJ music at that event and there were no known noise complaints. All other events were for less than 50 people and valet parking was not needed.

Mr. Meiners explained there are no hours of operation proposed because each event will be unique. The alley will not be used from 10pm-8am. Events like weddings may function until midnight.

Ms. Dziekan asked what steps have been taken regarding parking agreements with the off-site parking lots. Mr. Meiners said he has had conversations with Haven and Kingsley schools (roughly 140 stalls combined) and understands their process, and has been through it once. The parking lot to the north of the site has been used before (43 stalls).

Mr. Meiners explained he considered making the space a large art studio/gallery, but this is the only economically viable use of the space other than renting it out to someone else.

Mr. Meiners continued:

- 20 large events of +100 people are needed per year to break even.
- Workshop space at the back of building will remain and be used by Mr. Meiners for art and building things which are also a revenue generator.

Ms. McAuley noted one large event was successfully held, and Ms. Klotz confirmed the DAPR recommendation includes a condition that the special use and parking be reevaluated after one year, at which time the special use could be modified to include additional conditions or the special use could be revoked.

Ms. Dziekan asked what would happen on NU game days, and Mr. Meiners responded he would treat those days the same as any other day, so it is probable that a large event would not be held then since securing a parking agreement would probably be difficult.

Heather Bublick, Feast & Imbibe caterer, explained the one large event that was held was catered by her company and there were no parking, valet, noise, or other issues. The catering kitchen is a 2-minute drive away, and there are 2 parking spaces at 2500 Green Bay Rd. Catering employees park at 1601 Payne (Feast & Imbibe) and are then shuttled over to HackStudio, which works well.

Scott Rodgers, 2504 Green Bay Rd., stated large parties that go until midnight will hurt the value of adjacent properties. Concerns include overuse of the alley, noise, and loud/drunken attendees walking around the area at night. Bass drum and bass guitar noise travels much more than higher pitched noise.

Claire Regan, 2515 Prairie Ave., lives in the building behind HackStudio and has concerns that no hours of operations are proposed. There will be a temptation to use the alley at night. The 2528 Green Bay Rd. parking lot is directly across the alley from

residential so noise will travel from people walking to their cars parked there after events.

Morgan Shubert, 2515 Prairie Ave., noted the City's noise ordinance limits sound and the noise from a DJ or bass from a band will travel and violate that. There are other uses for the property that would blend with the rest of the neighborhood.

Robert Schubert, 2515 Prairie Ave., explained the alley will be overloaded with congestion when the loading dock is in use, and it will be used because the front door will be congested with event patrons.

Michael Retgild, 2515 Prairie Ave., agrees with everything previously stated and believes there will be "party time behavior" that occurs twice a month or more and is not acceptable in a neighborhood.

Kathleen Johnson, 1843 Lincoln Ave., explained she received a flyer in the mail from HackStudio that states the proposal is for daytime events such as birthday parties and only briefly mentions at the end that nighttime events such as weddings would also occur. Smaller daytime events are fine but large nighttime events that increase alley congestion and create noise are not appropriate. There is no extra street parking in the area, and there is only parking on one side of the street on Lincoln Ave. Also, it is not appropriate to serve alcohol that close to a school.

David Bice, 1843 Lincoln Ave., agreed with previous statements and noted FedEx trucks use that alley frequently so additional alley traffic would be too much.

Frank Callahan, 1849 Lincoln Ave., agreed daytime events are acceptable but nighttime events are not appropriate.

Ira Smith, 1835 Lincoln Ave., explained his alley garage is the closest building behind HackStudio and the alley is already heavily used by commercial traffic and cannot handle additional traffic.

Octavio Vargis, 2515 Prairie Ave., explained street parking in the area is already very difficult and it can take 10 minutes of driving around before finding a street spot when weather is bad. Additional vehicles parking in the neighborhood would be detrimental.

Michael Gray, 2501 Prairie Ave., stated many people will park in the neighborhood to avoid the valet parking so there will be many vehicles driving through the neighborhood.

Mr. Meiners responded:

- Agree that some attendees will avoid valet parking but is unable to control that.
- Agrees that a condition could be placed on the decibel level allowed within the building.

Ms. McAuley noted a bow-truss roof typically has insulation for noise dampening on the exterior of the roof. It may be beneficial to work with neighbors to determine what sound level is acceptable.

Ms. McAuley asked if it is feasible to create an indoor loading dock to address concerns of overcrowding in the alley. Mr. Meiners responded he has had two instances in the past of large deliveries (construction materials that are much more than a catering or DJ delivery) and the large deliveries work well going through the front door. A condition not to use the alley would be fine, as well as a condition limiting hours of operation.

Ms. Dziekan asked if the business model works with daytime events only, since neighbors have concerns with the larger evening events. Mr. Meiners responded the daytime events are supplementary and the nighttime events are necessary to make the business model viable.

Mr. Meiners agreed that street parking in the neighborhood is already challenging. He disagreed with neighbor comments that it is inappropriate to serve alcohol near a school.

Mr. Bauer summarized there is a needed venue for events like this and Mr. Meiners has been approached for this type of use. Some events have already been held and there are no known complaints from those events. If any City regulations such as noise violations occur then Mr. Meiners would be held liable for that and could be fined or have the special use revoked. Conditions for hours of operation, parking, noise, no alley use, etc. are all acceptable.

Deliberation:

Ms. Cullen explained a one year review is too far in the future, and instead the proposal should come up with more clear details and answers regarding things like alley usage, the loading dock, noise, parking, valet, etc.

Ms. McAuley noted rowdy behavior will only go through the front door and hours of operation can be limited, so concerns can be appropriately addressed. A trial period is a good idea and can flush out any potential problems or else find the use is not compatible with the neighborhood. The business will only be successful if it fits well with the neighborhood and does not impose negatively on neighbors.

Ms. Dziekan commended the applicant for attempting to work with the neighborhood. Conditions are needed, and the threshold for off-site parking is too high at 75 and should be reduced.

Ms. Arevalo stated she finds the proposal acceptable, but wondered if attendees would individually pay for the valet parking or if it would be free to them. Valet parking should be free to encourage attendees to use it instead of parking in the neighborhood. If a valet company is used then off-site parking agreements would not be needed from Mr. Meiners - the valet company would handle all of it.

Mr. Mirintchev stated the proposal does not fit with the neighborhood because there is not adequate parking. The off-site parking and valet would not work well because people tend to congregate near parked vehicles to socialize. The building is not well suited to dampen noise.

Chair Berns noted there is no other good use for the site - it doesn't work well for retail or office, and if it were a residential use then there would not be adequate parking. Given that, the proposed adaptive reuse of the building is acceptable. Ensuring valet parking is free will help a lot and encourage attendees to utilize the valet parking. Soundproofing (acoustic panels) inside the building should be considered and analyzed by an acoustic engineer. A 6 month review, and 12 month report, should be required.

ZBA Members agreed that off-site parking should be required for events of 50 attendees or more. Hours of operation should be 8am - 10pm Sunday-Thursday and 8am-midnight Friday-Saturday.

Standards:

1. Yes
2. Yes
3. Yes; No - Mr. Mirintchev
4. Yes; No - Ms. Cullen
5. Yes
6. Yes
7. Yes; No - Ms. Dziekan, Ms. Cullen
8. Yes
9. Yes

Ms. McAuley motioned to recommend approval of the request with the following conditions:

1. No valet traffic in the alley
2. No loading/unloading via the alley
3. Acoustical dampening required
4. Free valet or shuttle service required when off-site parking is required.
5. Off-site parking required for events of more than 50 attendees.
6. Submit a preliminary report after 6 months and final report after 12 months that are reviewed by staff and the ZBA Chair.
7. Hours of operation are limited to 8am-10pm S-Th and 8am-midnight on F and S.
8. No employee park on the premises during events.
9. Sustainability Practices
10. Substantial compliance with the documents and testimony on record.

The motion was seconded by Ms. Arevalo. With a vote of 3-3 the case moves forward with no recommendation by ZBA.

### **New Business**

#### **821-823 Chicago Ave.**

**ZBA 19ZMJV-0006**

Shawn Decker & Cesar Marron, lessees, apply for a special use to expand a Craft Alcohol Production Facility, Sketchbook Brewing Co., in the C1a Commercial Mixed-Use District (Zoning Code Section 6-10-3-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Shawn Decker & Cesar Marron, operators, explained the proposal:

- Sketchbook has operated for the last 4 years and has special use approval currently.
- The existing tap room is very small and with extremely limited seating.
- No changes are proposed to the brewing facility.
- No additional food will be added.
- Sketchbook is extremely involved with the community and is a neighborhood establishment.
- Changes to the exterior of the building include ADA compliant doorways with vestibules, possibly operable windows, and a new awning.

Deliberation:

ZBA Members agreed the request is appropriate and this type of business expansion is encouraged by the Comprehensive General Plan.

Standards:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. McAuley motioned to recommend approval of the special use expansion with the same conditions as the existing special use. Ms. Dziekan seconded the motion, which was unanimously approved.

**1118 Harvard Terr.**

**ZBA 18ZMJV-0002**

Stacey Christie, property owner, appeals the Zoning Administrator's decision to deny minor zoning relief (case number 18ZMNV-0095) to construct a one-story addition with a 3.8' west interior side yard setback where 5' is required (Zoning Code Section 6-8-3-7) in the R2 Single Family Residential District. The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.

The appellant confirmed additional information is provided to the ZBA since the Zoning Administrator's determination.

Ms. Dziekan motioned to deny the appeal and reaffirm the Zoning Administrator's decision that was made based on the information available at that time, which was seconded by Ms. Cullen and approved 5-1 to uphold the Zoning Administrator's decision.

John Cook, contractor, explained the additional information that was provided and that the proposal now meets the following Standards:

1. The practical difficulty is not self-created.
2. The request will not have a substantial adverse impact on adjacent properties since the next door neighbor is in favor of the zoning relief.
3. Since the Zoning Ordinance allows for variations, the proposal meets the intent of the Comprehensive General Plan.

Ms. McAuley asked staff why the Zoning Administrator felt the proposal does not meet the intent of the Comprehensive General Plan, and Ms. Klotz responded that side yard setbacks are meant as an open space buffer between properties, and since there is a compliant alternative available, there is no reason to extend into the required setback and reduce that open space buffer which is a requirement of the Zoning Ordinance and intent of the Comprehensive General Plan. Ms. Klotz noted that the other Standard that was not met was that there is a compliant alternative available so the request was not the least deviation necessary.

Susan Johnson, adjacent neighbor at 1122 Harvard Terr. submitted a letter of support that was omitted from the ZBA packet, and explained the design with the 3.8' west interior side yard setback is superior because the addition will blend more with the existing house, have a better roofline, and will provide more light to get to the adjacent home.

Michael Locke, 1022 Harvard Terr., explained he had the same variation request in or around 2003 and it was approved.

Lawrence McCarthy 1104 Harvard Terr., explained the addition will look nice but it won't even be visible from the street.

Donald Soul, 1114 Harvard Terr., noted the compliant alternative makes the rear yard smaller and makes the addition more visible from the property to the west.

Stacey Christie, appellant, explained the letter of support from the neighbor is new information since the original variation denial.

Chair Berns summarized that the new information provided is regarding aging in place, ADA accessibility, and the additional letter from the neighbor.

Ms. Klotz clarified the Zoning Administrator affirms the denial of the zoning relief, and also explained there was an initial discussion with the appellant where staff indicated a side yard setback variation sounded appropriate since the kitchen windows prohibit the addition from moving further east. At that time, there were no formal plans and it was a theoretical discussion. Once staff saw the dimensions of the addition and found the addition could be rotated and then comply without losing functionality of the space, staff's recommendation changed.

Deliberation:

Mr. Mirintchev found the zoning relief is appropriate because the same amount of green space is preserved, just in a different yard, and the roofline would look odd if the addition jogged in to feature a compliant addition. Ms. Arevalo and Ms. Cullen agreed.

Ms. Dziekan found the new information provided clarifies that there is no longer a compliant alternative, therefore the proposal should now be granted. Ms. McAuley agreed.

Chair Berns agreed with the Zoning Administrator and noted there are other compliant alternatives available.

Standards:

1. Yes
2. Yes
3. Yes; No - Chair Berns
4. Yes
5. Yes; No - Chair Berns

Ms. Cullen motioned to grant approval of the requested zoning relief for a 3.8' west interior side yard setback for a one story addition based on the additional information provided to the ZBA, which was seconded by Ms. Dziekan and granted 5-1.

Adjourned 9:55pm