

CITY OF MENASHA  
BOARD OF APPEALS  
100 MAIN STREET  
OCTOBER 25, 2022  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Galeazzi at 3:02 p.m.

B. ROLL CALL

PRESENT: Chairman Galeazzi, Member Jungen, Vander Wyst, and Maxymek  
ALSO PRESENT: CDD Schroeder, CDC Heim, CA Struve, Clerk Krautkramer,  
Atty Schreurs, Don Snyder, Atty Steffek

C. PUBLIC HEARING

1. Appeal Request – Replace an Existing Legal Nonconforming Off-Premise Billboard Sign – Lamar Central Outdoors LLC – 923 Valley Road, Menasha

Chairman Galeazzi provided an overview of the Appeal Request to replace an existing legal nonconforming off-premise billboard sign from Lamar Central Outdoors LLC located at 923 Valley Road, Menasha.

D. MINUTES TO APPROVE

1. Board of Appeals, 3/9/22

Moved by Member Jungen seconded by Member Maxymek to approve the minutes.  
Motion carried on voice vote.

E. ACTION/DISCUSSION ITEMS

1. Review of Zoning Board of Appeals Duties (UW Extension Handbook, Chapters 13; Menasha Municipal Code Article L)

To advise the Zoning Board of Appeals due to having at least one new Board Member appearing for their first meeting, CA Struve provided an overview of the role and powers of the Zoning Board of Appeals and commented on the provided reference guides.

2. Appeal Request – Replace an Existing Legal Nonconforming Off-Premise Billboard Sign – Lamar Central Outdoors LLC – 923 Valley Road, Menasha

I. Preliminary matters:

1. Introductions

- a. Attorney Schreurs | Menn Law Firm Ltd. | representing Lamar Central Outdoors LLC (“Lamar”). Don Snyder appeared personally on behalf of Lamar.
- b. Attorney Steffek | Davis & Kuelthau SC | representing the City of Menasha (“City”). CDD Schroeder, CDC Heim also appearing personally.

2. Chairman Galeazzi confirmed with Attorney Schreurs that Lamar’s intent was an Administrative Appeal regarding the Zoning Administrator’s Decision to Deny Lamar’s Application for Sign Permit.

3. Chairman Galeazzi confirmed with Clerk Krautkramer that all legal notices were met for an Appeal to the Zoning Board of Appeals.

II. Parties stated their respective cases, beginning with the appellant, Lamar:

1. Lamar: Attorney Schreurs provided an overview of Lamar's request to appeal the City of Menasha's denial of Lamar's request for a sign permit to replace an existing legal nonconforming off-premise billboard sign located at 923 Valley Road, Menasha with a new structure with back-to-back digital faces. Attorney Schreurs commented on the timeline of events, application for sign permit, traditional sign (front and back), requests of the sign permit, digital sign faces, dimensions, application requirements, status, and determination, correspondence with City Staff, deadline extension, and case law (*Reed*), regarding Lamar's two bases for the appeal: (1) The Zoning Administrator erred; and (2) the City of Menasha's sign ordinance is unconstitutional.

Attorney Schreurs asked the Zoning Board to direct the City, CDC Heim, to issue the Permit.

2. City of Menasha: Attorney Steffek provided an overview of the timeline of events, that the City was waiving any timeliness issues, City Code referring to signs, billboard types, digital billboard capabilities, defining a new feature, legal nonconforming status definition, the Zoning Board of Appeals' powers, and case law (*Reed* and *City of Austin*).

Attorney Steffek asked the Zoning Board to find that the City did not err; Lamar's proposed change is a new feature and causes the sign to lose its legal nonconforming status.

3. Questions from Board Members and responses from the parties, along with general discussion regarding:
  - a. Legal nonconforming status
  - b. Loss of legal nonconforming status
  - c. Case examples
  - d. Content-based distinctions vs. content-neutral
  - e. Lamar's existing sign (two-faced)
  - f. Illumination of the sign
  - g. Conversion to a digital sign
  - h. New feature
  - i. Sign enhancements
  - j. Grounds for the denial of the appeal
  - k. Digitization of the sign
  - l. Spotlight removal
  - m. Menasha Municipal Code considerations – Signs Article
  - n. Legal standard of review
  - o. Zoning Board of Appeals powers re: (Un)constitutional considerations
  - p. The Zoning Administrator's decision
  - q. Appellant Lamar's burden of proof

Moved by Chairman Galeazzi, seconded by Member Jungen, to deny the zoning appeal request of Lamar Central Outdoors LLC located at 923 Valley Road, Menasha because the Zoning Administrator correctly applied the City Code to Lamar's request in issuing the denial. The Zoning Administrator did not err because issuing the permit would have allowed Lamar to upgrade their sign to a digital sign, which is a new feature, and would have resulted in the loss of legal nonconforming status.

Board Members discussed and agreed that appellant Lamar did not meet its burden of proof; Board Members discussed and agreed that Lamar did not convince them that a digital billboard is neither an enhancement nor a new feature. Board Members discussed and agreed that appellant Lamar did not convince them that the Zoning Administrator erred in making her decision to deny Lamar's permit.

Motion carried on roll call 4-0.

#### F. ADJOURNMENT

Moved by Member Vander Wyst seconded by Member Maxymek to adjourn at 4:20 p.m.  
Motion carried on voice vote.

Haley Krautkramer  
City Clerk