

**Minutes
City of Monona
Zoning Board of Appeals
Thursday October 20, 2022**

Chair Moore called the meeting of the Monona Zoning Board of Appeals to order at 5:46 pm.

Present: Alder Moore (Chair), Mr. Conrad, Ms. Piliouras, Mr. Schweiger & Mr. Patton (2nd Alternate)

Excused: Ms. Steele & Mr. Davies (1st Alternate)

Also Present: Planning Director Douglas Plowman

Approval of Minutes:

A motion by Mr. Conrad, seconded by Mr. Schweiger, to approve the minutes of August 18, 2022 carried with no corrections.

Appearances:

None.

New Business:

Public Hearing: Emily and James Farwell, 4808 Shore Acres Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(a) Street Yard Setbacks for the purpose of building a new addition to the east side of their property. (Case No. Z-006-2022)

Ms. Emily Farwell reintroduced the request to the Board. The applicant previously appeared in July, although plans have since changed. The original request was to increase living space, and to extend the attached garage to accommodate two cars. The applicant increased the footprint of the plans, which caused further area encroachment in the street yard. The side yard complies with the Ordinance, but another 5' 7" of width is requested for the addition. Ms. Farwell added that this will enhance available storage for yard equipment, while increasing living space. The original letter mentioned that plans may change, but the submitted drawings are what the Board bases their decision on. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Emily and James Farwell, 4808 Shore Acres Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(a) Street Yard Setbacks for the purpose of building a new addition to the east side of their property. (Case No. Z-006-2022)

Planning Director Plowman explained the reason for bringing this back to the Board for further consideration. While the side yard is in compliance, the additional 5' 7" continues the building line within the street yard setbacks. As this is an additional request, the applicant must return for further ZBA review. Mr. Patton verified that the side yard is in compliance, even with the new plans, which it is. Mr. Conrad added that as proposed, he would have approved the first time, and supported this request. Mr. Schweiger voiced concerns about creep of applications, and confirmed that adjacent neighbors were notified as with the first application. Planning Director Plowman confirmed that this was the case.

A motion was made by Mr. Schweiger, seconded by Mr. Conrad to approve the request for a street yard setback variance to construct an addition to the east side of the property. The hardship exists in that the property predates the Ordinance, and that strict enforcement of the Ordinance harms public interest through the loss of a functional bedroom. There is an additional hardship through the relocation of the garage creating a pecuniary hardship. While

not grounds in itself, it is a factor that can be considered. The orientation of the property on the lot is a unique property limitation for the applicant.

The motion carried unanimously.

Public Hearing: Shiro and Shane Kieler, 5501 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(5) Maximum Building Height for the purpose of building a new single-family home on the property. (Case No. Z-009-2022)

Mr. Conrad recused himself from this item.

Mr. Jim Lampe, the applicant's contractor presented their variance request. He shared that the property is unique with very steep slopes as it is located at the bottom of Baskerville Avenue. The previous house on this property had one-story underground and experienced water issues because of this. The proposed design has the front door above the curb to manage water on site. The adjacent neighbor has their property set below grade and experiences water problems. The variance request is to exceed the 35' maximum height. An alternative plan was submitted for review with a flat roof, and does not offer an appealing option to the applicant. Mr. Lampe suggested the requested design was in keeping with adjacent properties, and alleviates the need to excavate further.

Mr. Shane Kieler, one of the property owners added to the background of the request. He shared that the proposed design appears as a ranch from the street, with the rear of the property exposed given the setting in the hillside. This does not affect the public interest, and does not provide a visual impediment. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Shiro and Shane Kieler, 5501 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(5) Maximum Building Height for the purpose of building a new single-family home on the property. (Case No. Z-009-2022)

Planning Director Plowman outlined the request to the Board explaining how the Ordinance requires building height to be measured for properties. Staff have worked with the applicant to ensure compliance with other zoning elements, with height being the outstanding item. Chair Moore asked the applicant if adjacent neighbors have needed height variances. Mr. Kieler responded that the adjacent property has tied into the Stormwater lateral, and a recent build is struggling with water issues. He added that the property has a 52' slope from the road to the property at the lake. Mr. Patton asked about the purpose of the zoning restriction. He shared that in his opinion this mattered less given the limited visual impact from the street. Mr. Schweiger asked if reasonable alternatives had been pursued. He considered the cumulative short and long-term impacts, sharing that the slope is a unique property limitation. Finally, it was added that the flooding and water issues at the property appear to be the hardship at the property.

A motion was made by Mr. Patton, seconded by Mr. Schweiger to approve the request for a building height variance to construct a new single-family home on the property. The hardship exists via the unique property limitations that make constructing on the lot very challenging. The management of water on the property is critical, and requires the building to be located in a certain way. The proposal aligns with the purpose of the zoning restriction, and appears no taller than adjacent buildings from the street. The request is in-line with the public interest, as alternative options have been considered.

The motion carried 4-0 (Mr. Conrad abstained).

Public Hearing: Emily and Andrew Johnson, 1404 Nishishin Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of building a new single-family home on the property. (Case No. Z-008-2022)

Ms. Johnson presented the request for a shore yard setback variance at 1404 Nishishin Trail. The applicants have spent 3 years exploring ways to accommodate their family of six with multiple alternatives considered. Options have been exhausted for additions with multiple opinions sought. The lot is narrow with irregular connection to the street, making setbacks challenging. The meander line is 20' from the shore, making the effective setback close to 70' from the shoreline. To comply with the Ordinance would locate the house well behind their neighbors, and prevent the house being built in a similar location to its current situation (as requested). The proposed location aligns with the neighbors, and would maintain the neighborhood aesthetic. The applicant has included signatures from a number of nearby neighbors, with personal conversations held with each.

Mr. Britt Reynolds (1401 Nishishin Trail) appeared to share his support for the application, and voice concern at the use of the meander line for setback purposes. He added that the meander line poses an undue hardship for most of the lots on Belle Isle and should be reevaluated. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Emily and Andrew Johnson, 1404 Nishishin Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of building a new single-family home on the property. (Case No. Z-008-2022)

Planning Director Plowman explained the reasoning behind the need for a variance for this request, and why a height variance was not needed. Because the plans include a forced walkout beneath a deck (at grade), the design is discrete in nature, with limited visual impact. The finished grade may be measured at any point around the property, and is to the Zoning Administrator's decision/discretion. The Zoning Administrator may determine if the application meets the spirit and intent of the Ordinance, which it is deemed this does.

Mr. Conrad thanked the applicants for an extremely detailed application. Mr. Schweiger echoed these comments and acknowledged the challenges of the lot. He added that care has been put into the plans, and appreciates that the design is in-line with adjacent neighbors. Mr. Patton asked why the property is not grandfathered, and Planning Director Plowman responded that the demolition and expansion of the property remove the possibility of grandfathering.

A motion was made by Mr. Schweiger, seconded by Mr. Conrad to approve the request for a shore yard setback variance to construct a new single-family home on the property. The hardship exists by the fact that it is difficult to build a modern, usable house in keeping with the neighborhood. The unique property limitations are present through a narrow lot on a street corner affecting buildable area. There is no harm to the public interest, and only positive impacts on the surrounding neighborhood.

The motion carried unanimously.

Upcoming Meetings:

One application has been received that hopes to be heard in November. A date will be finalized, as the Board indicated limited availability on the regular meeting date.

Updates/Discussion on Diversity, Equity and Inclusion (DEI) Efforts:

Chair Moore shared that the City is considering partnering with Madison Metro for transit services and that public consultation is ongoing.

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Updates/Discussion on Sustainability Efforts:

The City is accepting applications for an implementation committee to oversee recommendations of the recently published DEI report.

Adjournment:

A motion by Mr. Conrad, seconded by Ms. Piliouras, to adjourn carried. (6:36 pm)

Respectfully submitted by:
Douglas Plowman, Director of Planning and Community Development