

AGENDA

CITY OF MONONA
ZONING BOARD OF APPEALS
Monona City Hall – Conference Room
5211 Schluter Road, Monona, WI 53716
Wednesday November 16, 2016
6:00 p.m.

1. Call to Order.
2. Roll Call.
3. Appearances.
4. Approval of August 17, 2016 Meeting Minutes.
5. Judy Ziewacz and Rick Merrill are requesting a 10.4' variance from Sec. 13-1-80(d)(4)(a), street yard setback requirements, of the Monona Municipal Code of Ordinances to construct an addition to the principal residence at 5623 Winnequah Road. (Z-004-2015)
6. Andy Gundlach is requesting two variances, from Sec. 13-1-80(d)(7)(c)(4), to construct an accessory structure within the shore yard, and Sec. 13-1-80(d)(7)(d) to increase the maximum lot coverage of accessory structures by 500 sf., in order to construct an in-ground swimming pool at 5025 Tonyawatha Trail. (Z-005-2016)
7. Discussion of Reserving a Regular Monthly ZBA Hearing Date.
8. Adjournment.

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608)222-2525, FAX: (608)222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of an a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above state meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above state meeting will take no action other than the governmental body specifically referred to above in this notice.

Agenda posted on the City Hall, Library, and Community Center bulletin boards and on the City of Monona's website, www.mymonona.com.

Minutes
Zoning Board of Appeals Meeting
August 17, 2016
6:00pm

Chair Busse called the meeting of the City of Monona ZBA to order at 6:00pm.

Present: Chair Busse, Mr. Hermanson, Mr. Griffith, Ms. Lamb, 1st Alt. Blomme, and 2nd Alt. Speight

Absent: Mr. Gavins

Also present: City Planner & Economic Development Director Sonja Reichertz

Approval of Minutes

A motion by 2nd Alt. Speight, seconded by Mr. Griffith, to approve the minutes of April 26, 2016 carried without corrections.

Appearances

Peter Turney, 4535 Winnequah Road, spoke in opposition. He said the oak tree is far enough away from the house where he does not think it will be in the way, and it is a very large garage posing a significant change for the neighborhood.

Susan Turney, 4535 Winnequah Road, spoke in opposition and echoed Peter Turney's comments. She does not believe a hardship has been met.

Jeff Vercauteran, Attorney, speaking on behalf of Peter and Susan Turney, spoke in opposition. He said a hardship is not met because it must be caused by the code, not the desires of the applicant. The applicants simply desire a 3-car garage with living space and there is no problem continuing the existing use. The property is not unique; adjacent lots are approximately the same width within the neighborhood. He said the variance would be contrary to the public interest because it would impact views and fire access.

Amy Dixon, 4533 Winnequah Road, registered in opposition.

Charlie Talbert, 4531 Winnequah Road, registered in opposition.

Bill Dixon, 4533 Winnequah Road, spoke in opposition. He referenced the multiple letters that have been submitted by neighbors and their reasons against the various variance requests. He said the legal standards for granting a variance have not been met. Additionally, he said there are various discretionary reasons why it should not be granted including it is not in harmony with the neighborhood and promotes overcrowding. He said the applicants could build to code. He said it sets a bad precedent on 50' wide lots in a historic district. It negatively impacts the beauty and general enjoyment of the neighborhood.

Cathy Carr, _____, spoke in opposition. She said she is against this because it is not a normal small garage. The applicants are asking for more than is needed. She said it is bad precedent to have structures close to the lot line for fire protection and fire access reasons.

Vicky Talbert, 4531 Winnequah Road, spoke in opposition. She does not believe there is a unique hardship on this lot. She said others in neighborhood have worked within their constraints.

George Kinsler, 4539 Winnequah Road, spoke in opposition stating that the request is not in the public interest.

Staff provided names of others registered in opposition or support that were not present at the meeting including:

- Anne Wellman, 4529 Winnequah Road, Registered in Opposition
- Mark and Susan Rogers, 4555 Winnequah Road, Registered in Support
- Mike Volenberg, 4540 Winnequah Road, Registered in Support
- Joe Schlesing, 4538 Winnequah Road, Registered in Support
- Nichols Loniello, 4523 Winnequah Road, Registered in Support
- Henry Bauman, 4545 Winnequah Road, Registered in Support.

There were no further appearances and this section was declared closed.

Joseph (Mike) Fritz is requesting a variance from Sec. 13-1-80(d)(4)(b), side yard setback requirements to build an attached garage with a setback of 4' from the side yard property line, 3' less than the minimum side yard setback required for the property at 4537 Winnequah Road (Case No. Z-003-2016)

Mr. Fritz presented his request for a side yard setback variance to build a 3-car, 2-story attached garage 4 feet from the west property line. He said the width and configuration of the lot are limiting for an average width garage with an average turn around area to access it in the driveway. A large old oak tree further limits the lot with sensitive roots within 9" of the topsoil. He commented on the footprint of the garage noting that it is enough room to store two vehicles inside and other storage items like a lawn mower, and add a first floor bathroom, which the house does not currently have. He added that there is a 6' difference in grade between the driveway and house, which requires some excavation and they cannot avoid cutting into the critical non-disturb root zone without a side-loaded garage. He shared information from a certified arborist regarding the non-disturb root zone of the tree. Regarding the characteristics of the neighborhood, Mr. Fritz shared photos of other garages in front of homes and other garages closer to lot lines. He reviewed the zoning files at City Hall showing side-yard variances that were likely granted for other homes. He said because of these his request does not set a bad precedent and is consistent with the neighborhood character. He said in past variances, narrow non-conforming lots and trees have often been cited as natural hardships and adequate justification for granting variances. He said overall the net increase of area to his home/garage will be less than 600 SF so he does not believe his request is unreasonable. Additionally, he said in his previous variance requests this year, which involved a boat house height variance, the garage setback drew no opposition.

Mr. Bob Bouril, the applicant's architect explained that the inside dimension of the garage is 20' which is shallow and that back-up space is 3' less than the City of Monona standard. He said they explored all possible alternatives, and that a front-entry garage would require a variance still to avoid encroaching on the tree roots. The lot is deep and can handle a side-loaded garage better, which is also harmonious with the neighborhood. His professional perspective on variances is that they are a last resort and he would not propose one if he thought there was a better architectural alternative.

Mr. Speight agreed with the architect's comments on challenges with the site, however, just because it is desired does not mean it should be approved. It seems a hardship is present due to the narrow lot. There is a unique condition on the property with the older tree and its location. However, he does not feel the public interest is met, due to the opposition of the majority of the neighbors.

Mr. Griffith feels the variance may be warranted due to the tree's location, however, he feels that there may be viable alternative that does not require a variance.

Mr. Hermanson said he believes the project will improve the neighborhood, and he would rather not see the tree damaged. He does think the width of the lot is a hardship. He asked what the purpose of the side yard setback is.

Staff read the purpose and intent statement from the zoning code, and said the side yard setback is intended to ensure adequate spacing between properties for fire protection, to allow for emergency vehicle access along the side of a property, to prevent overcrowding, and to preserve open space, views, and natural light.

Mr. Blomme stated he will vote in favor because it eliminates an existing non-conforming structure and improves access on the east side of the property, it conserves the tree which preserves the character of Monona, and still allows for public safety access on that side of the lot.

Ms. Lamb said she is in favor of eliminating the existing non-conforming structure, and ultimately feels that the tree is a renewal resource so she does not feel this is a compelling justification for a hardship. She said if the tree is removed, then there is no reason for a variance.

Chair Busse asked questions regarding re-orienting the garage so that it is a deeper, tandem style garage instead of side-by-side. He questioned if the size of the garage is reasonable and necessary. He said it currently includes storage space, but perhaps it could be built with no variance if it were a 2 car garage.

A motion was made by Mr. Hermanson, seconded by 1st Alternate Blomme to approve the variance as requested.

On a voice vote, Mr. Hermanson and Mr. Blomme voted in favor and Ms. Lamb, Mr. Speight, and Mr. Griffith voted against the motion.

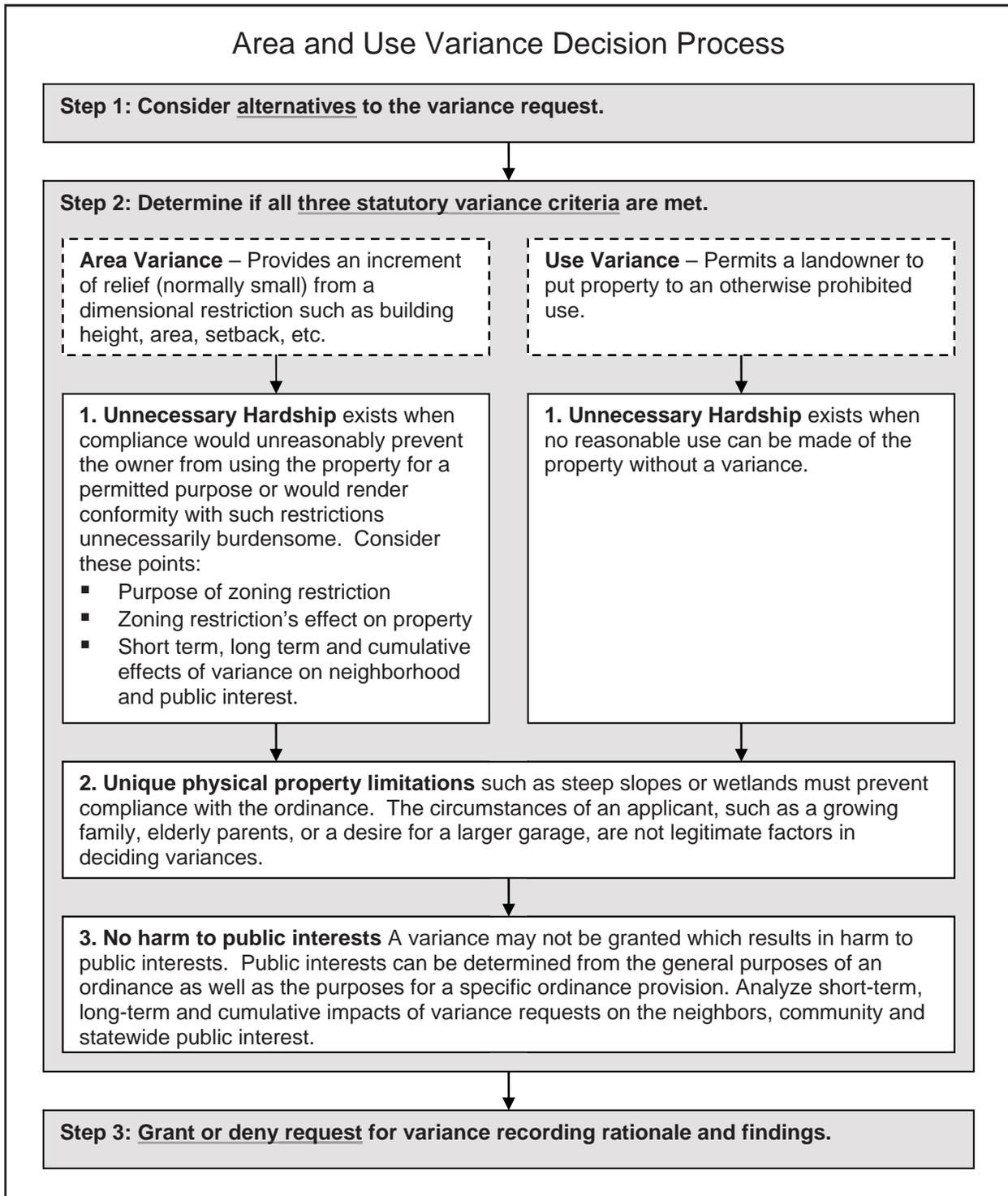
The motion failed to pass.

Adjournment

A motion by Ms. Lamb, seconded by Mr. Griffith, to adjourn was carried. (7:30 pm)

Respectfully submitted by: Sonja Reichertz, City Planner

Figure 25: Area and Use Variance Decision Process





City of Monona

5211 Schluter Road
Monona, WI 53716
Phone: (608) 222-2525
Fax: (608) 222-9225
www.mymonona.com

**TO: The Zoning Board of Appeals
City of Monona, Dane County, Wisconsin**

Name and Address of Application: Judy Ziewacz, 5623 Winnequah Road, Monona, WI 53716

Phone Numbers:

Home: 608.338.5662 Work: _____ Cell: _____

FAX No. _____ E-Mail Address: Judy.ziewacz@gmail.com

Address of Property: 5623 Winnequah Road, Monona, WI 53716

Lot: Lot 4 Block: _____ Plat: _____

Present Use of Property: Personal Residence

Proposed Use of Property: Personal Residence

Zoning Classification: Residential

Owner's Name and Address, if other than shown above: Same

Has a previous appeal or application been made with respect to this property? Yes No
If "yes", state nature of previous appeal or application.

REQUEST FOR VARIANCE

Attach separate sheet explaining:

1. Variance requested;
2. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted;
3. Why variance requested is not contrary to the public interest and will not endanger public safety and welfare;
4. Why variance requested will be in accord with the spirit of the zoning ordinance;
5. How the variance, if granted, will cause substantial justice to be done.

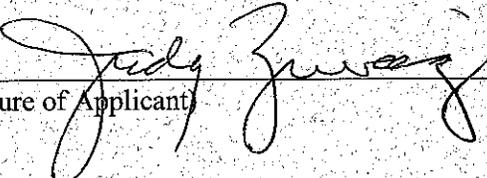
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Each application must be accompanied by a copy of plat or plat of survey with the following information:

1. The location, boundaries, dimension, elevations, and size of property;
2. Accessory structures and utility easements;
3. Streets and other public ways;
4. Driveways and existing highway access restrictions;
5. All abutting properties;
6. Proposed detailed building plans and elevations;
7. Requested change or addition;
8. Must accompany nine (9) sets of blue prints and nine (9) copies of the application.

I swear that all of the above statement and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.



(Signature of Applicant)

10-14-16

(Date)

*** A \$250 non-refundable filing fee is required with each application.**

JUDY ZIEWACZ & RICK MERRILL

APPLICATION FOR ZONING VARIANCE: 5623 WINNEQUAH ROAD, MONONA, WI 53716

INTRODUCTION

Judy Ziewacz & Rick Merrill are applying for variance to build an addition on the west side of their home to allow Rick an accessible main floor bedroom and bath.

SPECIAL CONDITIONS, PRACTICAL DIFFICULTY & UNNECESSARY HARDSHIP

Judy & Rick's Lot #4 is constricted by multiple Special, Impractical and Unnecessary hardships.

1. LOT 4 is a highly Irregular, Nonstandard Lot, a bizarre and very limiting shape.
2. LOT 4 has been deemed a Corner Lot simply given its place on Winnequah rd & Squaw Circle. We feel however, that a corner lot's Street Front Setback restrictions are intended to make homes conform, continue upon a "line of sight" from both directions of the corner lot's vertices. Due to Lake Monona and existing properties in this location, there are not only no homes that this ordinance applies to but there can Never be homes that this ordinance would apply to. Please refer to Exhibit A100 for illustration.
3. LOT 4, given its Corner Lot Status, is heavily restricted from use. It has two Street Yard Setbacks which cover over 2/3rds of the property given the radius of Winnequah rd., (both sides and front of the home). Additionally, at the rear of the home, there is a 15 foot wide sewer easement which encroaches into the back and front yards, (Winnequah side). These setbacks, along with the existing homes placement and layout, make it difficult to comply to zoning ordinances in any direction. Please refer to Exhibit A100 for illustration.
4. The existing home's placement is intended to "best face" the zenith of the Winnequah rd turn while maintaining its place against Squaw Circle. This placement is skewed enough so that the Street Yard setback from Squaw Circle **diagonally** dissects any attempt at a western addition, no matter the size. Please see Exhibit A01 which illustrates how only 152 square feet of the 552 square foot addition requires any variance.
5. If this were in Madison, it is very likely this Lot would be applicable on all counts to an Area Exemption of hardship. Both a corner & nonstandard lot, unnecessary or inapplicable setbacks given the location, the diagonal dissection of the proposed addition, etc.
6. The location of the garage, its driveway in relation to the stop sign on Winnequah road, the wooded area, the Street Yard setbacks and Sewer Easement on the Winnequah road side of the lot make it extremely difficult and **supremely cost prohibitive** to build on the EAST side of the home.) The existing roofline and configuration of the roof, the layout of existing 1st & 2nd floors, easements and mature gardens and trees do not allow for a SOUTH side addition.

(please turn over)

SPECIAL CIRCUMSTANCE

We would also like to let it be known, without detail, the reason for the addition is Rick's accessibility. To squeeze an addition between setbacks on the east side of the home would be to entirely segregate the additional bedroom/bath from the rest of the home by the garage, driveway & existing chimney.

An "east side version" of our addition entirely negates the attempt to bring this home up to accessible standards, disallowing it to be occupied by owners of all ages and abilities. An attempt on the east side of the home will necessitate the construction of an additional garage, additional impervious driveway and the removal of the wooded area and again, would be supremely cost prohibitive.

IN ACCORD with the SPIRIT OF THE ZONING ORDINANCE

It is our full architectural intention to build a functional, appropriate and beautiful addition to the west side of the home. We feel this side fits best with the spirit of the zoning ordinance, the architecture of the current home and the surrounding community. Especially when taking into consideration that the "front", north face of this addition already complies with zoning, noting again how our setback dissects our addition diagonally.

Given the placement of Lake Monona, Squaw Circle and the placements of the few properties on it, there is no line of site issue that would necessitate the application of the Street Yard setback on the west side of the home. The project does not impede any views of neighbors or pedestrians from their properties or the street.

The west side addition best utilizes the architectural style of the home, allowing for a gracious, symmetrical conclusion to the existing. The single story nature of the addition downplays the additional square footage and as we intend to utilize the existing roof line, our "new" should be a seamless continuation of our "old." The existing gardening at the corner of the house will likely remain intact as it is outside of our planning and additional landscaping will be in the works post construction. (Please refer to Exhibit A102 for illustration.)

The addition allows us to keep the wooded area on the east which buffers the turn of Winnequah road, condensing the expansive and built up nature of the turn into a quiet, naturally subdued transition for traffic.

It is our thought, trying to build on the east side, (necessitating a new garage, additional impervious driveway, essentially clear cutting the wooded area on the corner of Winnequah rd, creating an asymmetrical and architecturally awkward home which would now be in plain view of the Winnequah corner), although probably within our legal right without variance, goes entirely against the spirit of the zoning ordinance itself.

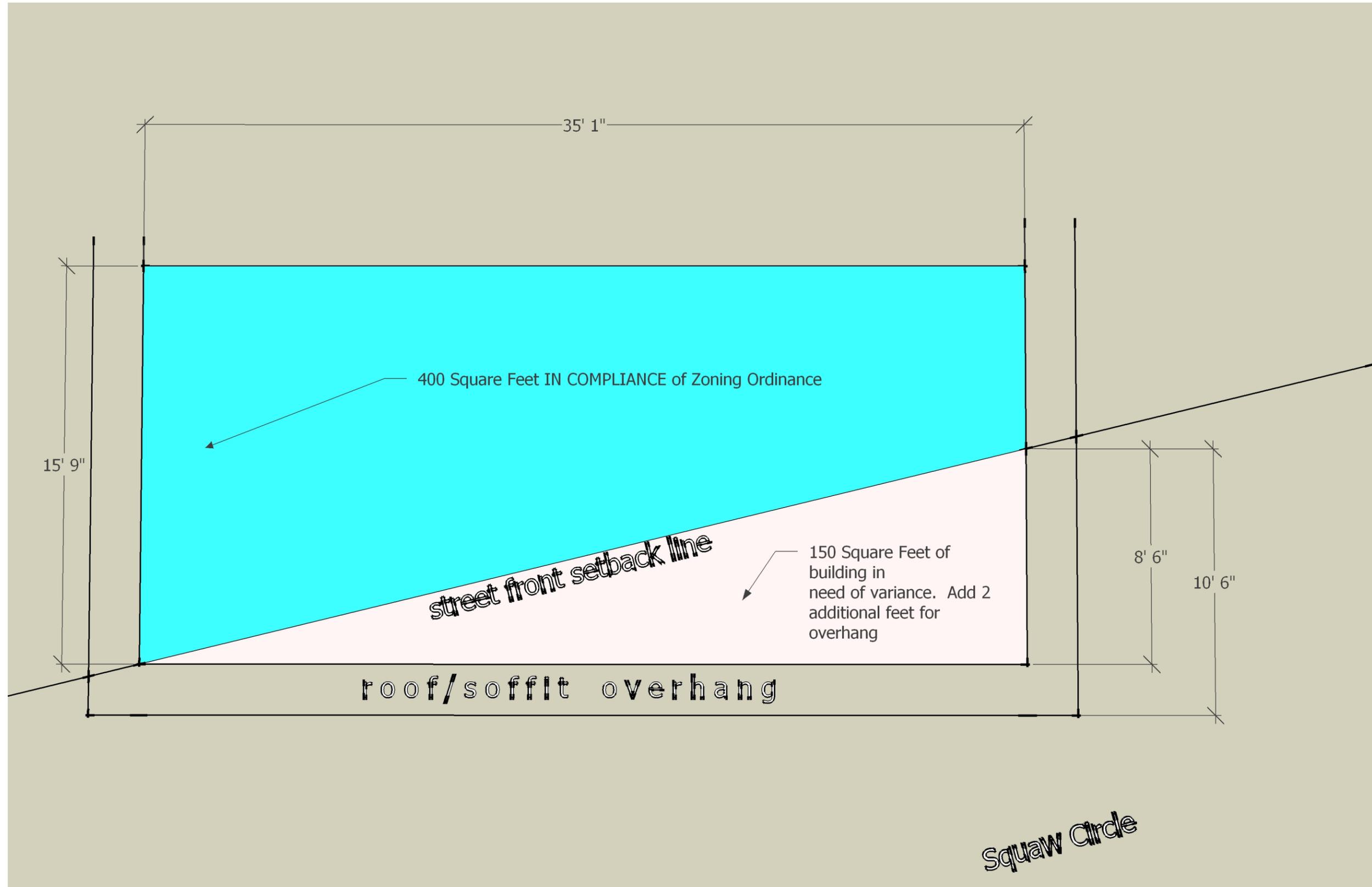
It is again our hope the committee sees the value of our proposed addition, which although necessitates variance, completely upholds the spirit of the zoning ordinance and ushers in a more useful, practical future for this beautiful Monona home, for all ages and levels of ability.

WITHIN PUBLIC INTEREST

We have contacted the surrounding neighbors and have found unanimous acceptance and support of the proposed variance. There is no endangerment to public safety and/or welfare.

Items included:

1. Variance application
2. Introduction and explanation
3. Elevation Exhibit A102
4. Surveyed Site plan with setbacks and addition A100
5. Square footage of variance A01
6. Floor plan of the Addition A101
7. Survey Plat for Lot 4



JUDY ZIEWACZ
 RICK MERRILL
 5623 Winnequah Road >
 Monona, WI 53716

10.31.16

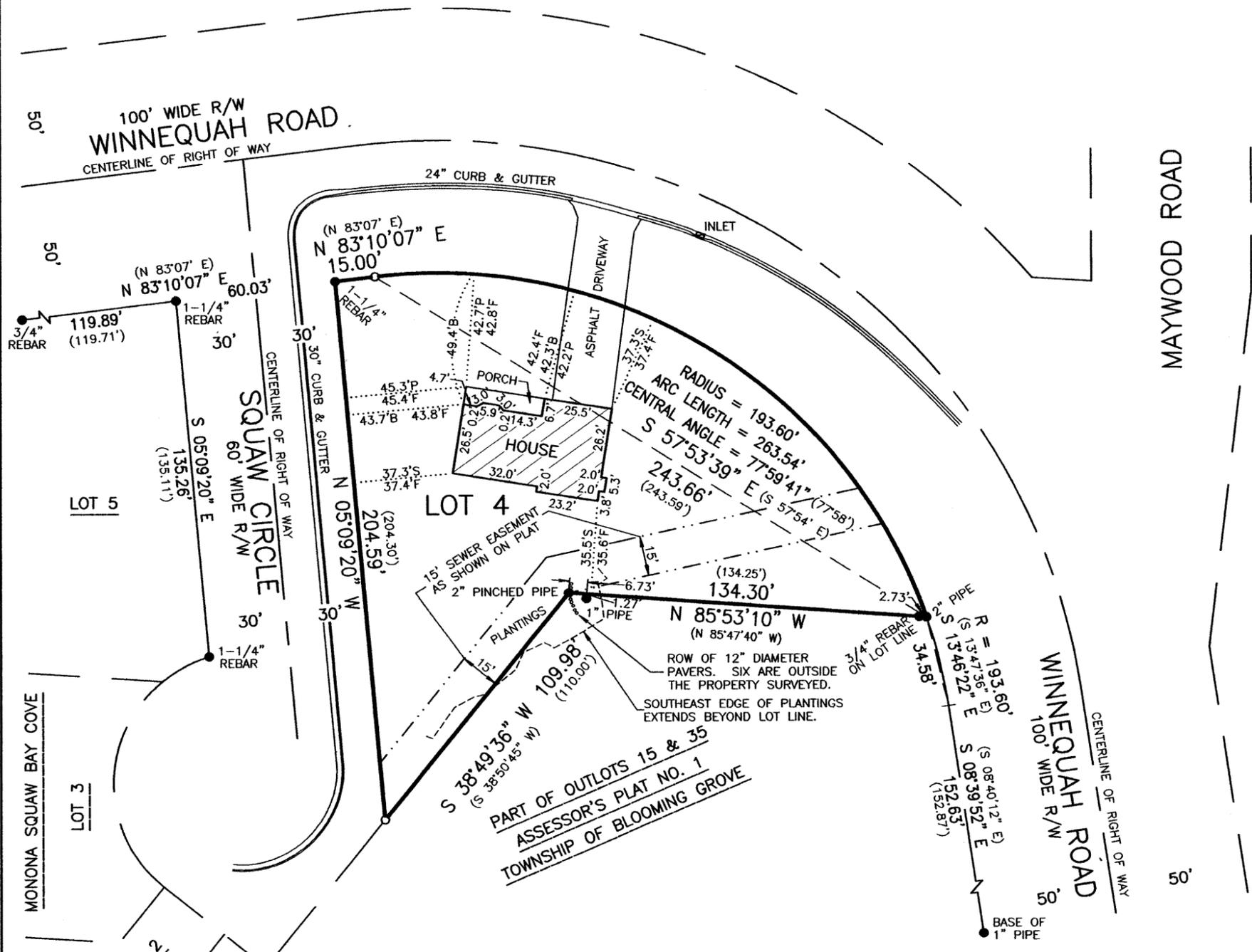
PROJECT NO.
 #2749
 PROJECT
 ZIEWACZ

DRAWN BY
 TCH
 DESCRIPTION
 FLOOR PLAN



PLAT OF SURVEY

Lot Four (4), Monona Squaw Bay Cove, in the City of Monona, Dane County, Wisconsin

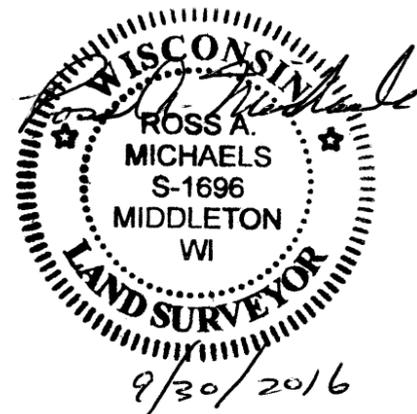
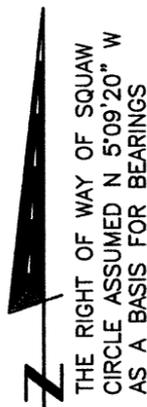


SURVEYOR'S NOTES:

1. The area of the property surveyed is 23,630 square feet.
2. The exterior of the building shown and dimensioned is the exterior surface of the bricks or siding. Dimensions from key corners of the building to the property lines are shown from the siding or brick, the foundation and the porch. See the legend below.
3. The only easement shown on this map is the sewer easement that is indicated on the plat of Monona Squaw Bay Cove. There may be more easements of record affecting the property.
4. Reference a survey map signed by Anthony Thousand on December 29, 1972 - his Office Map No. 4-5787.

LEGEND

- 3/4" X 18" REBAR SET
- IRON STAKE FOUND
- () PREVIOUSLY RECORDED DIMENSION
- BOUNDARY OF PROPERTY SURVEYED
- - - OTHER LOT OR RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- ###B DISTANCE FROM BRICK TO LOT LINE
- ###S DISTANCE FROM SIDING TO LOT LINE
- ###P DISTANCE FROM PORCH TO LOT LINE
- ###F DISTANCE FROM FOUNDATION TO LOT LINE



SURVEYOR'S CERTIFICATE

I, Ross A. Michaels, Wisconsin Professional Land Surveyor S-1696, hereby certify that I have surveyed the property described hereon in compliance with Chapter A-E7 of the Wisconsin Administrative Code, that I have surveyed the physical features shown hereon and that the survey is correct to the best of my knowledge and belief.

Ross A. Michaels

Ross A. Michaels, Professional Land Surveyor, S-1696
 SURVEYED: September 29, 2016

SURVEYED FOR:
 Chads Design Build
 5000 Wallace Avenue
 Monona, WI 53716



OFFICE MAP NO. 1080-L



City of Monona
5211 Schluter Road
Monona, WI 53716
Phone: (608) 222-2525
Fax: (608) 222-9225
www.mymonona.com

**TO: The Zoning Board of Appeals
City of Monona, Dane County, Wisconsin**

Name and Address of Application: MATTHEW KEROUAC
314 W. HAWTHORNE CT., LAKE BLUFF, IL 60044

Phone Numbers:

Home: _____ Work: _____ Cell: 708 254 7903

FAX No. _____ E-Mail Address: MJKEROUAC@YAHOO.COM

Address of Property: 5025 TONYNATHA TRAIL

Lot: 2 Block: 1 Plat: 2

Present Use of Property: SINGLE FAMILY RESIDENCE

Proposed Use of Property: SINGLE FAMILY RESIDENCE

Zoning Classification: SINGLE FAMILY RESIDENCE

Owner's Name and Address, if other than shown above: ANDY GUNDLACH
1704 WAUNONA WAY, MADISON, WI 53713

Has a previous appeal or application been made with respect to this property? Yes No
If "yes", state nature of previous appeal or application.

VARIANCE TO SECTION 13-1-80 (d)(4)(d)
- ENCROACH 13 FEET INTO SHORE YARD SETBACK

REQUEST FOR VARIANCE

Attach separate sheet explaining:

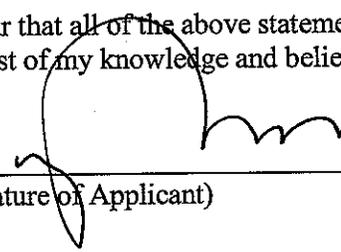
1. Variance requested;
2. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted;
3. Why variance requested is not contrary to the public interest and will not endanger public safety and welfare;
4. Why variance requested will be in accord with the spirit of the zoning ordinance;
5. How the variance, if granted, will cause substantial justice to be done.

(over)

Each application must be accompanied by a copy of plat or plat of survey with the following information:

1. The location, boundaries, dimension, elevations, and size of property;
2. Accessory structures and utility easements;
3. Streets and other public ways;
4. Driveways and existing highway access restrictions;
5. All abutting properties;
6. Proposed detailed building plans and elevations;
7. Requested change or addition;
8. Must accompany nine (9) sets of blue prints and nine (9) copies of the application.

I swear that all of the above statement and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.



(Signature of Applicant)

10.14.14

(Date)

*** A \$250 non-refundable filing fee is required with each application.**

MATTHEW KEROUAC ARCHITECTS
314 West Hawthorne Ct., Lake Bluff, IL 60044 708.254.7903 (cell)
MJKerouac@Yahoo.com

Date: October 14, 2016

Project: 5025 Tonyawatha
Monona, WI

Re.: Request for Zoning Variance

Item Response

1. Variance requested;

Response: The petitioner is seeking two (2) variances:

- 1 - Article E, Sec. 13-1-80 (d) (7) c. 4. To install a permanent in-ground pool (accessory use) within the Shore Yard;
- 2 - Article E, Sec. 13-1-80 (d) (7) d. To increase the maximum total lot coverage of accessory buildings from one thousand (1,000) square feet to one thousand, five hundred (1,500) square feet.

2. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted;

Response: Article E: Zoning Districts, Sec. 13-1-80 (d) (7) Accessory Buildings and Structures c. 4. Shore Yard. The only accessory buildings permitted in shore yards are boathouses, boat shelters, boat landings and piers. The Zoning Code does not restrict Accessory Uses. The definition of an in-ground pool as an accessory building is a narrow interpretation of the term "building". Many courts have defined "building" as an above-ground structure. An in-ground swimming pool would be defined the same as a patio, which would be allowed in the Shore Yard without affecting the maximum total lot coverage.

3. Why variance requested is not contrary to the public interest and will not endanger public safety and welfare;

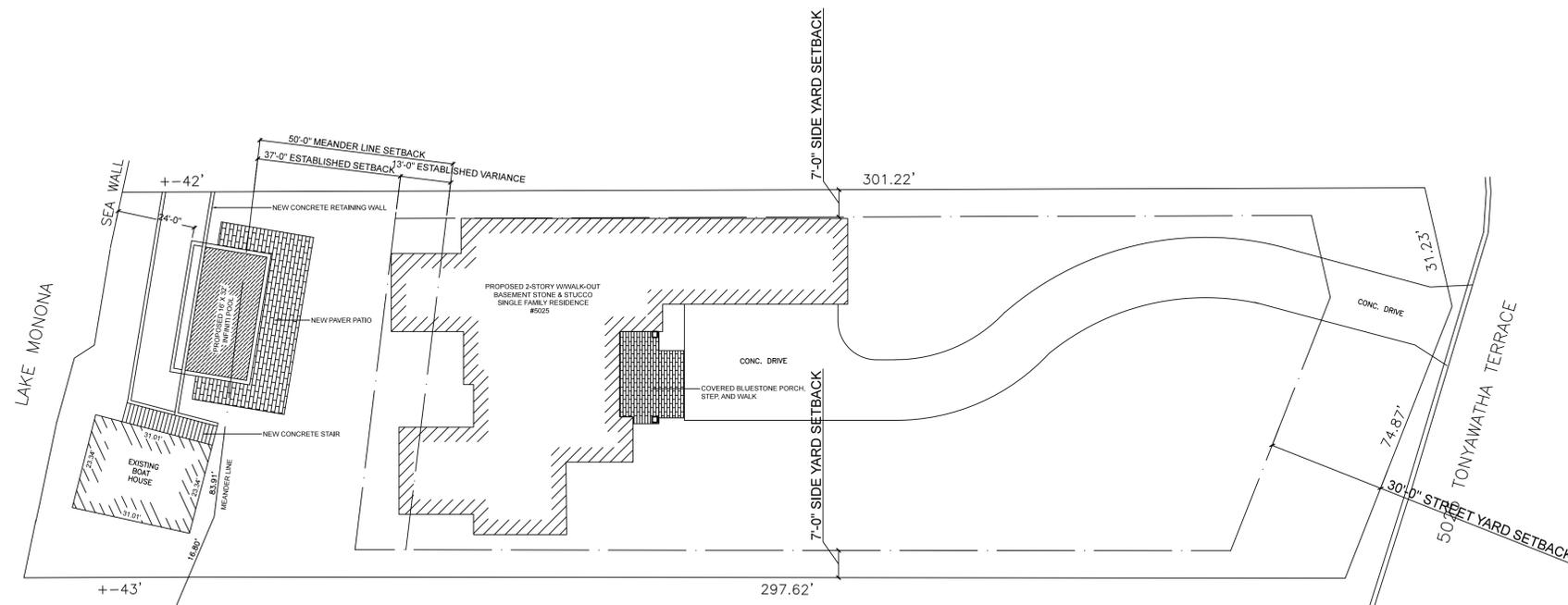
Response: The purpose of limiting accessory buildings and structures within the Shore Yard only boathouses, boat shelters, boat landings and piers is to provide and maintain an undisturbed/uninterrupted view from the shore line to the residence. The installation of this in-ground pool, which will not have a slide or diving board, will not create a visual interruption between the shore line and the residence.

4. Why variance requested will be in accord with the spirit of the zoning ordinance;

Response: The in-ground pool will retain the property in its scenic, and open condition, and will not create any structures that are not within the character of any similar properties and will be in accord with the spirit of the zoning ordinance.

5. How the variance, if granted, will cause substantial justice to be done.

Response: The narrow interpretation of an in-ground swimming pool as a structure for the purpose of these codes, unjustly limits the installation of an in-ground swimming pool to beyond the Shore Yard setback of fifty (50) feet from the meander line. If the variance is granted, the shore line "building wall" will be maintained, and the petitioner's residence will be in keeping with the adjoining, and similar properties.



1 SITE PLAN
1" = 20'-0"

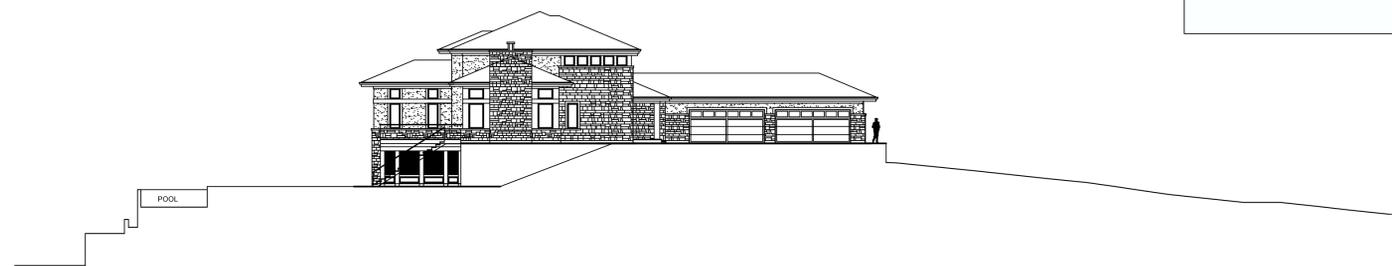


ZONING DATA

ZONING DISTRICT: SINGLE FAMILY RESIDENCE DISTRICT
LOT AREA: 34,198.47 S.F.

ACCESSORY BUILDINGS AND STRUCTURES
MAXIMUM LOT COVERAGE ALLOWED: 1,000.00 S.F.

LOT COVERAGE
EXISTING ACCESSORY BUILDING AND STRUCTURE
BOATHOUSE 723.77 S.F.
PROPOSED ACCESSORY USE
IN-GROUND POOL 612.00 S.F.
TOTAL 1,335.77 S.F.



2 SITE SECTION
1" = 20'-0"

REV.	DATE	ISSUE
---	10.14.16	ZONING VARIANCE REVIEW

SITE PLAN, SITE SECTION, ZONING DATA

NEW RESIDENCE
GUNDLACH RESIDENCE
5025 TONYAWATHA TR
MONONA, WI

DATE: 10.14.16

SCALE: 1" = 20'-0"

JOB NO.: 1654