

CITY OF MONONA
ZONING BOARD OF APPEALS
Monona City Hall – Conference Room
5211 Schluter Road, Monona, WI 53716
Thursday August 26, 2021
5:45 p.m.

NOTICE OF ELECTRONIC MEETING

Due to the COVID-19 pandemic, this meeting will be conducted via electronic videoconferencing/teleconferencing. As such, it is likely that some or all members of, and a possible quorum, may be in attendance via electronic means and not physically present. In accordance with Wisconsin law, the meeting will remain open to the public. The public may still attend in person at the location stated in this agenda. However, due to the need to maintain social distancing and the limited physical space available, the public is encouraged and requested to also attend via electronic means. Directions to do so are listed at the bottom of this agenda. Upon reasonable notice, the needs of disabled individuals will be accommodated through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at 608-222-2525.

1. Call to Order.
2. Roll Call.
3. Appearances.
4. Approval of July 15, 2021 Minutes.
5. Public Hearing: Matthew and Molly Goetzinger, 5705 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(7)(c)(2) Accessory Structure Side Yard Setbacks and 480-24 (d)(7)(c)(4) Accessory Structure Shore Yard Setbacks for the purpose of building a new deck in the shore yard. (Case No. Z-008-2021)
6. Consideration of Action: Matthew and Molly Goetzinger, 5705 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(7)(c)(2) Accessory Structure Side Yard Setbacks and 480-24 (d)(7)(c)(4) Accessory Structure Shore Yard Setbacks for the purpose of building a new deck in the shore yard. (Case No. Z-008-2021)
7. Next Meeting Date
 - a. Upcoming Regular Meeting Dates: September 16, 2021, October 21, 2021
 - b. Updates/Discussion on Diversity, Equity, and Inclusion (DEI) Efforts
8. Adjournment.

DIRECTIONS TO ATTEND MEETING ELECTRONICALLY

You may attend via videoconference by downloading the free Zoom program to your computer at <https://zoom.us/download>. At the date and time of the meeting log on through the Zoom program and enter Meeting ID: 860 9651 0075.

You may attend via telephone conference by calling the following phone number:

PHONE NUMBER: 1-301-715-8592 / MEETING ID: 860 9651 0075, FOLLOWED BY #

Please Mute Your Phone When Not Speaking To Ensure Best Possible Audio Quality.

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 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
City of Monona
Zoning Board of Appeals
Thursday July 15, 2021**

Chair Moore called the meeting of the Monona Zoning Board of Appeals to order at 5:45 pm.

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

Excused: Mr. Conrad, Ms. Piliouras & Mr. Davies (1st Alternate)

Also Present: City Planner Douglas Plowman

Approval of Minutes:

A motion by Mr. Schweiger, seconded by Mr. Patton, to approve the minutes of June 24, 2021 carried with no corrections.

Appearances:

None.

New Business:

Public Hearing: Regina and Nicholas Templeton, 4807 McKenna Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing a new carport to the side of the property. (Case No. Z-006-2021)

Mr. Nick Templeton and Ms. Gina Templeton introduced their request for a side yard variance. They would like to construct a carport that encroaches into the setbacks to accommodate their plug-in hybrid vehicle. The existing garage is too small, and the charging equipment needed for the vehicle should be covered rather than exposed to the elements. The applicant's shared that they have discussed the plans with their neighbors, who are in support of the plans. Ms. Templeton added that the hardship present is the location of the driveway on the side of the property, and size of the garage, limiting clearance and opportunities to add on. Mr. Templeton discussed the drawings included as part of the submitted application, highlighting that the design extends the roof line and adds a gable. Ms. Templeton added that the roof line will not encroach past the posts. Mr. Chris Winterhack of 4809 McKenna Road joined the meeting to express his support for the application. City Planner Plowman shared the letter from Ms. Amy Peterson of 4808 McKenna Road who was also in support of the project. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Regina and Nicholas Templeton, 4807 McKenna Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing a new carport to the side of the property. (Case No. Z-006-2021)

The Board asked about the electrical infrastructure needed for the vehicle charging, as well as alternative locations for improvements on the lot. The applicant's shared that the garage has always been too small, and they see this as one option to solve the problem. Board members shared that they empathize with the needs of the charging infrastructure, but that alone is not grounds for a variance. The Board asked for more detail of the hardship, as well as the unique property limitations. Mr. Templeton responded that there are limited options to add to the existing garage, rather there would need to be a full rebuild. Additionally, the established trees on the property limit locations that would be suitable. The lot size and shape were discussed by the Board, and while the lot width is somewhat narrow, it is not uncommon in Monona.

The applicant's shared their preference for the carport addition versus a new 2-car garage, and see it as a good compromise. Ms. Steele asked if there were other locations on the property that could meet their needs, to which Mr. Templeton responded it would be difficult. Chair Moore asked if there were any unique elements to the lot, that made zoning compliance difficult. The applicant's responded that the existing trees pose their own challenges, but that there are no drainage or topographical difficulties.

A motion was made by Mr. Schweiger, seconded by Mr. Patton to deny the side yard setback variance request for a new carport. While a positive long-term cumulative effect and no harm to the public interest were shown, the applicants were unable to present unique property limitations with their request. The needs of their vehicle charging alone do not provide grounds for a variance. The Board were unable to meet the required burden of proof needed to grant approval.

The motion carried unanimously.

Public Hearing: Robb Kahl, 1410 Neponset Trail is requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of constructing a deck and screen porch at the rear of the property. (Case No. Z-007-2021)

Mr. Robb Kahl introduced his request for a shore yard variance. The request is to permit an existing deck, and to build a screened porch and second floor deck above. The existing deck was installed in 2016, but a permit was not pulled by the contractor. The deck does not comply with the Zoning Ordinance, and requires a variance in addition to the improvements proposed above it. The application includes a request for a screened porch on the existing deck, and a deck of the same footprint (and railing) on the second level. The application included photographs showing an existing awning which has a very similar footprint to the proposal. The channel creates a wind tunnel and limits the usability of the awning and subsequently the shade available. Mr. Kahl shared examples of adjacent properties, as well as signatures supporting the application from surrounding neighbors. The request is for a shore yard variance, which is needed in part due to the angle of the shoreline on the lot. The lot challenges were listed as the hardship, in addition to comparing the Monona Ordinance shore yard regulations to other adjacent municipalities. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Robb Kahl, 1410 Neponset Trail is requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of constructing a deck and screen porch at the rear of the property. (Case No. Z-007-2021)

City Planner Plowman added that the screened porch would need to be shown to be outside of the floodplain and recommended that the Board add verification as a possible condition of approval. Additionally, the submitted materials do not show the setbacks from the meander line, rather from the Ordinary High Water Mark. This revision was also put forward as a possible condition should the Board choose to approve the application. Mr. Schweiger shared that the zoning restriction has a negative impact on the property. He is not concerned with creep from this application, and agrees that the application has a positive effect on the property. The applicant has shown that alternatives have been explored, and that this is the most viable improvement. The unique property limitations are met through the oddly shaped lot, and there is support from the public. Mr. Patton added that he would have concern if the adjacent neighbors didn't approve of the application, but their support is important.

A motion was made by Mr. Schweiger, seconded by Ms. Steele to approve the shore yard setback variance requests for a deck and screen porch with two conditions of approval. The hardship is present through the shape of the lot. The proposal is a permissible use and a

Zoning Board of Appeals

July 15, 2021

Draft Minutes Subject to Approval

reasonable request. There is no harm to the public interest and the request has a positive cumulative effect.

1. The applicant shall provide an updated survey showing the setback distances measured to the meander line prior to the issuance of building permits.
2. The applicant shall provide spot elevations for the edges of the proposed addition in order to establish that the structure is outside of the floodplain prior to the issuance of building permits.

The motion carried unanimously.

Upcoming Meetings:

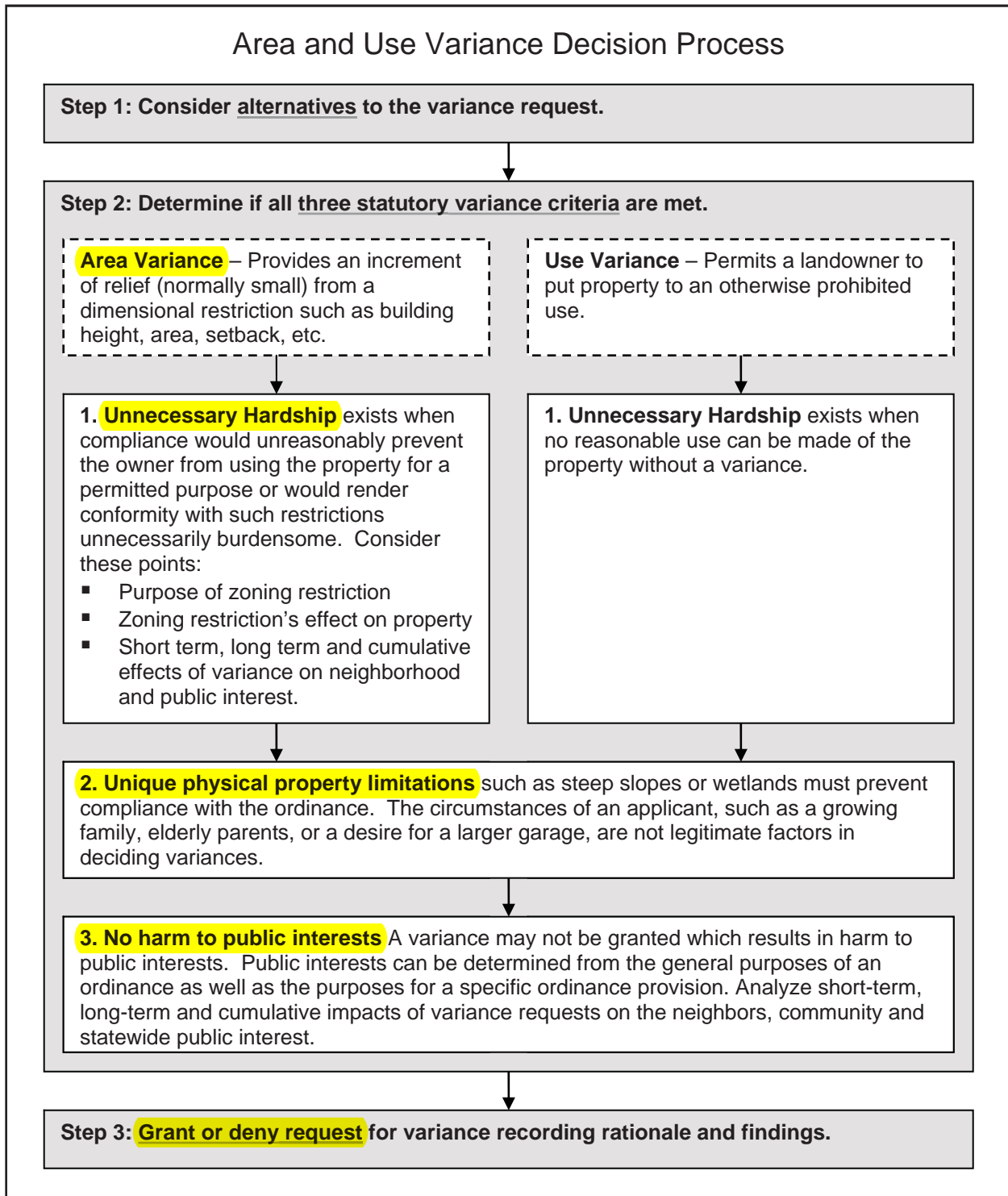
Planner Plowman shared that he has not yet received an application for the August 19, 2021 meeting.

Adjournment:

A motion by Ms. Steele, seconded by Mr. Schweiger, to adjourn carried. (7:02 pm)

Respectfully submitted by:
Douglas Plowman, City Planner / Zoning Administrator

Figure 25: Area and Use Variance Decision Process





CITY OF MONONA: ZONING VARIANCE APPLICATION FORM

This application must be submitted to the Zoning Board of Appeals (ZBA) for approval. Applications must be complete before they are reviewed, and must be submitted to the City Planner at least **four weeks** before the ZBA meeting, due to noticing requirements. It is the responsibility of the applicant to contact the City Planner at (608) 222-2525 or dplowman@ci.monona.wi.us, with any questions.

MONONA

APPLICANT INFORMATION:	
Name: Matthew & Molly Goetzinger	Home:
Company:	Work:
Email: mjgoetzi@outlook.com	Cell: 414-379-1504
Mailing Address: 5705 tonyawatha trail, monona WI 53716	

PROPERTY INFORMATION:		
Address of Property: 5705 Tonyawatha Trail		
Lot:	Block:	Plat:
Present Use of Property: Residential		
Proposed Use of Property: Residential		
Zoning Classification:		

OWNER'S INFORMATION (if other than shown above):		<input type="checkbox"/> N/A
Name:	Company:	
Phone Number:	Email:	
Mailing Address:		

PREVIOUS APPEALS		
Has a previous appeal or application been made with respect to this property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If 'yes', state nature of previous appeal or application: Zoning approval last year for a screened porch.		

Request for Variance Application Checklist

The following materials are required for all variance requests:

A letter that details the variance requested and the reasons for the variance request. The letter should explain:

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

A copy of plat or plat of survey with the following information:

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

Additional Information

Property Accessibility for Site Review:

By signing below, the applicant hereby grants the Zoning Board of Appeals members and City Staff access to the property in question, in the event that a site visit is deemed necessary for the variance review process.

Application Fee:

A \$250 non-refundable filing fee is required with each application. The fee can be paid by check, cash or credit card (fees apply) at City Hall.

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)

8/11/21

(Date)

Molly & Matthew Goetzinger
5705 Tonyawatha Trail
Monona, WI 53716

August 11, 2021

City of Monona
ATTN: Monona Zoning Board
5211 Schluter Road
Monona, WI 53716

Dear Monona Zoning Board of Appeals;

Greetings, and thank you for your time. We write to you today to explain our family's desire to construct a safe and secure balcony to our existing boat house. The proposed balcony will sit on the front of our existing boat house structure in the "shore yard".

The proposed balcony will help remediate a significant line of site obstruction that has resulted from the approved permitting of the large bunker like structure that has been built on the adjacent north property. This is the underlining basis for our hardship application. This hardship is illustrated in the following 2 pictures.



**Interior view from our screened porch looking out.

As an important aside, from reviewing DNR guidelines we are surprised that Monona has permitted this structure at 5703 Tonyawatha given that it appears in conflict with a number of guidelines that have direct negative impact on water resources and sustainability. These statues include guidelines speaking to: minimum set back (“buffer size”), raising the topography of the site, excavation of >10,000 sqft of fill, and addition of hardscape and resulting runoff issues, etc.



In the paragraphs that follow, we will outline how our variance request does not violate common parameters outlined in the variance section of the City of Monona standards. First, public interest is not impacted as our proposed balcony will not affect neighboring property views of the lake. Here we note that the roof of screened porch is higher than the balcony addition.



This yellow arrow is the support post location on the property line.

Second, from our reading of the existing zoning ordinance, our proposed structure is within the spirit of maintaining a “good neighbor” standard of improving the aesthetics and usability of our residential property without in anyway jeopardizing the usability of our neighbors’ equal rights to enjoying their own property. Importantly, we are not constructing a balcony that would interfere with any of our neighbors’ access or views or access patterns from their property.

Therefore, we feel that it should be within our right as property owners to ensure the enjoyment through the addition of a modest balcony.

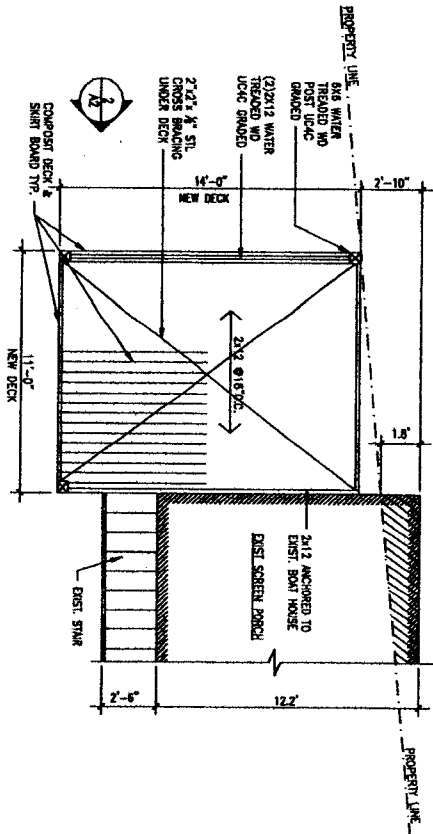
We appreciate the Board’s consideration and hope for an agreeable solution. We wish you an enjoyable remainder of the summer season.

Kind Regards,

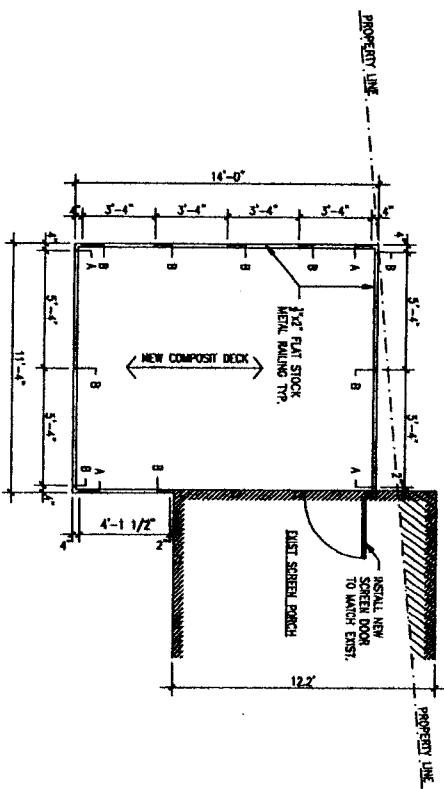
Molly Goetzing

Matthew Goetzing

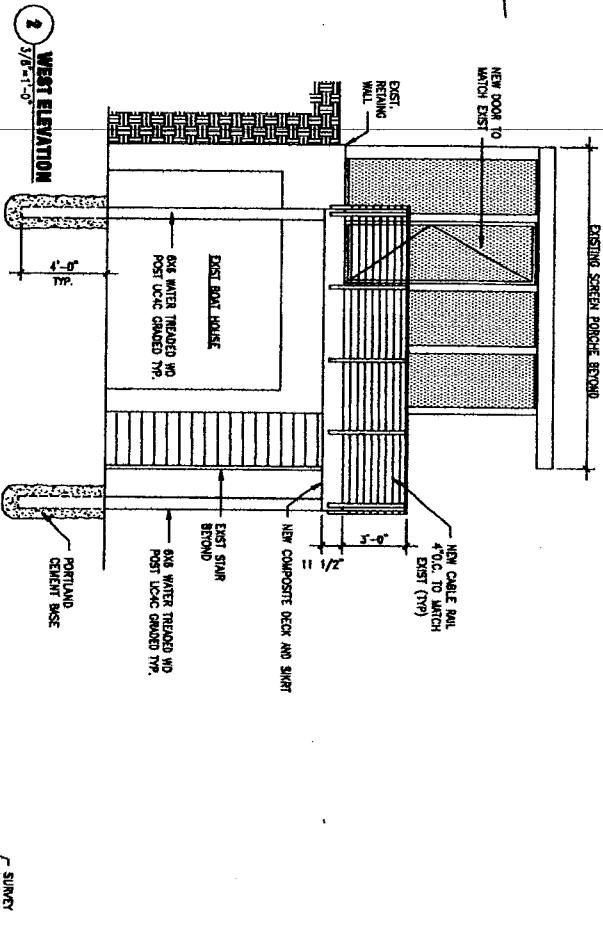
Enclosed: Proposed Architectural Plans



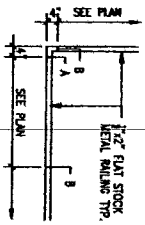
1 DECK FLOOR PLAN
3/8"=1'-0"



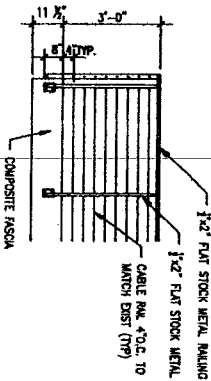
3 RAILING LAYOUT PLAN
3/8"=1'-0"



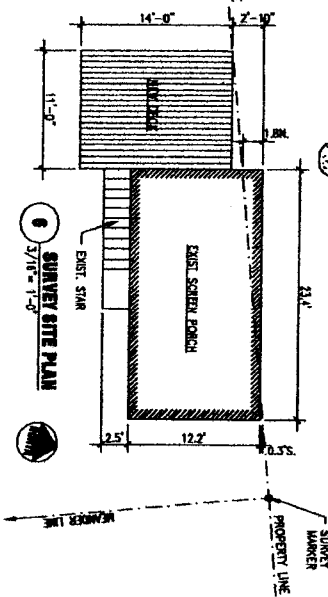
2 WEST ELEVATION
3/8"=1'-0"



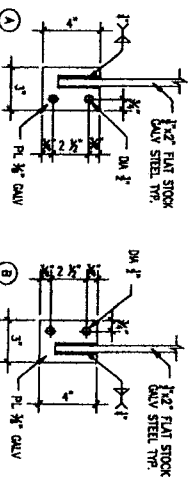
4 RAILING PLAN DETAIL
3/8"=1'-0"



8 RAILING DETAILS
3/8"=1'-0"



6 SURVEY SITE PLAN
3/8"=1'-0"



7 RAILING ANCHOR PLATE DETAILS
3/8"=1'-0"

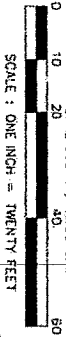
GOETZINGER BOAT HOUSE

**DECK EXPANSION
FLOOR PLAN, ELEVATIONS & DETAILS**

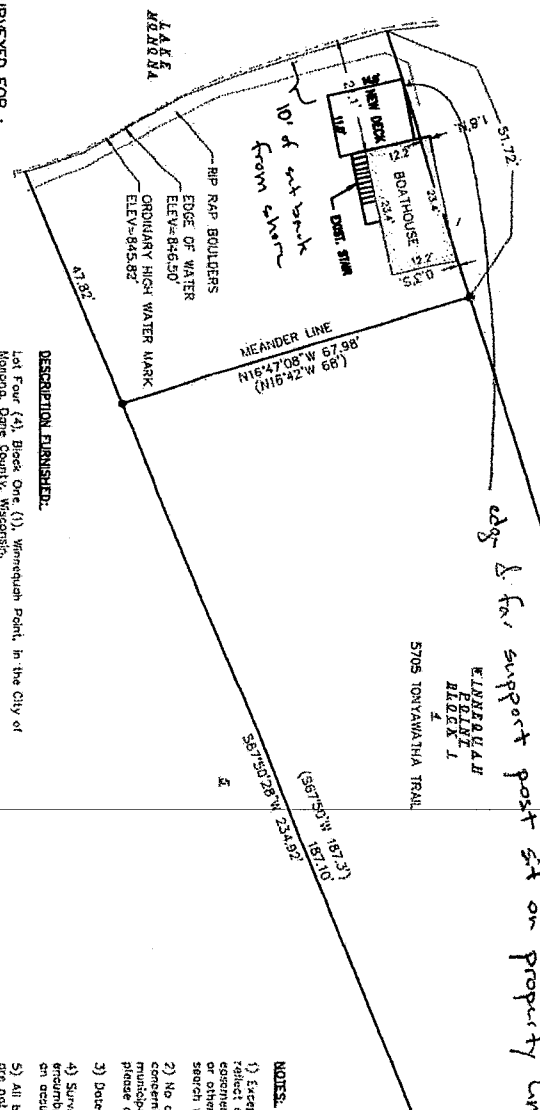
5707 TOMMETHUA TR. WOODRIDGE, WI

PLAT OF SURVEY

LOT 4, BLOCK 1, WINNEQUAH POINT, AS RECORDED IN VOLUME 10, PAGE 21, AS DOCUMENT NUMBER 847871, DANE COUNTY REGISTRY, LOCATED IN THE SOUTHWEST AND SOUTHEAST QUARTERS OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 07 NORTH, RANGE 10 EAST, CITY OF MONONA, DANE COUNTY, WISCONSIN.



- LEGEND**
- 3/4" IRON PIPE FOUND PINCHED
 - 3/4" SOLID IRON ROD FOUND
 - 1" IRON PIPE FOUND PINCHED
 - () INDICATES RECORDED AS
- DISTANCES ARE MEASURED TO THE NEAREST HUNDRETH OF A FOOT. BUILDINGS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.



SURVEYED FOR :
 Matthew J. Geatzinger

SURVEYED BY :
Burse
 surveying & engineering, s.c.

2201 Independence Lane, Suite 101
 Madison, WI 53704 GDS/ASD/2833
 Tel: 608.261.0286
 email: info@burse-engineering.com
 www.burse-engineering.com

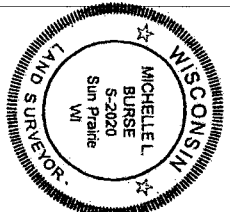
Date: August 10, 2020
 Plot View: pdf
 File: Z:\00\Wm\Survey\8572300\2018.dwg

DESCRIPTION FURNISHED:
 Lot Four (4), Block One (1), Winnequah Point, in the City of Monona, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE:
 I, Michelle L. Burse, Professional Land Surveyor, No. 2020, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E), and the map herein is correct to the best of my knowledge and belief.

Dated this 10 day of August 2020

Signature: *Michelle L. Burse*
 Michelle L. Burse, P.L.S. No. 2020



- NOTES:**
- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, building setback lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations; and any other facts that on accurate and current title search may disclose. Survey was performed without the benefit of a title report.
 - 2) No attempt has been made as a part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
 - 3) Date of field work: 08-10-2020
 - 4) Surveyor has made an investigation of independent search for encumbrances of record, grantor's records, restrictive covenants, subdivision restrictions, or any other facts that on accurate and current title search may disclose.
 - 5) All buildings, and surface and subsurface improvements on and adjacent to the site are not necessarily shown herein.
 - 6) All trees, hedges and ground cover on the site may not necessarily be shown herein.
 - 7) Utilities are not a part of this survey. Before excavations are performed contact Digger's Hotline.
 - 8) Elevation are based upon NAVD83 datum. Elevations are transferred to the site utilizing RTK GPS surveying WISCONSIN network.
 - 9) The elevation of Lake Monona at 7am on August, 10, 2020 is 845.50'. This elevation is based upon Dane County Lake Level website.
 - 10) The ordinary high water mark of Lake Monona is 845.82'. Based upon DNR Findings of Fact document dated January 18, 1975.