

**Minutes  
City of Monona  
Zoning Board of Appeals  
Thursday June 24, 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. Piliouras, Mr. Conrad & Mr. Patton (2<sup>nd</sup> Alternate)

Excused: Ms. Steele & Mr. Davies (1<sup>st</sup> Alternate)

Also Present: City Planner Douglas Plowman

**Approval of Minutes:**

A motion by Mr. Conrad, seconded by Mr. Schweiger, to approve the minutes of February 18, 2021 carried with no corrections.

**Appearances:**

None.

**New Business:**

**Public Hearing: Jennifer Solomon, 408 Sethne Court is requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(c) Rear Yard Setbacks for the purpose of constructing a new screened in porch on the property. (Case No. Z-003-2021)**

Ms. Bartz with EJ Renovations representing Ms. Solomon introduced the application, and explained the reasoning for the request. The lot itself is a challenging shape, and the applicant is looking to build a screened porch in the same location (with some expansion) as an existing deck. The new setback would be 14' from the rear lot line, which would allow the applicant to access the building. Ms. Solomon is in a wheelchair, and the porch would allow the applicant to enjoy the space with improved access. The property is on a cul-de-sac, and there are extensive mature trees that will assist with blocking the view for neighbors. City Planner Plowman shared written comment from Paul and Joyce Ament at 407 Sethne Court who had no problem with the request. There were no other appearances and the public hearing was declared closed.

**Consideration of Action: Jennifer Solomon, 408 Sethne Court is requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(c) Rear Yard Setbacks for the purpose of constructing a new screened in porch on the property. (Case No. Z-003-2021)**

Mr. Patton asked for more explanation of what is behind the proposed screen porch. Ms. Bartz explained that the rear lot abuts to the back yards of the next block over. There are 3 properties that adjoin 408 Sethne at the rear, and there is an existing fence and mature trees along the line. Mr. Conrad clarified that much of the expansion is to allow for greater ADA accessibility. Ms. Bartz shared that the existing deck is almost unusable with very limited space, and also highlighted that almost all of the house is existing non-conforming in its nature, given the peculiar shape of the lot. Mr. Schweiger added that in terms of the unnecessary hardship, he saw accessibility issues with the property, and that this limits the permissible use of the home. Mr. Patton and Mr. Conrad contributed that they saw the accessibility challenges as the hardship. Ms. Piliouras added that it's hard to see where else this could be added given the unique shape of the lot.

A motion was made by Mr. Schweiger, seconded by Mr. Conrad to approve the rear yard setback variance request for a new screened porch. The proposal is a permitted use. There are unique property limitations present given the unique shape of the lot as well as the non-

conforming nature of the existing house. The hardship is met because of the accessibility issues preventing the permissible use of the property. The request is in the public interest, and there is no objection from any neighbor. The request meets the purpose of the Zoning Ordinance.

The motion carried unanimously.

**Public Hearing: Colleen Conway and Greta Seckman, 4313 Winnequah Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks and 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of constructing a new deck at the rear of the property. (Case No. Z-004-2021)**

Ms. Conway & Ms. Seckman introduced their request for a variance. Their house is already non-conforming, and there was an existing timber planter box that extended 8' out and 30' across the width of the house. This had rotted away over the years, and the dirt inside the planters damaged the foundational studs. Plans were drawn up to replace this with a deck utilizing a similar footprint. This would allow improvements to be made including increasing the size of the steps and landing which had previously been a safety hazard and were not to code. The application materials show the damage that occurred to the house, as well as the previous deck. City Planner Plowman shared written comment from Scott and Tess Klug at 4311 Winnequah Road who had written in support of the application. There were no other appearances and the public hearing was declared closed.

**Consideration of Action: Colleen Conway and Greta Seckman, 4313 Winnequah Road are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks and 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of constructing a new deck at the rear of the property. (Case No. Z-004-2021)**

Mr. Conrad asked City Planner Plowman regarding the replacement of the structure. Planner Plowman responded that the footprint was expanding at the corners versus the previously removed structure and that necessitated the variance request. Mr. Patton asked how high the proposed deck was off the ground. The applicant's responded that it was above 3' off the ground, and that 4 steps are proposed to access the main deck. Ms. Piliouras clarified the differences between the previously removed planters and the proposed deck, which is the triangular corners on both sides. Mr. Schweiger asked why it was just impractical to repair the stairs. The applicant's noticed the damage to the studs behind the previous planters, and that they redesigned the deck to include code compliant stairs that give safer access to the home. Mr. Conrad added that the planters acted almost as a deck, and the peculiar design is reason for the variance request. Mr. Patton shared that there is a hardship that the applicant needs stairs to access the rear door, and that they may be above the allowable height, requiring a variance to access. Mr. Schweiger added that it was unreasonable to have to recreate the planter shape, having needed to remove them to maintain their property. Ms. Piliouras stated that the applicant has to be able to exit the house, and the lot shape and position of the house makes this impossible without a variance. Further, the construction of safe steps is also in the public interest.

A motion was made by Ms. Piliouras, seconded by Mr. Conrad to approve the side and shore yard setback variance requests for a new deck. The hardship is present through the shape of the lot and the existing position of the house, as well as the need to safely exit the house. The deck is a permissible use and a reasonable request. Constructing a safe exit at the rear of the property is in the public interest.

The motion carried unanimously.

**Public Hearing: William and Patricia Imhoff, 1401 Baskerville Avenue are requesting a variance from Monona Municipal Code of Ordinances Sec. 175-22(a)(4)(b) Street Yard Fence**

**Setbacks for the purpose of constructing a new safety railing in front of their property. (Case No. Z-005-2021)**

Mr. Imhoff presented the application to install a 34' long safety railing along the front of their driveway from the existing handicap ramp, and extending into the City right-of-way in front of the property ending 2' before the curb. The slope of the driveway is severe, and the railing would help with access for both applicants'. The safety railing would allow them to remain in their home, and age in-place. Ms. Imhoff added that it would allow guests to access the house safely, and to place trash and recycling cans at the curb with greater confidence regardless of the weather. There were no other appearances and the public hearing was declared closed.

**Consideration of Action: William and Patricia Imhoff, 1401 Baskerville Avenue are requesting a variance from Monona Municipal Code of Ordinances Sec. 175-22(a)(4)(b) Street Yard Fence Setbacks for the purpose of constructing a new safety railing in front of their property. (Case No. Z-005-2021)**

City Planner Plowman explained the reasoning for this request. This request is not specifically seeking relief from setbacks, but is instead an appeal of a decision from the Building Inspector. Fences are not allowed to be any closer than 6" from the property line in the street yard and cannot be located within the right-of-way. At this property, the right-of-way extends about 14' from the curb. Public Works Director Stephany recommended the fence be located no closer than the existing retaining wall in the right-of-way (approximately 5'), removing any liability for damage to the fence caused by City operations, as well as a right-of-way permit for the work. Mr. Conrad highlighted the utility pole shown in the photographs submitted by the applicants which appears closer than the retaining wall. The Imhoff's responded that this is the steepest part of the driveway, and would be dangerous. Mr. Patton asked if there was discussion to differentiate between fence and safety railing. City Planner Plowman responded that if the railing doesn't have the slats beneath it, then it can be considered a safety feature. There are still restrictions limiting materials within the right-of-way, and the fence regulations were listed as the barometer with which to test the application. Mr. Schweiger asked why Public Works were concerned about the location if the homeowner is to be liable for damages.

City Planner Plowman raised the vision triangle as another consideration for the Board. Given the lack of sidewalk, the visibility of cross traffic and pedestrians is important and should be considered.

A motion was made by Mr. Conrad, seconded by Mr. Schweiger to approve the street yard fence setback variance with three conditions of approval. The hardship is an accessibility and safety issue that has already occurred in the past. This will allow the applicant's to stay in their home, maintain safety and accessibility to their home. The physical property limitations are present through the steep and dangerous driveway. There is no harm to the public interest through the application, and no public comment has been received in opposition.

1. The applicant agrees to hold the City free from harm for any damage to the portion of railing that is located within the City right-of-way. An agreement will be shared for parties to sign in advance of building permits being issued.
2. The applicant shall work with the City to establish the vision triangle, and ensure that the railing does not pose a challenge.
3. The applicant shall apply for a right-of-way permit with the City before work commences.

The motion carried unanimously.

Zoning Board of Appeals

June 24, 2021

Approved July 15, 2021

**Upcoming Meetings:**

Planner Plowman shared that he has received an application for the July 15, 2021 meeting and this will return to in-person following agreement from the Board.

**Adjournment:**

A motion by Mr. Conrad, seconded by Ms. Piliouras, to adjourn carried. (6:50 pm)

Respectfully submitted by:

Douglas Plowman, City Planner / Zoning Administrator