

**Minutes  
City of Monona  
Zoning Board of Appeals  
Thursday August 26, 2021**

Chair Moore called the meeting of the Monona Zoning Board of Appeals to order at 5:50 pm.

Present: Alder Moore (Chair), Mr. Schweiger, Ms. Steele, Ms. Piliouras & Mr. Patton (2<sup>nd</sup> Alternate)

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

Also Present: City Planner Douglas Plowman

**Approval of Minutes:**

A motion by Ms. Steele, seconded by Mr. Schweiger, to approve the minutes of July 15, 2021 carried with no corrections.

**Appearances:**

None.

**New Business:**

**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)**

Mr. Matthew Goetzinger introduced his variance request to add a new deck to their existing boathouse in the shore yard. The applicant received ZBA approval to add a screened enclosure to the top of the existing boathouse last year. The adjacent neighbor has since begun construction of a boathouse that blocks views to the north, which Mr. Goetzinger states is the main hardship for this request. City Planner Plowman shared a letter from Mr. Mike Dwyer at 5703 Tonyawatha Trail asking that the request be rejected. He is concerned for privacy into his own property, the proximity to the new boathouse being constructed, the hardship listed, as well as the condition of the existing boathouse at 5705 Tonyawatha. There were no other appearances and the public hearing was declared closed.

**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)**

The Board began deliberation of the request and asked clarifying questions with regards to the adjacent property at 5703 Tonyawatha Trail and the timeline of events in 2020. The new boathouse under construction means that the existing screen porch on top of the applicant's boathouse now has a significant amount of their side views blocked. Mr. Schweiger did share that he didn't see the existing boathouse condition as relevant to the ZBA discussion. He struggles with Mr. Dwyer's concerns around privacy in the letter given the boathouse is not intended as a main living quarters. Mr. Schweiger asked what was unique to the property that required the variance, and what the hardship was for Mr. Goetzinger. The applicant responded that their appreciation of their property comes from the views of the Capital. The adjacent construction has impacted their enjoyment of the property, and it obstructs a key vista from their boathouse. He added that the proposal doesn't impact adjacent neighbors, and it doesn't encroach closer to the lake than the neighbor. Ms. Steele

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added that she empathizes with the situation, but she struggles with the burden to approve the request if the stated hardship is impacted cross views across lots.

Mr. Schweiger asked City Planner Plowman if the deck would be permissible if it met side yard setbacks. Plowman responded that the setbacks are one issue, while the other is that decks are not permitted as structures in the shore yard. Mr. Schweiger is concerned with the issue of creep towards the shoreline, and the precedent that could be set for others. Ms. Piliouras asked how far the post would be out from the boathouse. The post is 11' from the boathouse, and in-line with the boathouse to the north. Mr. Patton shared that the unnecessary hardship doesn't appear to be met given the adjacent boathouse meets City building code, and he's struggling to see the unique physical property limitations that are not related to the adjacent neighbor. Planner Plowman shared details of the 2020 approvals for the screened porch addition for the Board's reference. Ms. Piliouras asked if there was a reason the applicant doesn't want to build something else. The applicant responded that they're looking to limit their impact, and to enhance the existing structure. The proposal would allow them to store a boat in the boathouse, and if the post were to be moved it would limit the ability to add a rail system in the future.

Ms. Steele shared that the view impacts for an accessory structure are not enough of a reason to grant the variance. The unique elements to the applicant's property are not present in her mind. The applicant responded that the adjacent property has hindered his ability to enjoy their home. The hardship was restated as a blocked vista, and the other elements adjacent to the property are secondary but additive. Mr. Schweiger responded that the structure can be used for a permitted purpose, the hardship is stemming from a permitted structure that could have been built at any time. The grievance is that the neighbor isn't very neighborly, but it's allowable and in his mind doesn't clear the burden of proof that's needed.

A motion was made by Ms. Steele, seconded by Mr. Schweiger to deny the accessory structure side yard setback and accessory structure side yard setback variance request for a new deck in the shore yard. The application in stating the impact to views does not meet the burden for an unnecessary hardship, nor are these conditions unique to this property. There are also concerns about the long term cumulative effects of permitting a deck off of an existing boathouse. The Board were unable to meet the required burden of proof needed to grant approval.

The motion carried unanimously.

### **Upcoming Meetings:**

Planner Plowman shared that he has not yet received an application for the September 16, 2021 meeting and it will be cancelled.

### **Adjournment:**

A motion by Ms. Piliouras, seconded by Ms. Steele, to adjourn carried. (6:44 pm)

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