

**Minutes
City of Monona
Zoning Board of Appeals
Thursday November 18, 2021**

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. Steele, Mr. Schweiger & Mr. Davies (1st Alternate)

Excused: Ms. Piliouras & Mr. Patton (2nd Alternate)

Also Present: City Planner Douglas Plowman

Approval of Minutes:

A motion by Ms. Steele, seconded by Mr. Conrad, to approve the minutes of October 21, 2021 carried with no corrections.

Appearances:

None.

New Business:

Public Hearing: Steve and Ann Donovan, 1311 Nishishin Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(a) Street Yard Setbacks, 480-24(d)(4)(b) Side Yard Setbacks and 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of building a two story addition to the existing property. (Case No. Z-010-2021)

Consideration of Action: Steve and Ann Donovan, 1311 Nishishin Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(a) Street Yard Setbacks, 480-24(d)(4)(b) Side Yard Setbacks and 480-24(d)(4)(d) Shore Yard Setbacks for the purpose of building a two story addition to the existing property. (Case No. Z-010-2021)

This application was withdrawn by the applicant, and it is expected they will return to the Zoning Board with revised plans at a later date.

Public Hearing: James Lindholm and Deborah Ethington-Lindholm, 1100 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 an addition to the existing property and constructing a replacement deck. (Case No. Z-011-2021)

Ms. Ethington-Lindholm introduced the application and shared more information about the house. The existing kitchen is very small, and out of scale with the rest of the house which has been expanded multiple times. The previous owners had sought and received a variance for an addition in a similar location, and did not pursue once they received the pricing. The goal is to expand the kitchen out to where the deck currently is, and to replace the rest of the deck. There is limited impact to adjacent neighbors, with minimal impact on lake views. The variance request is in part due to being on the corner and facing two shore yards as defined by the Zoning Code. The majority of the impact is to the channel, with existing trees shielding it from adjacent properties. There were no other appearances and the public hearing was declared closed.

Consideration of Action: James Lindholm and Deborah Ethington-Lindholm, 1100 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 an addition to the existing property and constructing a replacement deck. (Case No. Z-011-2021)

Zoning Board of Appeals

November 18, 2021

Approved December 16, 2021

The Board began deliberation of the request, receiving an overview of the application from City Planner Plowman. The site survey shows one meander line, and does not include a line along the lagoon. Best practice in this situation is to measure from the shoreline. Spot elevations have been obtained to ensure the addition is outside of the floodplain, and the design beneath it would assist with potential floodwaters. Some elements of the existing deck would be removed as they are in poor shape, with the design reducing the footprint in some areas and expanding in others.

Chair Moore asked about the previous variance application. Planner Plowman shared that this was a smaller addition and did not align with what was submitted this time. Ms. Steele asked if the existing footprint was to remain the same or if there was an expansion planned. Mr. Lindholm explained the application further, and that the addition fits within the footprint of the existing deck. Mr. Davies asked for clarification on the deck structure and the addition itself. The proposed addition is an expansion of the existing deck, but it does align with the edge of the house, and does not advance closer to the lake than the existing deck steps to the south. Mr. Schweiger asked what makes it impractical to remain within the existing footprint. Mr. Lampe, the applicant's contractor shared that it would be impractical for such a small space addition. Planner Plowman clarified that any increase in size – either through footprint or height would require a variance. Mr. Schweiger shared that he understands the unique physical property limitations given the two shore yards at the property, but he is struggling with the hardship. The applicants responded that the purpose of the project is to increase the appeal of the house and add to the kitchen size, so that it is in keeping with the scale of the rest of the house.

Mr. Davies asked if the existing variance that has been granted would apply to the applicant. Planner Plowman responded that if the footprint were the same or smaller, and height remained consistent, it would be possible as variances run with the land. The previous variance was planned to relocate the screened porch on the second floor, meaning an alternative location would be cost prohibitive. The location of the new request has been chosen to limit impact on the rest of the house. The laundry would also be moved into this space from the basement which has accessibility issues, as well as plans to add an accessible bathroom. The new deck would be across one level, while the existing deck is across two levels with steps. Handrails would be added, with accessibility enhanced for the applicant's elderly family members both inside and outside the house.

Mr. Schweiger asked how the proposed plan would impact water issues at the property or improve drainage. Mr. Lampe responded that the footings would be helical piers and allow water passage beneath the addition, limiting impact to the floodplain. The plans would have void space beneath it with washed stone assisting with the flow of water. Berms have been added since the 2018 floods, and the house remained free from water during that flooding. Mr. Lindholm added that any addition should further enhance flood mitigation, and certainly won't make it any worse. Mr. Conrad asked the applicants about the unnecessary hardship. Ms. Ethington-Lindholm responded that the dishwasher and oven are very close to one another meaning space in the kitchen is limited when both are open. The galley kitchen makes space limited, especially when hosting large groups. Photographs were shared of the interior, showing the current kitchen layout for the Board's information. Ms. Steele shared that she sees the unique physical property limitations and hardship are intertwined with one another.

Mr. Davies asked if there was a compromise to the request that would be agreeable to the Board. Consensus was that any addition beyond the setbacks is viewed the same. The setback is not the issue; the question is if the request meets the standards to approve the request. Mr. Lindholm reiterated the safety components across the entire project, not just the kitchen. Mr. Schweiger asked if the safety issues at the home unreasonably preventing permitted use of the property. Ms. Steele and Mr. Conrad shared that the desire to age in place could impact the consideration of the safety concerns that have been shared. Mr. Conrad asked for greater clarification on the stairs on the deck with respect to safety. Mr. Lindholm responded that the deck is on two levels currently. None of the

Zoning Board of Appeals

November 18, 2021

Approved December 16, 2021

stairs have sufficient railings for access. The applicant proposes the new deck to be one level without the need for steps enhancing access and safety. The interior stairs leading to the basement are curved and steep, which is why the request includes moving laundry to the main level.

A motion was made by Mr. Conrad, seconded by Ms. Steele to approve the request for a shore yard setback variance. The unique property dimensions and location mean that a variance would be required to remodel the kitchen and decks. The unique hardship is present in the need to improve the safety of the home so that the owners can age in place. The unique shapes of the multi-level decks are hazardous and pose a risk to visitors and family. There is no harm to the public interest and neighbors are aware of the project. It will not impact their views or enjoyment of their properties.

The motion failed 3-2 (Mr. Schweiger, Mr. Davies and Chair Moore voted nay).

Mr. Davies shared that the applicant can resubmit their plans to resolve some of the questions that the Board was unable to address satisfactorily. Chair Moore shared her sympathy to the request, but that the application in her opinion did not meet the requirements of the State Statutes for an unnecessary hardship.

Upcoming Meetings:

Planner Plowman shared that he has received at least one application for the December 16, 2021 meeting.

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

None

Adjournment:

A motion by Mr. Schweiger, seconded by Ms. Steele, to adjourn carried. (7:00 pm)

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