

**Minutes
City of Monona
Zoning Board of Appeals
Thursday March 24, 2022**

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

Present: Alder Moore (Chair), Mr. Schweiger, Mr. Conrad, Mr. Davies (1st Alternate) & Mr. Patton (2nd Alternate)

Excused: Ms. Steele & Ms. Piliouras

Also Present: City Planner Douglas Plowman

Approval of Minutes:

A motion by Mr. Conrad, seconded by Mr. Schweiger, to approve the minutes of February 17, 2022 carried with no corrections.

Appearances:

None.

New Business:

Public Hearing: Tim and Susanne Vanderbilt, 4655 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(7)(c)(4) Accessory Building in the Shore Yard for the purpose of building a permanent in-ground pool within the shore yard. (Case No. Z-002-2022)

Mr. Vanderbilt introduced the application to the Board. The applicant is working on plans to build his family's forever home, and this request is a part of the overall development. He is requesting the ability to build an in-ground pool in the shore yard of his property. This request does not include any variance request for the primary structure, and there will be no above ground structure associated with the project. The hardship is due to the definition of a pool as an accessory building. Further, it was presented that the definition of a pool as a building is a narrow interpretation, given these are typically defined as above ground structures. Instead, the applicant shared the pool should be regulated similar to a patio which would be allowed in the shore yard. The pool is in the spirit of the Ordinance as views are not impacted. The lot is only 45' wide at the street, and this means a pool in the side yard is not viable. The pool will not have a negative impact on the community, and letters of support have been submitted from the adjacent neighbors. An engineer has reviewed the plans and determined that the plans will not harm the shoreline or neighbor's properties as proposed. The pool, if approved, will have a cover that meets the requirements of the Code for safety purposes. Mr. Scott Poulsen, the applicant's contractor was present to answer any questions that may arise from the Board. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Tim and Susanne Vanderbilt, 4655 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(7)(c)(4) Accessory Building in the Shore Yard for the purpose of building a permanent in-ground pool within the shore yard. (Case No. Z-002-2022)

City Planner Plowman introduced the application and explained that the in-ground pool is considered an accessory building/structure for zoning purposes. The definitions section of the Ordinance uses building and structure interchangeably, and this was confirmed by the City Attorney. Mr. Conrad asked for clarification that a patio in the same location would not require zoning approval. This was confirmed by City Staff. A question was asked regarding the pool cover, and if that would be above ground at all. The applicant responded that the cover would be flush and secured at all times it is not

Zoning Board of Appeals

March 24, 2022

Approved April 28, 2022

in use. A fence may be included, but it would not be required by Ordinance given the cover will meet those requirements. Chair Moore thanked the applicant for their thorough application. Mr. Davies asked City Planner Plowman to reiterate setback language as it relates to the yard designations. It was clarified that the shore yard setback begins at the end of the house towards the lake. A follow up was asked if the DNR needs to review the application given it is along the lake. As the project is above the OHWM, the DNR does not need to review this application.

Mr. Patton asked about the purpose of the zoning restriction other than the impact on views. City Planner Plowman responded that it appears most is for continuation of views, and also linked with the building/structure definition. Mr. Schweiger asked why Monona had chosen to define pools as an in-ground pool as a structure rather than a use. City Planner Plowman responded it may be due to the proximity to the lake, especially in lower-lying areas. The Plan Commission could be asked to evaluate the definition of buildings and structures to clarify this moving forward. Mr. Davies discussed the possible fence around the pool, and if it would be an obstruction to the neighbors. He also expressed concern about additional structures associated with the pool later on. The applicant responded that this is not in the plans at the moment. He added that the cover is more secure than a fence.

A motion was made by Mr. Conrad, seconded by Mr. Davies to approve the request for a variance to construct an in-ground pool in the shore yard. The hardship is present in that the lot is narrower than typical, the pool cannot be placed in the side yard and has to be in the shore yard. A pool is considered an accessory use by definition and is not permitted. The property limitation is due to the lot shape and width at the building line. This is of no harm to the public interested based on the fact that it's in-ground and that the neighbors have given their blessing to move forward.

An amendment was proposed by Mr. Schweiger to include a condition that no additional above-ground structures such as a slide, pool house or diving board be included in this approval. Additionally, he suggested clarifying that the unnecessary hardship is that the purpose of the zoning restriction is the impact on site lines, and that this request will not impact the view corridor. This amendment was accepted by the marker and second of the motion.

The motion carried unanimously.

Upcoming Meetings:

Planner Plowman shared that he expects there will be a meeting in April.

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

None.

Updates/Discussion on Sustainability Efforts:

Alder Moore reminded the Board that there will be an Earth Day recycling event at Ahuska Park on Saturday April 23rd.

Adjournment:

A motion by Mr. Schweiger, seconded by Mr. Patton, to adjourn carried. (6:18 pm)

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