

**From:** [Nicholas Davies](#)  
**To:** [Zoning](#)  
**Subject:** No to 85121 (Yet Another Drive Thru at 402 Gammon Pl)  
**Date:** Sunday, September 15, 2024 11:56:16 AM

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Dear Zoning Board of Appeals,

The owner of 402 Gammon Pl (where there is already an exposed drive-thru) is requesting an exemption from TOD rules to build another exposed drive-thru, on the grounds that:

**A detached 4,000 sq ft building is small potatoes compared to the existing building on the lot.**

The TOD ordinance is concerned with auto-oriented buildings along a transit-oriented corridor. It doesn't matter whether a non-conforming building has a lot line running between it and an adjacent building. Especially since the adjacent building also already has a non-conforming exposed drive-thru directly facing the transit corridor. The effect of the new non-conforming building on the transit corridor is the same, regardless of where the lot line runs.

**It's going to put that land to more use than the parking spots that are there today, therefore he should be allowed to do whatever he wants.**

No one is compelling the applicant to include an exposed drive-thru in his plans for the site. While putting the site to greater use, he has plenty of other options available, including (but not limited to):

- \* Making the drive-thru an enclosed feature
- \* Not including a drive-thru

The applicant also audaciously claims that a 4,000 sq ft second story above a 4,000 sq ft ground floor would not be large enough to be occupiable as commercial or residential space. Perhaps the applicant's own residence has distorted his perspective on this, but an overwhelming majority of residences in Madison are far less than 4,000 sq ft. For instance, that could be up to 8 apartments. There are also many commercial / office / industrial spaces smaller than that as well, and those are put to great use.

The applicant is also (also) requesting a variance to build an extraordinarily large setback from the street, so as to have a large lot of car parking between the building and the street frontage. No one is making him do this. He touts how this building will mean a reduction in parking, but simply by modifying the dimensions / orientation of the planned building, he could reduce parking more, and/or not need a setback variance. Furthermore, the submitted plans are not ready for Planning staff or Plan Commission review when it comes to aspects of pedestrian and bike access. The setback request is emblematic of how auto-oriented this project is.

Overall, the applicant has drawn up plans that completely ignore TOD (amongst other zoning ordinances), and is now requesting an exemption simply because what he most wants to build doesn't comply. I encourage the Board to take your regulatory role more seriously than the applicant apparently does.

Thank you,

Nick Davies  
3717 Richard St