



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$300 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Address of Subject Property: 7202 Mineral Point Road

Name of Owner: NADD 1 LLC

Address of Owner (if different than above): 2133 Liberty Dr.
Cottage Grove, WI. 53527

Daytime Phone: (608) 729-1802 Evening Phone: Same

Email Address: dersland@keycomre.com

Name of Applicant (Owner's Representative): Steven Datka

Address of Applicant: 1240 Water Street
Prairie du Sac, WI. 53578

Daytime Phone: (608) 644-2141 Evening Phone: Same

Email Address: stevdatka@culvers.com

Description of Requested Variance: A reduction of the required 25' pavement front yard setback proposed in the Suburban Employment District Zoning Code, back to the existing 16 feet, or in the alternative, to reduce it as much as reasonably possible.

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>300-</u>	Hearing Date: _____
Receipt: <u>3750-0002</u>	Published Date: _____
Filing Date: <u>5-7-15</u>	Appeal Number: _____
Received By: <u>mwt</u>	GQ: _____
Parcel Number: <u>0708-234-1003-3</u>	Code Section(s): <u>28.085(4)(b)</u>
Zoning District: <u>SE</u>	_____
Alder District: <u>9- Paul Skidmore</u>	_____

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input checked="" type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: _____

Steven T. Datta

Date: _____

5.7.2015

----- (Do not write below this line/For Office Use Only) -----

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

The Zoning Board of Appeals: Approved Denied Conditionally Approved

Zoning Board of Appeals Chair: _____

Date: _____

Description of Requested Variance:

Reduction of the required 25 foot pavement front yard setback proposed in the Suburban Employment District Zoning Code, back to the existing 16 feet, or in the alternative, to reduce it as much as reasonably possible.

There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

These conditions are unique in that this is a well-established commercial area in which the neighboring properties, as well as this property, all have only a 16 foot pavement front yard setback. Because we have made a decision that we could better serve our customers by demolishing the existing 32 year old building and construction a new building, we are exposing ourselves to the new 25 foot pavement front yard setback, which would cause us to have a larger setback than our neighbors. This will cause us to have a smaller building with less seating capacity than we would have if we could build with the same 16 foot pavement front yard setback that the current operator and the neighboring properties are operating under. We believe that the loss of this square footage in the front of the property will result in lower sales volumes than we would otherwise have, and lead to congestion in our parking lot as well as in our restaurant.

The variance is not contrary to the spirit, purpose and intent of the regulations in the zoning district and is not contrary to the public interest.

With the location of the site and the existing pavement setbacks, we feel it is in the best interest of the city to grant the variance as losing the proposed 9' on the south side of the site may impact and restrict both the dining room and drive-thru traffic, hence, impacting both pedestrian and vehicular traffic. The number of parking stalls we have incorporated meets the City of Madison's requirement but does not meet CFSI requirements for new construction.

For an area (setbacks, etc.) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

Our Culver's restaurants typically do very well in the State of Wisconsin, and even better in the Madison market. Some of the highest volume Culver's in our entire system of over 540 restaurants are located in this market. We expect this Culver's to have one of the highest sales volumes in our chain, which warrants building the large version of our prototype restaurant, with an ample number of parking spaces to accommodate a high volume restaurant. The 25 foot setback, which is roughly 9 feet further back than the current restaurant maintains, would cause us to build a smaller building with less seating and fewer parking spaces than we had planned. We know from past experience that this would result in more interior and exterior congestion, potential traffic issues, lower sales, fewer employees, and less tax revenue than we would otherwise have with a larger building and more parking spaces by using the same setback as the current building as well as the neighboring sites have. This location will be our "flagship" restaurant and will showcase the latest design to our franchisees and to our guests. We want it to be the very best it can be, which can't happen with the 25 foot pavement setback. In addition, this 25 foot pavement setback will restrict the visibility of the restaurant due to the neighboring properties operating with a smaller setback, which could have a negative impact on our sales volume.

The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

Correct. The ordinance requires a larger pavement setback than currently exists on the property. This ordinance will restrict the size of our building and seating capacity below what we believe is necessary

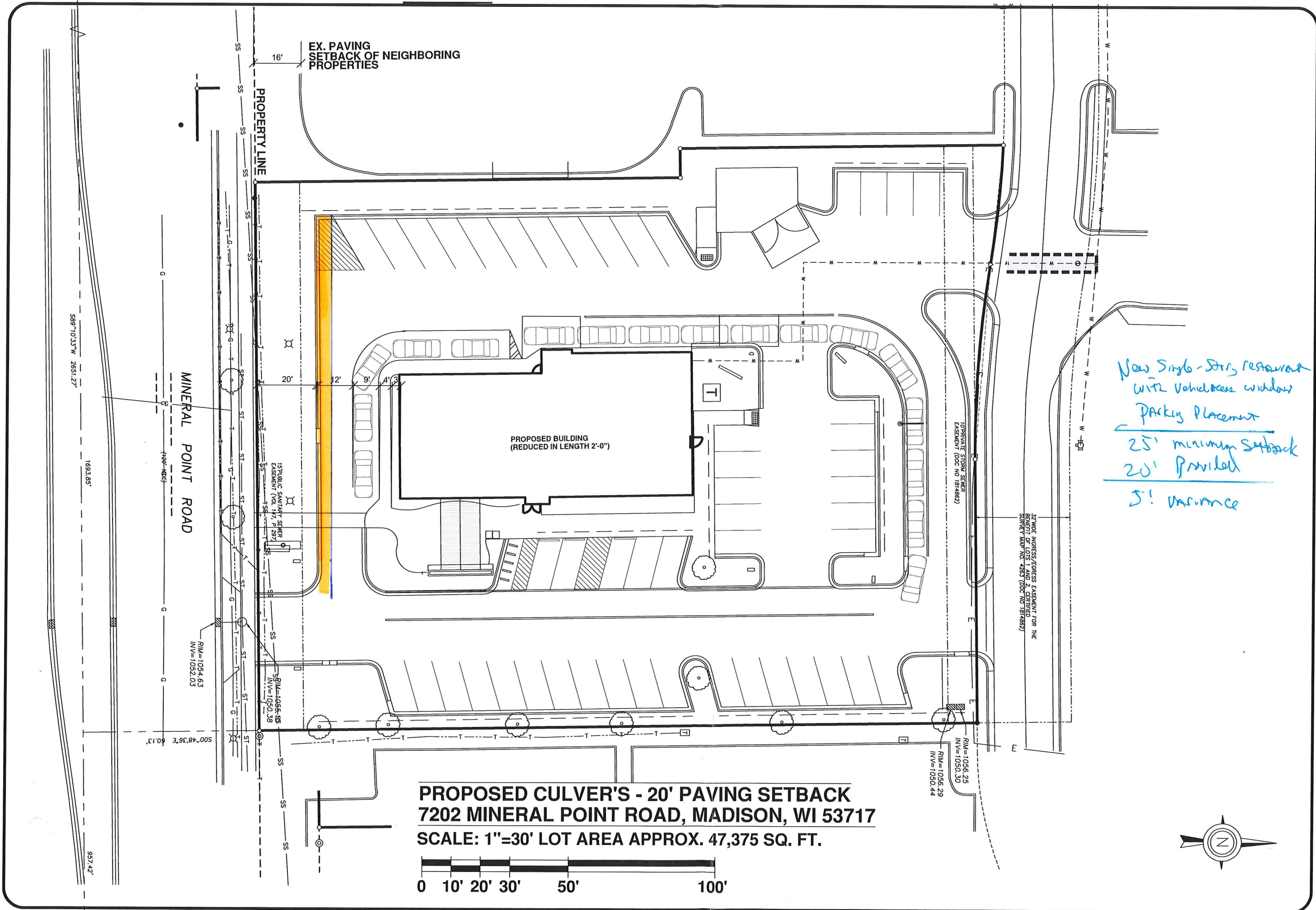
to accommodate our customers, and below what we had planned for when we decided to lease this property. It would also reduce the number of parking spaces at the property. We are only requesting a variance that would allow us to rebuild with the current pavement setback.

The proposed variance shall not create substantial detriment to the adjacent property.

The proposed variance would not create any detriment to the adjacent property. In fact, we are proposing to replace a 32 year old building which is home to a restaurant that serves alcohol and which maintains late-night hours. A new building and parking lot utilizing the same pavement setback, that will be home to a restaurant that does not serve alcohol, and which does not maintain late-night hours.

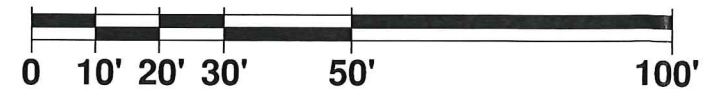
The proposed variance shall be compatible with the character of the immediate neighborhood.

It is. Our proposal is to demolish a 32 year old building and build a new building in its place while maintaining the same paving setback as the current parking lot, which is compatible with the immediate neighborhood. The required 25 foot paving setback would not be compatible with the character of the neighborhood.



New Single-Story restaurant with vehicular windows
Parking Placement
25' minimum setback
20' provided
5' variance

PROPOSED CULVER'S - 20' PAVING SETBACK
7202 MINERAL POINT ROAD, MADISON, WI 53717
SCALE: 1"=30' LOT AREA APPROX. 47,375 SQ. FT.



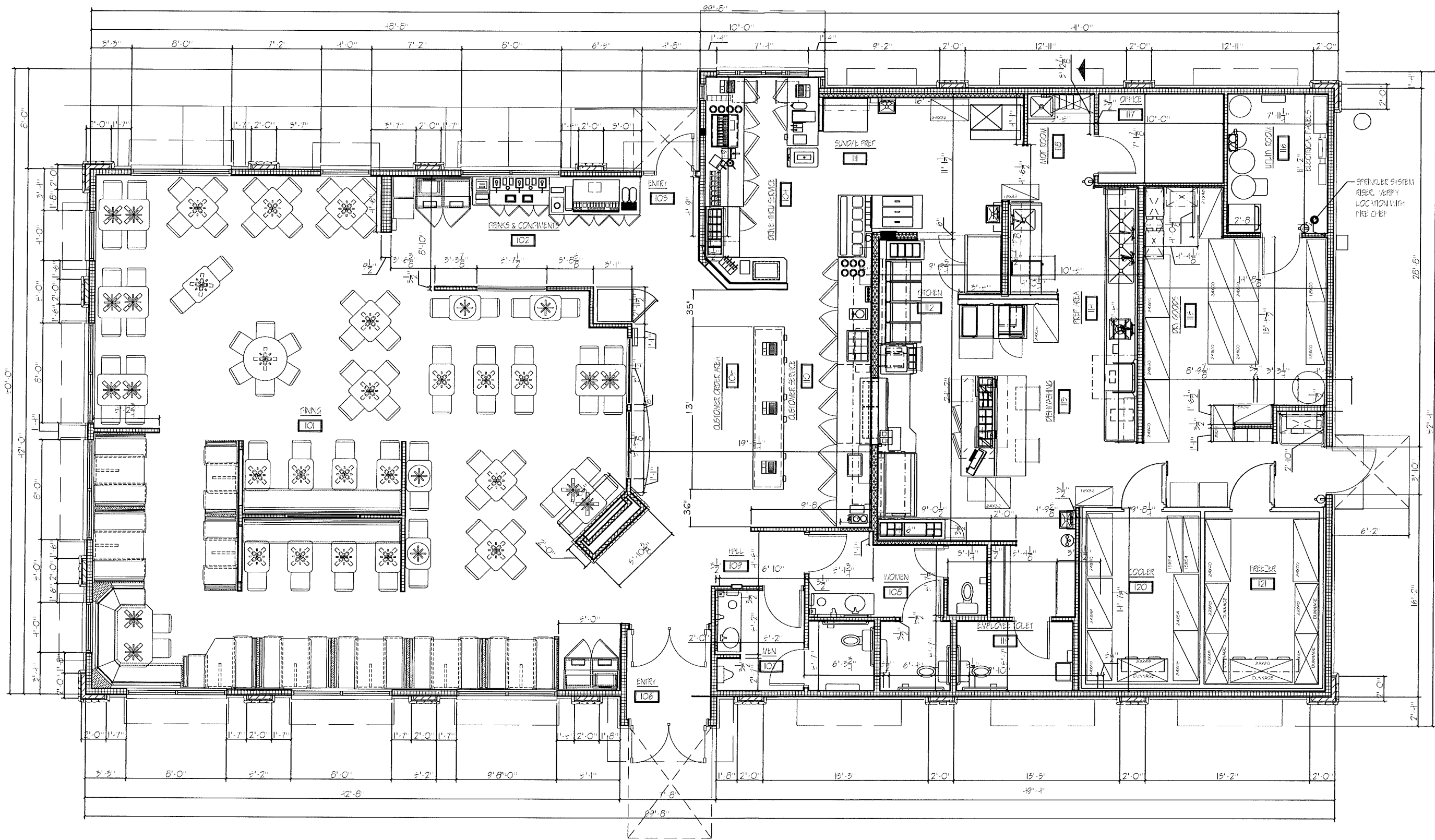
WARNING: These plans are for the exclusive use of Culver Franchising Systems, Inc. and authorized franchise holders only. No part of these plans or the design they represent may be duplicated or reproduced without permission of Culver Franchising System, Inc.

Date	Revision	By


CULVER FRANCHISING SYSTEM, INC.
PROPOSED CULVER'S OF MADISON, WI
 7202 MINERAL POINT ROAD
 MADISON, WI 53717

Sheet Contents:	
SITE PLAN	
PROPOSED BUILDING	
Drawn By: RCK	
Date: 5/04/2015	

SHEET
1.1

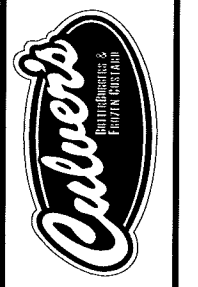


FLOOR PLAN (REDUCED 2' IN LENGTH)
 SCALE: 1/8" = 1'-0"

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Culver Franchising System, Inc.
 1240 Water Street
 Prairie du Sac, WI 53578
 608-643-7980



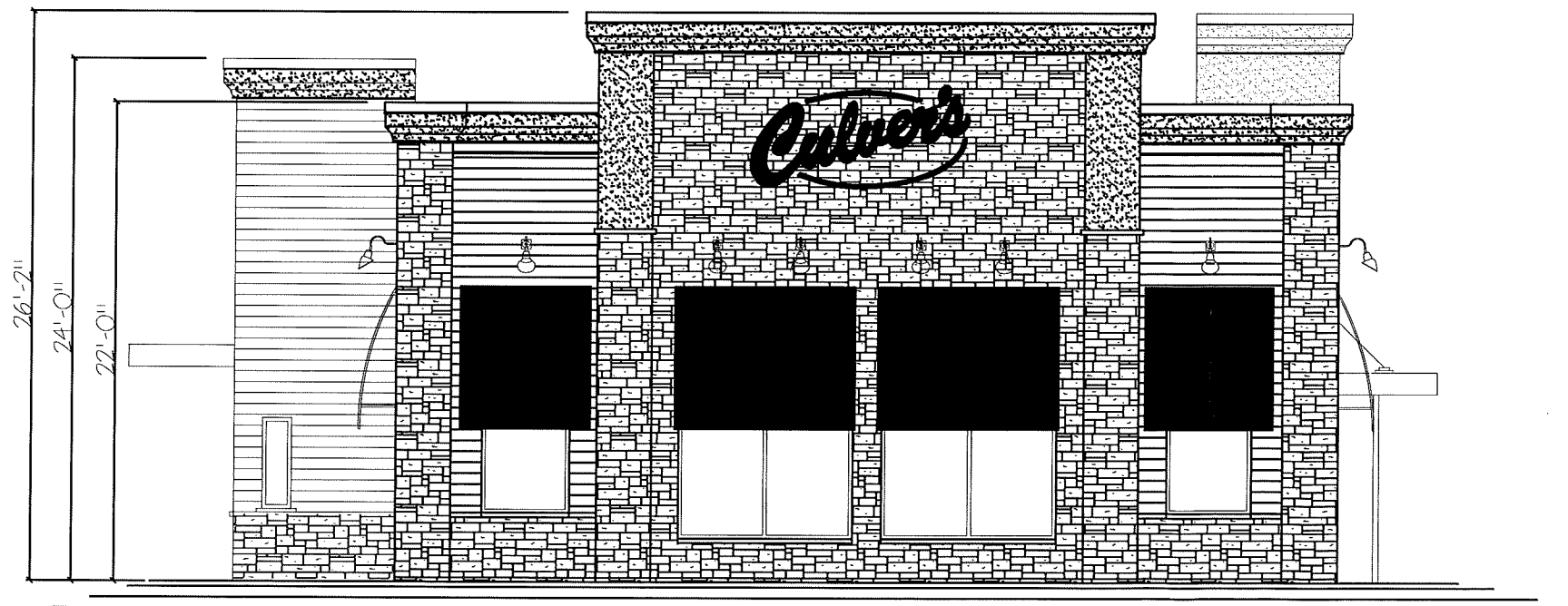
CULVER FRANCHISING SYSTEM, INC.
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 MADISON, WI 53717

Sheet Contents:	
FLOOR PLAN	PROPOSED BUILDING
Drawn By: RCK	Date: 5/04/2015

SHEET
2.1



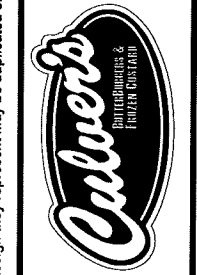
ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



MINERAL POINT ELEVATION
SCALE: 1/8" = 1'-0"

By	Date	Revision

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7202 MINERAL POINT ROAD
MADISON, WI 53717

Sheet Contents:

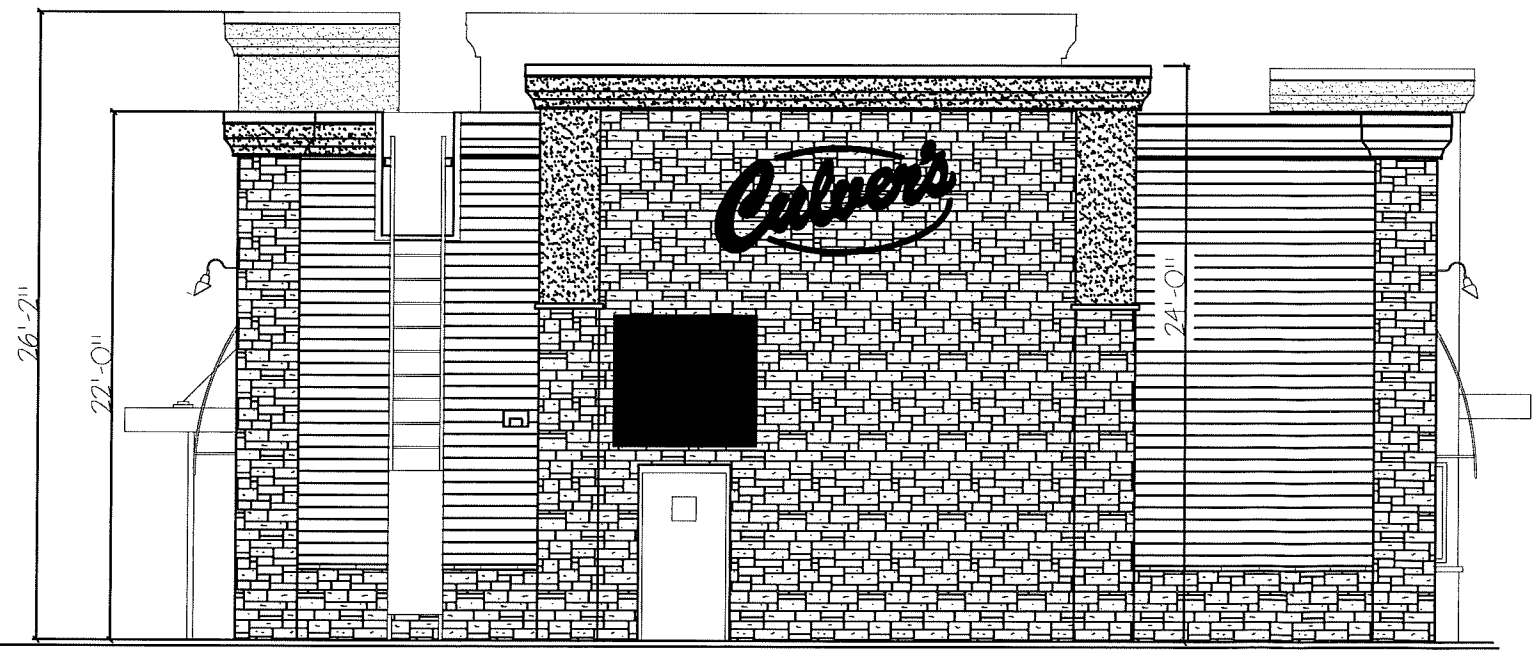
ELEVATIONS
PROPOSED BUILDING
Drawn By: RCK
Date: 5/04/2015

SHEET
3.1

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DRIVE THRU ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

CANVAS AWNING COLOR SPECIFICATIONS:

SOLID CANVAS AWNING:

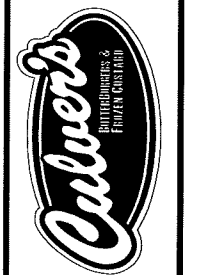
- SUNBRELLA, ROYAL BLUE, STYLE 4617

QUANTITIES:

- 10 - CANVAS AWNINGS @ 6'-7" H x 8'-0" W x 2'-0" D
- 2 - CANVAS AWNINGS @ 6'-7" H x 8'-0" W x 1'-4" D
- 3 - CANVAS AWNINGS @ 6'-7" H x 6'-0" W x 2'-0" D
- 1 - CANVAS AWNING @ 6'-7" H x 6'-0" W x 1'-4" D
- 2 - CANVAS AWNINGS @ 5'-6" H x 6'-0" W x 2'-0" D
- 18 - TOTAL

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7202 MINERAL POINT ROAD
MADISON, WI 53717

Sheet Contents:	
ELEVATIONS	
PROPOSED BUILDING	
Drawn By:	RCK
Date:	5/04/2015

SHEET
3.2

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