

**Memo**

From: McFadden & Company  
380 West Washington Avenue  
Madison, Wisconsin 53703  
(608) 251-1350 james@mcfadden.com



To: City of Madison DPCED  
215 Martin Luther King Jr. Blvd  
Madison, Wisconsin 53701

Date: May 3, 2019

Project: New Outdoor Patio & Access Ramp for Busse's @ 2005 N Sherman Ave

Our plans for Busse's and its proposed new patio have evolved since the submittal of our application.

Given that we expect that patronage of the patio will occur primarily during the afternoon and evening hours we now plan to close the deck at 10:00 PM.

Busse's currently does not serve food but we are exploring the feasibility of installing a kitchen to offer food in the near future.

The patio was located where it is to minimize any impact on the neighboring residences. As a further precaution we propose to replace the existing six-foot high fencing with new eight-foot high solid wood fencing as shown on the attached drawing.

The western or Sherman Avenue and northern or Zippy Lube edges of the patio are bounded by a planting bed with a decorative fence between masonry piers. The planting bed towards the east will be extend an additional six-feet towards Sherman to allow larger plantings.



New Patio for Busse's  
2005 N Sherman Ave.  
May 3, 2019

## **Firchow, Kevin**


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**From:** Abbas, Syed  
**Sent:** Monday, May 06, 2019 3:52 PM  
**To:** Firchow, Kevin  
**Subject:** Re-zoning proposal for 2005 N Sherman Ave

Hi Kevin,

I received a call from Sharon Fouts a senior citizen living near 2018 North Sherman Avenue. She does not have access to email or computer and wants me to forward her comments to plans commission.

According to her, she wants to bring on record that she is against the project and believe it will create more noise in the quiet neighborhood. She also mentioned that lots of elderly people in the surrounding neighborhood are against the project.

Her phone number is 

Thanks  
Syed

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**Alder Syed Abbas**, City of Madison, District 12  
[District 12 Website](#) [Signup for District 12 emails](#)

## Cleveland, Julie

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**From:** Firchow, Kevin  
**Sent:** Monday, May 06, 2019 2:59 PM  
**To:** Cleveland, Julie  
**Subject:** FW: Re-zoning proposal for 2005 N Sherman Ave

For Legistar and Late handouts. Thanks again.

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**From:** Abbas, Syed  
**Sent:** Monday, May 06, 2019 2:50 PM  
**To:** Firchow, Kevin <KFirchow@cityofmadison.com>  
**Cc:** Amy Brooks <reporting@cityofmadison.com>  
**Subject:** Fw: Re-zoning proposal for 2005 N Sherman Ave

Hi Kevin,

Can you please forward this email to Plan Commissioner.

And thanks Amy for your feedback.

Best,  
Syed

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**Alder Syed Abbas, City of Madison, District 12**

[District 12 Website](#) [Signup for District 12 emails](#)

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**From:** Amy Brooks <reporting@cityofmadison.com>  
**Sent:** Monday, May 6, 2019 1:13 PM  
**To:** Abbas, Syed  
**Subject:** Re-zoning proposal for 2005 N Sherman Ave

### General Information

Name: Amy Brooks

Address: [abservices@gmail.com](mailto:abservices@gmail.com)

City: Madison

State: WI

ZIP: 53704

Phone: 608-206-1166

Work Phone:

Email:

Should we contact you?: Yes

Message:

This proposed re-zoning on Busse's Tavern on N Sherman Ave should absolutely not be allowed. I knew before I closed on my house in this neighborhood that this bar was grandfathered in to be allowed to operate as is, with NO outdoor additions or seating area allowed! It was a stipulation that helped me decide to live here. Essentially, they are requesting what will be an outdoor drinking and smoking area. We suffer enough - too much - smoke smell, noise, loud vulgarity, and bar patrons parking on our neighborhood streets and driving under the influence through our neighborhoods. This will only increase. There is no way to relegate increased noise, cigarette smoke I can smell in my kitchen as it is, and increased traffic in our neighborhood. I believe if this passes it is setting a precedent in Madison for any establishment that has been graciously grandfathered in, to then change their zoning at the detriment to their immediate neighbors, and the neighborhood as a whole. Also - attempting to tie in this rezoning with the building next door which has a completely different zoning, but is conveniently owned by the same person - seems to be a pretty slippery approach to slide this approval through. I want it on record I am opposed to this rezoning.

Thank you,  
Amy Brooks

Recipient:  
Syed Abbas

**From:** [james@mcfadden.com](mailto:james@mcfadden.com)  
**To:** Prusak, Sydney  
**Subject:** Fwd: Busses Tavern Patio  
**Date:** Monday, May 06, 2019 10:20:56 AM

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Sydney,

Ben, the owner, will not be able to attend this afternoon's meeting but the attached note to Syed well express his sentiments. If it is not too late could we include this?

Thanks.

James

James McFadden, Architect  
McFadden & Company  
380 West Washington Ave  
Madison, Wisconsin 53703  
(608)251-1350

Begin forwarded message:

**From:** Benjamin Altschul <[benoldschool@gmail.com](mailto:benoldschool@gmail.com)>  
**Subject:** Fwd: Busses Tavern Patio  
**Date:** May 6, 2019 at 2:48:50 AM CDT  
**To:** [james@mcfadden.com](mailto:james@mcfadden.com)

----- Forwarded message -----

**From:** Benjamin Altschul <[benoldschool@gmail.com](mailto:benoldschool@gmail.com)>  
**Date:** Sun, May 5, 2019, 11:53 PM  
**Subject:** Busses Tavern Patio  
**To:** <[jsabbas12@gmail.com](mailto:jsabbas12@gmail.com)>

Dear Syed

This is Ben from Tip Top, Cabaret and Busse's. I hope this email finds you well and enjoying the spring season.

I am writing you today regarding the conditional use application for a patio at Busse's Tavern - 2005 N. Sherman Ave.

I received an e-mail with the staff comments leading up to the Monday Plan Commission meeting; it appears the city staff are supportive of the project. Also included in that e-mail, I received three letters from neighbors voicing concern for the potential outdoor space.

I have reviewed the letters in detail, and although I disagree with some of their statements, I

very much respect the concerns that were expressed. I hope to communicate directly with the neighbors who voiced concern; it is important to me that their concerns are met with appropriate resolution in an ongoing way.

I am working with James McFadden as the architect for this project, and together we have discussed and adapted the plan to meet the concerns that were voiced. As a result, we have shifted the hours of operation for the patio and increased sound barriers through additional fencing and landscaping.

In my position as an entrepreneur, I feel great responsibility to operate businesses that contribute to a sense of safety, inclusivity and overall well-being in our community. It is my goal to create spaces and businesses that positively impact the fabric of our community.

There has been a mainly positive response from the community and neighborhood association regarding the Busse's patio. I have approached this project with a sense of openness, consideration and sensitivity to the community. I believe this patio would make Busse's more inclusive, welcoming and by extension improve the overall quality of the neighborhood.

Thank you for your consideration. Unfortunately, I will not be able to attend the meeting tomorrow as I am returning from a family funeral. I am available by phone or e-mail if you would like to discuss this further (608-209-0961).

Good Regards

Ben

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Hello Commission Members,

All other aspects of this plan aside, the proposed outdoor seating to the bar is a bad plan that is not in line with the needs of the neighbors and lies far outside of any other zoning precedent. There are arguably five adjacent houses: Three directly adjacent lots and two being separated by Sherman Ave. and there are two more residences on Sheridan to my east and on Winchester in the same direction which will be affected by this change as well as the apartments opposite the Zippy Lube on the corner of Aldo and N Sherman. These properties will be subject to any noise that takes place outside, which will likely be significant due to heavy, late night drinking.

While the patio may increase the capacity of the bar and provide a place to drink in the summer, it will inevitably create a noise problem in the late evening hours. Under the current plan, the patio area will be open for twelve hours a day from 2pm-2am. Busse's does not serve food and so the only thing patrons do there is consume alcohol and smoke. Patrons who stay until bar time will likely be drunk and loud. While the 8-ft fence along the back portion of the outdoor seating may be good enough to keep everything out of sight, it will do nothing to mitigate reverberation of sound in the space. Living where we do exposes us to the sound of traffic on Sherman ave, but while the occasional car going by is easily ignored as white noise, The random chatter and occasional shouting of people is not. This problem becomes compounded for me and my neighbors to the south by the reality that the southern wall of the Zippy-Lube is made of cinderblocks and glass, both highly sound-reflective materials that will reflect any sound that is made on the patio back towards my house and the house of my neighbors. Spending my time in concert halls and playing in various musical venues, I can tell you that hard surfaces are great if you want a quiet noise to be heard in a big space, but terrible if you want a loud noise not to be heard. The southern wall of the zippy lube will essentially do the same thing, but the outcome will be amplified noise pollution that will be reflected directly at my home and the home of my neighbors.

My bedroom is located on the corner of my house closest to Busse's. This is the only option for my sleeping quarters with the other being an upstairs loft which also has a window facing the Zippy-lube. In addition to this, I teach in my home on Fridays and do not want to hear noises from the bar during evening lessons. As a musician I spend much of my day being very focused on the sound I and others are making and when I am trying to relax in the evening, I need silence. Having a patio open till bar time will interfere with my sleep on those nights. Additionally, I play concerts on most Friday and Saturday nights and when I come home I am often exhausted and want to relax. While the installation of rear windows on the bar may have increased visibility for patrons, it also increased evening noise. I have been happy that in the instances I have asked Busse's to close the rear windows or to keep patrons off the back steps, they have accommodated my requests, but I don't like having to call them to do this and furthermore I believe the proposed patio creates a situation in which they cannot control the noise when asked. To think that the noise level could be increased manifold is worrying to me.



The plan for outdoor bar seating offers minimal value to Busse's patrons and to the bar's owner and would detract significantly from my quality of life as well as that of my neighbors.

I believe this plan can have good value without the bar having outdoor seating. I ask that this rezoning request be rejected based upon the proposed outdoor seating area at Busse's.