

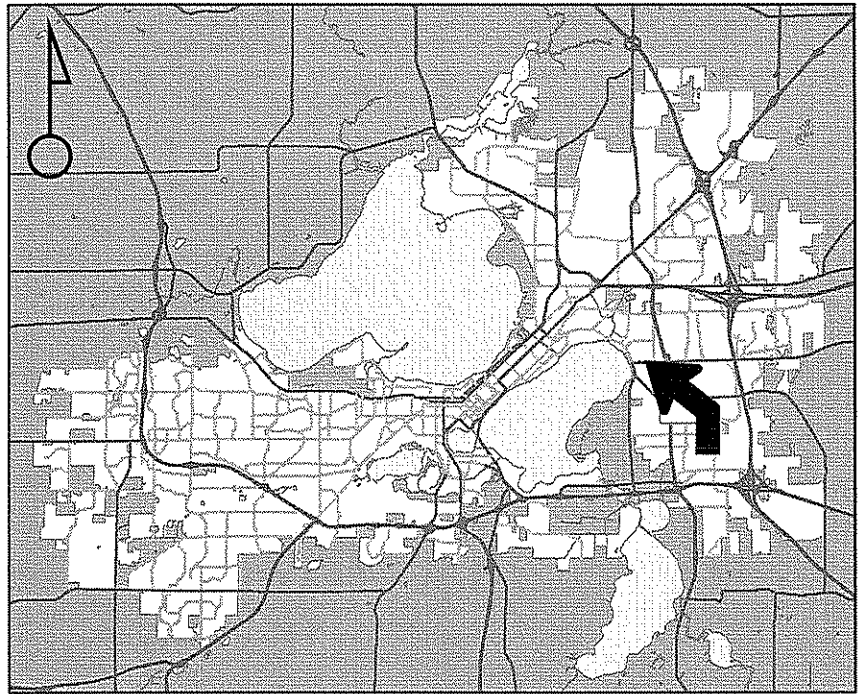


Location  
3863 Clover Lane

Existing Use  
Ace Automobile Upholstery

Proposed Use  
Complaint Against Ace Auto Upholstery Conditional Use

Public Hearing Date  
Plan Commission  
18 October 2010



For Questions Contact: Matt Tucker at: 266-4569 or [mtucker@cityofmadison.com](mailto:mtucker@cityofmadison.com) or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : RPJ : Date : 13 October 2010





Department of Planning & Community & Economic Development  
**Building Inspection Division**

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Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

**DATE:** October 13, 2010  
**TO:** Mark Olinger, Secretary, Plan Commission  
**FROM:** Matt Tucker, Zoning Administrator  
**SUBJECT:** Conditional Use, 3863 Clover Lane.

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On July 1, 2002, the Plan Commission approved a conditional use for an automotive upholstery business for the subject property, 3863 Clover Lane, subject to the conditions enumerated in a July 29, 2002 approval letter prepared by the Planning Division (attached). The owner and applicant, Mr. Phillip Iturbide, Jr. signed the approval letter on September 3, 2002 acknowledging the conditions of approval for his conditional use.

Since November 2008, Zoning staff has received numerous complaints regarding the condition of Mr. Iturbide's 3863 Clover Lane property. Follow-up inspections to those complaints resulted in Zoning staff observing code violations and resulted in the preparation and mailing of official notices, the issuance of a municipal citation, and the referral of the case to the Office of the City Attorney for prosecution. Despite the citation and subsequent prosecutions, the property continues to operate out of compliance with zoning, site plan and conditional use requirements, and complaints continue to be received. Copies of the inspection reports and official notices, and a recent correspondence from the Zoning Inspector assigned to this case, are attached.

The Plan Commission maintains continuing jurisdiction over conditional uses. Per Section 28.12(10)(h)4 of the Zoning Ordinance, upon written complaint from a City Official, the Plan Commission shall review the request and determine if a reasonable probability exists that the property is in violation of one or more of the conditions of approval. The complaint review and necessary finding that the Plan Commission must make follows:

*Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above.*

Attached you will find a copy of Section 28.12(10)(h)4. in its entirety, which describes the conditional use continuing jurisdiction review process.

Staff has discussed the violations at the property with the Office of the City Attorney and with Alderperson Larry Palm. Staff is of the opinion this property is **not** operating in compliance with the approved conditional use and recommends the Plan Commission find that the complaint and subsequent inspections reflect reasonable probability that the subject conditional use is operating in violation of its conditions of approval. Staff further recommends that the Plan Commission schedule this matter for a public hearing at a future scheduled meeting.

This case may be referred again to the Office of the City Attorney for prosecution. Any action taken by the Plan Commission regarding the continuing jurisdiction review will not impact the City's efforts to obtain compliance through prosecution.

C: Ald. Larry Palm, 15<sup>th</sup> District  
Mr. Phillip Iturbide, Ace Auto Upholstery

MT/tmp

Enc.

**City of Madison Zoning Ordinance**  
**Conditional Use, Continuing Jurisdiction**

**Code section:** Sec. 28.12(10)(h)4.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Subdivision (g) or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards 1 and 2 in Subdivision (g) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subdivision (i) hereunder.



July 29, 2002

**REVISED LETTER**

**\*\*ADDITIONAL COMMENTS FROM FIRE DEPARTMENT\*\***

Ace Auto Upholstery  
Phillip Iturbide Jr.  
416 Gammon Lane  
Madison, WI 53714

SUBJECT: 3863 Clover Lane

Dear Mr. Iturbide:

The Plan Commission, at its July 1, 2002 meeting, determined that the conditional use standards could be met subject to the conditions below for a conditional use for an auto upholstery business located at 3863 Clover Lane.

In order to receive final approval of your proposal, the following conditions must be met:

**Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following three items:**

1. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
2. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
3. The Traffic Engineer may have additional comments and/or requirements upon review of the final building plans and site plans. This proposed project shall comply with all applicable Madison General Ordinances and policies.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following two items:**

4. Provide 2 bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building

to prevent the racks from moving. NOTE: Bike stalls shall be a minimum dimension of 6' x 2' with a 5' access to the stalls.

5. Exterior lighting is not required. However, if it is provided, it must comply with the City Ordinance. Lighting will be limited to .08 watts per square foot.

**Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following four items:**

6. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping. Correct plan to show street right-of-way line.
7. All work in the right-of-way shall be performed by a City licensed contractor.
8. The commercial drive apron shall be concrete and comply with City standard detail for commercial drives.
9. City Engineering records do not show an existing sanitary sewer lateral for this address. The site plan shall be revised to show the size and location of the existing lateral and its point of connection to the public main. The applicant shall note that each lot requires a separate sewer lateral per the Madison General Ordinances.

**Please contact Scott Strassburg, Madison Fire Department, at 266-4484 if you have questions regarding the following three items:**

10. All spraying of flammable finishes and adhesives must be done in full compliance with NFPA 33 and products must be stored in compliance with NFPA 30.
11. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Additional comments and/or requirements may be noted upon review of the final building plans.
12. Fire detection and/or automatic fire suppression systems are/may be required. Ensure contractors submit applications for installation permits along with plans for all fire protection and/or life safety systems of the Fire Department prior to installation, if a spray booth is required for spraying flammable liquids.

Please follow the procedures listed below to receive your conditional use approval.

1. Please revise plans per the above conditions and submit five (5) sets of the final site plans (including drainage and landscaping plans) to the Zoning Administrator. The parking plans are reviewed and approved by Traffic Engineering, Fire Department, City Engineering, Planning and Zoning. Any of these agencies may call you to request additional information or to resolve problems.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.

3. No alteration of this conditional use shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations. This conditional use approval shall become null and void one year after the date of Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Sec. 2812(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this conditional use for the purpose of resolving complaints against this approved conditional use.

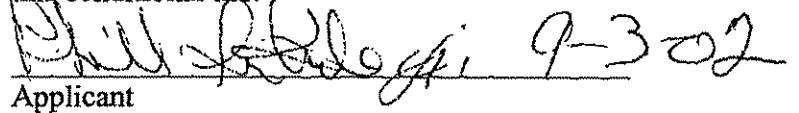
If you have any questions regarding obtaining your building permit or occupancy permit, please call Kathy Voeck or George Carran of the City Zoning staff at 266-4551.

Sincerely,



Peter Olson  
Planning & Development

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.



Applicant

cc: Zoning Administrator  
City Engineering  
Traffic Engineering



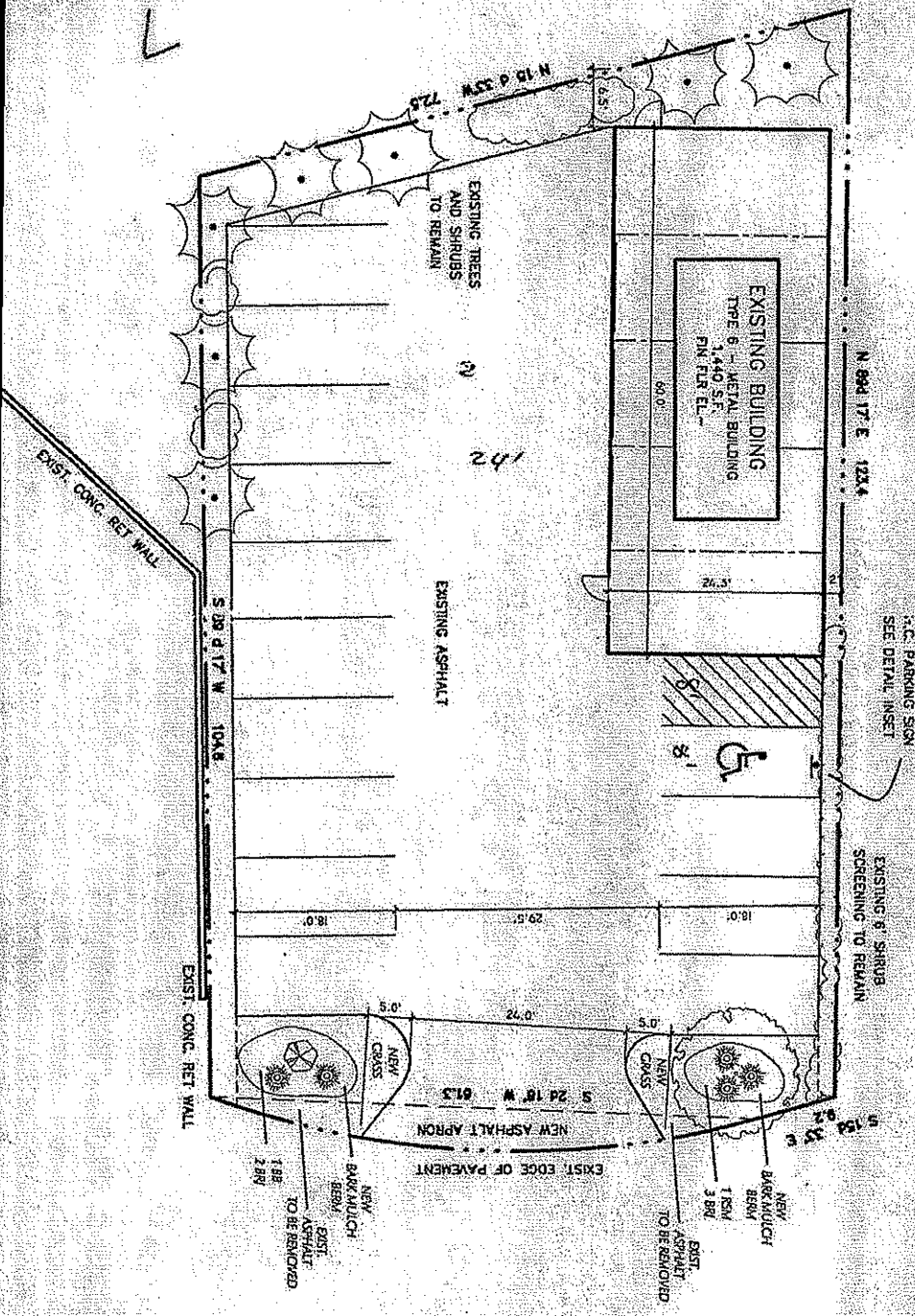
Ace Auto Upholstery  
3863 Clover Lane  
Madison, WI

June 5, 2002

I, Phillip Iturbide Jr., owner of Ace Auto Upholstery have relocated my business that I purchased from my father. Our new address is 3863 Clover Lane, Madison Wisconsin. My brother and myself run the business. Our business hours are the following. Monday & Friday, 8:00 A.M. to 6:00 P.M. Tuesday, Wednesday & Thursday, 8:00 A.M. to 7:00 P.M. Our winter hours are 8:30 A.M. to 5:00 P.M. These hours have been the same for over thirty years. Our type of business is Automobile and Boat Interiors. Automobiles are about 90% of our work.

# repair bay.

LEGAL DESCRIPTION  
 ASSESSOR'S PLAT #7 BLOOMING GROVE, PART OF LOT 25, 26, 27  
 BEGINNING AT THE SE CORNER OF LOT 7; THENCE S 15d 33 MIN. E 9.2 FT.  
 THENCE S 1/4 ON CURVE TO RT. RAD. 100 FT., WHOSE CHORD BEARS S 2d 18 MIN. W 61.3 FT.,  
 THENCE S89 d 17 MIN. W 104.6 FT., THENCE N15d 33 MIN. W 72.5 FT. TO SW  
 CORNER OF SAID LOT 7; THENCE N 8d 17 MIN. E 123.4 TO P.O.B.



CLOVER LN

PLANTING SCHEDULE

Deciduous Canopy/Trees	Symbol	Plant Name	QTY	Size
RSW		Red Sunset Maple	1	2" BB
Evergreen Shrubs				
BR		Blue Rug Juniper	9	5 Cal
Deciduous Shrubs				
BB		Burning Bush	4	2 1/4" cont.

**From:** Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**Property Located At:**  
3863 CLOVER LN

**OWNER:**  
PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON WI 53714

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Item No.	Violating Section No.	CORRECTIONS REQUIRED
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1. 28.12(11)(h)2.  
28.093)(d)6.c.

The Madison Zoning Office received a complaint that there are wrecked vehicles in the parking lot on the property at the above address, and that the wrecked vehicles have been sitting in the parking lot on the property for months. I inspected the property on December 18, 2008, and again on February 3, 2009. On both dates, I observed and photographed ten wrecked vehicles, which were in the same condition on both dates, and in the same positions in the parking lot on both dates. The presence of these wrecked vehicles on the property at the above address is an unauthorized alteration to an existing, approved conditional use in the C2 district where the property is located. The auto upholstery business conducted on the property is allowed as a conditional use in the C2 district, provided that no permanent or temporary storage of wrecked vehicles shall occur on the premises unless completely screened from view or within an enclosed building.

The ten wrecked vehicles must be either (1) removed from the property by March 16, 2009, or (2) stored within the building on the property or completely screened from view with legally constructed screening on the property, by March 16, 2009.

The ten wrecked vehicles that are on the property in violation of the cited sections of the Madison Zoning Code are all five vehicles parked on the north side of the parking lot, and the following vehicles parked on the south side of the parking lot: the blue Pontiac Grand Prix, the white GMC pickup truck, the white car next to the older vehicle with Washington plates, the older vehicle with Washington plates, and the moving van.

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Compliance with the above cited sections of the municipal code shall be on a continuous basis.

**From:** Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
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**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**Property Located At:**  
3863 CLOVER LN

**OWNER:**  
PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON WI 53714

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Item No.	Violating Section No.	CORRECTIONS REQUIRED
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This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Building Inspection Division may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Building Inspection Division is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

**Please notify the inspector when work is completed.** Telephone: 266-6554  
Inspected by: Heidi Conde On: 2/3/09 Date Issued: 2/10/09  
**The violations shall be corrected on or before:** March 16, 2009

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.



City of Madison

DUE DATE

**CODE ENFORCEMENT**

REVIEW DATE

**Worksheet**

0710-092-1802-7

3863 Clover Ln MADISON, WI	INSP416 GANNON	CASE NBR	CASE TYPE	
	Tucker, Matthew	208322023	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.		EMP	DATE	ACTIVITY



City of Madison

DUE DATE

**CODE ENFORCEMENT**

REVIEW DATE

**Worksheet**

		h:	w:	11/17/2008	Open Status
<b>REMARKS</b>					
CARS SITTING ON PROPERTY - USED AS A REPAIR GARAGE					
<b>OWNER</b>					
ITURBIDE JR, PHILLIP J 416 GANNON AVE  MADISON, WI 53714		h: () -		AB 09/14/2009	Initial Inspection - City Attorney Referral
		w:		AB 03/31/2009	Initial Inspection - Citation
Original To:					
416 GANNON AVE					
416 GANNON AVE					
CC:					
<b>NOTES</b>					
11/17/2008	FIRST ENTRY				
12/30/2008	13 vehicles & 1 boat (on trailer) parked on premises. Most look inoperable. No plates on 7 vehicles. Expired plates on 3 vehicles. 1 very rusty vehicle with Washington plates; can't tell if they are expired. 2 vehicles with current plates. Wisconsin boat registration dated 2001. Took photos.				
12/30/2008	INSPECTION				
02/03/2009	5 cars on N side of lot unchanged since inspection on 12-18-08. 5 of vehicles on S side of lot unchanged since inspection on 12-18-08. All 10 of these vehicles are in same position as before & are covered with snow. All 10 vehicles look like salvage vehicles. Took photos.				
02/03/2009	INSPECTION				
02/09/2009	ORDER TYPING				
02/10/2009	ISSUED				
02/20/2009	CONFERENCE				
		AB 11/17/2008 Initial Inspection - In Progress			
		AB 02/10/2009 Initial Inspection - Mailed or Delivered			
		AB 02/09/2009 Initial Inspection - Official Notice			
		AB 04/02/2009 Reinspection - On Going Enforcement			



## City of Madison

DUE DATE

# CODE ENFORCEMENT

REVIEW DATE

## Worksheet

02/20/2009 Met w/Owner Phillip Iturbide and ZA Matt Tucker, at owner's request, to discuss his options regarding the property. He said that several of the vehicles on the property are his personal vehicles, & he will remove them by March 16. We reviewed that he cannot use the U-Haul trailer for storage.

02/20/2009 Owner said that, on N side of property: black Chevy belongs to a customer named Jim, he owns 67 Mustang Coupe "w/no front end", red Trans Am belongs to a friend in Milwaukee, he owns white LeBaron convertible, & customer owns 66 Chevy. After identifying ownership of these 5 vehicles, owner got

02/20/2009 very loud & belligerent when he was told that vehicles could not be kept on the property if inoperable. Owner said that he would get an attorney. Matt ended the meeting at that point.

03/19/2009 RE-INSPECTION

03/19/2009 Several wrecked vehicles have been removed from property. Old U-Haul has been removed. Much of JTD has been cleared. Three wrecked vehicles on property at present. Truck parked crosswise in front of accessible parking stall so that there is no access to stall. Took photos.

03/31/2009 CITATION

04/02/2009 ONGOING ENFORCEMENT

04/15/2009 RE-INSPECTION

04/15/2009 Wrecked vehicles still on property. Vehicles not parked according to parking lot plan. Nothing is blocking accessible stall. Increase in JTD since last inspection, so created property maintenance case 209105024. Took photos.

09/14/2009 C A REFERRAL

12/16/2009 RE-INSPECTION

12/16/2009 Took photos of vehicles in parking lot. Vehicle w/smashed windshield has been removed from lot. Other vehicles appear to be operable. Parking appears to be in compliance w/site plan.



Department of Planning & Community & Economic Development  
**Building Inspection Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

March 31, 2009

PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON, WI 53714

**Subject: Premises Located at 3863 Clover Lane  
Case No. 208322023**

Dear Mr. Iturbide:

A re-inspection of your property on March 17, 2009, revealed that you continue to have wrecked vehicles on the property at the above address, which is an unauthorized alteration to an existing, approved conditional use.

Since the violation was not satisfactorily corrected by the deadline in my notice to you dated February 10, 2009, you are being issued a citation. The violation shall be corrected on or before April 13, 2009, in order to avoid additional citations and/or prosecution.

Sincerely,

Heidi Conde  
Zoning Inspector





City of Madison

DUE DATE

**CODE ENFORCEMENT**

REVIEW DATE

**Worksheet**

0710-092-1802-7

3863 Clover Ln		INSP.	CASE NBR.	CASE TYPE	
		MLR	209105024	FIELD OBSERVATION	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
h: w:			hac	04/15/09	FIRST ENTRY
REMARKS			lek	04/16/09	INSPECTION
See photos in Conde folder on Plcommon. Increase in JTD since inspection of 03/17/09.			lek	04/17/09	INSPECTION
			lek	04/17/09	NO VIOLATION
			lek	04/23/09	RE-INSPECTION
			lek	04/23/09	COMPLIANCE
			lek	04/23/09	COMPLIANCE
OWNER					
ITURBIDE JR, PHILLIP J 416 GANNON AVE MADISON, WI 53714			h:  w:		
Original To:					
CC:					
CC:					
CC:					
NOTES					
<p>04/16/09 EMPLOYEE WORKING IN PARKING LOT ON A VEHICLE. STAYED IN MY CAR AND MADE OBSERVATIONS. WILL TAKE A BETTER LOOK TOMORROW EARLY IN THE DAY.</p> <p>04/17/09 TALKED TO WORKER IN PKG LOT. DUMPSTER HAD BEEN OVERFLOWING BUT WAS RECENTLY EMPTIED. PILE OF CARPET FROM VETTE GOING BACK TO OWNER. FOAM PAD BY FENCE FOR DOG. CARDBD IN BOAT WAS SITTING THERE UNTIL COULD BE BROKEN DOWN. HE WAS NOT SURE WHY SEATS WERE BY TREE. WILL RECHK IN A WEEK.</p> <p>04/23/09 TRASH REMOVED.</p>					



Department of Planning and Community & Economic Development  
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Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

August 24, 2009

PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON, WI 53714

**Subject: Premises Located At: 3863 Clover Ln  
Case Nos. 208322023 and 209092056  
Issued on February 10, 2009, and April 3, 2009**

Dear Mr. Iturbide:

The City of Madison puts a lot of effort into keeping its neighborhoods and housing stock in good repair. An important part of this effort is effective, consistent and efficient code enforcement. Noncompliance matters are referred to the City Attorney's Office for legal action.

Re-inspections of your property on April 14, 2009, and May 26, 2009, revealed that the following items listed on the above referenced official notice were not corrected or not satisfactorily corrected:

All

The purpose of this letter is to inform you that the matter has been referred to the City Attorney's Office for appropriate legal action. We strongly recommend that you complete the correction of all code violations as soon as possible. You should be aware that penalties increase each day the violation continues.

Sincerely,

Heidi Conde  
Zoning Code Officer

**From:** Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**Property Located At:**  
3863 CLOVER LN

**OWNER:**  
PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON WI 53714

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Item No.	Violating Section No.	CORRECTIONS REQUIRED
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**COMPLAINT**

- 1. 28.09(1)(b)
- 28.09(3)(d)6
- 28.12(11)(h)4

Discontinue temporary or permanent parking or storage of any inoperable vehicle on the C2 zoned property at 3863 Clover Lane, unless completely screened from view or within the enclosed building

The following conditions are included in the approval for the conditional use for the auto upholstery business at 3863 Clover Lane:

Garages for repair and servicing of motor vehicles of not over one and one-half (1 ½) tons capacity, including accessory towing and wrecker service, but not including body repairs, painting or motor rebuilding, providing that the Plan Commission shall find:

- a. That adequate off-street parking exists on the site for vehicles awaiting repairs, servicing or pickup.
- b. That all other business and servicing shall be conducted within completely enclosed buildings.
- c. That no permanent or temporary storage of wrecked vehicles or rental vehicles shall occur on the premises unless completely screened from view or within an enclosed building.

- 
- 2. 10.08(8)(g)
  - 28.11(2)(f)
  - 28.12(11)(h)4

Discontinue parking any vehicle in a manner not in accordance to the approved conditional use site plan, dated October 2, 2002. The approved site plan shows thirteen (13) parking stalls, including one (1) handicap accessible parking stall. All vehicles, including boats/trailers, shall be parked in an approved parking stall.

/

**From:** Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

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**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**Property Located At:**  
3863 CLOVER LN

**OWNER:**  
PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON WI 53714

---

Item No.	Violating Section No.	CORRECTIONS REQUIRED
----------	-----------------------	----------------------

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Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

**Please notify the inspector when work is completed.** Telephone: 266-4429  
Inspected by: Jenny Kirchgatter On: 8/17/07 Date Issued: 8/20/07  
**The violations shall be corrected on or before:** September 17, 2007

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. )  
Appeal information may be obtained by calling 266-4551.



City of Madison

**CODE ENFORCEMENT**

**Worksheet**

DUE DATE

09/17/07

REVIEW DATE

09/17/07

0710-092-1802-7

<b>3863 Clover Ln</b>		INSP	CASE NBR	CASE TYPE	
		jlk	207187035	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
Steve	h: 222-2585	w:	RJT	07/06/07	FIRST ENTRY
REMARKS Junked cars, auto repair but cars look inoperable  Please call Steve when you review site.			JLK	07/19/07	INSPECTION
			JLK	08/17/07	INSPECTION
			JLK	08/20/07	ORDER TYPING
			RMS	08/21/07	ISSUED
			JLK	09/27/07	RE-INSPECTION
			JLK	07/14/08	INSPECTION
			JLK	07/14/08	COMPLIANCE
OWNER					
ITURBIDE JR, PHILLIP J 416 GANNON AVE MADISON, WI 53714		h:			
		w:			
Original To: ITURBIDE JR, PHILLIP J 416 GANNON AVE MADISON, WI 53714  CC:  CC:  CC:					
NOTES					
07/19/07 appears to be some inops. 08/17/07 vehicles parked in drive aisle. some appear inop. 09/27/07 parking lot appears improved. 07/14/08 ok					

City of Madison  
**OFFICIAL NOTICE**

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Madison, Wisconsin 53701-2984

Property Located At:  
 3863 Clover Ln

OWNER:  
 PHILLIP J ITURBIDE JR  
 416 GANNON AVE  
 MADISON WI 53714

Item No.	Violating Section No.	CORRECTIONS REQUIRED
1.	28.12(11)(h)2. 28.09 (3)(d)6.c.	<p>The Madison Zoning Office received a complaint that there are wrecked vehicles in the parking lot on the property at the above address, and that the wrecked vehicles have been sitting in the parking lot on the property for months. I inspected the property on December 18, 2008, and again on February 3, 2009. On both dates, I observed and photographed ten wrecked vehicles, which were in the same condition on both dates, and in the same positions in the parking lot on both dates. The presence of these wrecked vehicles on the property at the above address is an unauthorized alteration to an existing, approved conditional use in the C2 district where the property is located. The auto upholstery business conducted on the property is allowed as a conditional use in the C2 district, provided that no permanent or temporary storage of wrecked vehicles shall occur on the premises unless completely screened from view or within an enclosed building.</p> <p>The ten wrecked vehicles must be either (1) removed from the property by March 16, 2009, or (2) stored within the building on the property or completely screened from view with legally constructed screening on the property, by March 16, 2009.</p> <p>The ten wrecked vehicles that are on the property in violation of the cited sections of the Madison Zoning Code are all five vehicles parked on the north side of the parking lot, and the following vehicles parked on the south side of the parking lot: the blue Pontiac Grand Prix, the white GMC pickup truck, the white car next to the older vehicle with Washington plates, the older vehicle with Washington plates, and the moving van.</p> <p>Compliance with the above cited sections of the municipal code shall be on a continuous basis.</p>

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

**City of Madison**  
**OFFICIAL NOTICE**

Corner King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**Property Located At:**  
3863 Clover Ln

**OWNER:**  
PHILLIP J ITURBIDE JR  
416 GANNON AVE  
MADISON WI 53714

Item No.      Violating Section No.

**CORRECTIONS REQUIRED**

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

**Please notify the inspector when work is completed.**      Telephone: 266-6554  
Inspected by: Heidi Conde      On: 2/3/09      Date Issued: 2/10/09  
**The violations shall be corrected on or before:**      March 16, 2009

Code Enforcement Officer: Heidi Conde

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

## Tucker, Matthew

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**From:** Conde, Heidi  
**Sent:** Monday, August 16, 2010 2:59 PM  
**To:** Hank, George; Tucker, Matthew  
**Cc:** Peguero, Adriana  
**Subject:** 3863 Clover Ln  
**Attachments:** Clover Ln 3863 08-16-10 #1.JPG; Clover Ln 3863 08-16-10 #2.JPG; Clover Ln 3863 08-16-10 #3.JPG; Clover Ln 3863 08-16-10 #4.JPG; Clover Ln 3863 08-16-10 #5.JPG; Clover Ln 3863 08-16-10 #6.JPG; Clover Ln 3863 08-16-10 #7.JPG; Clover Ln 3863 08-16-10 #8.JPG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

George and Matt,

This property is back to the condition in which I found it when I first inspected it in December of 2008.

The history is that Matt and I did a lot of hand-holding with this combative property owner, and took extra steps before referring him to the CA in August of 2009. In December of 2009, the property appeared to be in substantial compliance. Adriana, Matt, and I met with Phil Iturbide (the owner) in the courtroom. We agreed that he was going to submit a site plan and an application for an alteration to an existing CU by 1-15-10, and he did not submit them until 2-17-10. There was to be a court review date of 2-1-10, after which the deadline date for the installation of the landscaping was to be set (projected at 6-1-10?). I sent Adriana an e-mail on 2-18-10, giving her an update. I don't think I've heard anything from Adriana since she thanked me for the update. As of 5-19-10, DUCKS showed that a supplement was still needed by Planning. That's the latest document I have in my file.

I inspected today in response to another complaint about the property. There were five vehicles parked in the middle of the parking lot (not in stalls), there were at least four inoperable vehicles parked on the lot, an inoperable vehicle was parked in the accessible stall, there was a lot of JTD on the property (including an old TV), and an employee was working on two vehicles out in the parking lot (though they are supposed to do all the work inside the building). In addition, I don't believe he has done anything with the landscaping, though I didn't have a chance to document that with photos. See attached photos.

I took the first three photos while standing on public property, in the opening to the driveway. Then the employee approached me and asked what I was doing. I introduced myself and said that I was taking photos of the inoperable vehicle parked in the accessible stall. He put his hands on his hips and said that it isn't inoperable, that they only have to air up the tires and they can drive it. I said that, with the flat tire, it is currently inoperable. He asked impatiently if there was something he could help me with. I said that I would like to take photos of the inoperable vehicles and junk on the property, and said "OK?" He answered, "OK", then turned around and went back to the vehicle he had been working on, then said, "but I'm not the boss." After I had taken five photos, he asked if I have "the right" to take the photos. I said that he had given me permission. He said that he hadn't given me permission. I said, "OK, I'm out of here." As I was walking toward the street, he said, "You were taking pictures before we even talked." I answered, "Yes, from public property." He again asserted that he hadn't given me permission, and I went to my car across the street. Please note that those five photos were taken from the parking lot of a business and there is no residence on the property.

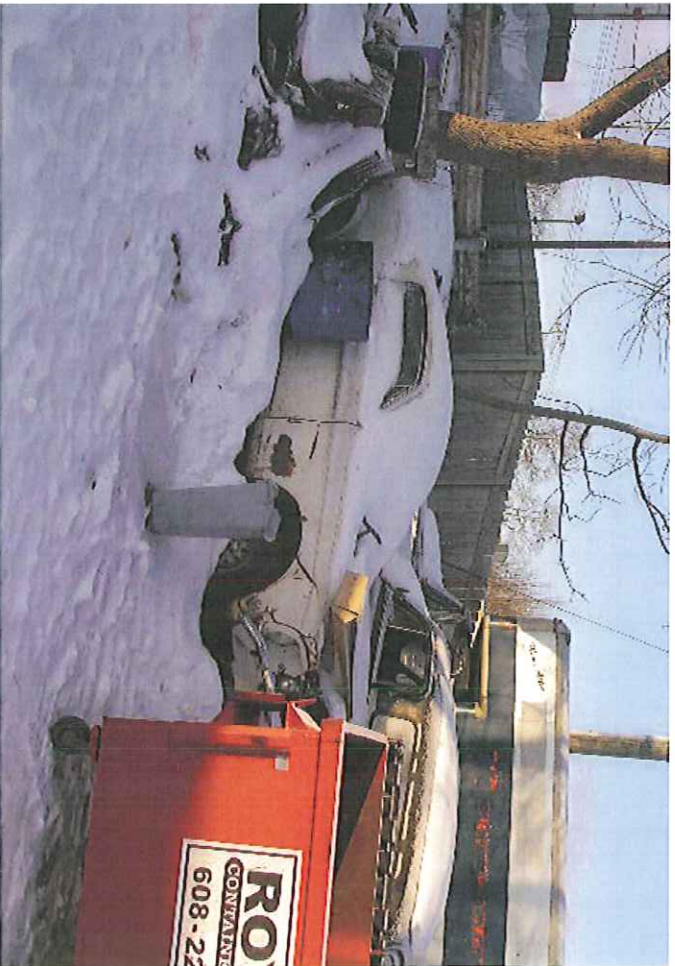
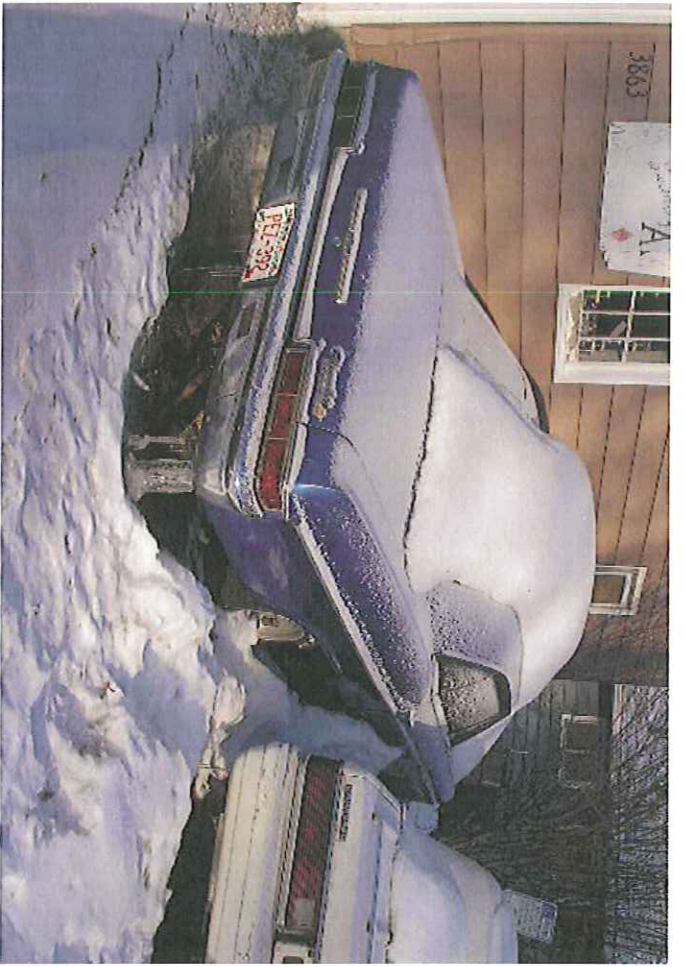
There was a long history of these same issues with this property even before I was involved with it in 2008. I think that it's time to get the conditional use approval revoked.

Heidi Conde  
Zoning Code Officer  
Building Inspection Division



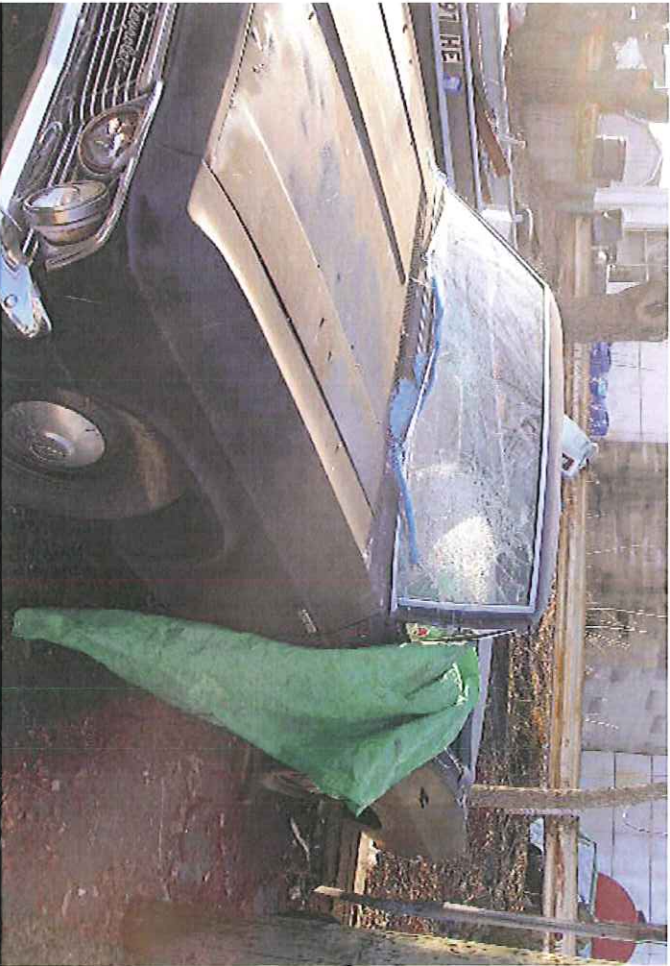
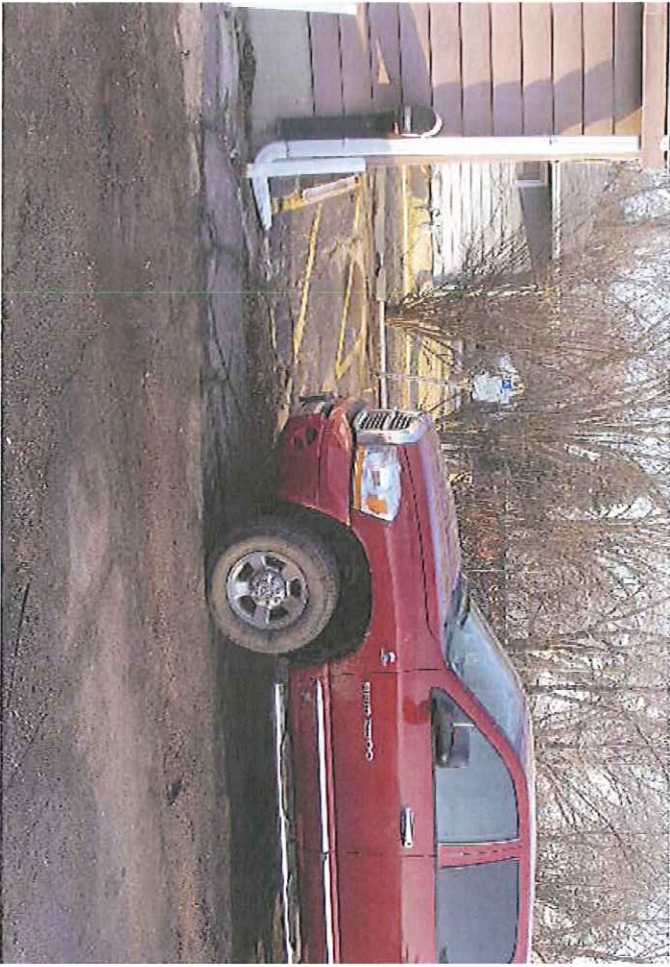
3863 Clover Ln  
Photos taken by A. Lunde on 12-18-08.

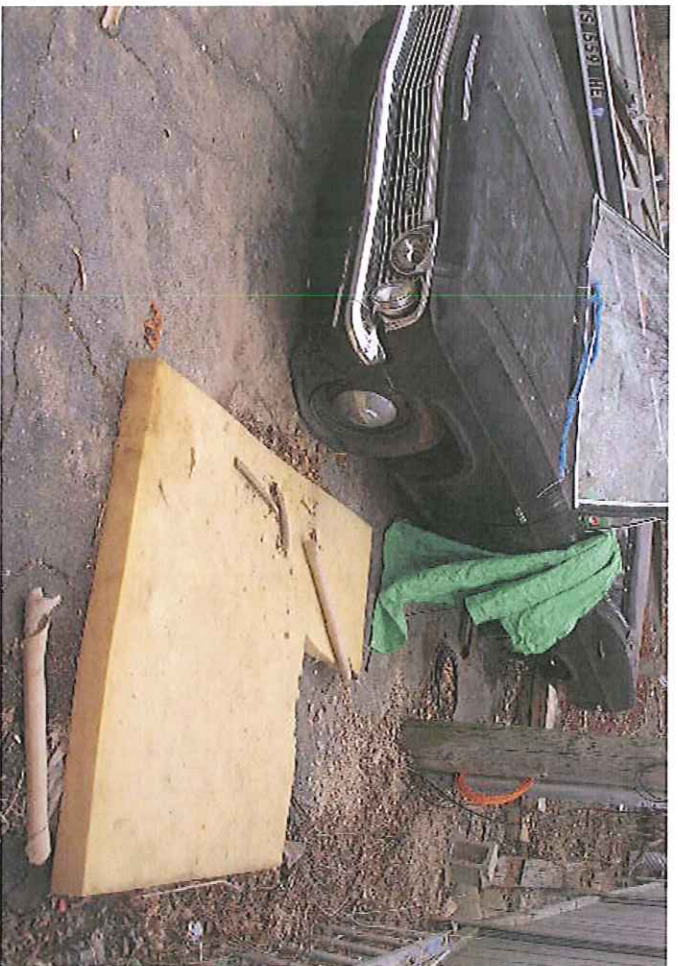




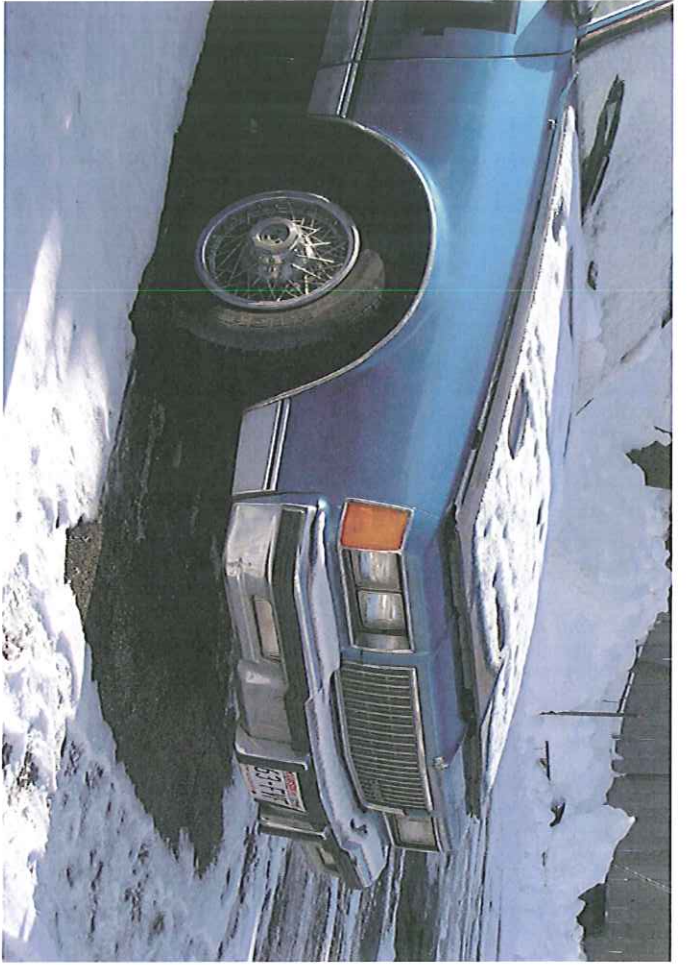
3863 Clover Lane Photos taken by H. Conde on 2-3-9

3863 Clowes Ln Photos taken by H. Bonds on 3-17-9

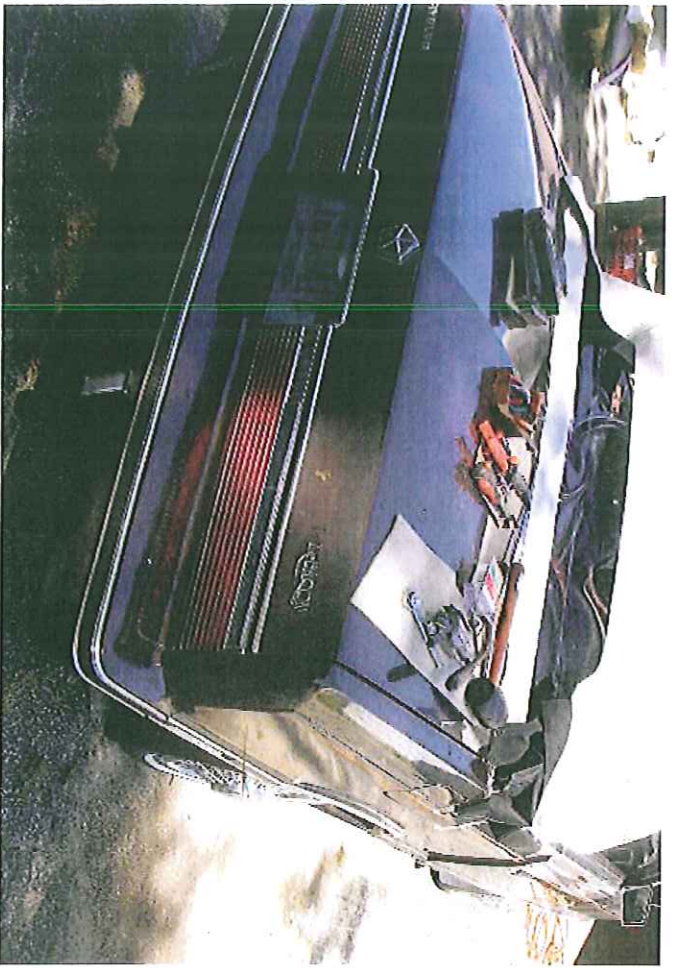




3863 Clover Ln Photos taken by H. Conde on 4-14-09



3863 Blazer SUV  
Photos taken by H. Landa on 12-16-09.



3863 Clover Lane  
Photos taken by H. Londe on 8-16-10



