

**APPEAL TO ZONING ADMINISTRATOR'S INTERPRETATION,  
BUBBLE TIME CAR WASH, 414 GRAND CANYON DRIVE  
ZONING BOARD OF APPEALS, OCTOBER 15, 2020**

**Zoning Administrator's Position:**

The use is a "Car Wash" not an "Auto Service Station"

- The Conditional Use application sought and received approval for a "Car Wash".
- The proposed use meets the MGO Chapter 28 definition of "Car Wash".
- Under the "Site Standards" regulation for the CC-T District, all business activity must be within an enclosed building, unless on the list of exceptions.
- Car Wash is not on the list of exceptions.
- Therefore, business activity, such as vacuuming must be inside the building.
- Vacuum machinery associated with this car wash is permissible if the equipment is used inside an enclosed building.

Vacuum machinery is not a "Vending Machine"

- Vacuum machinery are not "vending machines" because they do not dispense a product
- If the Zoning Board of Appeals decides vacuum machinery are vending machines, they are not allowed because vending machines are only permissible as accessory to "...retail uses, schools, athletic facilities, parks and golf courses." A *car wash* is not one of these uses.

If as suggested, the applicant amends the Conditional Use approval to change the nature of the business, the zoning interpretation may also change, but that is not what is before the ZBA with this appeal

- The applicant suggests amending the Conditional Use approval to add electric vehicle charging stations to the "Car Wash" Conditional Use approval. Electric Vehicle Charging Stations require a separate Conditional Use as an "Auto Service Station".\*
- "Vacuuming and cleaning" is a business activity allowed outside of enclosed buildings at a use that is classified as an Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.
- There are automobile service station, convenient store uses that have outdoor vacuum machinery. These establishments have a Conditional Use approval for both a "Car Wash" and "Auto Service Station".

*\*Legistar ID No 61929, introduced by Common Council and pending adoption, to allow electric vehicle charging stations as a separate permitted use.*

## The Zoning Ordinance as a permissive ordinance

### **28.004 - INTERPRETATION**

This ordinance applies to all land and land development within the jurisdictional limits of the City of Madison, Wisconsin.

- 1) This ordinance should be interpreted as a permissive zoning ordinance, which means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. In the absence of a variance or special exception, any uses or structures not specifically permitted by the ordinance are prohibited.