



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

\$500 Filing Fee

Type or legibly print using blue or black ink.

Address of Subject Property: 402 Gammon Place

Name of Owner: Gammon Place LLC

Address of Owner (if different than above): 402 Gammon Pl., Suite 300
Madison WI 53719

Daytime Phone: 608-833-9044 Evening Phone: _____

Email Address: miker@parktowne.com

Name of Applicant (Owner's Representative): Michael Ring

Address of Applicant: 402 Gammon Pl., Suite 300, Madison WI 53719

Daytime Phone: 608 833 9044 Evening Phone: 608-239-4322

Email Address: miker@parktowne.com

Description of Requested Variance:

We are requesting a variance from the design standards under the TOD zoning. We would like a variance from the requirements that a second floor that is occupiable cannot be a mezzanine and that a drive-through must be fully under an occupiable conditioned story. We are also looking for a variance to the required building setback due to existing uses on the property.

See reverse side for more instructions.

FOR OFFICE USE ONLY

Amount Paid: \$500.00
Receipt: 142874.0010
Filing Date: 8-22-24
Received By: NJK
Parcel Number: 070825205010
Zoning District: CC, WP-16
Alder District: 19 - GUEQUIERRE

Hearing Date: 9-19-24
Published Date: 9-12-24
Appeal Number: LNDVAR-2024-00012
GQ: _____
Code Section(s): 28.104(7), 8.104(8)

Standards for Variance

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

This property is unique in that there is an existing three-story office building that is the main structure on the lot that is fully occupied and not being replaced. The new proposed building is a small additional building that will be added to the lot. The building is intended to be a retail center of approximately 4,000 square feet. There is an excess of parking at the building. The city has been pushing for more density in the area and a reduction in parking areas. Our project is a proposal to reduce some of this parking, reduce impervious surface, and provide the city with additional density on this site. The use will provide additional jobs for the area and be located immediately adjacent to the BRT route on Mineral Point Road so that customers and employees would be able to get to the center without driving. It will also add to the tax base for the property. We also feel that the intent of the TOD zoning was for the entire redevelopment of a site. This is not a redevelopment of the entire site. It is only a small addition to the site.

- 2. 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.**

This project is not contrary to the spirit, purpose, and intent of the TOD overlay for this area. The purpose of this overlay district is to increase density in the area and provide options that will allow for the reduced dependence on automobiles for the area. This project accomplishes all this for the city. We would be increasing density on the property and due to its location immediately adjacent to the BRT route, it allows both employees and patrons to use the center without the use of a car. We have designed the building to have the appearance from the street that it is a two-story building as required under the zoning. The upper floor would be available for use to the tenants as a mezzanine for their space. We understand that under the zoning, mezzanines do not count as an additional story. We feel we are complying with the spirit of the zoning by creating the appearance of the two-story building from the street. It will add mass to the building so that it does not look out of place with the main building on the site. Both the TOD overlay and Odana Area plan are long-term planning documents and the variance for this small building would not impact long-term compliance with both. At some point when the main building on the site is ready for re-development, the small retail building will be as well and the entire site will be re-developed in compliance with zoning requirements at the time.

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

This property is zoned CC. The development of a retail center is an allowed use. Strict compliance with the TOD zoning would make this project impossible to do. To comply with the strict letter of the ordinance, the second floor would need to be an occupiable, conditioned space, that is something other than a mezzanine. That would mean either apartments or office space on the second floor. Both of those options are an unreasonable burden to the project when we are talking about a 4,000 +/- building. There is not enough space to create reasonable common areas that would be

necessary for either use. It is impractical to think that someone would be willing to rent an apartment in a building like this. Even office space would be very difficult to rent in this situation. We have a large retail building with second floor office space and the office space was very difficult to get rented. Again, how would they get up to the second floor? To create the elevator lobby and potentially additional fire stair exiting that would be required for either use uses up space that is much more valuable as retail space.

As you see by the site plan, we are also planning for a drive-through on this building. The requirement under the TOD zoning to have the drive-through covered by a second story is unworkable in this situation. There is already a drive-through lane that is for US Bank and has been on the property since 1980. There is no way to create a covered drive-through and not obstruct the existing drive-through for the bank. The addition of another drive-through lane next to the existing drive-through lane will be almost imperceptible from the street. Trying to cover the drive-through with a second story will make this project stand out more from the surrounding property, making it look out of place compared to other neighboring properties.

4. 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.

It is the design standards under the TOD zoning that are creating the hardships and not someone who has a present interest in the property. The design standards make this project unworkable and impractical to do. Without the requested variances, we will not be able to proceed and the site will remain as it is, a parking lot.

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

This project will not create any detriment to any adjacent property. The use will be compatible with all existing uses on the entire block. There are retail buildings on the two properties south of this property. One of the properties has a drive-through exactly as we are proposing on this building, so if it is built as shown, it will fit in with the existing buildings on the block. We would say that the addition of this building will enhance the other properties by increasing the retail traffic to the area.

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

As stated in 5 above, this building will be compatible with all the buildings in the neighborhood. The design of the building is similar to the two retail buildings to the south of this property. The drive-through, as designed will match the look of the property two buildings south of the project. Adding the additional height to the Gammon Road side of the building will give the appearance of a second floor from the road as well as create additional building mass as you transition from the two single-story retail buildings to the south and the existing three-story office building that is already on this property.

Application Requirements

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11" x 17." Please provide the following information:

<input checked="" type="checkbox"/>	Pre-application meeting with staff. Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines. <input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.
<input checked="" type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.
<input type="checkbox"/>	Lakefront setback variance requests. Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input type="checkbox"/>	Variance requests involving slope, grade, or trees. Show: <ul style="list-style-type: none"> <input type="checkbox"/> Approximate location and amount of slope. <input type="checkbox"/> Direction of drainage. <input type="checkbox"/> Location, species and size of trees.
<input checked="" type="checkbox"/>	Email digital copies of all plans and drawings to: zoning@cityofmadison.com .
<input checked="" type="checkbox"/>	Pay \$500 filing fee on or before submission deadline. Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input checked="" type="checkbox"/>	CHECK HERE. I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge that any statements implied as fact require evidence.

CHECK HERE. City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.

Owner's Signature: Michael Rj Date: 8-19-2024

----- (For Office Use Only) -----

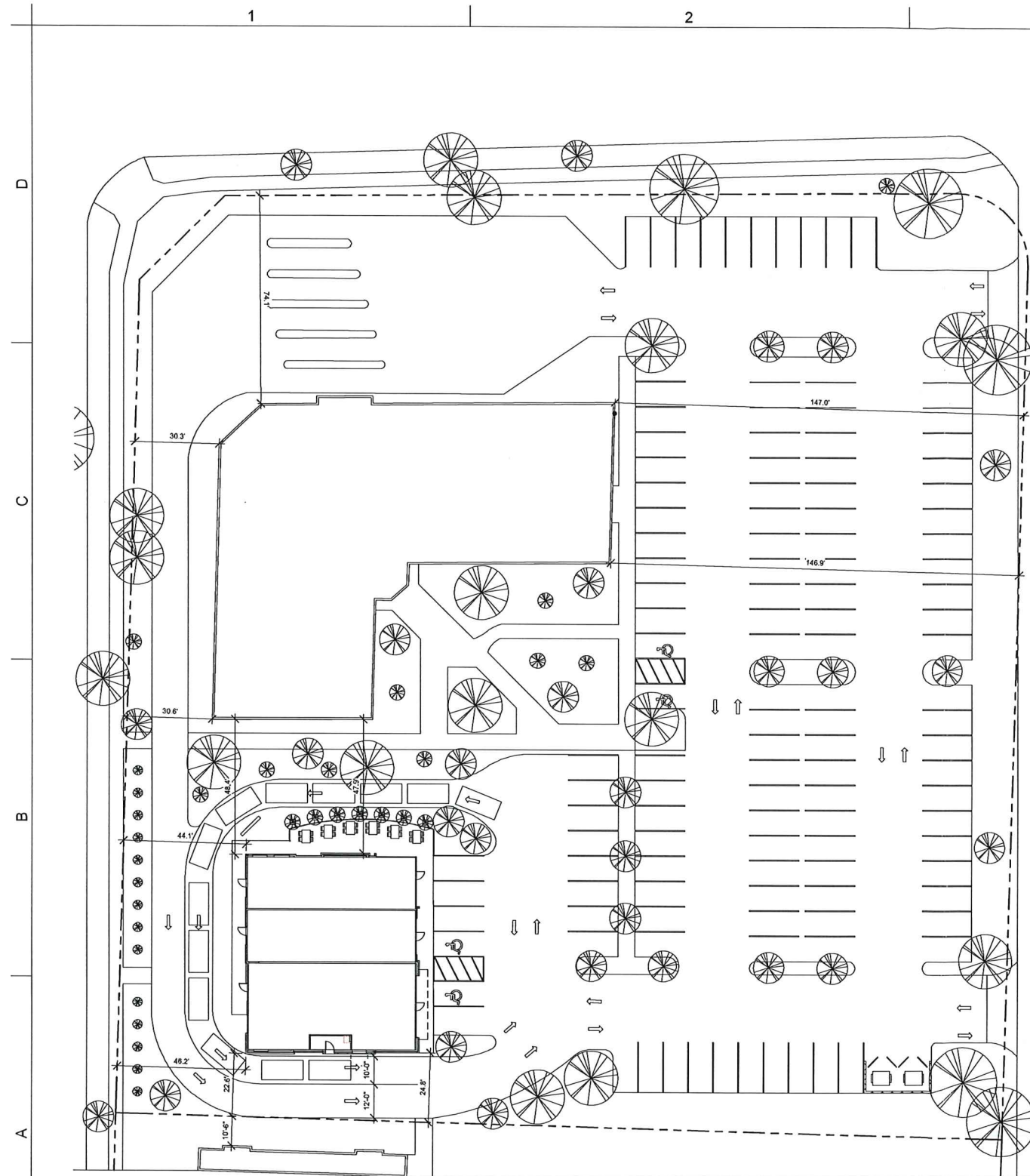
DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(does) (does not)** meet all 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:

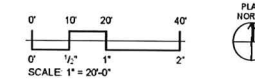
Date:



Variations for:

- Building not built at maximum 20' setback from primary street
- Building entrance at more than the maximum 20' setback from primary street
- Building less than minimum of two stories
- Automobile infrastructure (drive-through and drive) located between building and the primary street
- Drive-through not located under an occupiable conditioned story

A1 SITE PLAN
1" = 20'-0"



PRELIMINARY

GAMMON PLACE
SITE TEST FIT
402 GAMMON PLACE
MADISON, WI 53717

Project Status

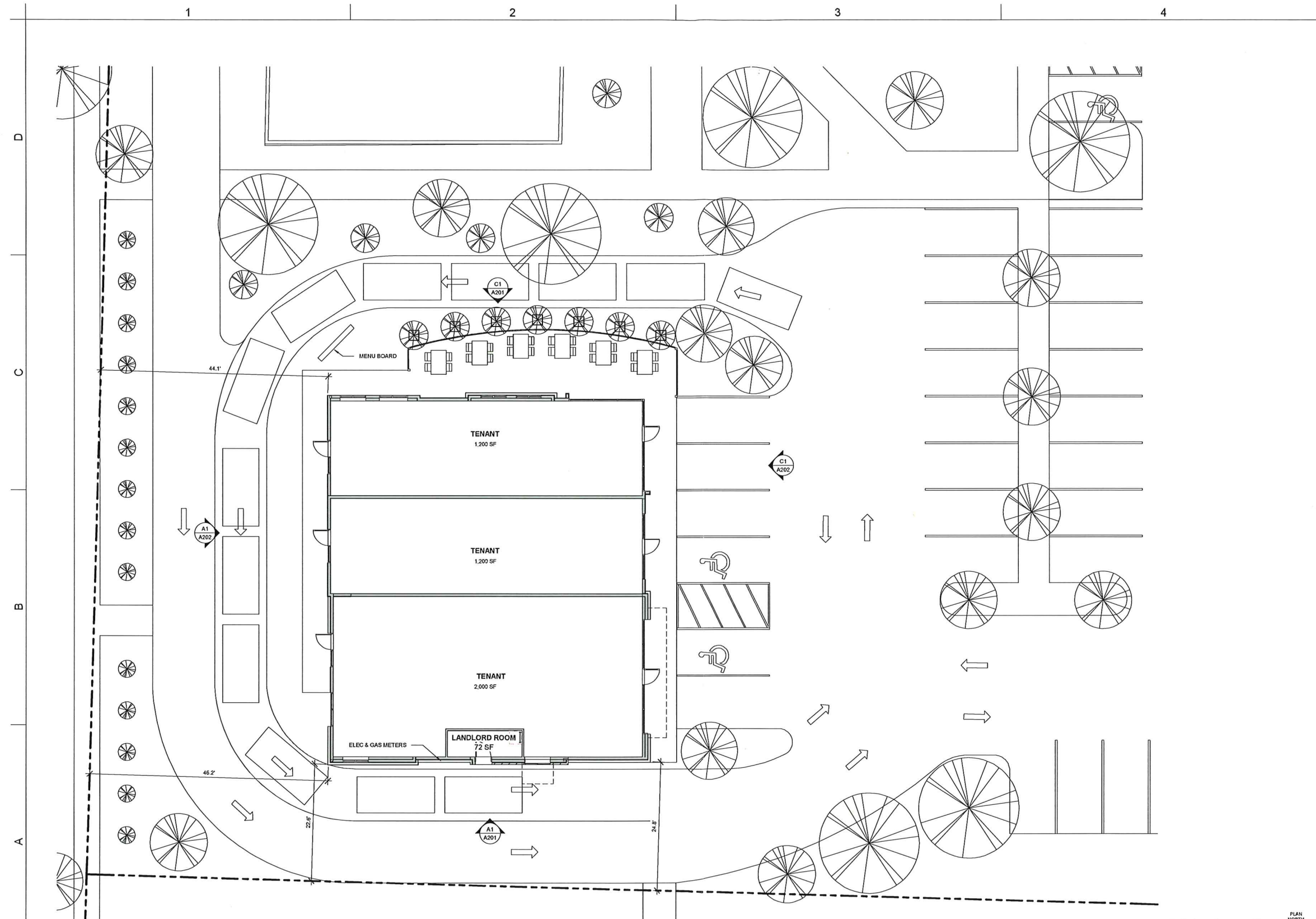
2024.08.21 CONCEPT

PROJ. #: 22223-01

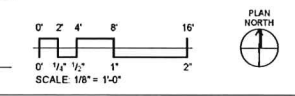
© SKETCHWORKS
ARCHITECTURE 2024

**ARCHITECTURAL
SITE PLAN**

AS101



A1 FLOOR PLAN
1/8" = 1'-0"



PRELIMINARY

GAMMON PLACE
SITE TEST FIT
402 GAMMON PLACE
MADISON, WI 53717

Project Status
2024.08.21 CONCEPT

PROJ. #: 22223-01

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FLOOR PLAN

A101

