



**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: 2301 E Springs Dr, Madison, WI

Name of Owner: (

Address of Owner (if different than above):

Daytime Phone:  Evening Phone:

Email Address:

Name of Applicant (Owner's Representative): Jay Patel - Hawkeye Hotels

Address of Applicant: 6251 Joliet Road

Countryside, IL 60525

Daytime Phone: 860-510-2540 Evening Phone:

Email Address: jay.patel@hawkeyehotels.com

Description of Requested Variance:

Applicant is requesting a variance from MGO 28.068(3)(a), which requires 70% of the building frontage to be within 85' of the street right-of-way, or up to 100' with justification. The applicant is requesting to exceed the required maximum setback due to existing site constraints, including significant topographical relief and the elevations of the adjacent properties.

*(See reverse side for more instructions)*

**FOR OFFICE USE ONLY**

Amount Paid:

Receipt:

Filing Date:

Received By:

Parcel Number:

Zoning District:

Alder District: 17-Baldota

Hearing Date: 02/21/2019

Published Date: 02/14/2019

Appeal Number: LNOVAR-2019-00003

GQ:

Code Section(s):

## Standards for Variance

**The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:**

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

The existing grade on the property has 10' of relief from the 100' front setback line to the right-of-way.

Furthermore, there is an approx. 20' difference in elevations of the adjacent sites and buildings. Together, these restrict the reasonable placement and elevations of the proposed building.

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.

The variance is being requested to remain consistent with the adjacent buildings and avoid significant revisions to the existing grades. The proposed placement of the building is appropriate for this site and the topographical limitations.

3. 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.

To strictly adhere with the ordinance would require significant changes to the existing grades, modification to the existing shared driveway, and would result in the proposed building being 5-20' lower than the adjacent buildings.

Given the grade at the front of the lot, adherence to the ordinance would not allow for adequate fire access and circulation at the front of the building.

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.

The ordinance requires the building to be shifted to the front, relative to the lot shape, which is where a majority of the relief is. The hardship is demonstrated by the existing pattern of development on the existing building on the subject parcel and the adjacent buildings.

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

The proposed variance will allow the proposed building to remain consistent with the setbacks of the adjacent buildings, while also improving upon the current deviation of the code. Furthermore, the variance will allow the elevation of the proposed building to be more consistent with the adjacent buildings, thereby avoiding excessive use of retaining walls and will allow the existing shared driveway to remain.

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

The variance seems to fit with the character and pattern of development of the immediate neighborhood, and help to create a consistent corridor along the interstate.



## Application Requirements

**Please provide the following information: Incomplete applications could result in referral or denial by the Zoning Board of Appeals.** (Maximum size for all drawings is 11" x 17".)

<input checked="" type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant has met to discuss the proposed project and submittal material with the Zoning Administrator.
<input checked="" type="checkbox"/>	<b>Site plan</b> , drawn to scale. A registered survey is recommended, but not required. Show the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Lot lines</li> <li><input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li> <li><input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li> <li><input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features</li> <li><input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred)</li> <li><input type="checkbox"/> North arrow</li> </ul>
<input checked="" type="checkbox"/>	<b>Elevations</b> from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans).
<input checked="" type="checkbox"/>	<b>Front yard variance requests only.</b> Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	<b>Lakefront setback variance requests only.</b> Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input checked="" type="checkbox"/>	<b>Variance requests specifically involving slope, grade, or trees.</b> Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	<b>Digital</b> copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I understand that in order to process my variance application, City Staff will need access to my property so that they can take photographs and conduct a pre-hearing inspection of the property. I therefore give City Staff my permission to enter my property for the purpose of conducting a pre-hearing inspection and taking photographs.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> 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:** *Dale Hill* **Date:** 1-17-19

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

<b><u>DECISION</u></b>	
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.	
<b>The Zoning Board of Appeals:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved	
<b>Zoning Board of Appeals Chair:</b>	<b>Date:</b>

Angie Black  
222 W. Washington Ave., Ste. 705  
Madison, WI 53703-2745  
direct: 608.888.1683  
angie.black@carlsonblack.com

VIA HAND DELIVERY AND E-MAIL

March 21, 2019

Matt Tucker, Zoning Administrator  
Zoning Board of Appeals  
215 Martin Luther King Jr. Blvd. - Room 13  
Madison, WI 53703

Re: Supplemental Submittal for Variance Application for 2301 East Springs Drive  
Legistar File #: 54577  
ZBA Case No.: LNDVAR-2019-00003  
Variance from MGO 28.068(3)(a) – Total variance requested 94'-11" (increase setback from 100' to 194'-11")

Dear Mr. Tucker and ZBA Members:

This letter and the enclosed revised and additional plans and drawings supplement the January 17, 2019 application materials submitted by Applicant, Badger Lodging, LLC<sup>1</sup>. The Applicant appreciates the feedback and guidance received from the Board at its February 21st meeting and from City zoning staff. The enclosed revised submittal reflects significant modifications to the proposed project and site plan to meet the variance standards and incorporate the feedback received from the Board and staff. The enclosures also provide additional and demonstrative information and pictures better demonstrating the physical challenges of the site that must be dealt with in connection with any redevelopment of this site.

Specifically, the Applicant has made the following changes:

1. Reduced the requested variance from 144'-4" to 94'-11", with a total setback of 194'-11" (reduced from 244'-4" in original ZBA submittal).
2. Removed all parking in front of the building, for a total 16 stall reduction (from 228 to 212), which in turn necessitates a reduction of the scale of the project from 243 rooms to 220.
3. Reduced the majority of drive aisles to 24' wide, allowing the street facing building wall to be pushed as close to East Springs Drive as possible, while maintaining required fire and vehicle turning and access radiuses and necessary vehicle cueing.

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<sup>1</sup> Note the original applicant and purchaser of the property, Hawkeye Hotels, is assigning the application to a newly formed (related) entity that will undertake the project.



The enclosed revised submittal incorporates significant revisions in response to Board and staff comments and establishes the Applicant has met the standards required for the variance, including the following variance standards, which the Board and staff expressed concerns were not met with the previous submittal.

*Conditions Unique to the Property.*

The site presents very unique and complicated physical conditions which must be addressed in connection with any redevelopment. Most notably, the site is wedge shaped, narrowing on the East Springs Drive side, and has drastic grade changes from north to south and east to west. The site narrows from approximately 350' wide at the plateau (buildable) portion of the site to approximately 260' wide at the access point along East Springs Drive. The elevation of the site drops from approximately 921' at the plateau to 898' at the access point. In particular, the front (East Springs Drive side) approximately 130' of the site, through which the shared access point with Home Depot is located, drops approximately 14' and presents a steep grade of greater than 9%.

In addition, the single shared access point from East Springs Drive, which provides the only access point to the site, was established by a recorded Joint Driveway Agreement in 1995 and cannot be moved or changed by the Applicant (or current owner of the property). The design of the site has to accommodate use of the existing shared access point while also navigating the challenging grade and working within the shape of the site to provide access to both guests and emergency services.

Finally, pedestrian connectivity to East Springs Drive is essential to the redevelopment of the site. The proposed site design has been carefully tailored to provide ADA compliant pedestrian access for disabled and differently abled guests despite the topographical challenges of the site. Any alternative layout of the site is likely to result in limiting or eliminating such pedestrian access.

*Purpose and Intent of the Setback Requirement*

The intent of the applicable 100' setback is to present buildings closer to the street. In the past, when this area along East Springs Drive was originally developed, it was apparently desirable for buildings to sit further back on the property, with most or all of the parking in front of buildings. All of the buildings along East Springs Drive, including the existing building on this site, are currently laid out in this way and have all or a majority of the parking in front of buildings oriented toward the back of the property. The Applicant has made significant revisions to meet the City's vision of orienting buildings more toward the street while working within the existing topographical and other site and area conditions and constraints, including eliminating all parking in front of the portion of the building fronting nearest to East Springs Drive, which necessarily reduced the overall project and the number of hotel rooms.<sup>2</sup>

*Unnecessary Burden and Hardship Not Created by Applicant*

With grant of the requested setback variance, the property can be redeveloped for use as a dual brand hotel, consistent with the uses allowable under the zoning code for this area. The project will comply with all other zoning requirements upon completion of the UDC review and

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<sup>2</sup> Note the Applicant has reduced the number of rooms to the minimum necessary to have a feasible project.

conditional use permit approval processes. Given the unique and challenging physical and legal constraints of the site, it is unlikely any other redevelopment of the property for uses permissible or desirable under current zoning, and which are consistent with the commercial and retail nature of the East Towne Mall area, can be accomplished without similar or additional zoning variances. The Applicant has made significant revisions in an effort to redevelop an existing site originally platted and developed in the 1990s under a prior zoning code. Any further revisions related to the setback issue will likely render the project infeasible because of the physical site constraints.<sup>3</sup>

Very truly yours,

**CARLSON BLACK O'CALLAGHAN & BATTENBERG LLP**

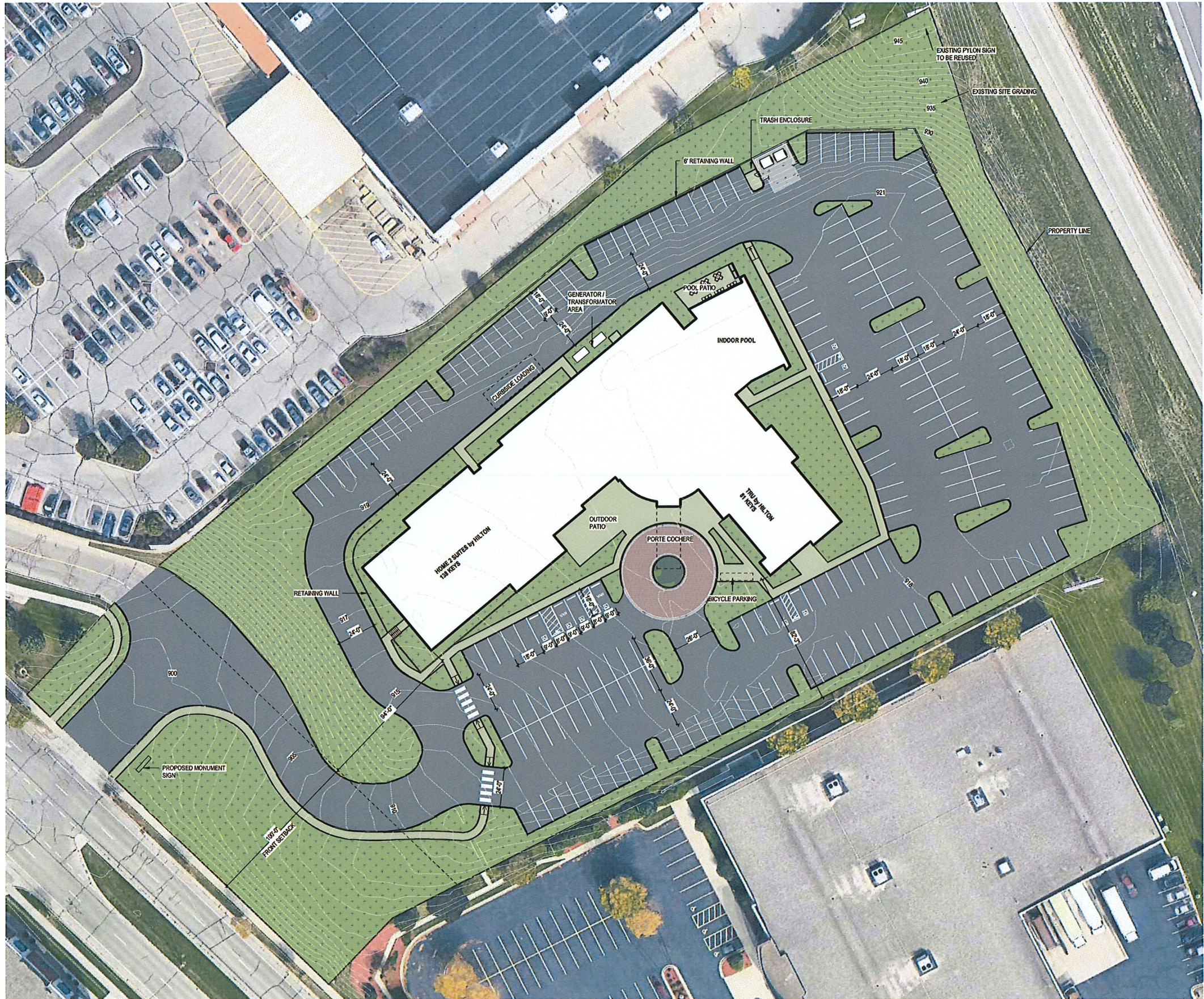
Angie Black  
Partner

A handwritten signature in black ink, appearing to read "Angie Black", followed by a horizontal line.

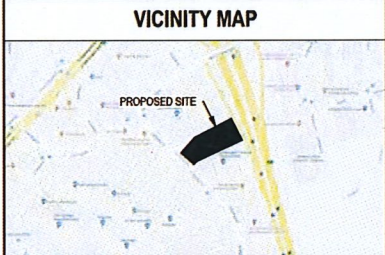
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<sup>3</sup> As discussed at the prior ZBA meeting, the Applicant has further explored several alternatives raised by the Board and discussed those alternatives in more detail with City staff. Those alternatives include rerouting the main access off the access point shared with Home Depot to run along the north side of the site, and also a possible grade change to the site to allow the building to be pushed further toward East Springs Drive to meet the 100' setback requirement. Moving the access drive to the north side of the site (assuming a 6% grade on the driveway) results in: degraded traffic circulation and cueing at the entrance and hindering adequate vehicle and fire access; a large retaining wall at the front of the site, creating a monolithic presence along East Springs Drive contrary to the intent of the setback requirement (frontages which are inviting and accessible, not only to vehicles but also pedestrians); and, further reducing parking stall counts to the point redeveloping of this site would not be physical or financially feasible. Alternatively, changing the grade of the site to the extent required to push the front face of the building to the required 100' setback would not only be cost-prohibitive from a construction standpoint, such a significant grade change would result in a very large retaining wall running east to west along the northwestern property edge (Home Depot facing), creating the perception of a bowl where the site is lower than the adjacent sites; and, would also create additional access and building orientation issues due to the wedge-shape site and required shared access point which, as noted above, cannot be relocated by Applicant.





PROJECT SUMMARY		
THIS PROJECT CONSISTS OF SITE DEVELOPMENT AND BUILDING DESIGN FOR 219 KEYS, 5-STORY HOME 2 SUITES & TRU DUAL BRAND HOTEL by HILTON.		
SITE SUMMARY		
DESCRIPTION	INFORMATION / REQUIREMENT	COMPLIANCE
APN	0810-2711-4040	
ADDRESS	2301 EAST SPRINGS DR., MADISON, WI	
JURISDICTION	CITY OF MADISON, WI	
ZONING CLASSIFICATION	CC	
PLANNED LAND USE	COMMERCIAL	
HOTEL USE ALLOWED	YES	Y
# OF PARKING STALLS REQUIRED	REFER TO CODE FOR DETAIL	Y
SIZE OF PARKING STALLS REQUIRED	9' x 18'	Y
MAX BUILDING HEIGHT	68'-0"	Y
FIRE ACCESS REQUIRED	24'-0" DRIVEWAY	Y
FRONT SETBACK	10'-0"	Y
SIDE SETBACK	6'-0"	Y
REAR SETBACK	20'-0"	Y
NOTE:		
AREA CALCULATIONS		
DESCRIPTION	AREA	PERCENTAGE
BUILDING FOOTPRINT	26500 SF	13%
HARDSCAPE	9190 SF	5%
LANDSCAPE	15780 SF	38%
PARKING LOT AREA	89880 SF	45%
	201350 SF	100%
ACTUAL BUILDING AREA (GROSS)		
LEVEL	AREA	
LEVEL 1	28,141 SF	
LEVEL 2	24,817 SF	
LEVEL 3	24,817 SF	
LEVEL 4	24,817 SF	
LEVEL 5	24,817 SF	
TOTAL AREA:	127,409 SF	
PARKING REQUIRED		
USE	REQUIREMENT	SPACES REQUIRED
HOTEL	1.00 PER GUESTROOM	220
TOTAL:		220
NOTE: UP TO 25% CAN BE COMPACT		
PARKING PROVIDED		
TYPE	COUNT	
9' X 18' - 90°	204	
9' X 18' - 90° (ACCESSIBLE)	6	
9' X 18' - 90° (ACCESSIBLE/VAN)	2	
	212	



New Hotel building  
Maximum front  
Yard Setback  
100' maximum  
194' provided  
94' Variance

1 SITE PLAN  
1" = 30'-0"



designcell  
ARCHITECTURE

V16  
03/19/2019  
PRELIMINARY DESIGN

Home 2 Suites & Tru by Hilton

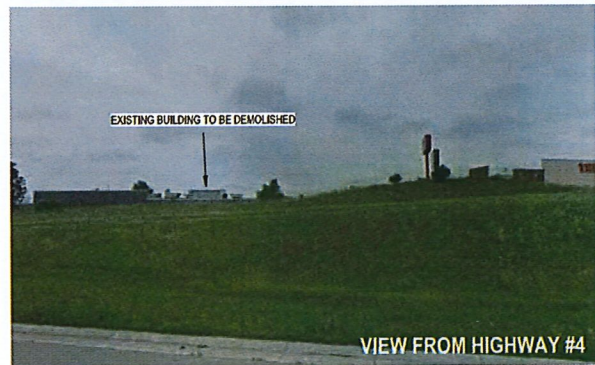
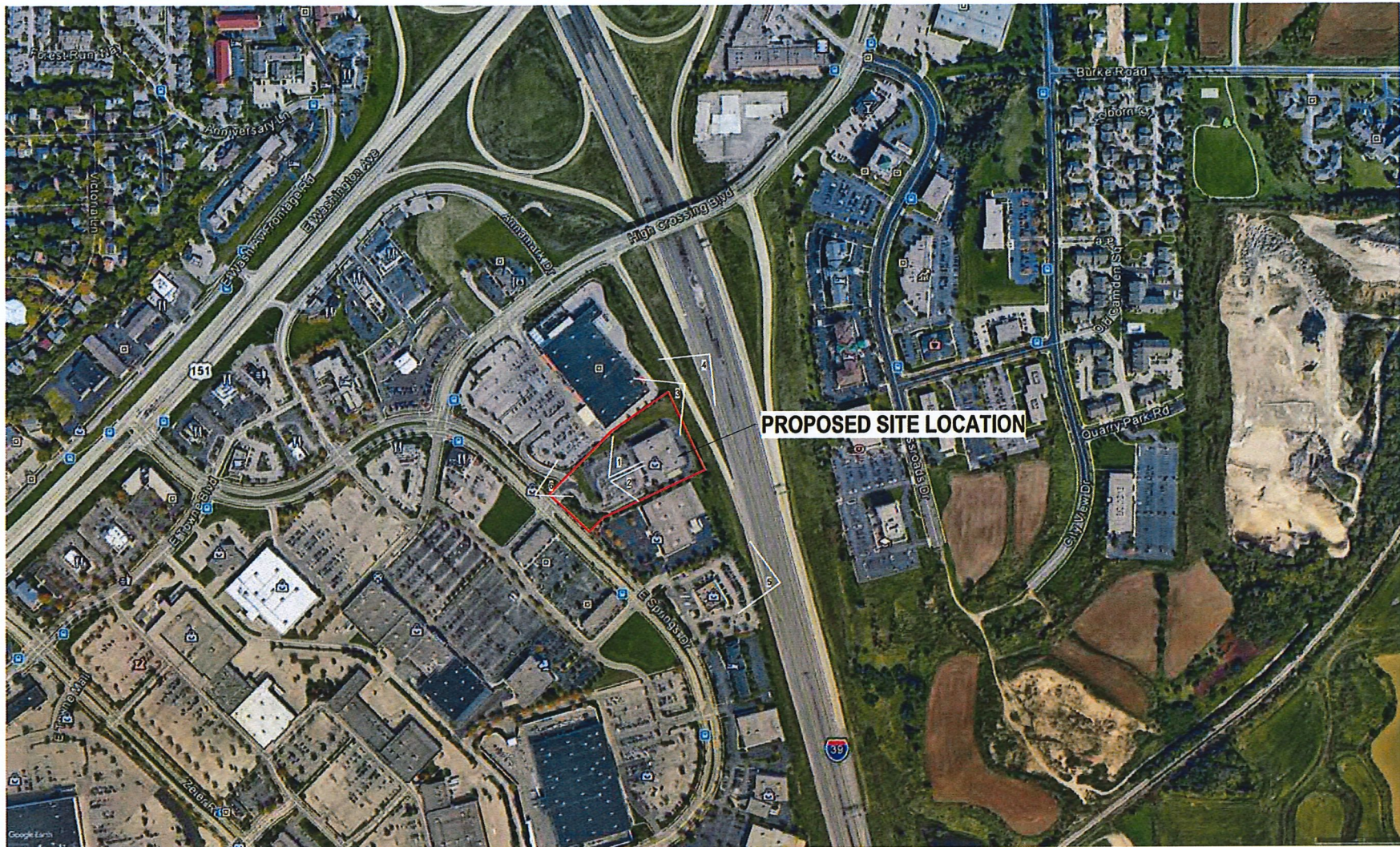
5-STORY, 219 GUESTROOMS

2301 EAST SPRINGS DR., MADISON, WI

PROJECT NUMBER: 18 068  
SITE PLAN / SITE  
DATA

A1.1





VIEW FROM PROPOSED SITE #1

VIEW FROM PROPOSED SITE #2

VIEW FROM OFF RAMP #3



Home 2 Suites & Tru by Hilton

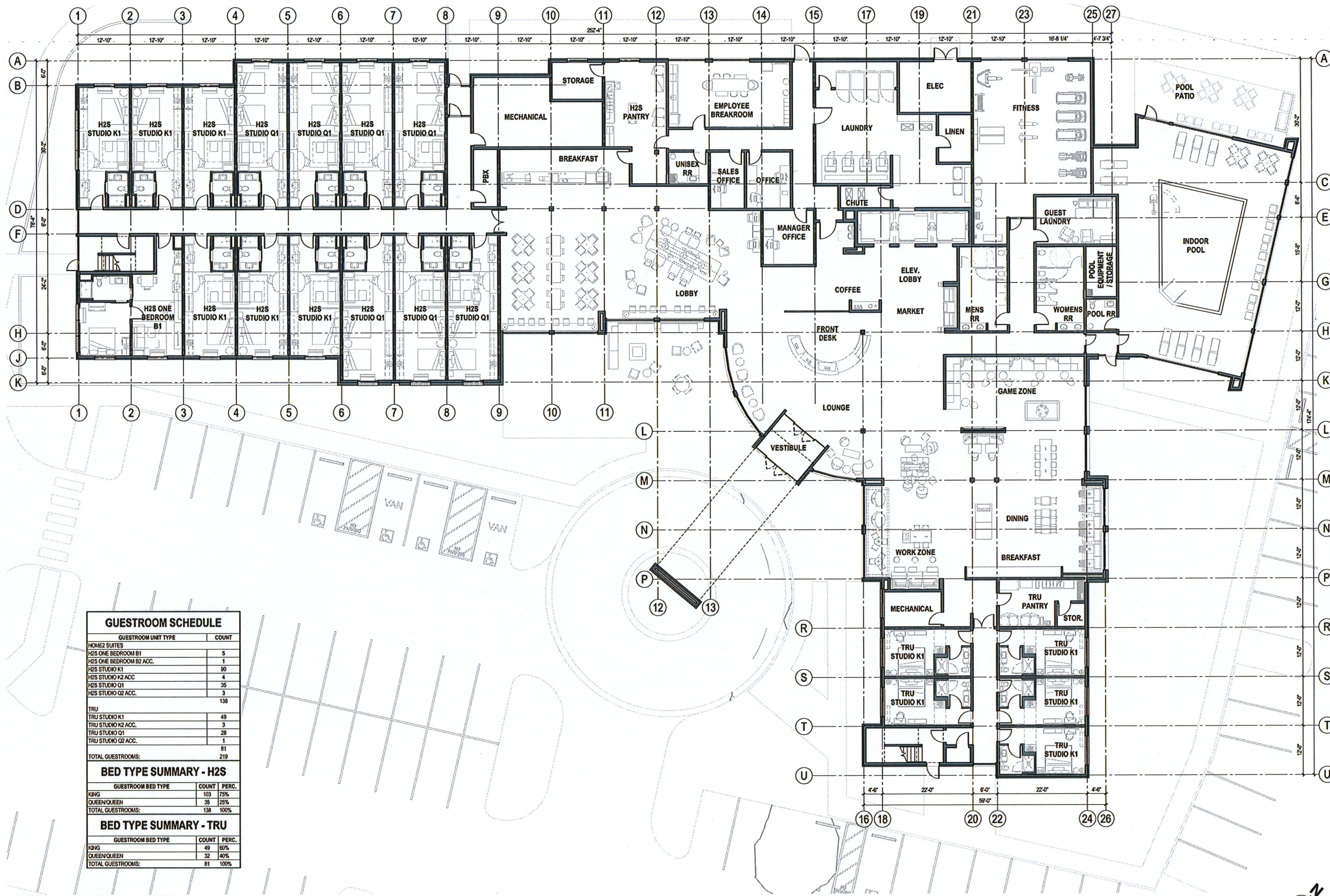
5-STORY, 219 GUESTROOMS

2301 EAST SPRINGS DR., MADISON, WI

PROJECT NUMBER: 18 068

FLOOR PLAN -  
LEVEL 1

A2.1



1 FLOOR PLAN - LEVEL 1  
3/32" = 1'-0"

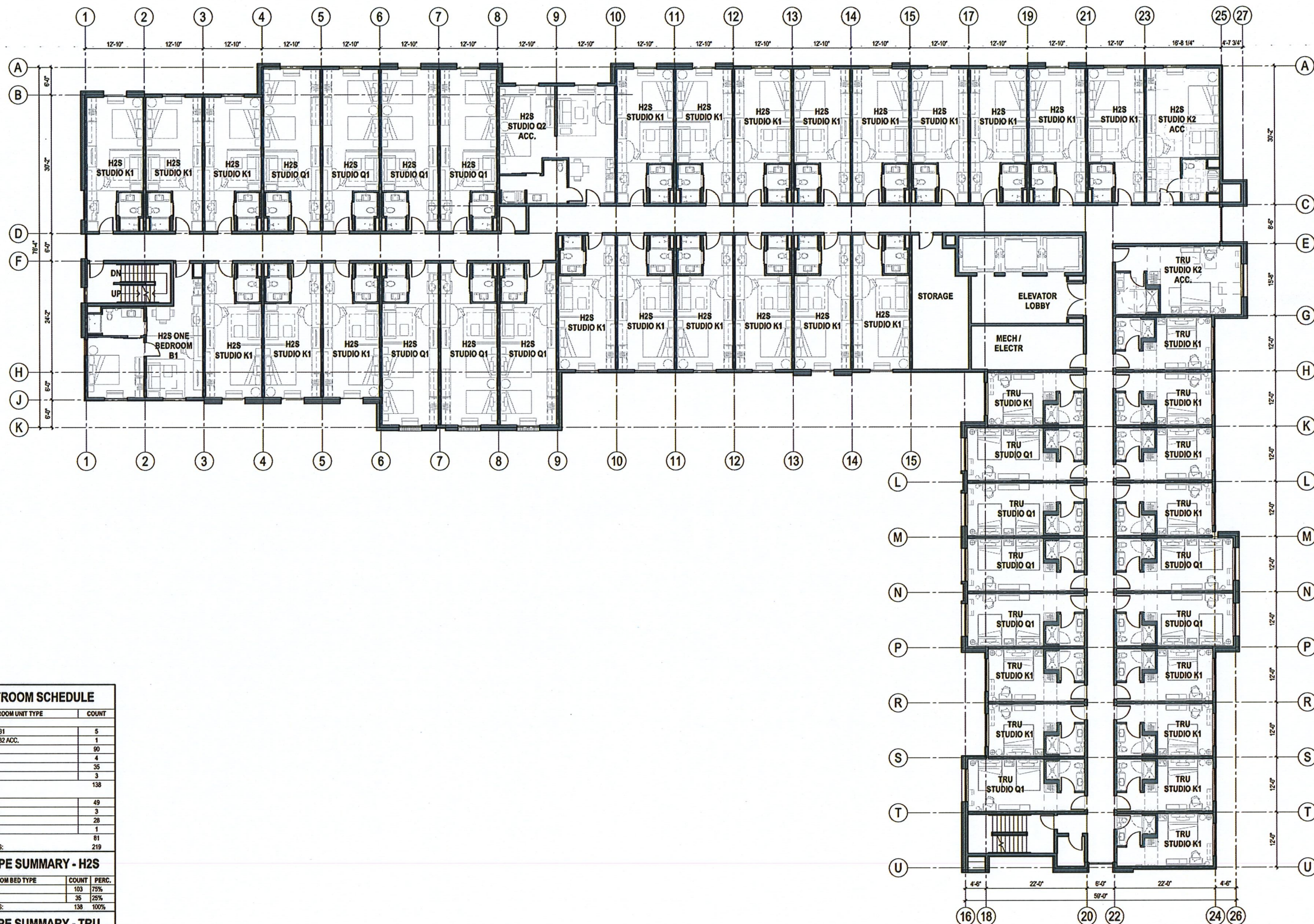




GUESTROOM SCHEDULE			
GUESTROOM UNIT TYPE		COUNT	
HOME2 SUITES			
H2S ONE BEDROOM B1		5	
H2S ONE BEDROOM B2 ACC.		1	
H2S STUDIO K1		90	
H2S STUDIO K2 ACC		4	
H2S STUDIO Q1		35	
H2S STUDIO Q2 ACC.		3	
		138	
TRU			
TRU STUDIO K1		49	
TRU STUDIO K2 ACC.		3	
TRU STUDIO Q1		28	
TRU STUDIO Q2 ACC.		1	
		81	
TOTAL GUESTROOMS:		219	
BED TYPE SUMMARY - H2S			
GUESTROOM BED TYPE		COUNT	PERC.
KING		103	75%
QUEEN/QUEEN		35	25%
TOTAL GUESTROOMS:		138	100%
BED TYPE SUMMARY - TRU			
GUESTROOM BED TYPE		COUNT	PERC.
KING		49	60%
QUEEN/QUEEN		32	40%
TOTAL GUESTROOMS:		81	100%

1 FLOOR PLAN - LEVEL 2  
3/32" = 1'-0"





GUESTROOM SCHEDULE		
GUESTROOM UNIT TYPE	COUNT	
<b>HOMES SUITES</b>		
H2S ONE BEDROOM B1	5	
H2S ONE BEDROOM B2 ACC.	1	
H2S STUDIO K1	90	
H2S STUDIO K2 ACC	4	
H2S STUDIO Q1	35	
H2S STUDIO Q2 ACC.	3	
	138	
<b>TRU</b>		
TRU STUDIO K1	49	
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TRU STUDIO Q1	28	
TRU STUDIO Q2 ACC.	1	
	81	
<b>TOTAL GUESTROOMS:</b>	<b>219</b>	
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<b>TOTAL GUESTROOMS:</b>	<b>138</b>	<b>100%</b>
<b>BED TYPE SUMMARY - TRU</b>		
GUESTROOM BED TYPE	COUNT	PERC.
KING	49	60%
QUEEN/QUEEN	32	40%
<b>TOTAL GUESTROOMS:</b>	<b>81</b>	<b>100%</b>

1 FLOOR PLAN - LEVELS 3-5 (TYP.)  
3/32" = 1'-0"





**1 SOUTH ELEVATION**  
3/32" = 1'-0"

EXTERIOR FINISH LEGEND		
SYMBOL	ID	DESCRIPTION
	PT1	EIFS
	PT2	EIFS
	PT3	EIFS
	PT4	EIFS
	BD1	LAP SIDING
	BD2	LAP SIDING
	ST1	BRICK VENEER
	FC1	FIBER CEMENT REVEAL PANEL SYSTEM - JAMES HARDIE
	FC2	FIBER CEMENT REVEAL PANEL SYSTEM - JAMES HARDIE



**2 WEST ELEVATION**  
3/32" = 1'-0"



**3 SITE SECTION EAST-WEST**  
1" = 20'-0"





**2 NORTH ELEVATION**  
3/32" = 1'-0"

EXTERIOR FINISH LEGEND		
SYMBOL	ID	DESCRIPTION
	PT1	EIFS
	PT2	EIFS
	PT3	EIFS
	PT4	EIFS
	BD1	LAP SIDING
	BD2	LAP SIDING
	ST1	BRICK VENEER
	FC1	FIBER CEMENT REVEAL PANEL SYSTEM - JAMES HARDIE
	FC2	FIBER CEMENT REVEAL PANEL SYSTEM - JAMES HARDIE



**1 EAST ELEVATION**  
3/32" = 1'-0"





## Home 2 Suites & Tru by Hilton

5-STORY, 219 GUESTROOMS

2301 EAST SPRINGS DR., MADISON, WI

PROJECT NUMBER: 18 068

3D VIEWS