



**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: 640 West Washington Avenue

Name of Owner: Roger Charly

Address of Owner (if different than above): 8 N.Charter
Madison, WI 53715

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): James McFadden

Address of Applicant: 380 West Washington Avenue
Madison, WI 53703

Daytime Phone: (608) 251-1350 Evening Phone: _____

Email Address: mcfadden@mailbag.com

Description of Requested Variance:

The former Milwaukee Road Depot occupies a narrow and deep site roughly perpendicular to West Washington Ave. There are four passenger railroad cars used as offices and an essentially decorative locomotive on track laid along the southern face of the Depot's canopy in 1988. The four passenger cars are considered detached buildings and subject to the maximum front yard setback of 10' required per 28.076(3). We ask to be allowed to move the existing rear most passenger railroad car unto new track to be located approximately 18' to the north of its current location and 10' back and perpendicular to the vacated south end of North Frances Street as shown in the attached.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>300</u>	Hearing Date: <u>8-24-2017</u>
Receipt: <u>33269-0007</u>	Published Date: <u>8-17-2017</u>
Filing Date: <u>PDA.</u>	Appeal Number: <u>LNOVAR-2017-00015</u>
Received By: <u>8/3/17</u>	GQ: <u>Landmark</u>
Parcel Number: <u>0709-232-2925-1</u>	Code Section(s): <u>28.076(3)</u>
Zoning District: <u>UMX His L</u>	
Alder District: <u>15 VERVEER</u>	

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.

This is an exceptionally narrow (136'-6" front 39'-7" rear) and deep (629'-8") lot oriented roughly perpendicular to West Washington Ave. North Frances and West Mifflin have both been vacated immediately adjacent to the property eliminating two street frontages. The area in question bounds the Wisconsin Southern ROW and rear of the Kohl Center & the UW Art Lofts Glass Lab & Metal Foundry. The depot is a largely intact historic landmark dating from 1906. No additions or new structures can be added within 10' of W Washington. The railroad tracks and cars have been in place since 1988. The Landmarks Commission has reviewed and approved the relocation of the train cars.

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 principal building, the historic depot, fronts on West Washington establishing the street face presence the regulations were intended to encourage. The car to be moved onto new tracks will be located perpendicular to and 10' back from the now vacated North Frances right of way. Due to the street vacation this is now technically a side yard but the relocation of the rear car will provide the slightly stronger visual edge to North Frances thus fulfilling the spirit, intent and purpose of the maximum 10' street side setback.

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.

The property has a 136'-6" frontage on West Washington but is 629'-8" in depth. The Depot is historic landmark precluding the possibility of any addition or new building within 10' of West Washington. The train cars were added as part of the adaptive reuse in 1988 as this was the only way to add space for offices.

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.

Strictly speaking all of the train cars in place since 1988 are detached buildings and none are in compliance with the current zoning ordinance as they are all set back in excess of the 10' maximum front yard setback from West Washington Avenue. This is a hardship created by the ordinance.

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

The west end of the property faces the Wisconsin Southern ROW, the rear of the Kohl Center and the rear of UW's Art Lofts, specifically the Glass Lab & Metal Foundry. Relocation of the railroad cars will have a barely discernible impact on these. This variance will allow the relocation of existing train cars only. No new structures are proposed.

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

The building immediately to the north houses UW's Glass Lab & Metals Foundry, to the west is the Kohl Center and to the south the Wisconsin Southern RR. The train cars have been good neighbors in their current locations and will continue to be proposed ones.

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Lot lines <input checked="" type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input checked="" type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input checked="" type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input checked="" type="checkbox"/> Scale (1" = 20' or 1" = 30' preferred) <input checked="" type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input checked="" type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. 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: Roger Charly **Date:** 8-3-2017

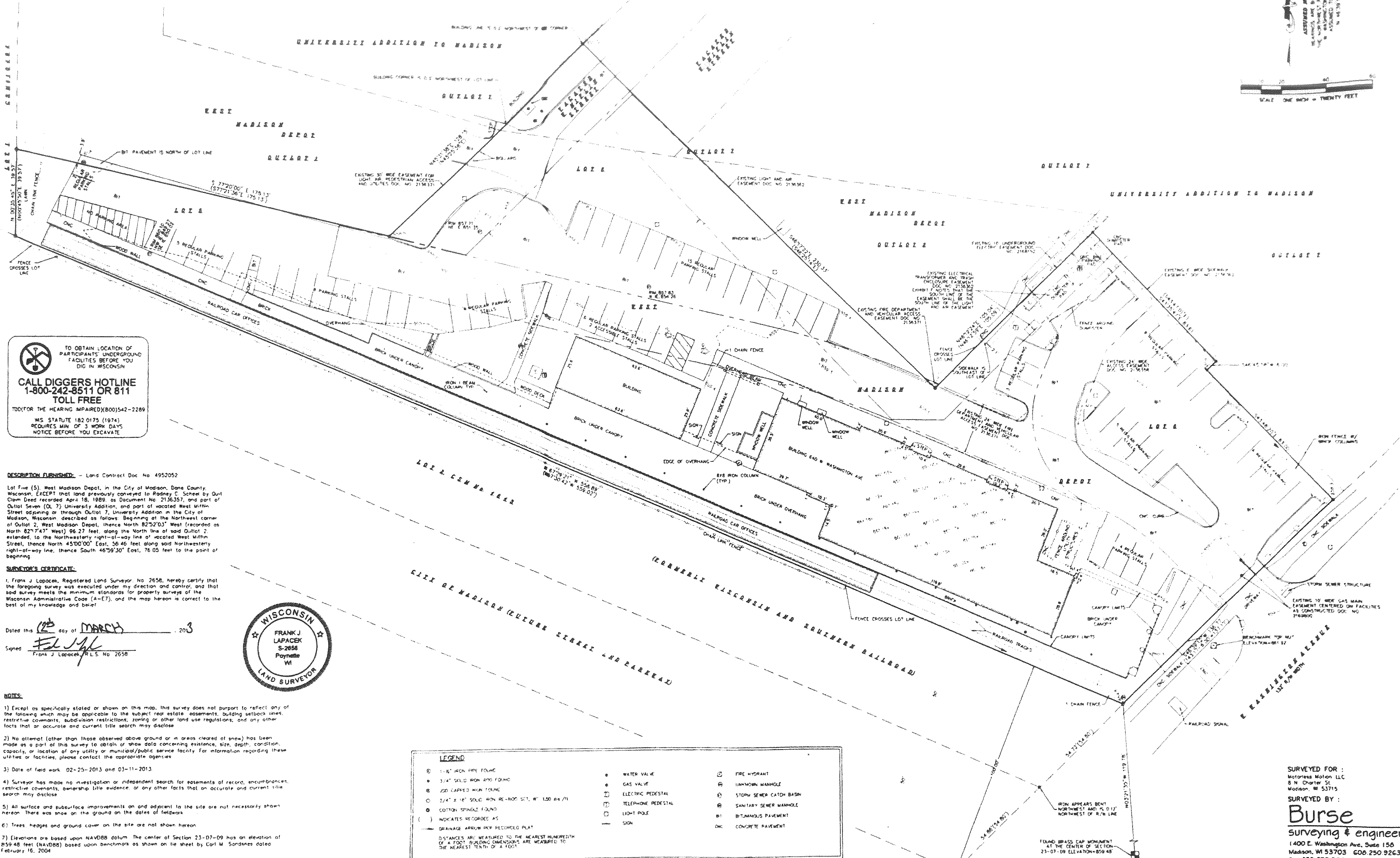
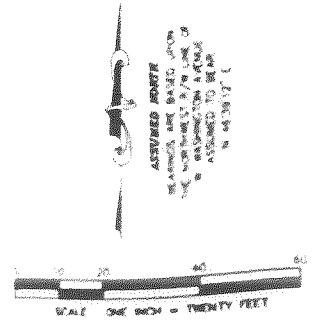
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<u>DECISION</u>
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ (is) (is not) in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.
The Zoning Board of Appeals: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved
Zoning Board of Appeals Chair:
Date:



BOUNDARY AND TOPOGRAPHIC SURVEY

PART OF LOT 5, WEST MADISON DEPOT, AS RECORDED IN VOLUME 56-64A OF PLATS, ON PAGES 186-187, AS DOCUMENT NUMBER 2136359, DANE COUNTY REGISTRY, ALSO A PART OF VACATED W. MIFFLIN STREET, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 07 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.



TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN
CALL DIGGERS HOTLINE
1-800-242-8511 OR 811
TOLL FREE
 TDD (FOR THE HEARING IMPAIRED) (800) 542-2289
 WIS. STATUTE 182.0175 (1974) REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

DESCRIPTION FURNISHED: - Land Contract Doc No. 4952052
 Lot Five (5), West Madison Depot, in the City of Madison, Dane County, Wisconsin, EXCEPT that land previously conveyed to Rodney C. Scheel by Quit Claim Deed recorded April 18, 1989, as Document No. 2136357, and part of Outlot Seven (O 7) University Addition, and part of vacated West Mifflin Street opening or through Outlot 7, University Addition in the City of Madison, Wisconsin, described as follows: Beginning at the Northwest corner of Outlot 2, West Madison Depot, thence North 82°52'03" West (recorded as North 82°14'47" West) 96.27 feet, along the North line of said Outlot 2, extended, to the Northwestern right-of-way line of vacated West Mifflin Street, thence North 45°00'00" East, 56.46 feet along said Northwestern right-of-way line, thence South 46°39'30" East, 76.05 feet to the point of beginning.

SURVEYOR'S CERTIFICATE:
 I, Frank J. Lapacek, Registered Land Surveyor No. 2658, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7), and the map hereon is correct to the best of my knowledge and belief.

Dated this 12th day of MARCH, 2013
 Signed Frank J. Lapacek
 Frank J. Lapacek, R.L.S. No. 2658



- NOTES:**
- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, building setback lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.
 - 2) No attempt (other than those observed above ground or in areas cleared of snow) has been made as a part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
 - 3) Date of field work: 02-25-2013 and 03-11-2013.
 - 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
 - 5) All surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon. There was snow on the ground on the dates of fieldwork.
 - 6) Trees, hedges and ground cover on the site are not shown hereon.
 - 7) Elevations are based upon NAVD83 datum. The center of Section 23-07-09 has an elevation of 859.48 feet (NAVD83) based upon benchmark as shown on the sheet by Carl M. Sandness dated February 16, 2004.
 - 8) Total parcel area = 72,612 square feet.

LEGEND					
⊙	1 1/2" IRON PIPE FOUND	⊙	WATER VALVE	⊙	FIRE HYDRANT
●	3/4" SOLID IRON PIPE FOUND	⊙	GAS VALVE	⊙	UNKNOWN MANHOLE
⊙	2" COATED IRON PIPE FOUND	⊙	ELECTRIC PEDESTAL	⊙	STORM SEWER CATCH BASIN
⊙	3/4" x 18" SOLID IRON RE-NOV. SET, W/ 150 IN. DIA.	⊙	TELEPHONE PEDESTAL	⊙	SANITARY SEWER MANHOLE
⊙	COTTON SPINALE FOUND	⊙	LIGHT POLE	⊙	BITUMINOUS PAVEMENT
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DISTANCES ARE MEASURED TO THE NEAREST HUNDRETH OF A FOOT. BUILDING DIMENSIONS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.

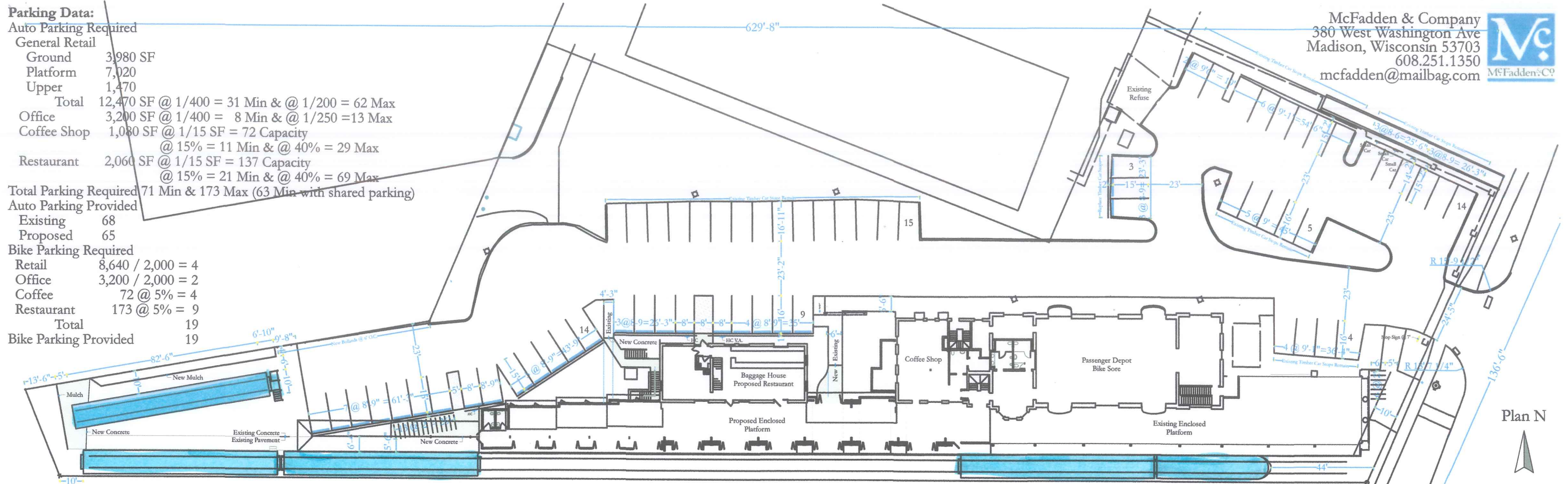
SURVEYED FOR:
 Motorless Motion LLC
 8 N. Charter St.
 Madison, WI 53703
SURVEYED BY:
Burse
 surveying & engineering
 1400 E. Washington Ave., Suite 156
 Madison, WI 53703 608.250.9263
 Fax: 608.250.9266
 email: mburse@BSE-INC.net
 www.bursesurveyengr.com

Parking Data:

Auto Parking Required	
General Retail	
Ground	3,980 SF
Platform	7,020
Upper	1,470
Total	12,470 SF @ 1/400 = 31 Min & @ 1/200 = 62 Max
Office	3,200 SF @ 1/400 = 8 Min & @ 1/250 = 13 Max
Coffee Shop	1,080 SF @ 1/15 SF = 72 Capacity
	@ 15% = 11 Min & @ 40% = 29 Max
Restaurant	2,060 SF @ 1/15 SF = 137 Capacity
	@ 15% = 21 Min & @ 40% = 69 Max
Total Parking Required	71 Min & 173 Max (63 Min with shared parking)
Auto Parking Provided	
Existing	68
Proposed	65
Bike Parking Required	
Retail	8,640 / 2,000 = 4
Office	3,200 / 2,000 = 2
Coffee	72 @ 5% = 4
Restaurant	173 @ 5% = 9
Total	19
Bike Parking Provided	19

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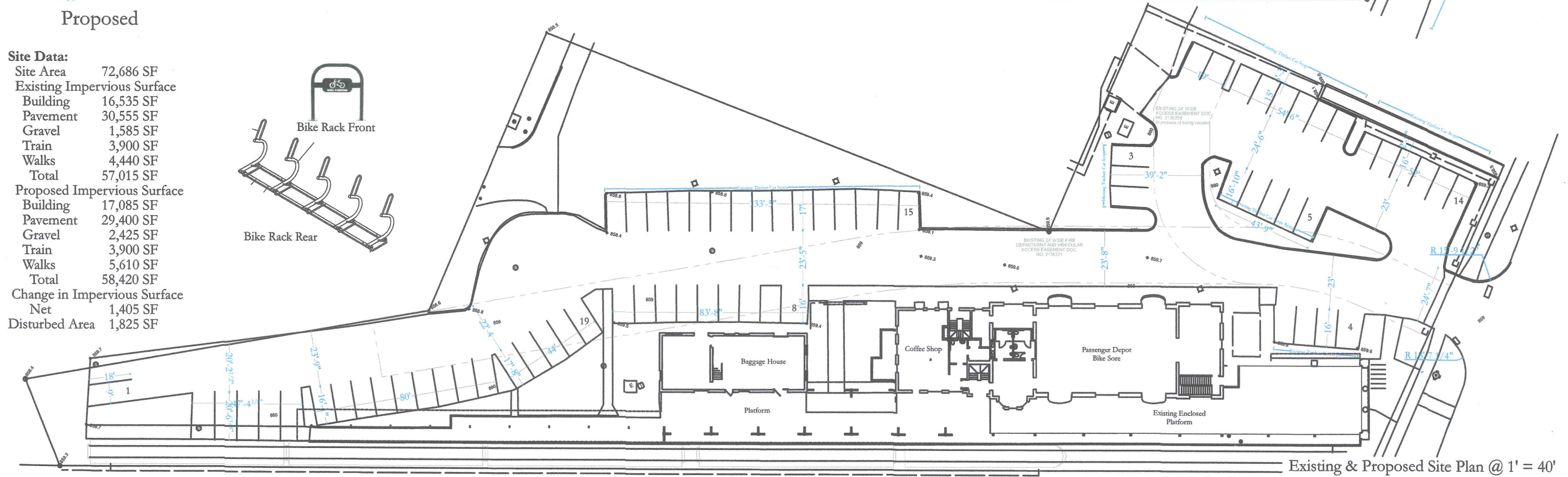
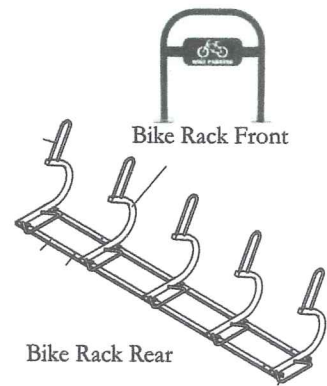
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Proposed

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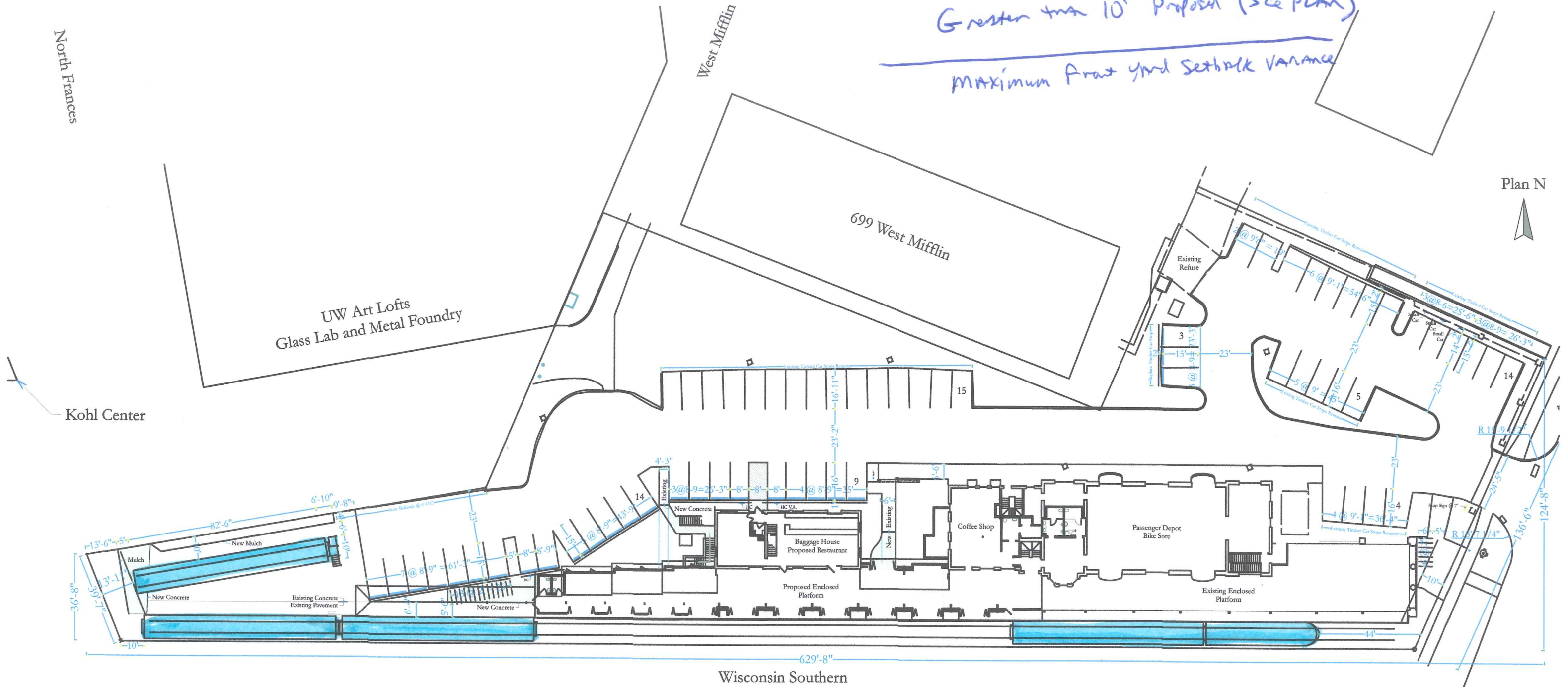
Site Area	72,686 SF
Existing Impervious Surface	
Building	16,535 SF
Pavement	30,555 SF
Gravel	1,585 SF
Train	3,900 SF
Walks	4,440 SF
Total	57,015 SF
Proposed Impervious Surface	
Building	17,085 SF
Pavement	29,400 SF
Gravel	2,425 SF
Train	3,900 SF
Walks	5,610 SF
Total	58,420 SF
Change in Impervious Surface	
Net	1,405 SF
Disturbed Area	1,825 SF



Existing



Relocate Principal Detached buildings (train cars)
 MAXIMUM front yard setback
 10.0' maximum Required
 Greater than 10' Proposed (See Plan)
 MAXIMUM front yard setback variance





View of Train Cars from West Washington



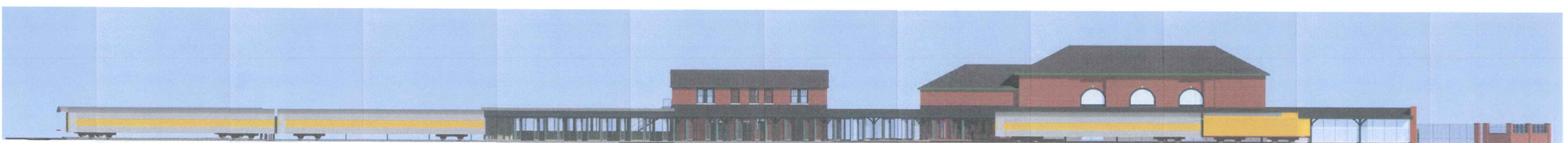
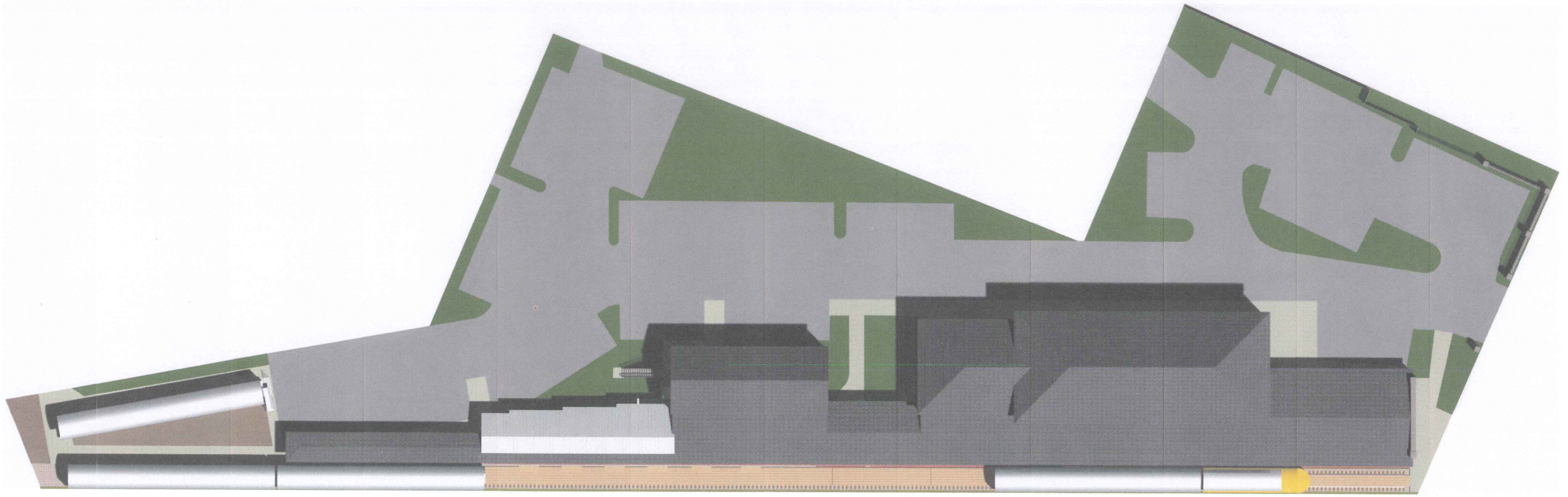
View of Proposed Relocation Site

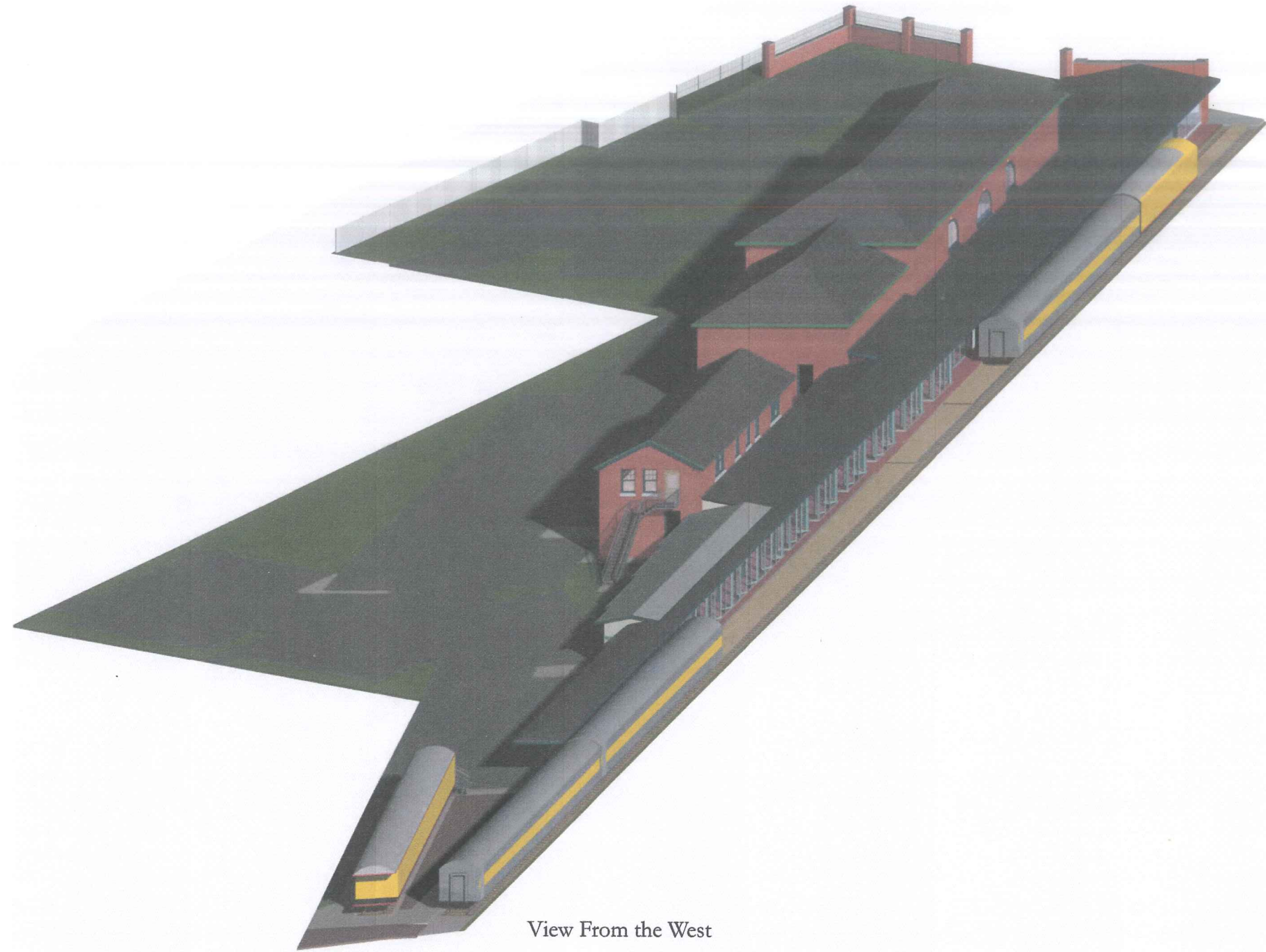


View from North Frances

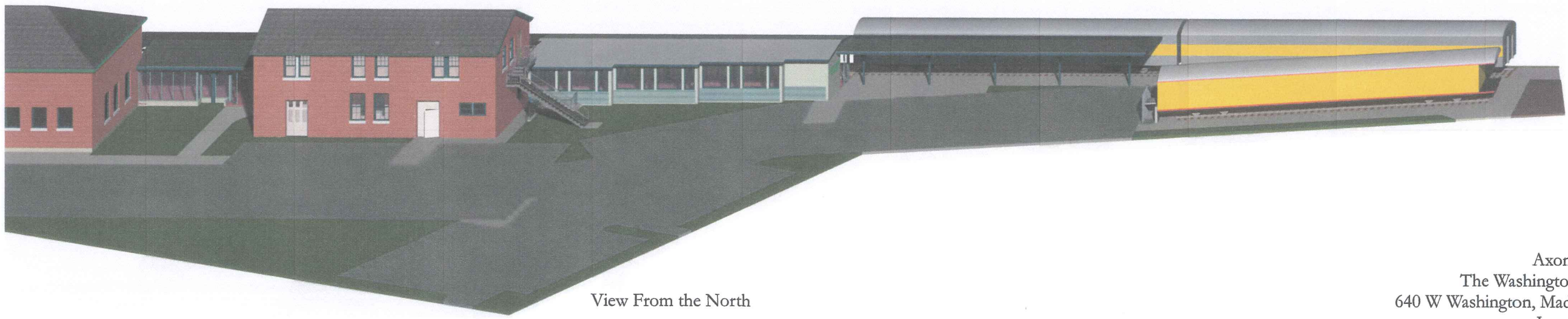


The Club Car to be Relocated





View From the West

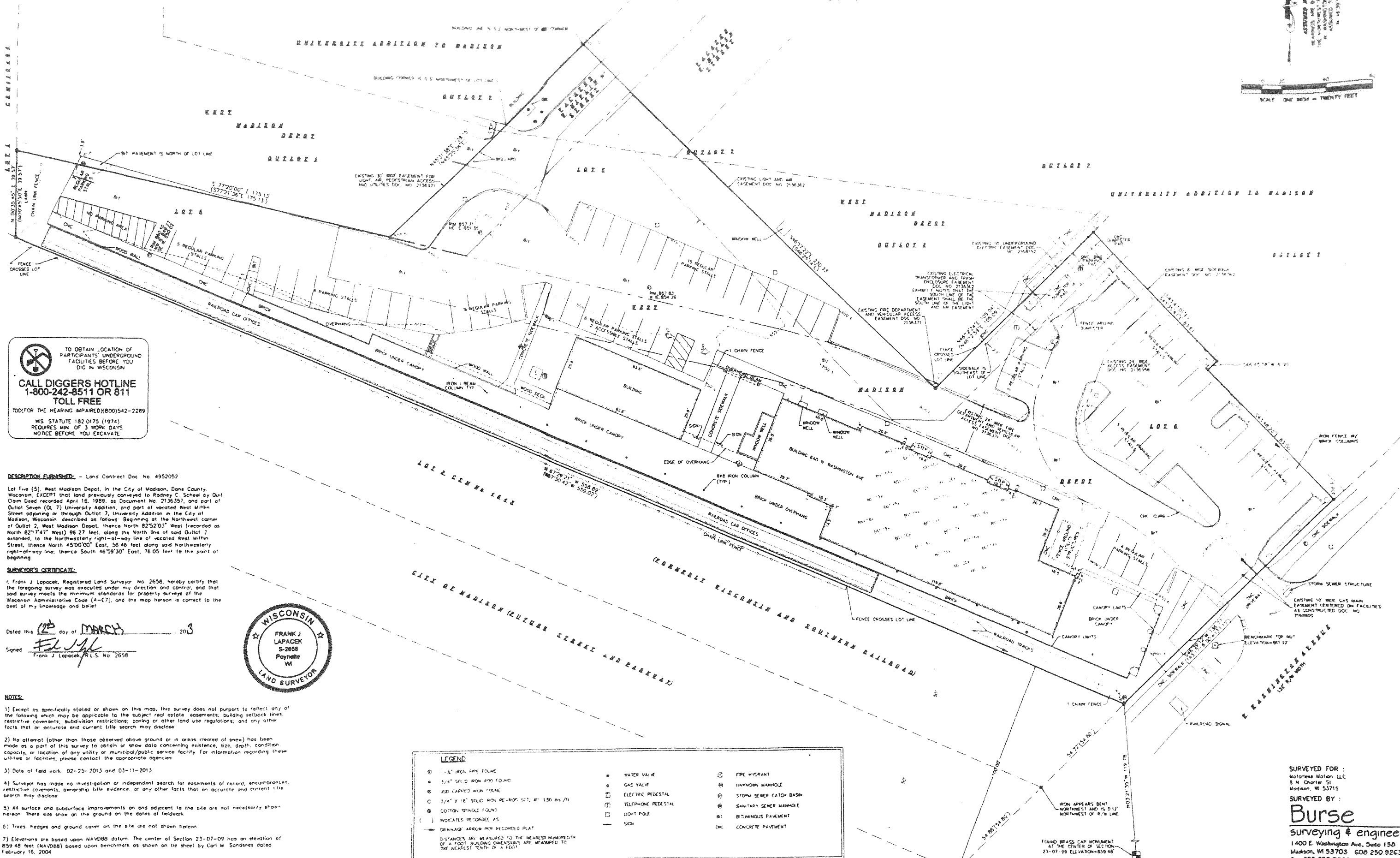
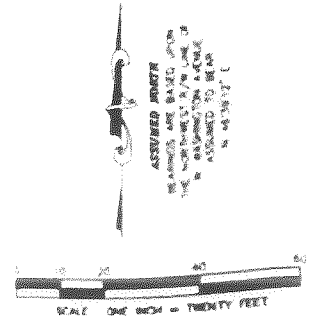


View From the North



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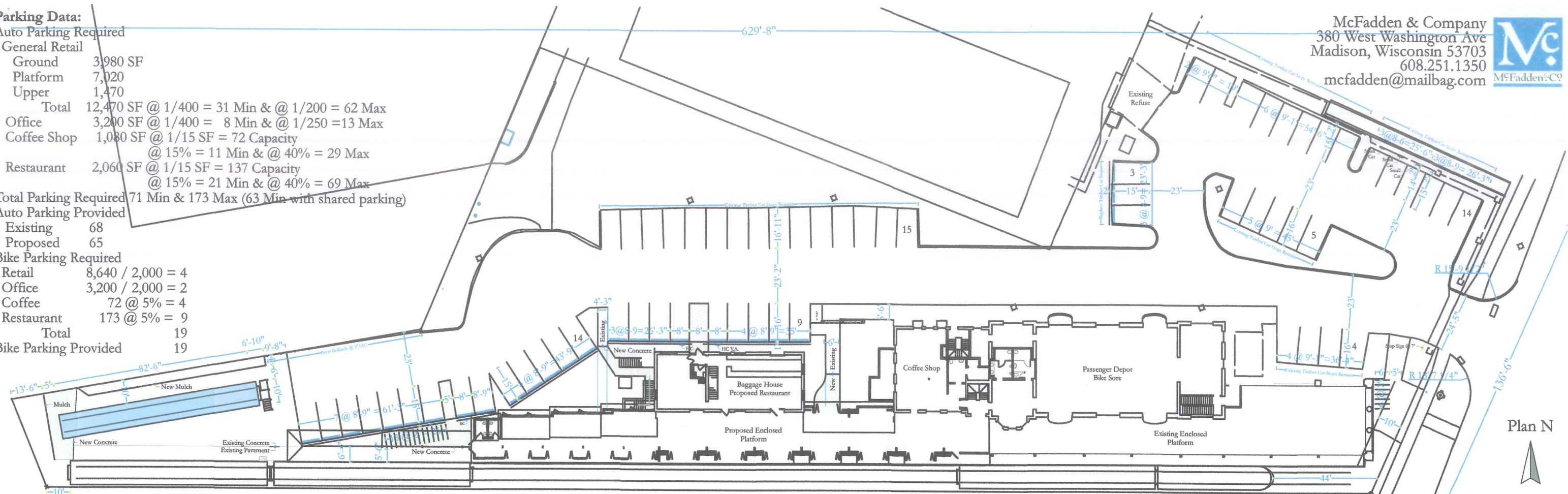
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SURVEYED FOR:
 Motress Motion LLC
 8 N. Charter St.
 Madison, WI 53715
SURVEYED BY:
Burse
 surveying & engineering
 1400 E. Washington Ave., Suite 150
 Madison, WI 53703 608.250.9263
 Fax: 608.250.9266
 email: mburse@BSE-INC.net
 www.bursesurveyeng.com

Parking Data:

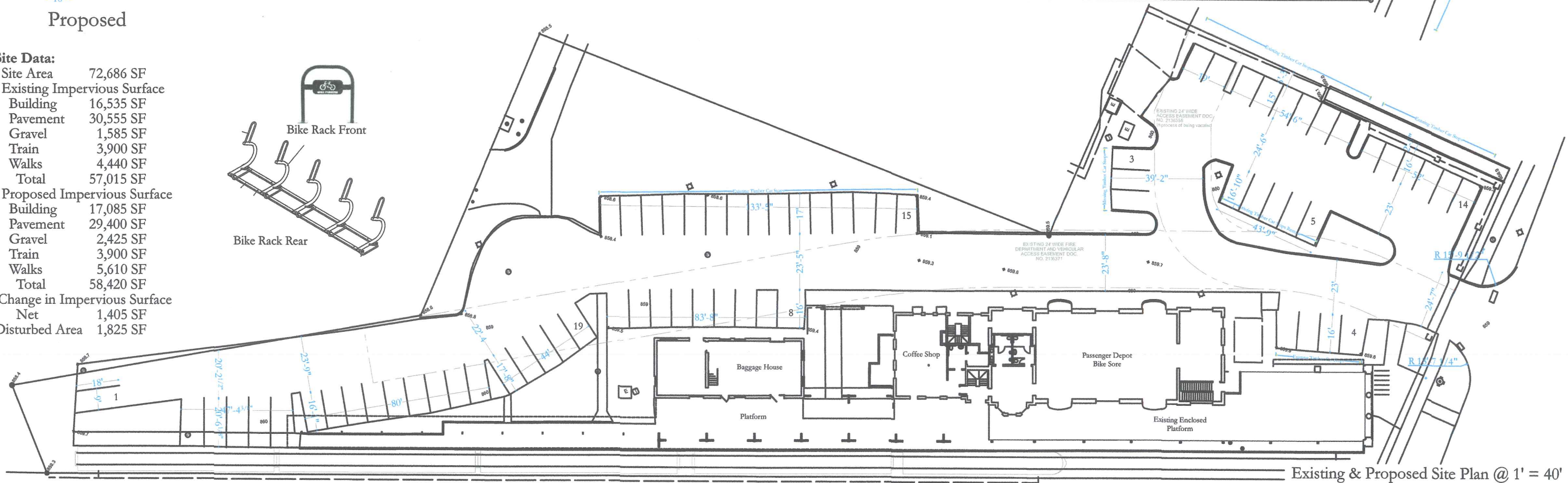
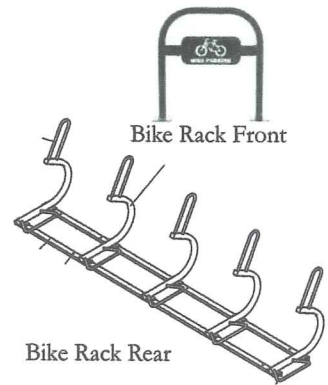
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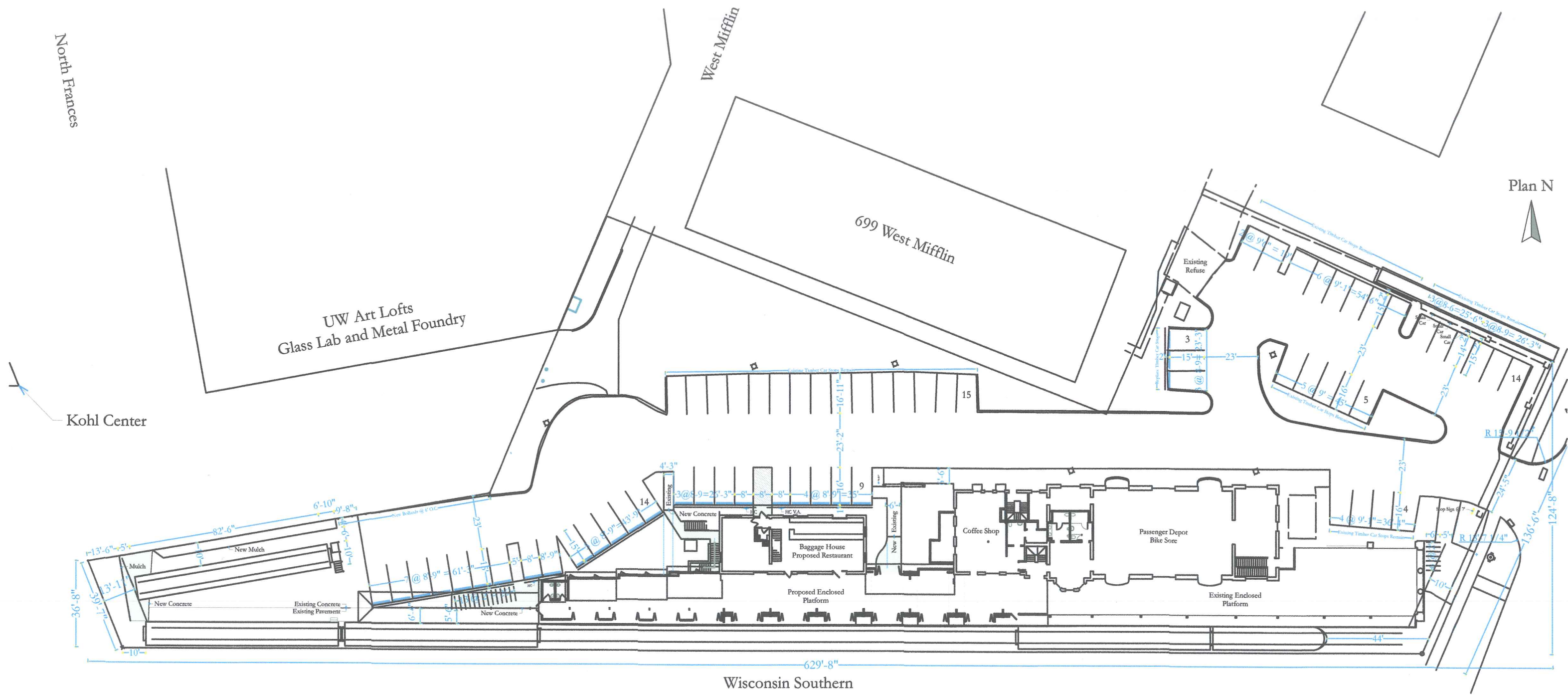
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Total	58,420 SF
Change in Impervious Surface	
Net	1,405 SF
Disturbed Area	1,825 SF



Existing



Proposed Site with Adjacent Buildings Plan @ 1' = 40'
 The Washington Market
 640 W Washington, Madison, WI
 August 2, 2017



View of Train Cars from West Washington



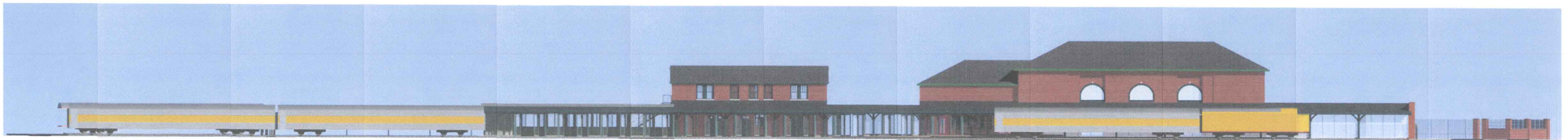
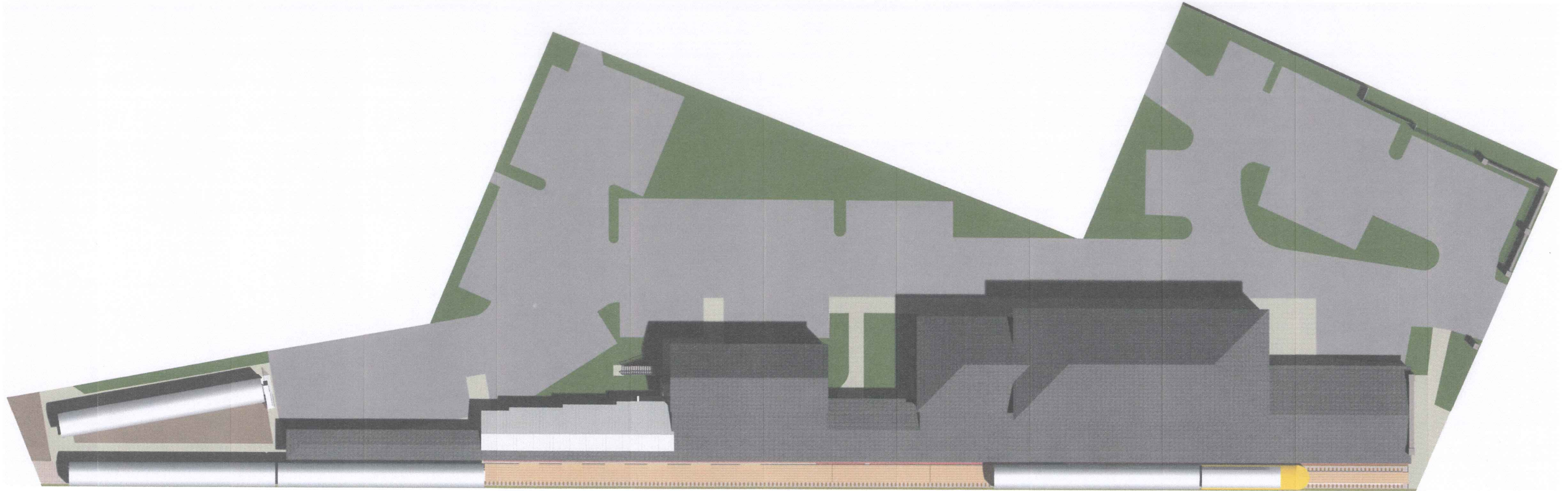
View of Proposed Relocation Site

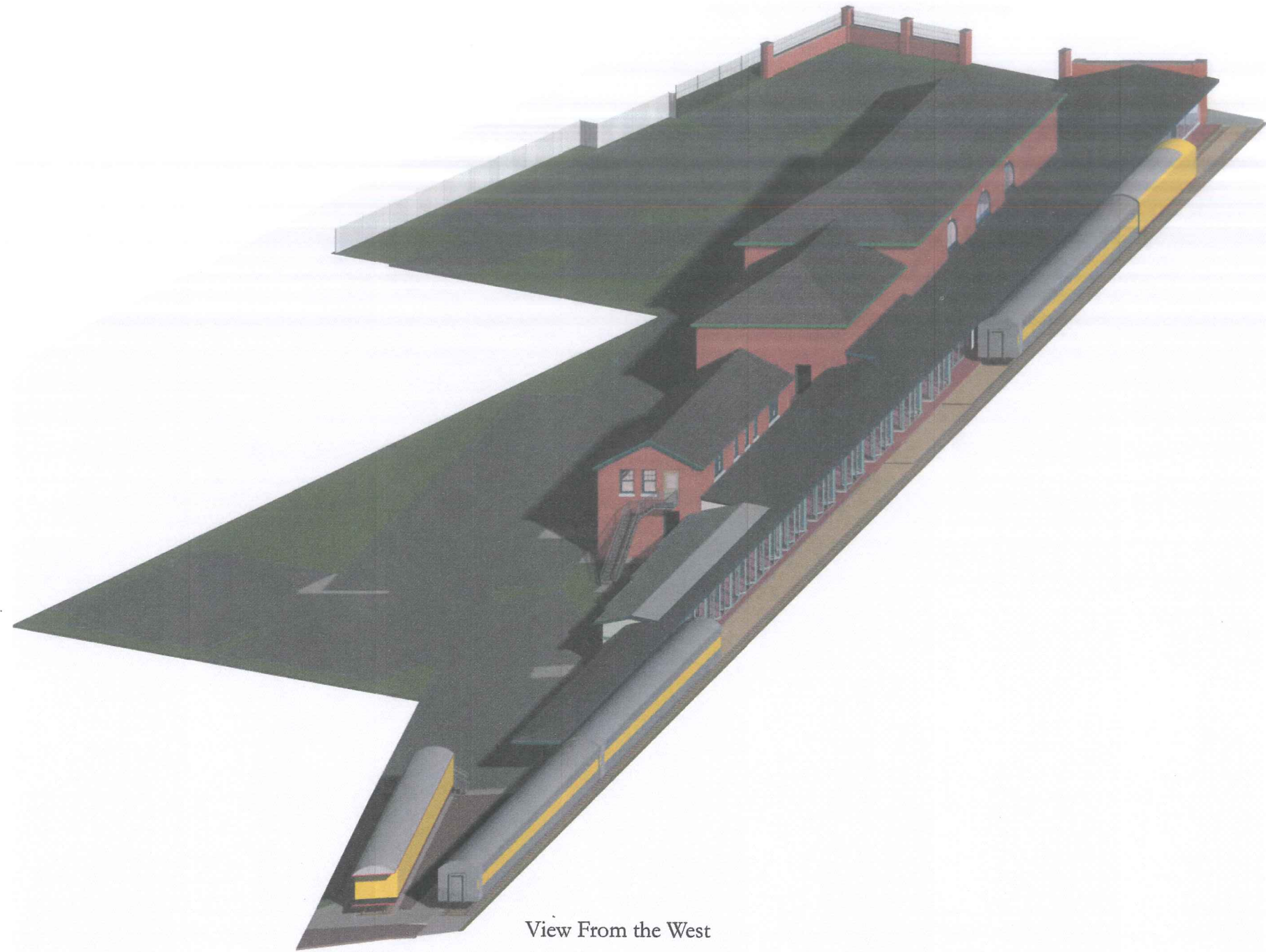


View from North Frances

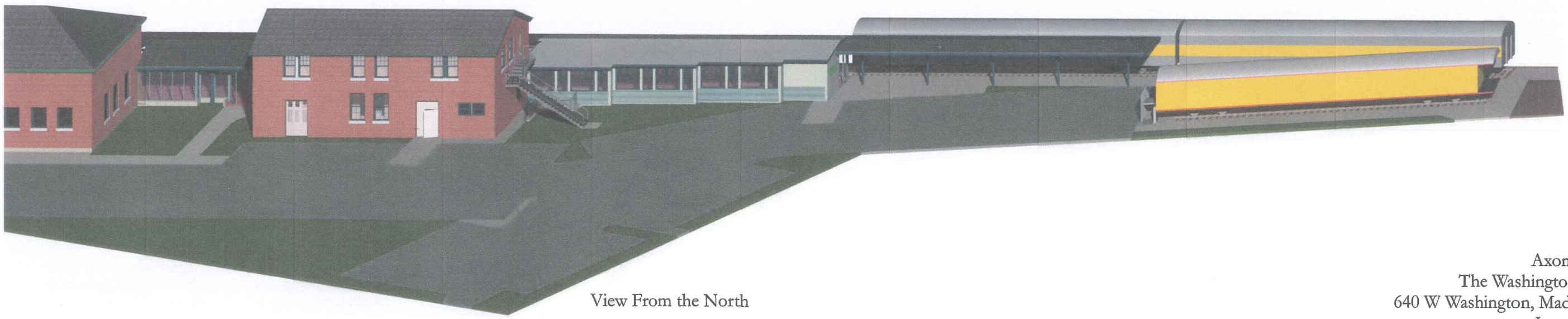


The Club Car to be Relocated





View From the West



View From the North