



**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: 1791 THIERER ROAD

Name of Owner: ~~EXECUTIVE INVESTORS~~ Avenue Shoppes, LLC

Address of Owner (if different than above): 6514 ODANA ROAD
MADISON, WI 53719

Daytime Phone: 608-238-4253 Evening Phone: SAME

Email Address: HENRY1156@ATT.NET

Name of Applicant (Owner's Representative): TIMOTHY R. MESECK, THE ARCHITECTS PARTNERSHIP
LTD.

Address of Applicant: 122 S MICHIGAN AVE, SUITE 1810
CHICAGO, IL 60603

Daytime Phone: 312 583 9800 x44 Evening Phone: 414 745 4525

Email Address: MESECK@TAPCHICAGO.COM

Description of Requested Variance: TO ALLOW A 'VEHICLE ACCESS SALES AND
SERVICE WINDOW' ALONG THE SIDE ELEVATION OF AN EXISTING
RESTAURANT TENANT LOCATED IN A MULTI-TENANT SHOPPING
CENTER THAT FACES A LOT FRONTAGE AND WILL BE LOCATED
BETWEEN THE STRUCTURE AND THE FRONT YARD RIGHT OF
WAY.

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>7/23/15</u>
Receipt: <u>5522-0004</u>	Published Date: <u>7/16/15</u>
Filing Date: <u>7/12/15</u>	Appeal Number: <u>LNDVAR-2015-00011</u>
Received By: <u>JUL</u>	GQ: _____
Parcel Number: <u>0810-284-0802-0</u>	Code Section(s): <u>28.151</u>
Zoning District: <u>CC-T</u>	_____
Alder District: <u>17 Samba Baldely</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.

THE EXISTING MULTI-TENANT SHOPPING CENTER HAS THE MAIN STOREFRONTS FACING THE PARKING AREA AT THE INTERIOR OF THE SITE RATHER THAN THE FRONT YARD.

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 PROPOSED DRIVE THRU USE IS SIMILAR TO OTHER RESTAURANTS AND COMMERCIAL/RETAIL BUILDINGS IN THE IMMEDIATE VICINITY. THE ZONING DISTRICT IS AUTO-ORIENTED.

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 ORDINANCE REQUIRES THAT THE DRIVE THRU BE PLACED IN A SIDE YARD OR REAR YARD. THIS SITE ONLY HAS 2 OPTIONS AND THE SIDE YARD WOULD REQUIRE INTERIOR + EXTERIOR MODIFICATIONS THAT WOULD AFFECT THE RESTAURANT LAYOUT + DELIVERIES.

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 PROPOSED LOCATION OF THE DRIVE THRU MEETS THE INTENT OF THE ORDINANCE AND IS DUE TO EXISTING SITE CONDITIONS.

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

THE VARIANCE WOULD ALLOW A USE THAT IS CONSISTENT WITH ADJACENT USES AND COMPLIES WITH THE INTENT OF THE ZONING ORDINANCE. IT WILL NOT CREATE OR PROVIDE A NEGATIVE AFFECT ON SURROUNDING PROPERTIES.

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

THE ZONING ORDINANCE ALLOWS FOR AUTO ORIENTED USES AND THE PROPOSED VARIATION IS CONSISTENT WITH THE IMMEDIATE NEIGHBORHOOD USES.

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"): <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 checked="" 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")
N/A <input 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.
N/A <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.
N/A <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: _____

Date: 30 JUN 2015

-----Do not write below this line/For Office Use Only)-----

DECISION

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: ☐ Approved ☐ Denied ☐ Conditionally Approved

Zoning Board of Appeals Chair: _____

Date: _____





EAST WASHINGTON AVE./L.S.H. 151

EIGHT-OF-WAY VARIES

LEGEND

- = IRON END PUMP, SIZE NOTED
- ▲ = 1" x 24" IRON PIPE SET, 1.13 LB/FT
- = LIGHT POLE
- _{SM} = SANITARY SEWER MANHOLE
- _{UM} = UTILITY MANHOLE
- _{SI} = STORM INLET
- = ELECTRIC PEDESTAL/BOX
- _{TE} = TELEPHONE PEDESTAL
- _{TV} = TELEVISION PEDESTAL (CABLE TV)
- _{HP} = HANDICAP PARKING STALL
- _{CS} = CHISELED "X" IN CURB SET
- _{SM} = STORM SEWER MANHOLE

LOT 1 C.S.M. 2205

(TRACT 2)

CROSS EASEMENT AGREEMENT
"FOR EGRESS AND EGRESS OF
VEHICULAR TRAFFIC AND VEHICULAR
PARKING" Doc. No. 1542655 and
AMENDED BY Doc. No. 1513182.
NOTE: EASEMENT SERVES TRACTS 1 & 2.

BITUMINOUS PARKING

PARCEL "A"

AREA = 183,780 SQ. FT.

EXISTING 1 STORY METAL FRAME
& BRICK COMMERCIAL BUILDING

LOT 2

LOT 3

LOT 4

MADISON GAS & ELECTRIC EASEMENT
GRANT - Doc. No. 1928007

PARCEL "B" (LEASED)

AREA = 39,830 SQ. FT.

EAST TOWNE BOULEVARD

THE FOLLOWING EASEMENTS ARE NOT PLOTTABLE:

Easement to Wisconsin Telephone Company as contained in instrument
recorded on December 7, 1927, as Document No. 482723.

Easement to Wisconsin Telephone Company as contained in instrument
recorded on December 7, 1927, as Document No. 482728.

Easement and rights granted to Wisconsin Telephone Company and the American Telephone Company, their heirs
and assigns, as contained in instrument recorded on July 31, 1942, as Document No. 600884.

GRAPHIC SCALE: 1" = 30'

DESCRIPTION: (AS FURNISHED)

PARCEL A:

All of Lots Two (2), Three (3), and Four (4) of Certified Survey Map No. 2205, recorded in the Dane County Register of
Deeds office in Volume 6 of Certified Survey Maps, Page 462, as Document No. 1491234, in the City of Madison, Dane
County, Wisconsin.

AND

Part of Lot Two (2), Certified Survey Map No. 3382 recorded in the Dane County Register of Deeds office in Volume 13
of Certified Survey Maps, Pages 181 and 182, as Document No. 1652078, in the City of Madison, Dane County,
Wisconsin, described as follows:

A parcel of land located in the Southwest Quarter and the Northwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4
and NW 1/4 SE 1/4) of Section Twenty-eight (28), Township 8 North, Range 10 East, in the City of Madison, Dane
County, Wisconsin, commencing at the Southeast corner of said Section 28; thence South 89° 0' 46" West, 949.20 feet;
thence North 35° 31' 48" West, 1132.82 feet to the point of beginning; thence continuing North 35° 31' 48" West, 209.50
feet; thence South 44° 00' 42" East, 207.21 feet; thence South 45° 59' 18" West, 30.90 feet to the point of beginning.

Tax Parcel No.: 60-0810-284-0802-0 (Commonly known as Princeton Place at 1753 Thierer Road)

PARCEL B:

Leasehold estate created by indenture of lease entered into by and between JACKSON CLINIC BUILDING
PARTNERSHIP, as lessor(s), and DOUGLAS B. FRANKS, as lessee(s), dated February 18, 1996 an Affidavit of
which was recorded in the office of the Register of Deeds for Dane County, Wisconsin on February 24, 1996, as
Document No. 1922642, describing premises situated in said County and State and described as follows:

All of Lot Two (2) of Certified Survey Map No. 3382 recorded in the Dane County Register of Deeds Office in Volume
13 of Certified Survey Maps, Pages 181 and 182, as Document No. 1652078, in the City of Madison, Dane County,
Wisconsin, except that part of Lot 2 described as follows:

A parcel of land located in the Southwest Quarter and the Northwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4
and NW 1/4 SE 1/4) of Section Twenty-eight (28), Township 8 North, Range 10 East, in the City of Madison, Dane
County, Wisconsin, commencing at the Southeast corner of said Section 28; thence South 89° 0' 46" West, 949.20 feet;
thence North 35° 31' 48" West, 1132.82 feet to the point of beginning; thence continuing North 35° 31' 48" West, 209.50
feet; thence South 44° 00' 42" East, 207.21 feet; thence South 45° 59' 18" West, 30.90 feet to the point of beginning.

Tax Parcel No.: 60-0810-284-0805-4 (Commonly known as 4102 East Towne Boulevard)

SURVEYOR'S CERTIFICATE

I, Mark Steven Gerhardt, a Registered Surveyor of the State of Wisconsin, certify to
LaSalle National Bank, its successors and assigns, First American Title Insurance
Company and Princeton Place L.L.C., that this plat of survey is made in accordance with
the minimum standards established by said state for surveys and land surveys and with
the minimum detail requirements for land title surveys as adopted by The American Land
Title Association and American Congress on Surveying and Mapping for an Urban
Survey and in accordance with First American Title Insurance Company Commitment
No. 578884; that this survey correctly shows the location of all buildings, structures and
other improvements situated on the subject Premises; and that except as shown, there are
no visible or recorded encroachments or rights-of-way across said Premises or any other
encroachments or rights-of-way of which the undersigned has been advised, no party walls, no
encroachments onto adjoining premises, streets or alleys by any of said buildings,
structures or other improvements, and no encroachments onto said premises by buildings,
structures or other improvements situated on adjoining premises.

Date: December 2, 1997

Mark Steven Gerhardt,
Wisconsin Land Surveyor, S-1983

NOTES:

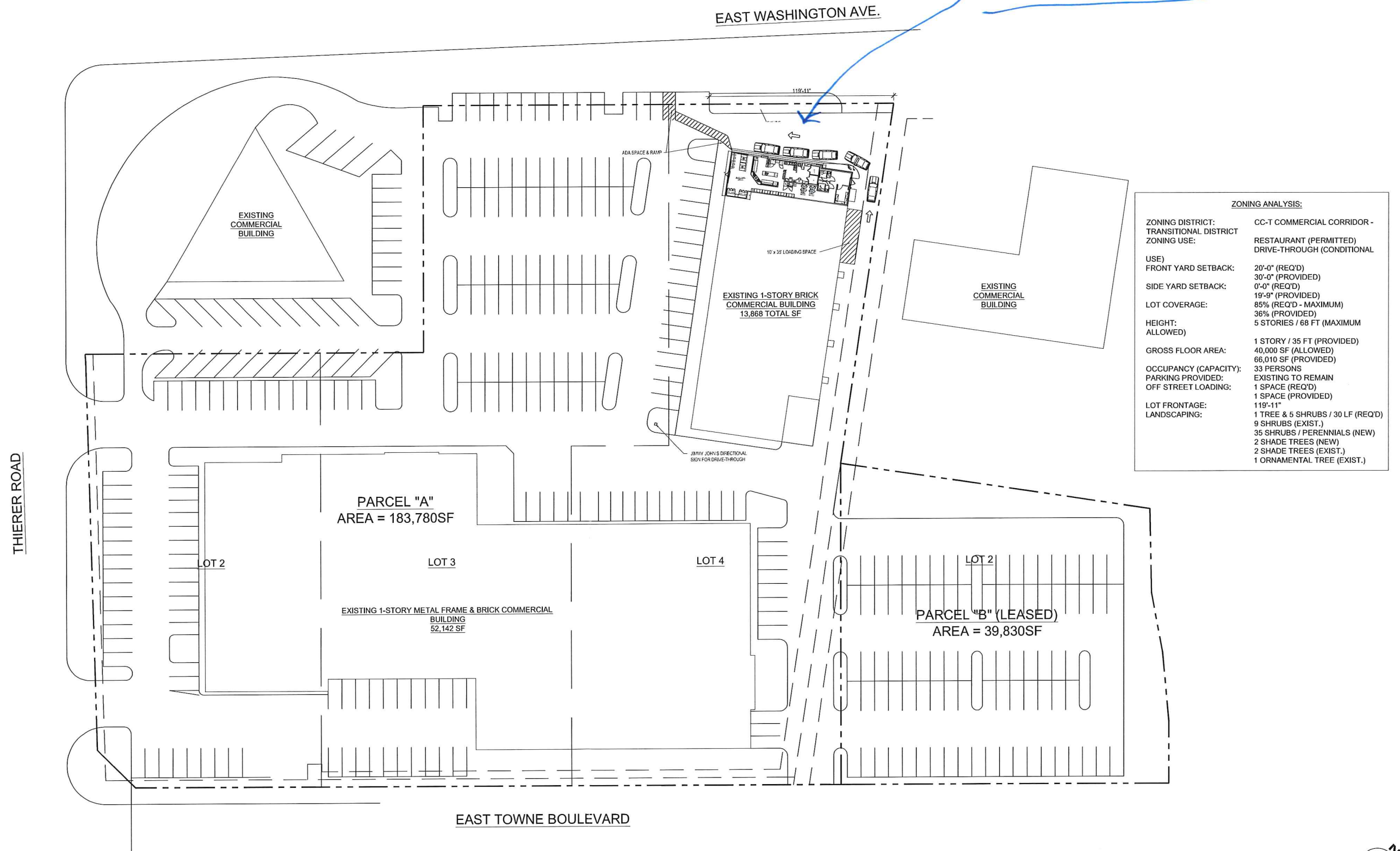
- 1) This property lies in Zone "C" per Flood Insurance Rate Map Community Panel No.
550083-0023 D as revised September 18, 1986 per the City of Madison Engineering
Department.
- 2) This property contains no "Designated Wetlands" per the City of Madison
Engineering Department on 12/2/1997.



Surveyed For: Princeton Place L.L.C.
Attn: Mr. John Philipp
P.O. Box 7700
Madison, WI 53707-7700
(608) 241-2100

BADGER SURVEYING AND MAPPING SERVICE			
SCALE: 1" = 30'	DATE: 12-2-97	DRAWN BY: M.S. GERHARDT	REVIEWED BY: J.A.
ALTA-ACSM SURVEY			
DRAWING NUMBER:			976-284

VARIANCE to Supplemental Regulations for
Vehicle Access and service windows, to
Allow for Placement between Building and Street
mt



0' 5' 10' 20' 30' 50' 70'

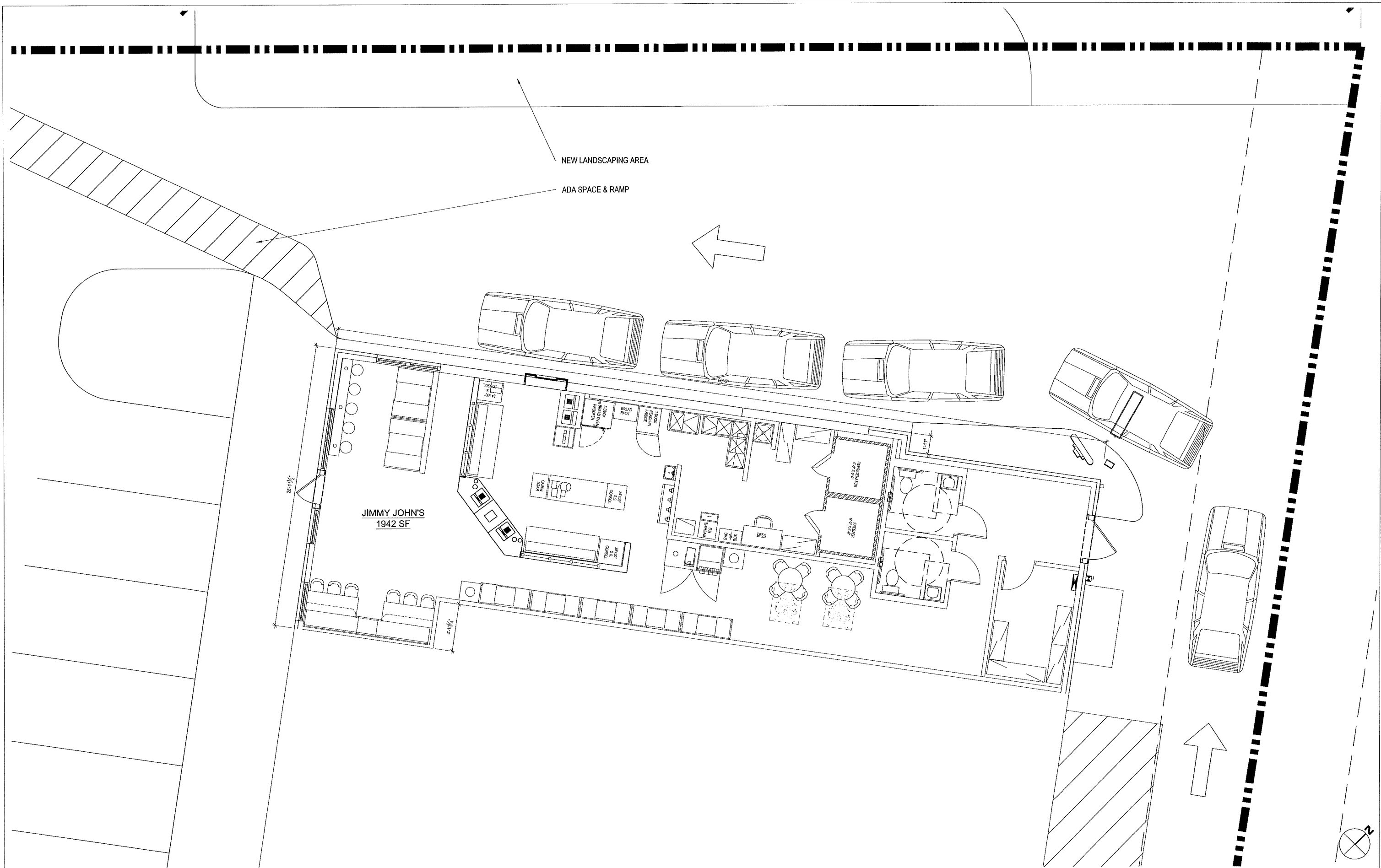
DATE: 7.1.2015
DRAWN BY: N.S.
SCALE: 1" = 20'-0"
STORE LAYOUT
(210evo)



JIMMY JOHN'S
GOURMET SANDWICHES
STORE #59C
1791 THIERER RD.
MADISON, WI



JIMMY JOHN'S
FRANCHISE, LLC
2212 FOX DRIVE
CHAMPAIGN, IL 61820
217-356-9900
FAX: 217-359-2956



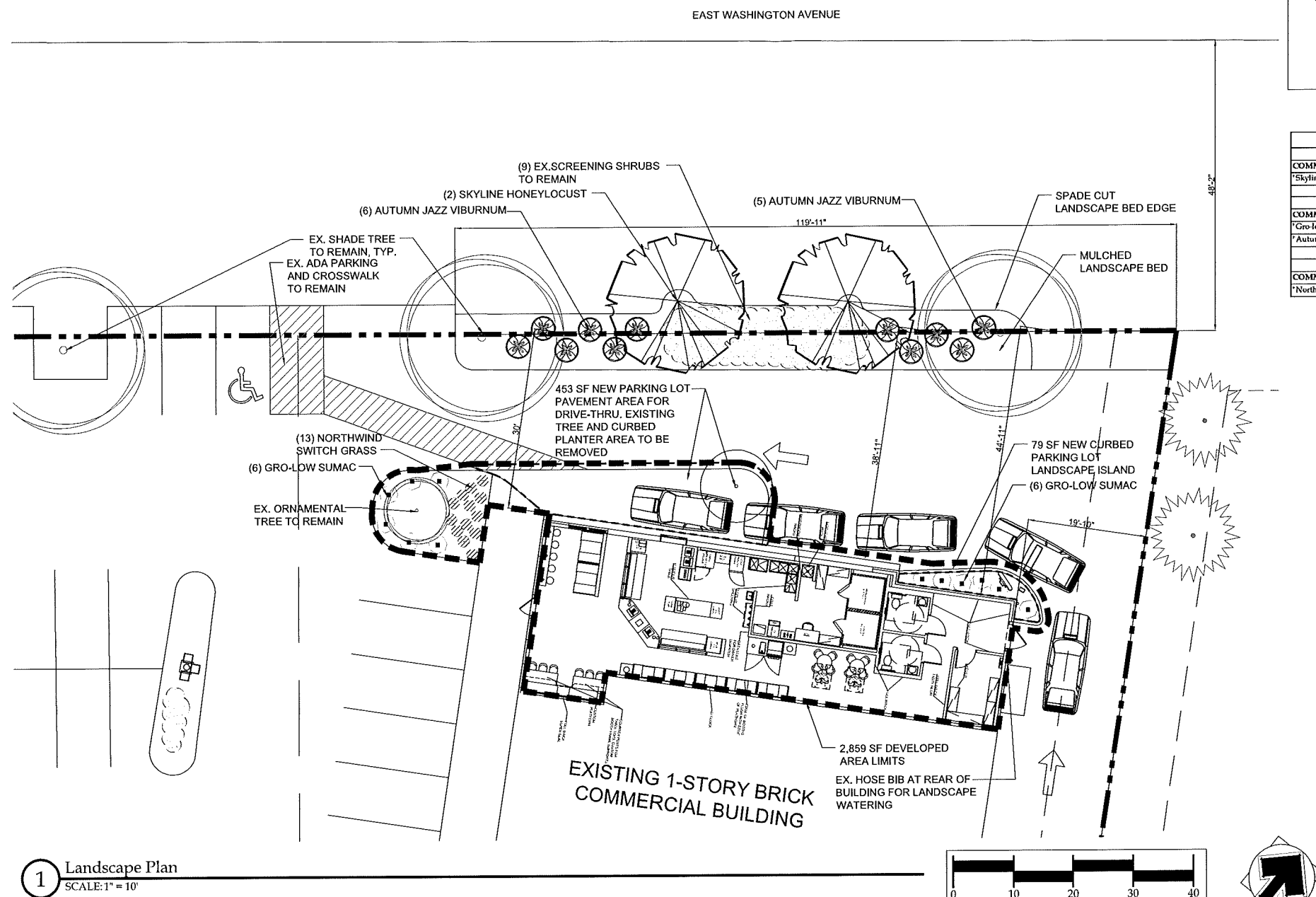
DATE: 7.1.2015
DRAWN BY: AS
SQ. FT.: 1942
SCALE: 1/4" = 1'-0"

STORE LAYOUT
(210evo)



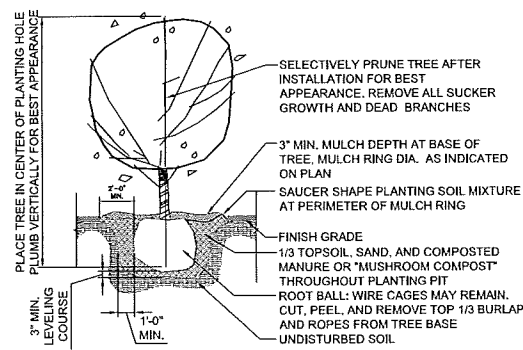
JIMMY JOHN'S
GOURMET SANDWICHES
STORE #59C
1791 THIERER RD.
MADISON, WI

JIMMY JOHN'S
FRANCHISE, LLC.
2212 FOX DRIVE
CHAMPAIGN, IL 61820
217-356-9900
FAX: 217-359-2956

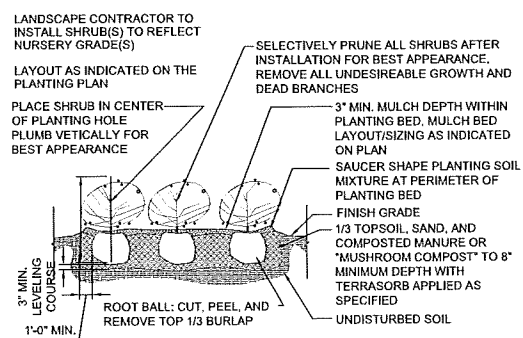


1 Landscape Plan
SCALE: 1" = 10'

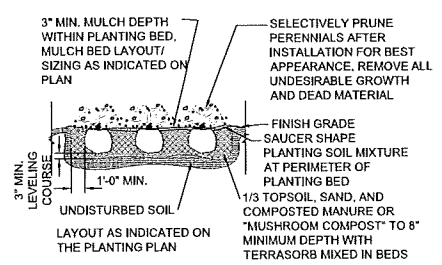
- NOTES:
1. LANDSCAPE CONTRACTOR SHALL CONFIRM TREE PIT DOES NOT HOLD WATER.
 2. LANDSCAPE CONTRACTOR TO INSTALL TREE AT ELEVATION OF NURSERY GRADE
 3. LAYOUT AS INDICATED ON THE PLANTING PLAN



2 Tree Planting Detail
SCALE: N.T.S.



3 Shrub Planting Detail
SCALE: N.T.S.



4 Perennial Planting Detail
SCALE: N.T.S.

OWNER

JIMMY JOHN'S
Since 1981
WORLD'S GREATEST GOURMET SANDWICHES
JIMMY JOHN'S FRANCHISE, LLC
2112 FOX DRIVE, CHAMPAIGN, IL 61820
217-366-9900 FAX: 217-359-2595

ARCHITECT OF RECORD

tap
The Architects Partnership

Plant List			
SHADE TREES	BOTANICAL NAME	QUANT	SIZE
COMMON NAME			
"Skyline" Honeylocust	Ginkgo biloba "Autumn Gold"	2	2.5" BB
SHRUBS	BOTANICAL NAME	QUANT	SIZE
COMMON NAME			
"Gro-low" Sumac	Rhus aromatica "Gro-Low"	12	#3 Gal.
"Autumn Jazz" Viburnum	Viburnum dentatum "Autumn Jazz"	11	#3 Gal.
PERENNIALS	BOTANICAL NAME	QUANT	SIZE
COMMON NAME			
"Northwind" Switch Grass	Panicum virgatum "Northwind"	13	#3 Gal.

LANDSCAPE CODE CALCULATIONS:

DEVELOPED AREA LANDSCAPE CALCULATION
DEVELOPED AREA (AS SHOWN ON PLAN) : 2,859 SF / 300 = 9.53 PLANT UNITS OR 50 POINTS REQUIRED.
PROPOSED LANDSCAPE:
(12) 3 GAL. DECIDUOUS SHRUBS = 24 POINTS
(13) 3 GAL. ORNAMENTAL GRASSES = 26 POINTS
TOTAL OF 50 POINTS PROPOSED.

DEVELOPMENT FRONTAGE LANDSCAPE CALCULATION
120 LF OF FRONTAGE / 30 = 4 SHADE TREES AND 20 SHRUBS REQUIRED.
PROPOSED LANDSCAPE:
(2) NEW SHADE TREES PLUS (2) EXISTING SHADE TREES = 4 TOTAL SHADE TREES
(11) NEW SCREENING SHRUBS PLUS (9) EXISTING SHRUBS = 20 TOTAL SHRUBS.
(NOTE - FENCING NOT PROPOSED SINCE REMAINING DEVELOPMENT DOES NOT HAVE FENCING.)

INTERIOR PARKING LOT LANDSCAPE CALCULATION
NEW PARKING LOT / DRIVE LANE ASPHALT AREA - 453 SF.
EXISTING ASPHALT PARKING REMOVED FOR NEW PARKING LOT LANDSCAPE ISLAND 79 SF.
TOTAL NEW PAVEMENT AREA - 374 SF
374 X 5% = 18.7 SF OF INTERIOR PLANTING ISLANDS REQUIRED AND 79 SF OF PARKING LOT ISLAND PROPOSED.

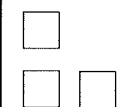
LANDSCAPE GENERAL NOTES:

1. ALL PLANT MATERIAL IS SUBJECT TO AVAILABILITY AND CORRECT SEASONAL PLANTING PROCEDURE. ANY AND ALL SUBSTITUTIONS REQUEST MUST BE SUBMITTED IN WRITING TO THE OWNER'S REPRESENTATIVE PRIOR TO ORDERING SUBSTITUTION MATERIALS.
2. ALL PLANTS SHALL RECEIVE 1/4" 4" DEPTH OF SHREDDED HARDWOOD BARK MULCH COVER IN PLANTING BED, INCLUDING PERENNIAL PLANTINGS.
3. THE LANDSCAPE CONTRACTOR SHALL STAKE AND LAYOUT ALL INSTALLATIONS AND BEDS FOR APPROVAL BY OWNER'S REPRESENTATIVE. FAILURE TO RECEIVE REVIEW AND APPROVAL MAY BE CAUSE TO REQUIRE THE REMOVAL OF PLANTS AND REINSTALLATION AT NO ADDITIONAL COST TO THE OWNER.
4. THE CONTRACTOR SHALL SUPPLY LANDSCAPE PLANTING SOIL MIX FOR ALL PERENNIAL PLANTING BEDS TO CONSIST OF 1/3 TOPSOIL, 1/3 SAND AND 1/3 COMPOSTED MANURE OR "MUSHROOM COMPOST". THIS MIXTURE IS TO BE ROTOTILLED INTO THE SOIL A MINIMUM OF 8" THROUGHOUT THE BED, AFTER INSTALLATION MULCH AS SPECIFIED ABOVE. CONTRACTOR MUST ALSO WORK INTO SOIL TERRASORB 1/8 AT A RATE PER THE MANUFACTURER'S RECOMMENDATION ALL SHRUB AND NON-IRRIGATED TREE AND PERENNIAL BEDS. SUBMIT MANUFACTURER'S LITERATURE FOR APPROVAL PRIOR TO IMPLEMENTATION.
5. ANY EXISTING TURF AREAS DISTURBED DURING THE COURSE OF CONSTRUCTION SHALL BE RESTORED WITH SOD AS NECESSARY.

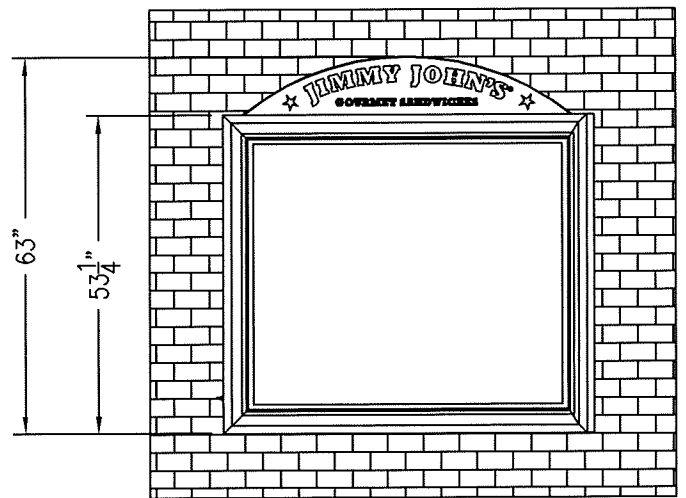
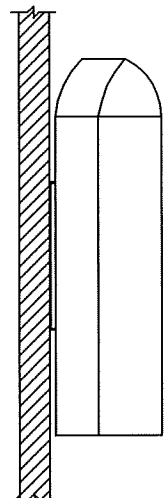


529 North Barron Boulevard
Grayslake, IL 60030
(847)223-1891 (847)223-1892 FAX
website: www.3ddesignstudio.com
email: info@3ddesignstudio.com

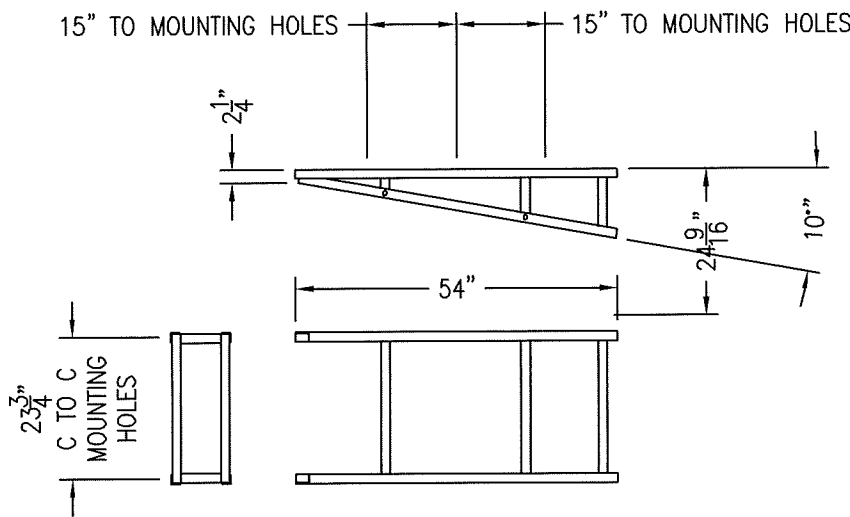
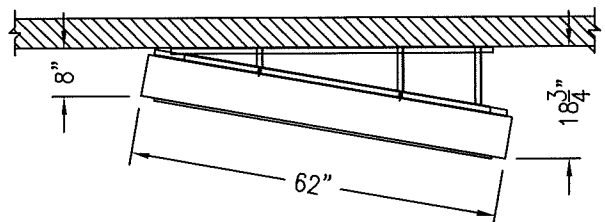
Jimmy John's - Store #59C
Landscape Plan



scale	AS NOTED
design	3D
date	7.1.15
revision	
revision	
revision	

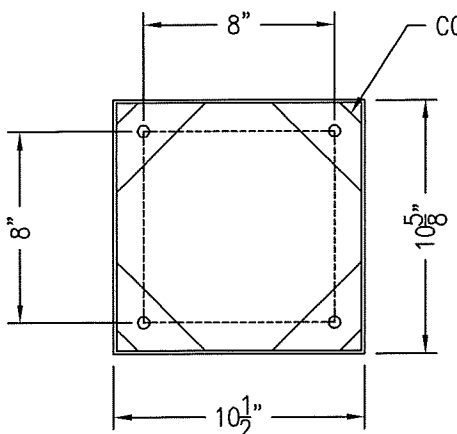


WALL MOUNT O-MENU
MOUNTED TO WALL WITH WALL MOUNTING
BRACKETS



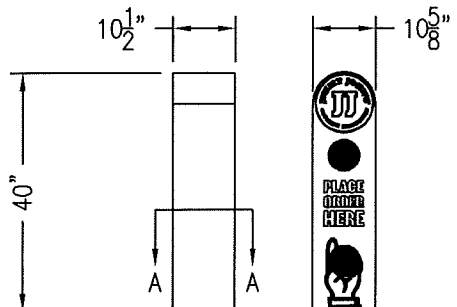
WALL MOUNTING BRACKETS
STEEL ANGLE BRACKETS CAN BE MOUNTED
LEFT OR RIGHT TO ALLOW 10° TILT ON
CABINET (6 MOUNTING HOLES - 3 TOP AND
3 BOTTOM OF BRACKET)

BRICK SHOWN (ACTUAL WALL TYPE MUST
BE DETERMINED TO SPECIFY FASTENERS)

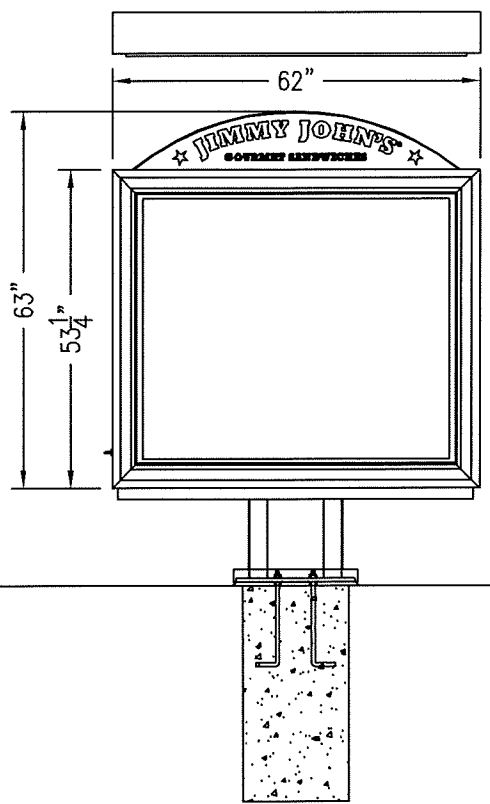
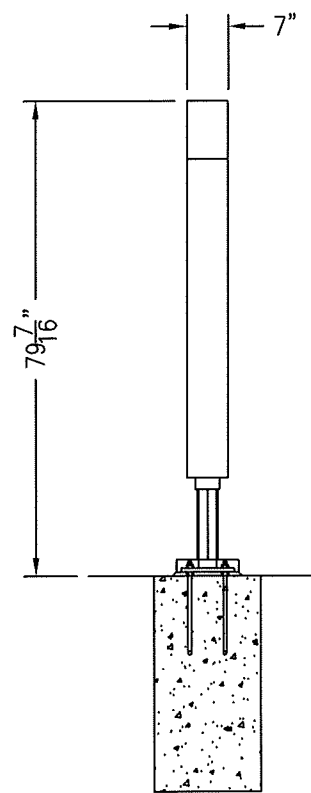


SECTION A-A

CORNER STRAPS WITH PRE-DRILLED MOUNTING HOLES



SPEAKER PEDESTAL
MOUNTED TO CONCRETE WITH 4 EA 1/2" X
6" REDHEAD CONCRETE WEDGE ANCHORS (OR
EQUIVALENT FASTENERS).



GROUND MOUNT O-MENU
MOUNTED TO CONCRETE FOUNDATION WITH
(4) EA 5/8" "J" ANCHOR BOLTS

National Sign Systems
4200 LYMAN COURT
HILLIARD, OH (614) 850-2540
FOR A FREE QUOTE, VISIT US AT www.nssusa.com
OR CALL 1-800-850-2540
WE ARE A 100% AMERICAN OWNED AND OPERATED COMPANY.
ALL MATERIALS ARE OF THE HIGHEST QUALITY.

KEC design
FOODSERVICE EQUIPMENT
JIMMY JOHN'S
COMMERCIAL KITCHENS

PROJECT DESCRIPTION JIMMY JOHN'S O-MENUS AND SPEAKER PEDESTAL		REVISION REF. # AND DATE	SCALE 1/4"=1'
PAGE DESCRIPTION SITE DRAWING		A 06/25/09	SHEET 1 OF 1
CLIENT JIMMY JOHN'S	CONTACT PERSON N/A		DRAWN BY AVM
ADDRESS JIMMY JOHN'S	CITY STATE ZIP		DATE FILE CREATED 06/12/09
JOB SITE LOCATION JIMMY JOHN'S	CITY STATE ZIP		DWG FILE # 107882COMBINEDSITE
ADDRESS			PART # 9000