

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: April 12, 2021

To: Plan Commission
From: Matt Tucker, Zoning Administrator
Subject: 720 E. Dayton Off-Street Parking Facility

At its April 12, 2021 meeting, the Plan Commission will consider a Conditional Use request for an off-street parking facility at the subject property. The purpose of this memo is to provide details regarding the historical use of the property, clarify the staff position relative to the legal status of the use of the property and the status of the current code enforcement action for noncompliance with City code.

Historical use of the property

City records indicate the property was being used illegally for vehicle parking back in 1955. A letter outlining this noncompliance and the requirements for installing a legal parking lot was sent to the owner in 1959. Requirements at that time included paving with asphalt or concrete, grading/drainage requirements, and that bumper-guards be placed adjacent to all sidewalks and lot perimeter, so that adjoining property cannot be harmed. No records indicate the lot was improved between 1959 and 1966. No further enforcement action was taken, so it can be assumed the parking use was eliminated, and the lot was maintained as a vacant lot.

In 1966, the subject property was approved to provide off-street parking for a nearby tavern use located at 703 E. Johnson Street. The tavern had no off-street parking facilities, and needed to arrange off-street parking in proximity to gain approvals from the City to open. At that time, the Madison Zoning Board of Appeals was empowered to approve off-site parking exceptions for uses. The approval for the use at 703 E. Johnson St. required the paving of 720 E. Dayton Street for ten (10) parking spaces, with the remainder of the lot to be maintained as grass and fencing installed around the site.

In 1981, a subsequent variance was granted to further reduce parking for the tavern at 703 E. Johnson to zero spaces, eliminating the need for a parking arrangement with 720 E. Dayton Street. This variance effectively ended the approval of use for the parking lot at 720 E. Dayton Street. There are no subsequent records approving use of the property as a parking facility.

Legal status of the property

Since there are no further approvals for use of the parking facility in the City record since 1981, the City's position is that the property is not to be used for parking (or any other use). The lot is no longer required to follow any conditions of the Zoning Board of Appeals variance granted in 1966, and need not be paved, striped and otherwise maintained as a parking facility. There are

no Notices of Violation or inspector notes in the record until 2019 regarding illegal parking or property maintenance, and this property is considered a vacant lot with no approved use.

The property was most-recently used as a construction staging site for a nearby construction project, to minimize construction impacts that often require partial street closure. The City typically does not object to this type of temporary use, so long as the site is maintained in an orderly fashion and secured. No land use approvals or zoning certificate is approved for a temporary construction staging site use, and the site must be restored to the pre-existing condition, which in this case was a vacant lot.

Current code enforcement action

In late-summer 2019, the city received a complaint that addition of gravel material had been added to the site and the entire lot was being used for surface parking. A subsequent inspection found this complaint to be valid. An Official Notice of Violation was sent to the owner during October 2019. The matter was not resolved in a timely fashion, and the case was turned over to the City Attorney's office for prosecution.

The owner agreed to apply for a Conditional Use approval for the parking facility, resulting in the current request at the Plan Commission. The code enforcement case is on hold until the Conditional Use request is completed. The matter of current noncompliance will be resolved should the Conditional Use be approved and the approved site plan implemented, or the parking use ceases, paving material added (gravel) to the satisfaction of the City, and the site is returned to and maintained as a vacant lot.