



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, July 23, 2015

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room LL-110 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Corigliano, chair, called the meeting to order at 5:04 pm and explained the appeals process.

Staff Present: Matt Tucker and Chrissy Thiele

Present: 5 - John W. Schlaefter; Susan M. Bulgrin; Dina M. Corigliano; Winn S. Collins and Frederick E. Zimmermann

Excused: 2 - Savion J. Castro and Peter A. Ostlind

APPROVAL OF MINUTES

A motion was made by Schlaefter to approve the June 25, 2015, minutes, seconded by Zimmerman. The motion passed by voice vote/other, with Corigliano and Bulgrin abstaining.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [39197](#) Kim Egan, owner of property located at 3101 Grandview Boulevard, requests a variance to allow for screening fence taller than 6 feet.
Ald. District #14 Carter

Attachments: [3101 Grandview Blvd.pdf](#)
[ZA Report.pdf](#)

Tucker introduced the project as having a zoning code of 6' maximum screening fence height, while the property owner requests for the screening fence on the north side of his property, parallel to the retaining wall, have an 8' height. Therefore, the applicant is requesting a 2' screening fence height variance. Property is zoned SR-C1.

Kim Egan, the applicant, acknowledged that board probably would not approve the entire fence in question, but he would like to request a variance for the portion of the fence that is near the retaining wall, supporting his concrete patio. He invited neighboring property owners to discuss the fence when they installed the posts and informed them where he would place the end caps. Egan explained that a lot of traffic on his property occurs in that area and the same can be said for the property owner on the other side of the fence. He would like the fence height to remain 8' there to keep the privacy.

Tucker clarified for board members the various ways people could build fences and be compliant with the zoning code. He also requested board members to not assume the silence of the neighboring property owner to be support for the variance.

Schlaefer motioned to approve the variance request, seconded by Bulgrin.

Board members agreed that the slope of the property is a unique characteristic of the property. They debated whether or not the zoning code created a burden, or how the variance request met the spirit and intent of the code. Board members also debated whether the fence was detrimental to the neighboring property.

The motion to approve the variance request failed (2-3) by voice vote/other (Schlaefer and Zimmerman in support and Corigliano, Bulgrin, and Collins in opposition).

2. [39198](#)

Avenue Shoppes, LLC, owner of property located at 1791 Thierer Road, requests a variance from supplemental regulations for vehicle access sales and services window, to allow for placement between the principle structure and a public street.
Ald. District #17 Baldeh

Attachments: [1791 Thierer Rd.pdf](#)
 [ZA Report.pdf](#)

Tucker introduced the project, explaining an existing restaurant would like to install a vehicle access sales and services window in the general area between the side façade of the building and the adjacent street. However, supplemental regulations of the zoning code for a CC-T district may not have vehicle access sales and services window, or any associated facilities, between the building and adjacent public street. Therefore, the applicant is requesting a variance to permit such facility.

Tim Meseck, representing Jimmy Johns, explained to board members that this restaurant was recently acquired by Corporate and are currently remodeling the space for new technology and better efficiency for the interior space. As part of that, Jimmy John's standards typically involve providing drive-through services and this should increase the number of sales, as well as provide a new service for existing sales. The site is unique in that instead of the building facing the street, they face the parking lot; also the side yard, which the rear of the building faces, is very narrow and already contains air conditioning equipment and egress doors that need to be maintained, severely limiting the placement of the service window in the side yard. Meseck pointed out there is a drive lane behind the east shopping center that is under-utilized and is sufficient width as a drive lane for the service window. Peak traffic should occur during lunch hours. They also plan on adding additional landscaping between the service window and the public road to act as a buffer.

Josh Snapp, Area Manager for Madison, clarified for board members that the air conditioners located on the back of the building are elevated and have pillars for protection from cars. He also explained to board members that delivery trucks for their space, as well as the other tenants in the building, come in the early morning and unload their deliveries in front of the building, not the rear.

Corey Rademacher, also representing Jimmy Johns, explained to board members that if they were to locate the service window on the back of the building, it would reduce the efficiency of staff and they would lose a few seats in the restaurant.

Tucker clarified that this project will have to be approved by the Plan Commission as a Conditional Use for the vehicle access sales and services window and Building Inspections will review the site for ADA compliancy. Tucker also pointed out the code requirements for queuing behind ordering windows and pick-up windows.

Theresa Soik, representing UW Health, explained that their property is adjacent to Jimmy John's location and have had problems in the past with water runoff. A curb was installed between the buildings to help manage this, but she is afraid that any site change would cause this problem to start up again. She requested that a civil engineer review the plan if approved.

Schlaefer motioned to approve the variance request, seconded by Collins.

Board members agreed that the placement of the building, as well as the location of the HVAC equipment, limits the location of the drive-through window to only the proposed location, making it unique as well as creates the hardship. The slope of the road and the additional landscaping would help minimize the impact, meeting the intent of the code. They thought the variance request would have a limited impact on the surrounding properties and pointed out that, as the area is very car oriented, the request isn't unordinary for the area.

The motion to approve the variance request passed (5-0) by voice vote/other.

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Tucker announced that the Common Council approved two new board members to the ZBA.

ADJOURNMENT

The meeting adjourned at 6:18 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, July 16, 2015