



**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: 734 Holy Cross Way Madison, WI

Name of Owner: Holy Cross Lutheran Church

Address of Owner (if different than above): 2670 Milwaukee St. Madison, WI. 53704

Daytime Phone: 608-249-3101 Evening Phone: 608-249-3101

Email Address: mbartels@holycrossmadison.org

Name of Applicant (Owner's Representative): David C. Baum

Address of Applicant: 311 E. Chicago Suite 310 Milwaukee, WI. 53202

Daytime Phone: 414-276-1760 Evening Phone: 414-899-4418

Email Address: dbaum@sha-a2k.com

Description of Requested Variance:

We are requesting a variance to Supplement Regulation 28J of the Madison Zoning Code for Places of Worship and School. This section of the code requires churches to have vehicular access to a "Collector" or higher classification street. We are specifically asking that our church/school/early childcare center be allowed to be constructed on a secondary street per our original intent.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: \$300
Receipt: Check 032088
Filing Date: 2-5-15
Received By: DJM
Parcel Number: 0810-344-0414-5
Zoning District: SR-C1
Alder District: 17-Clausius

Hearing Date: 2-26-15
Published Date: 2/19/15
Appeal Number: _____
GQ: _____
Code Section(s): 28.151
Place of Worship (b)
School

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 subject parcel of land was sub-divided and purchased by Bill Ziegler for Holy Cross Lutheran Church in 2005 specifically for the purpose of constructing a Church/School/Early Childcare Center. Arnold and O'Sheridan submitted documentation to the Madison Engineering Department on October 10, 2005 related to the Eagle Crest Subdivision and the Holy Cross Church project. Subsequent to the purchase of this land, the City of Madison changed their zoning ordinance to adopt the language of section Supplemental Regulation 28J. It is the adoption of this ordinance that has caused our intended use to be nonconforming

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.

We understand that the intent of section 28J of the zoning code is to keep the heavier traffic associated with churches, schools and early childcare centers on larger roadways and away from minor residential roadways. Based on documentation submitted in October of 2005, we understand that Madison was made aware of the pending church project and the name of the road was changed from Fairview Drive to Holy Cross Way. We believe that the location of our property and the make-up of Holy Cross Way meets the intent of this code section. While Holy Cross Way is not a Collector class roadway, it also is not a minor road within a subdivision. Holy Cross Way, while being classified as a secondary roadway, provides very limited access to the surrounding neighborhood. Aside from our church parcel, Holy Cross Way only has 6 residential lots that front it. Furthermore, Holy Cross Way only connects to three streets; Commercial Ave to the South and Eagle Crest Dr. to the West, both Collector class roads, along with Vernon Rd. a dead end street.

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.

It is our understanding that Madison has been aware that a church facility would be developed on this site since 2005. If we are required to comply with the strict letter of this ordinance our facility could not be built as it was envisioned 9 years ago. The property is locked in by development on three sides and an Interstate Highway on the fourth. At this time we have no ability to create a "Collector" class street that can access the site. As a result, this ordinance is creating a burden that would result in the church not being able to be constructed.

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 hardship has been solely created by the adoption of Supplemental Regulation 28J in 2013. The adjacent subdivision was platted and sold with the Church facility as part of its original Platting. Other newer neighboring developments were platted and sold after the church project was originally accepted by Madison. To this date, we have encountered no objections from any person who has a present interest.

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

The subdivisions within the surrounding area have been developed with a clear understanding that this church was proposed. The area has developed with the full knowledge that the church would be constructed at some point in the future. Therefore, we see no detriment to any of the surrounding properties.

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

We believe that our project is compatible with the immediate neighborhood. The character of our building is in keeping with the materials and scale of the adjacent homes. The traffic impact will be mainly felt on larger roads in the area. This is because Holy Cross Way connects to Commercial Ave to the South and Eagle Crest Drive to the West. Both of these roads would be considered "Collector" class. The only other road connecting to Holy Cross Was is Vernon Rd. which is a dead end Cul-du-Sac.

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 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")
<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.
<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: Rev Mark F. Batela **Date:** 2/5/15

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

<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 checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved
Zoning Board of Appeals Chair:		
Date:		



October 10, 2005

Mr. Greg Fries
City of Madison Engineering Department
210 Martin Luther King Jr. Boulevard
Madison, WI 53703

**Re: Eagle Crest Subdivision
A&O Project No. 020112
Revised Report 10/10/05**

Dear Greg:

Arnold & O'Sheridan, Inc. has prepared a Storm Water Report for the Eagle Crest Subdivision project in accordance with the City of Madison's Storm Water Management requirements.

Storm water quantity and quality facilities are provided for by a proposed detention pond on the project site. A storm water infiltration system and grease and oil control are required per the City of Madison requirements. Thermal treatment is not required for this project.

The enclosed report describes proposed storm water systems. Please contact me if any additional information is required.

Sincerely,

ARNOLD & O'SHERIDAN, INC.
CONSULTING ENGINEERS

David D. Andruczyk, P.E.
Associate Director of Civil Engineering

Enclosure

cc: Bill Ziegler,
Madison Crushing,
5185 Reiner Road

1111 DEMING WAY, SUITE 200, MADISON, WI 53717
TELEPHONE: (608) 821-8500 FACSIMILE: (608) 821-8501

4125 N. 124TH STREET, BROOKFIELD, WI 53005
TELEPHONE: (262) 783-6130 FACSIMILE: (262) 783-5121

W I S C O N S I N O F F I C E S I N M A D I S O N A N D M I L W A U K E E



Construction • Geotechnical
Consulting Engineering/Testing

August 10, 2005
C05282

Mr. Bill Ziegler
Eagle Aerie, LLC
3726 Fairview Drive
Madison, WI 53704

Re: Geotechnical Exploration Report
Holy Cross Way/Fairview Drive and Tony Drive
Madison, Wisconsin

Dear Mr. Ziegler:

Construction • Geotechnical Consultants, Inc. (CGC) has completed the geotechnical exploration program for the project referenced above. The purpose of this exploration program was to evaluate the subsurface conditions within the proposed roadway construction areas and to provide geotechnical recommendations regarding site preparation and asphalt pavement and utility design/construction. Two copies of this report are provided for your use, and additional copies can be provided upon request.

PROJECT DESCRIPTION

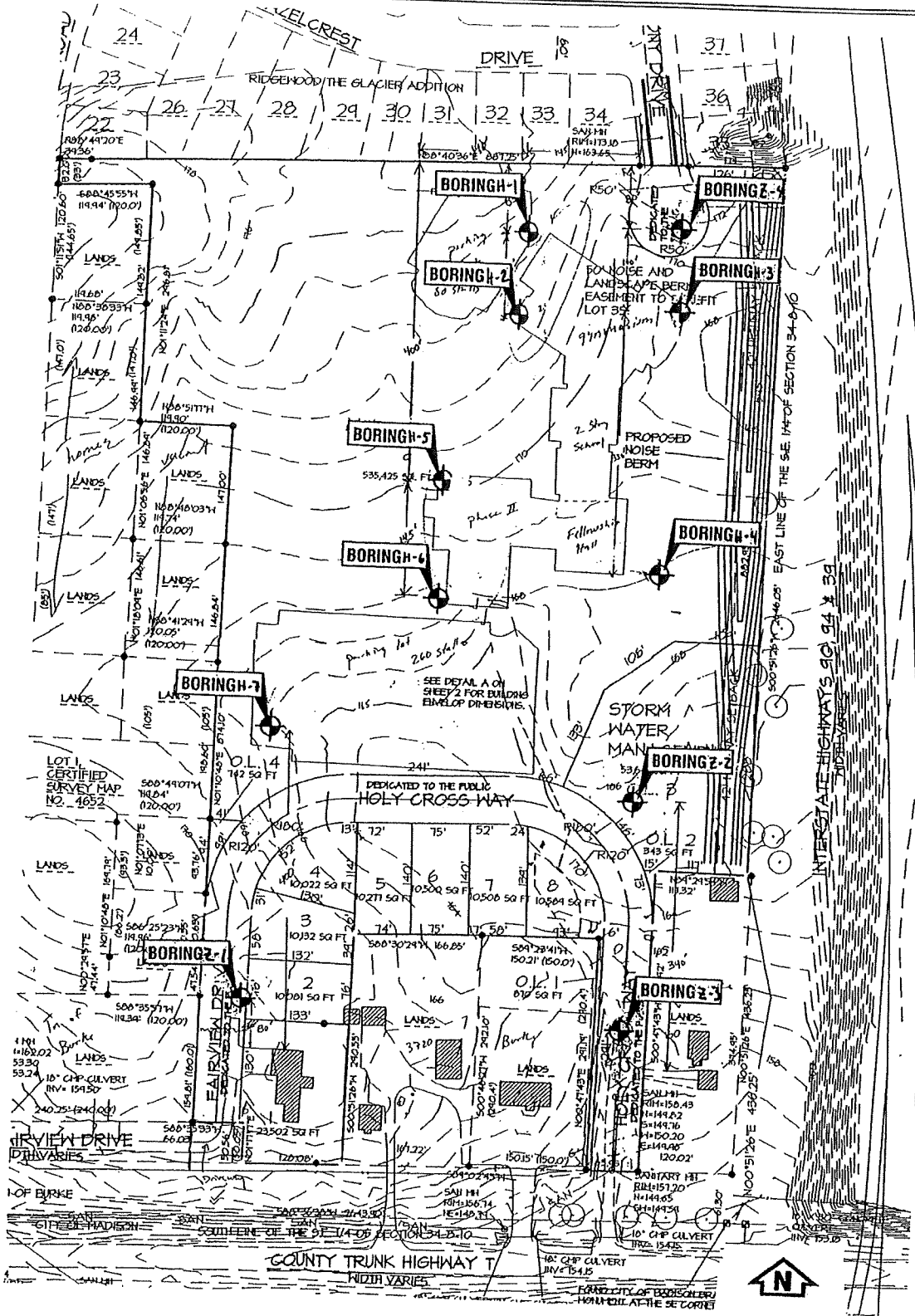
We understand that Fairview Drive will be extended east, and a new, 'U'-shaped road (Fairview Drive/Holy Cross Way) will be constructed. Additionally, a cul-de-sac at the southern end of Tony Drive will be constructed. Proposed roadway elevations and utility depths were not available at the time of this report.

SITE CONDITIONS



The area of the proposed roadway construction is currently mostly farm field planted in corn. The southern portions of Fairview Drive/Holy Cross Way are grass and gravel covered. Near the future extension of Tony Drive, the site slopes down gently from north to south with approximately 3 to 4 ft of grade change. The topography in the area of proposed Holy Cross Way/Fairview Drive is somewhat variable with total grade changes of approximately 10 ft.

SUBSURFACE CONDITIONS

Subsurface conditions on site were explored by drilling a total of four Standard Penetration Test (SPT) soil borings to depths of 15 ft below existing site grades. A boring (Boring H-7) from the Holy Cross Church and School project north of Fairview Drive/Holy Cross Way was relatively close to the proposed roadway and is also included. The locations were selected and staked in the field by CGC in consultation with you. Ground surface elevations at the boring locations were estimated using a topographic map provided by Arnold and O'Sheridan. The borings were drilled on July 26, 2005 by Badger State Drilling (under subcontract to CGC) using a truck-mounted rotary drill rig equipped with hollow-stem augers. The boring locations are shown in plan on the Soil Boring Location Map attached in Appendix B.

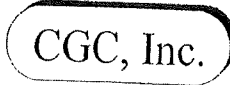


Legend

-  Z-1 through Z-4 Soil Boring Location and Number for Holy Cross Way and Tony Drive
-  H-1 through H-7 Soil Boring Location and Number for Holy Cross Church and School

Scale: Reduced

- NOTES
1. Borings drilled by Badger State Drilling in July 2005.
 2. Preliminary base map provided by Arnold and O'Sheridan.
 3. Boring locations are approximate.

Date: 8/05		SOIL BORING LOCATION MAP Holy Cross Way/Fairview Drive and Tony Drive Madison, Wisconsin
Job No. C05282		

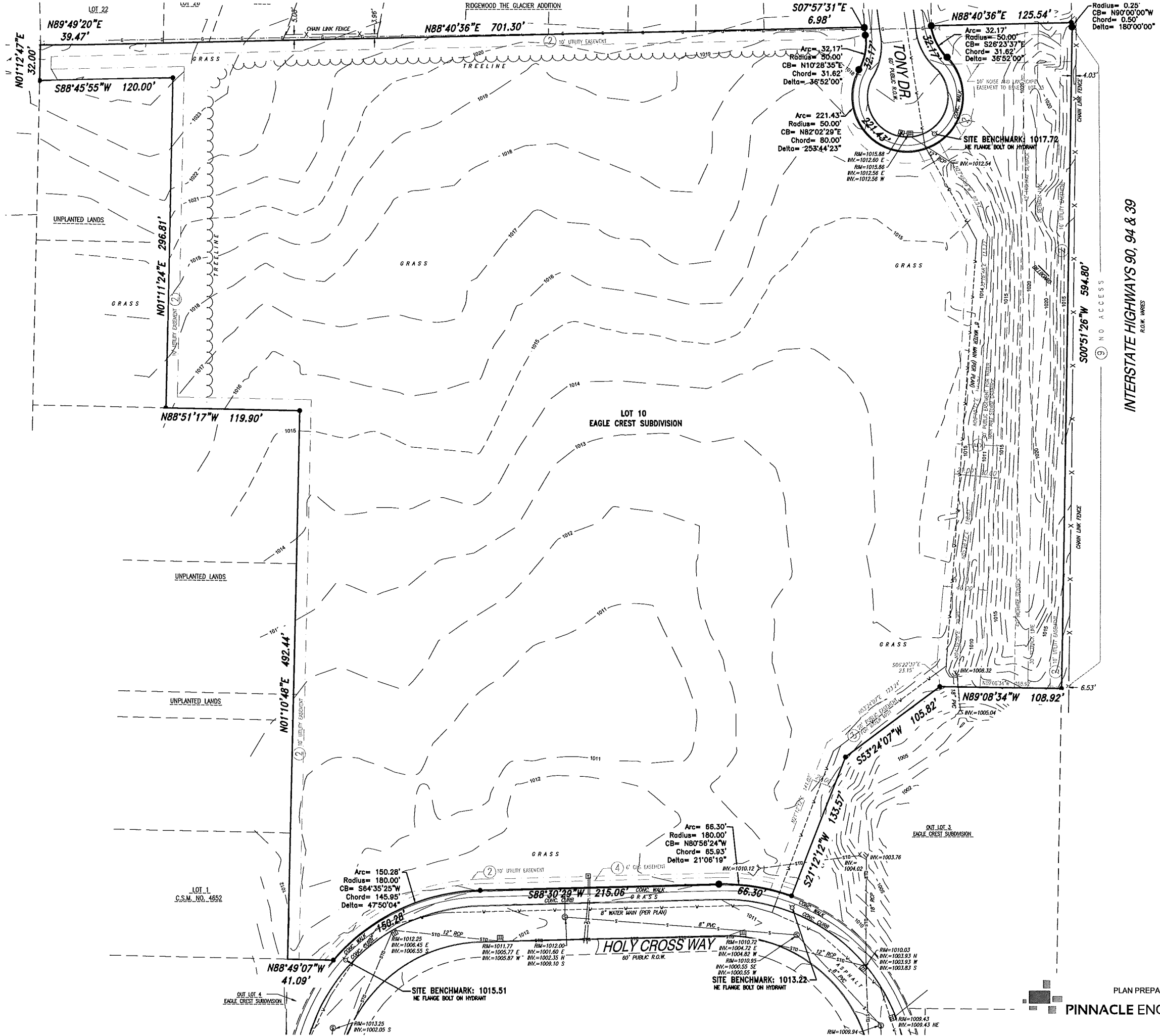
3 Post-Developed Condition

3.1 Written Description

The proposed subdivision is 19.09 acres. The land use is broken up as follows; 12.02 acres will be a new church, 5.97 acres will be a combination of existing and new residential, and 1.10 acres will be a new wet detention pond. 1.71 acres of the proposed subdivision do not fall within the aforementioned 22.09 acre drainage basin.

The storm water management was designed based on the 22.09 acre drainage basin; 12.02 acres of commercial (church) land, 4.65 acres of off-site residential land, 4.32 acres of on-site residential land, and 1.10 acres for detention. This drainage basin contains 3.37 acres of land that can not be routed through the detention pond. The remaining 18.72 acres have been used to size the storm water management devices.

*See next sheet for post-development drainage area.



HOLY CROSS LUTHERAN
734 HOLY CROSS WAY
MADISON, WI 53704

DEVELOPED BY:

INTERSTATE HIGHWAYS 90, 94 & 39
R.O.W. WREDS

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
	01/30/15	PEG	PERMIT SET

EXISTING CONDITIONS

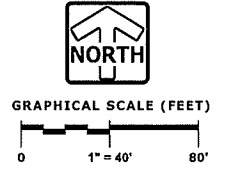
SCALE: 1"=40' SHEET:

PROJECT #: 1203

DRWN BY: BDP

CHKD BY: AEK

DATE: 01/01/15



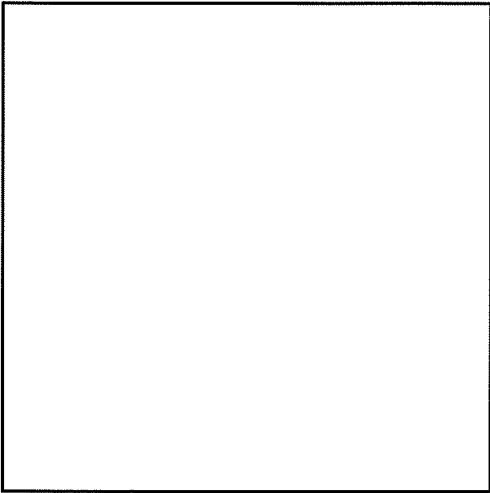
PLAN PREPARED BY:
PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

C1.0

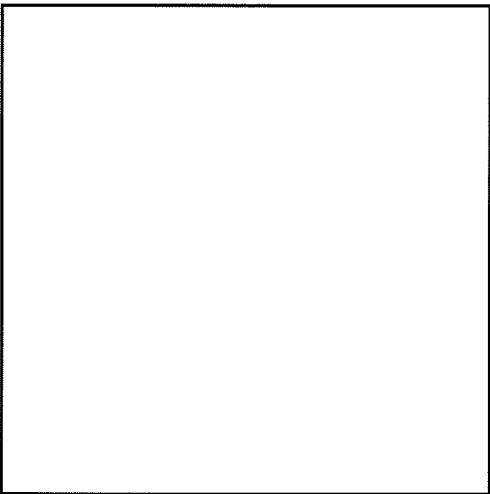
2015-01-30 Permit Set

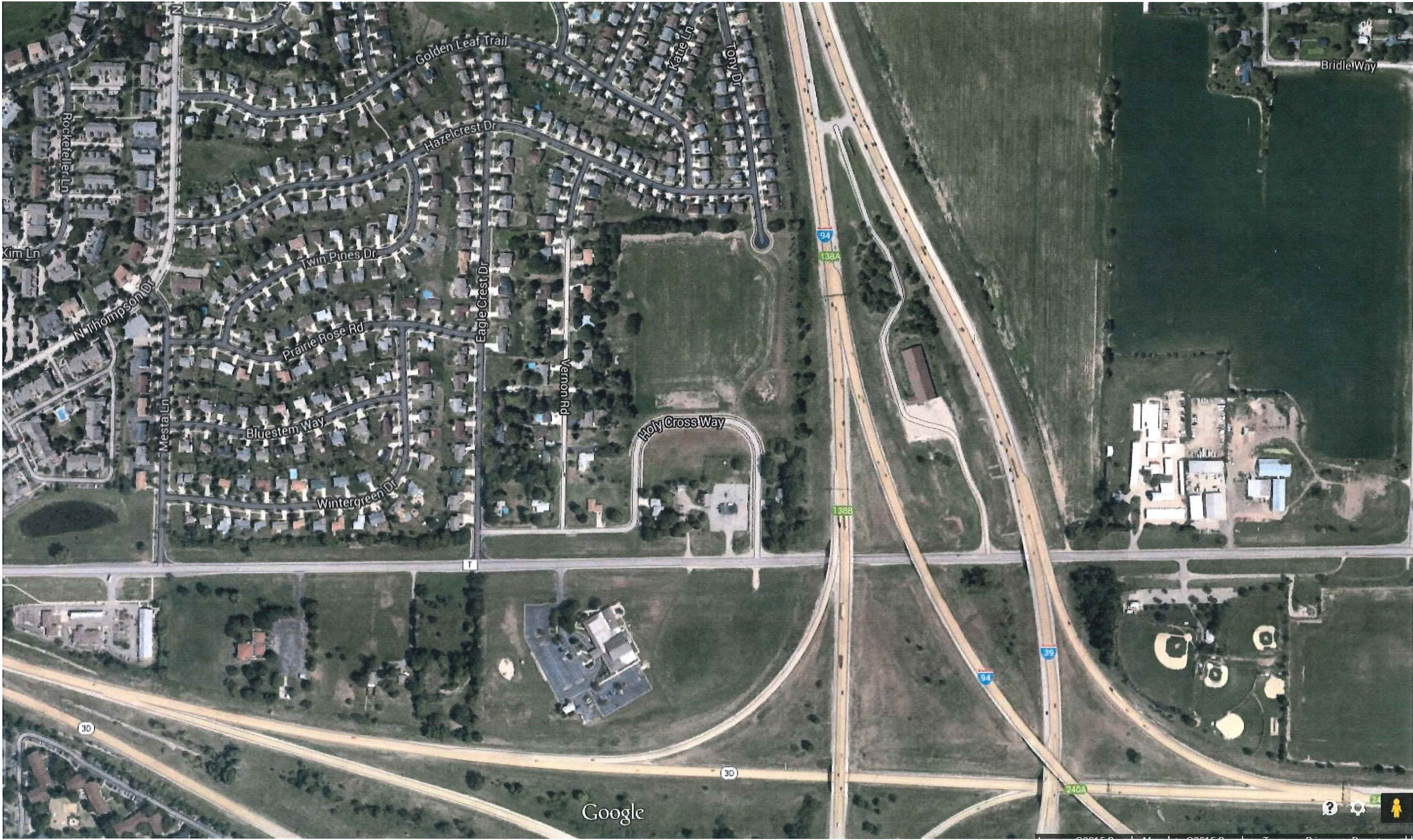
KEY PLAN:

ARCHITECTURAL:



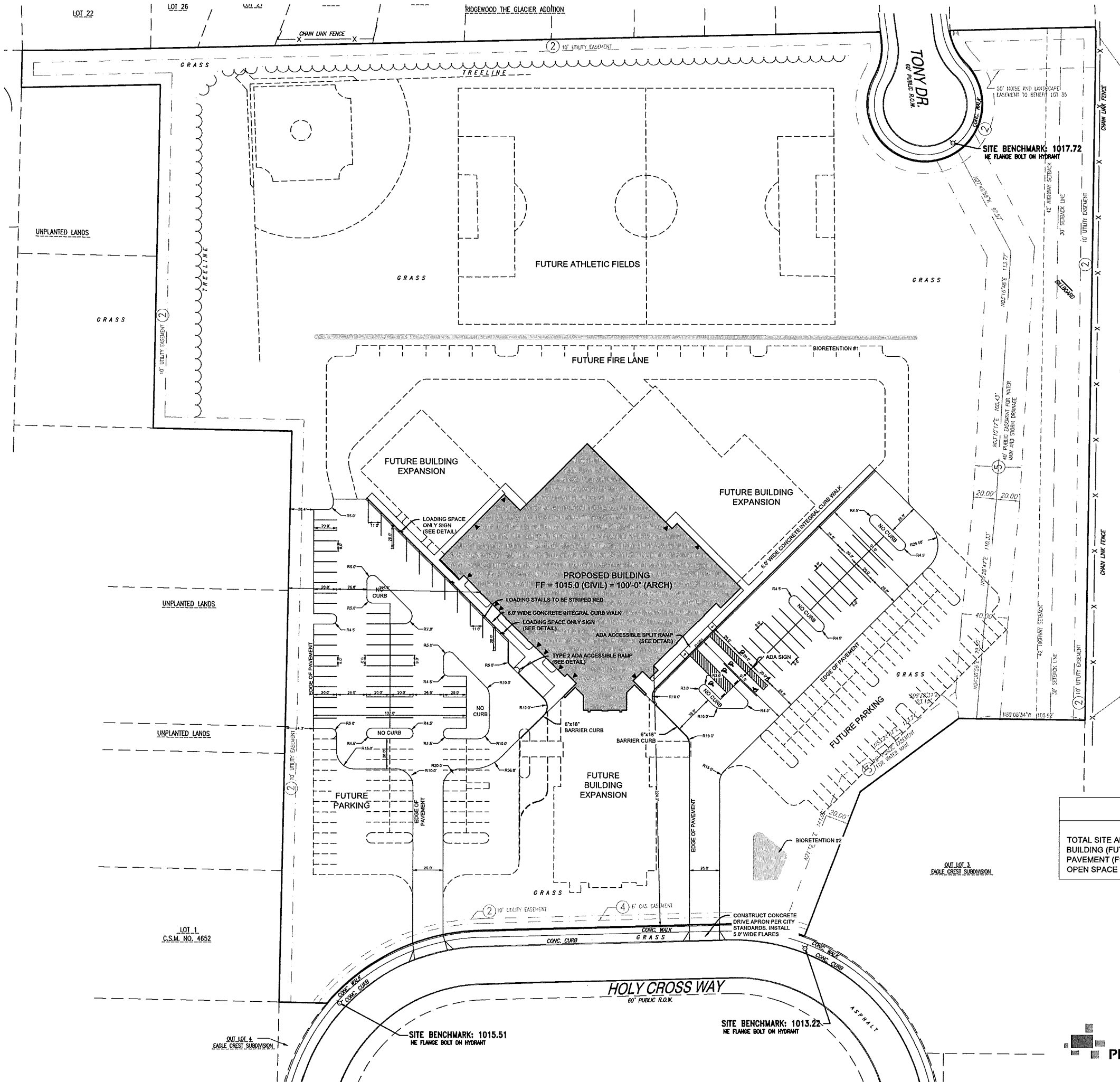
STRUCTURAL:





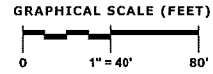
Google





INTERSTATE HIGHWAYS 90, 94 & 39
R.O.W. WARE

SITE DATA			
	AREA (sf)	AREA (ac)	PERCENTAGE
TOTAL SITE AREA:	535,419	12.3	
BUILDING (FUTURE INCLUDED)	65,738	1.5	12.3%
PAVEMENT (FUTURE INCLUDED)	122,452	2.8	22.9%
OPEN SPACE	347,229	8.0	64.9%



PLAN PREPARED BY:
PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

A2K
A Subsidiary of Schneider & Holt Architects

311 East Chicago Street
Suite 310
Milwaukee, WI 53202

p. 414-727-2321
f. 414-276-1764
www.sha-a2k.com

HOLY CROSS LUTHERAN
734 HOLY CROSS WAY
MADISON, WI 53704

DEVELOPED BY:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
	01/30/15	PEG	PERMIT SET

SITE PLAN

SCALE: 1"=40' SHEET:
PROJECT #: 1203
DRWN BY: BDP
CHKD BY: AEK
DATE: 01/10/15

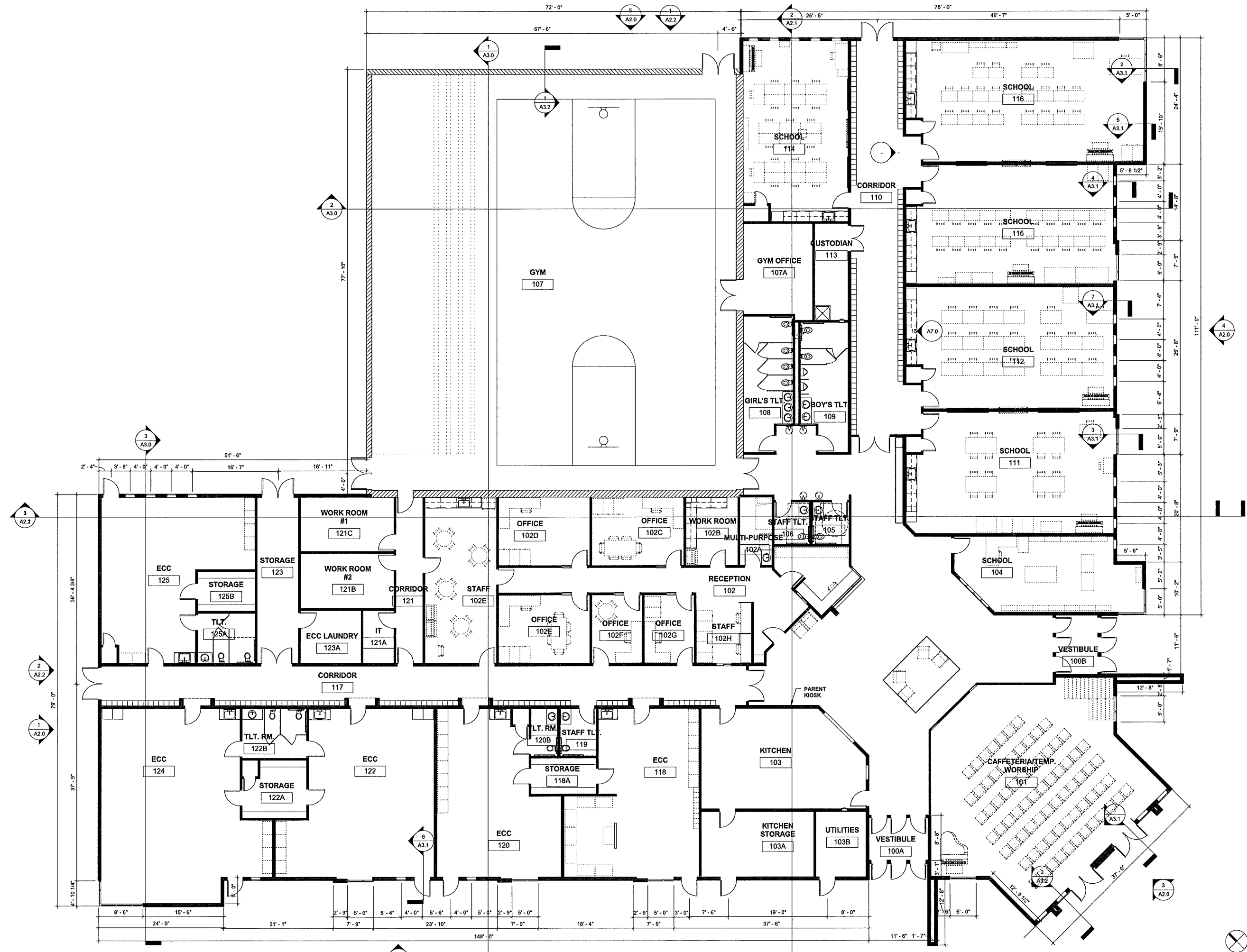
C2.0

2015-01-30 Permit Set

HOLY CROSS LUTHERAN
734 HOLY CROSS WAY
MADISON, WI

DEVELOPED BY:
HOLY CROSS LUTHERAN

- GENERAL NOTES:**
- ALIGN SHEATHING WITH FOUNDATION WALL BELOW.
 - DIMENSIONS WITH "" ARE SHOWN AS ROUGH OPENINGS FOR SPECIFIC PRODUCTS BASED ON CURRENT INFORMATION AVAILABLE. CONTRACTOR SHALL VERIFY AS APPROPRIATE.
 - ALL OTHER DIMENSIONS ARE TO FACE OF STUD. VERIFY ALL ROUGH & MASONRY OPENINGS w/APPROVED SHOP DRAWINGS.
 - CONTRACTOR TO INSTALL EQUIPMENT PER MANUFACTURER'S REQUIREMENTS.
 - PROVIDE GFI RECEPTACLES AS REQUIRED BY CODE
 - ALL APPLIANCES SHALL BE OWNER PURCHASED, CONTRACTOR INSTALLED
 - CONTRACTOR TO PROVIDE SOLID WOOD BLOCKING AS REQUIRED IN STUD WALLS WHICH ARE TO RECEIVE SURFACE MOUNTED EQUIPMENT, ACCESSORIES, CASEWORK, AND OWNER FURNISHED FURNITURE.
 - ALL PLUMBING FIXTURES SHALL BE ACCESSIBLE.
 - CONTRACTOR TO PROVIDE DESIGN-BUILD SERVICES FOR MECHANICAL, ELECTRICAL, PLUMBING, FIRE PROTECTION, FIRE ALARM AND LOW VOLTAGE. SUCH ITEMS SHALL BE INCLUDED IN BID.
 - EACH CONTRACTOR SHALL COORDINATE THEIR WORK WITH THE OWNER, THE OWNER'S OTHER CONTRACTORS, AND ALL OTHERS AT THE SITE.
 - MECHANICAL, PLUMBING, FIRE PROTECTION, AND ELECTRICAL WORK IS DESIGN BUILD. SUCH ITEMS ARE SHOWN FOR REFERENCE AND COORDINATION PURPOSES ONLY.



1 OVERALL FIRST FLOOR
1/8" = 1'-0"

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	12/13/11	DCB	PERMIT COMMISSION

OVERALL FIRST FLOOR PLAN

SCALE: As indicated SHEET:
PROJECT #: 1203
DRWN BY: BAB
CHKD BY: DCB
DATE: **A1.0**



2015-01-30 PERMIT SET

HOLY CROSS LUTHERAN
734 HOLY CROSS WAY
MADISON, WI

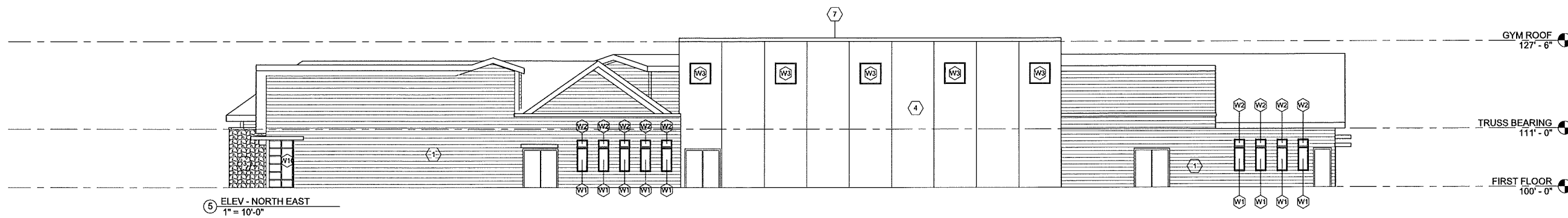
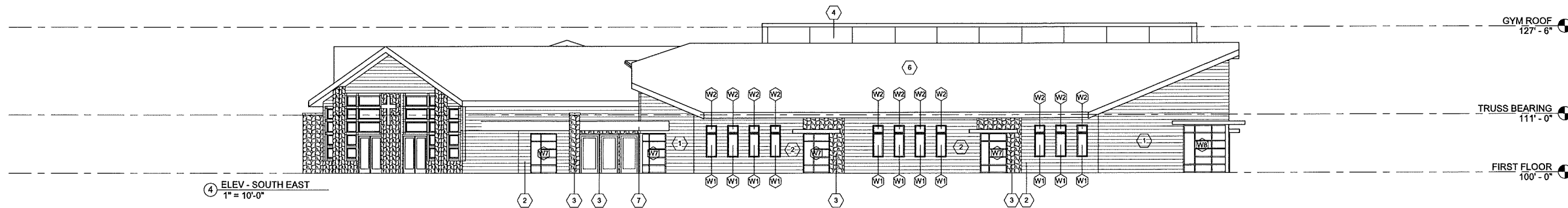
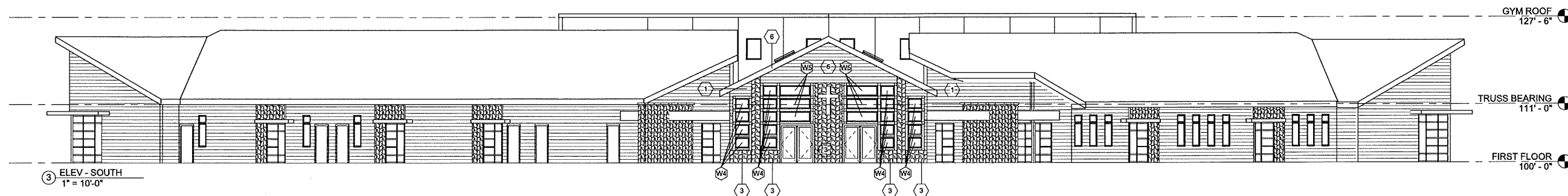
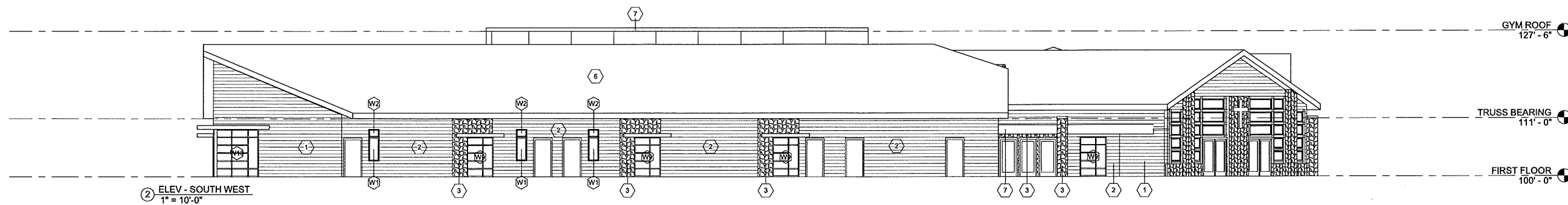
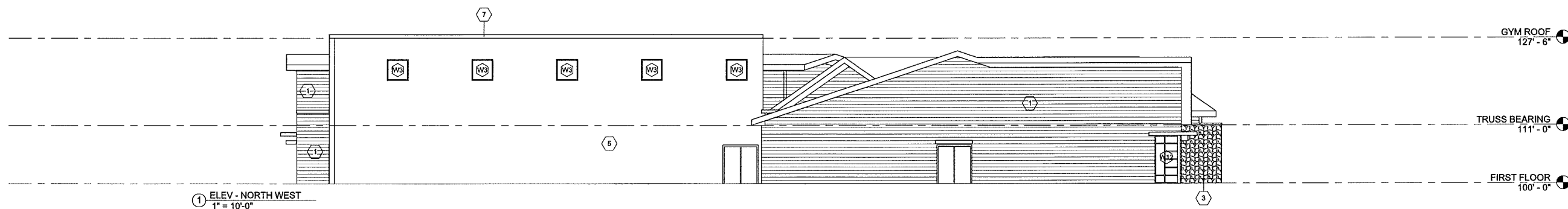
DEVELOPED BY:
HOLY CROSS LUTHERAN

EXTERIOR ELEVATION NOTES:

1. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS.

ELEVATION KEYNOTES

- ① LP SMARTSIDE COLOR 1
- ② LP SMARTSIDE COLOR 2
- ③ MANUFACTURED STONE
- ④ PRECAST CONCRETE PANEL
- ⑤ METAL BUILDING
- ⑥ ASPHALT SHINGLES
- ⑦ EPDM ROOF SYSTEM



INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
	1/30/15	DCB	PERMIT SET

EXTERIOR ELEVATIONS

SCALE: As indicated SHEET:
PROJECT #: 1203
DRWN BY: BAB
CHKD BY: DCB
DATE:

A2.0

HOLY CROSS LUTHERAN
734 HOLY CROSS WAY
MADISON, WI

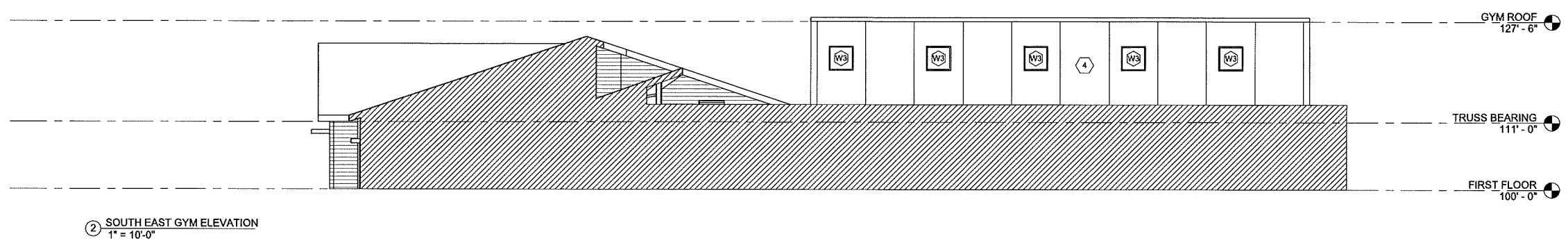
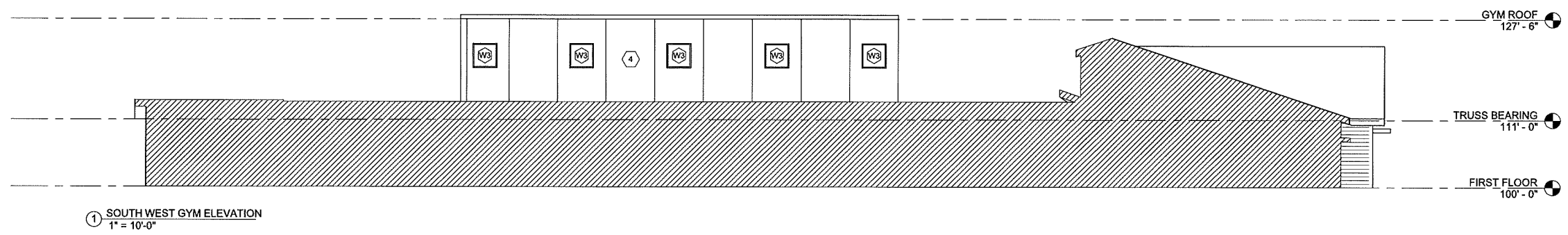
DEVELOPED BY:
HOLY CROSS LUTHERAN

EXTERIOR ELEVATION NOTES:

1. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS.

ELEVATION KEYNOTES

- ① LP SMARTSIDE COLOR 1
- ② LP SMARTSIDE COLOR 2
- ③ MANUFACTURED STONE
- ④ PRECAST CONCRETE PANEL
- ⑤ METAL BUILDING
- ⑥ ASPHALT SHINGLES
- ⑦ EPDM ROOF SYSTEM



INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
	1/30/15	DCB	PERMIT SET

EXTERIOR ELEVATIONS

SCALE: As indicated SHEET:
PROJECT #: 1203
DRWN BY: BAB
CHKD BY: DCB
DATE:

A2.1

2015-01-30 PERMIT SET