

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
734 Holy Cross Way

**Zoning:** SR-C1

**Owner:** Holy Cross Lutheran Church

**Technical Information:**

**Applicant Lot Size:** Irregular Lot

**Minimum Lot Width:** 60'

**Applicant Lot Area:** 535,428 sq. ft.

**Minimum Lot Area:** 8,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.044(2)

**Project Description:** Construct new place of worship (church) and private school, with daycare facilities.

Zoning Ordinance Requirement: Sec. 28.151, *Supplemental Regulation* for a place of Worship and a School requires that "A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street."

Requested Variance: establish the facility at the property, which is located on a "local" classification street.

**Comments Relative to Standards:**

1. Conditions unique to the property: The property was subdivided in 2005 specifically for the purpose of building a future church and school. The property exists, and its use and development is generally appropriate only for an instructional use such as the proposed use, or perhaps a park. Further subdivision to residential lots is unlikely.
2. Zoning district's purpose and intent: The regulations being requested to be varied is the requirement to locate the facility on a collector or higher classification street. In consideration of this request, the regulation is intended to ensure a facility of this type has appropriate access to a street that can handle the load of traffic that such a facility could create. The adjacent street, Holy Cross Way, crosses City and Township jurisdictions, with direct access on the eastern end to Commercial Avenue, and is classified as a "standard arterial." So, the adjacent local street feeds directly to an arterial. Although the facility itself will not front on a collector or higher street, the most direct access to the facility is a relatively short path on the local street to the arterial.

3. Aspects of the request making compliance with the zoning code burdensome: The lot exists and was originally platted for an institutional use, and can't be developed for similar use without a variance from this requirement.
4. Difficulty/hardship: As noted above, the church group originally platted the lot and has been in a long-term fundraising and planning effort relative to the new development. The adoption of the City's new Zoning Ordinance in 2013 introduced the requirement to locate on a collector or higher street.
5. The proposed variance shall not create substantial detriment to adjacent property: This lot has long been planned for an institutional use, and the surrounding residential lots were platted with the understanding an institutional use would be eventually developed on the lot. The close proximity to the nearby arterial and probable rout traffic will take to access the facility will likely adequately address concerns about increased traffic on a local street that could impact surrounding property.
6. Characteristics of the neighborhood: The general area is characterized as low-density residential, and the proposed institutional use would be considered common and orderly for a low-density residential area.

**Other Comments:** The existing residential and commercial uses in the area were sent notice of the subdivision/zoning map amendment, and intent to create the institutional use lot, and the road was constructed with knowledge it would serve that use also.

This project will require Conditional Use approval from the City's Plan Commission for the School use and for a building with over 10,000 sq. ft. of floor area in the SR-C1 zoning district.

**Staff Recommendation:** It appears standards have been met, therefore staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.