

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**2702 Arbor Drive**

**Zoning:** TR-V1

**Owner:** Temple Beth El

**Technical Information:**

**Applicant Lot Size:** Irregular Corner

**Minimum Lot Width:** 50 ft.

**Applicant Lot Area:** 48,125 sq. ft.

**Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.047(2)(b)

**Project Description:** Existing synagogue facility. Construct two new paved terrace areas facing Arbor Drive and reconfigure accessible entrance and steps entrance to facility.

Zoning Ordinance Requirement: 65% maximum lot coverage

Provided Coverage: 82.4%

Requested Variance: **17.4%**

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject property is an existing development, originally built and expanded over the years under a zoning code that did not include any lot coverage regulation. The existing building exceeds the zoning code maximum lot coverage, and any change to the site that results in an increase to lot coverage would require a zoning variance. Similar institutional uses in residential districts provide outdoor amenities similar to the proposal, but for some reason this development does not.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *maximum lot coverage limitation*. In consideration of this request, the intent of the *maximum lot coverage limitation* is to ensure sites are not over-developed in regard to impervious surfaces, primarily to address stormwater runoff and also allow for unimproved recreational areas on-site. This proposed project offers competing interests in the zoning code: outdoor recreation amenities vs. lot coverage limitations. The proposed terrace areas create useable and functional outdoor recreation areas, accessible to all users of the facility, and also provide necessary access/entry improvements for the property. As a result, the project increases lot coverage.

The applicant proposes to address stormwater runoff from the terraces by creating infiltration areas and rain gardens on-site, by designing a system that will adequately handle the new

impervious surface created by the patios, and will improve the drainage condition above what exists today. This approach intends to address the spirit of the lot coverage requirement.

3. Aspects of the request making compliance with the zoning code burdensome: See comment #1 and #2.
4. Difficulty/hardship: Although the synagogue has been built, maintained, and altered by the same congregation, it is the new zoning code requirement that limits the ability of the site to be modified by the creation of lot coverage maximum requirements. Reasonable and common changes, such as the reconfigured ramp designed to accommodate transporting a casket to/from the site.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed modifications, generally designed at-grade, part of a one-story building, does not appear to have any discernible adverse impact on the subject property.
6. Characteristics of the neighborhood: The general area is characterized by a mix of different uses, including commercial/retail properties, medium and higher-density dwellings, and open space uses. The property across Arbor Drive is a park, maintained in a relatively natural state.

**Other Comments:** At its November 10<sup>th</sup>, 1953 meeting, the Madison Zoning Board of Appeals approved a rear yard setback variance to construct a building addition at the subject property.

The proposed modifications to the site will require an alteration to the approved Conditional Use, currently under review by the City agencies.

**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, with following condition:

1. The drainage plan, including infiltration plan and associated conditions, covenant and restrictions for maintenance of stormwater measures shall be reviewed and approved by the City Engineering Department.