

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-811 / 2023-CPL-811
Address: 1316 South Capitol Avenue and 207 Wisconsin Street (*Approximate Address*)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: Jorge Oscar Gonzales
Requests: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a corner side setback of three feet (eight feet required).

Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53 acre into two lots.

RECOMMENDATIONS

Staff recommends **approval of the variance** petition, subject to the following commitments:

1. The access easement shall be used as a shared driveway for both lots. No other driveways will be permitted except from the alley.
2. The driveway on Capitol Avenue must be paved at minimum from the property line to the curb.
3. The garage proposed on Lot One must orient the garage door to the south.
4. The garage proposed on Lot Two must orient the garage door to the north.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 27, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

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9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and is developed with two single-family dwellings. These dwellings have existed since at least 1915 as shown on the historic Sanborn Maps below.
- ◇ This petition would subdivide the property into two lots so that each dwelling is on a separate parcel. This petition would also provide for a detached garage with a three-foot corner side setback where eight feet is required.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for a detached garage with a three-foot corner side setback where eight feet is required.
- ◇ The variance relates to companion plat petition. Typical development patterns would locate the detached garage directly behind the dwelling; but once platted, the rear setback for Lot One will only be approximately 26 feet. The existing east setback for the dwelling is 36.75 feet. In the D-5 district, the minimum lot area is 5,000 square feet. The most even split of these properties would result in a small rear setback for Lot One. This setback would not allow for adequate distance from the property lines or between structures for the proposed garage.
- ◇ The proposed garage would have a three-foot setback from the east property line, measured from the roof overhang. The foundation wall has a proposed 5.083-foot setback from the east property line. Were this property line not a corner side setback, the required side setback would be five feet instead of eight feet. Architectural features are permitted to encroach up to 18 inches into any yard or setback. Staff believes the proposed setback is consistent with general intent of the D-5 district and that the reduced setback is not a significant deviation.
- ◇ Staff is not opposed to a reduced corner side setback where the existing development creates a practical difficulty, and the reduction would not significantly impact the surrounding development.

(Continued)

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- ◇ Staff is requesting the approval of the variance be subject to the following commitments:
 1. The access easement shall be used as a shared driveway for both lots. No other driveways will be permitted except from the alley.
 2. The driveway on Capitol Avenue must be paved at minimum from the property line to the curb.
 3. The garage proposed on Lot One must orient the garage door to the south.
 4. The garage proposed on Lot Two must orient the garage door to the north.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would contain the existing dwelling on the northern portion of the property and be approximately 5,631 square feet. Lot Two would contain the existing dwelling on the southern portion of the property and be approximately 5,085 square feet. The proposed plat meets the standards of the D-5 zoning classifications.

TRAFFIC / STREETS

- ◇ Lot One would be a corner lot, fronting on Wisconsin Street to the north. The east side yard would front on Capitol Avenue.
- ◇ Lot Two would front on Capitol Avenue. The south side yard would also front on the alley.
- ◇ Both lots propose vehicle access from a sixteen-foot access easement with an existing curb cut. No new streets are proposed for this development.

SIDEWALKS

- ◇ Sidewalks are existing on Capitol Avenue and Wisconsin Street.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Single-Family Residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family Residential
South	D-5	Single-Family Residential
East	D-5	Single-Family Residential
West	D-5	Single-Family Residential

COMPREHENSIVE LAND USE PLAN	Traditional Neighborhood
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THOROUGHFARE PLAN

Capitol Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing and a 48-foot proposed right-of-way.

Wisconsin Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

SITE PLAN 207 Wisconsin Street

File-dated February 23, 2023

SITE PLAN 1316 Capitol Avenue

File-dated February 23, 2023

PRELIMINARY PLAT

File-dated February 27, 2023

FINDINGS OF FACT

File-dated March 2, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

96-Z-52, 234 and 236 West Wisconsin Street, rezoning of 0.34-acre from the D-5 district to the D-8 district, **approved**.

2007-VAC-006, 225 and 229 Kansas Street, vacation of a portion of the first north-south alley east of Senate Avenue, being fifteen feet in width, **withdrawn**.

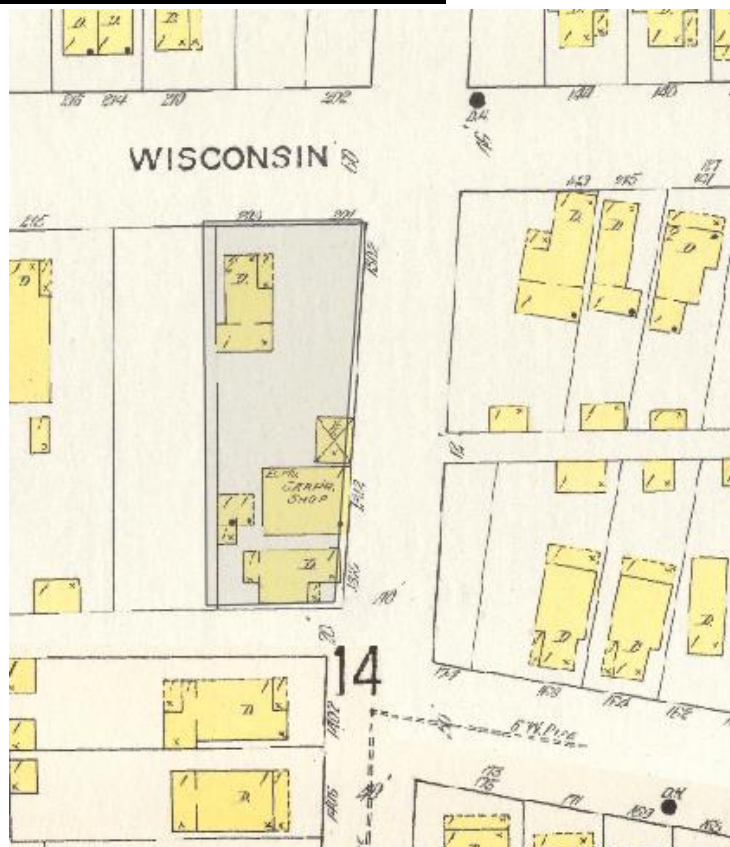
2019-PLT-092, 117 Kansas Street, Approval of a Subdivision Plat, to be known as Prince's Kansas Street Townhomes, dividing 0.13 acre into two single-family attached lots, **approved**.

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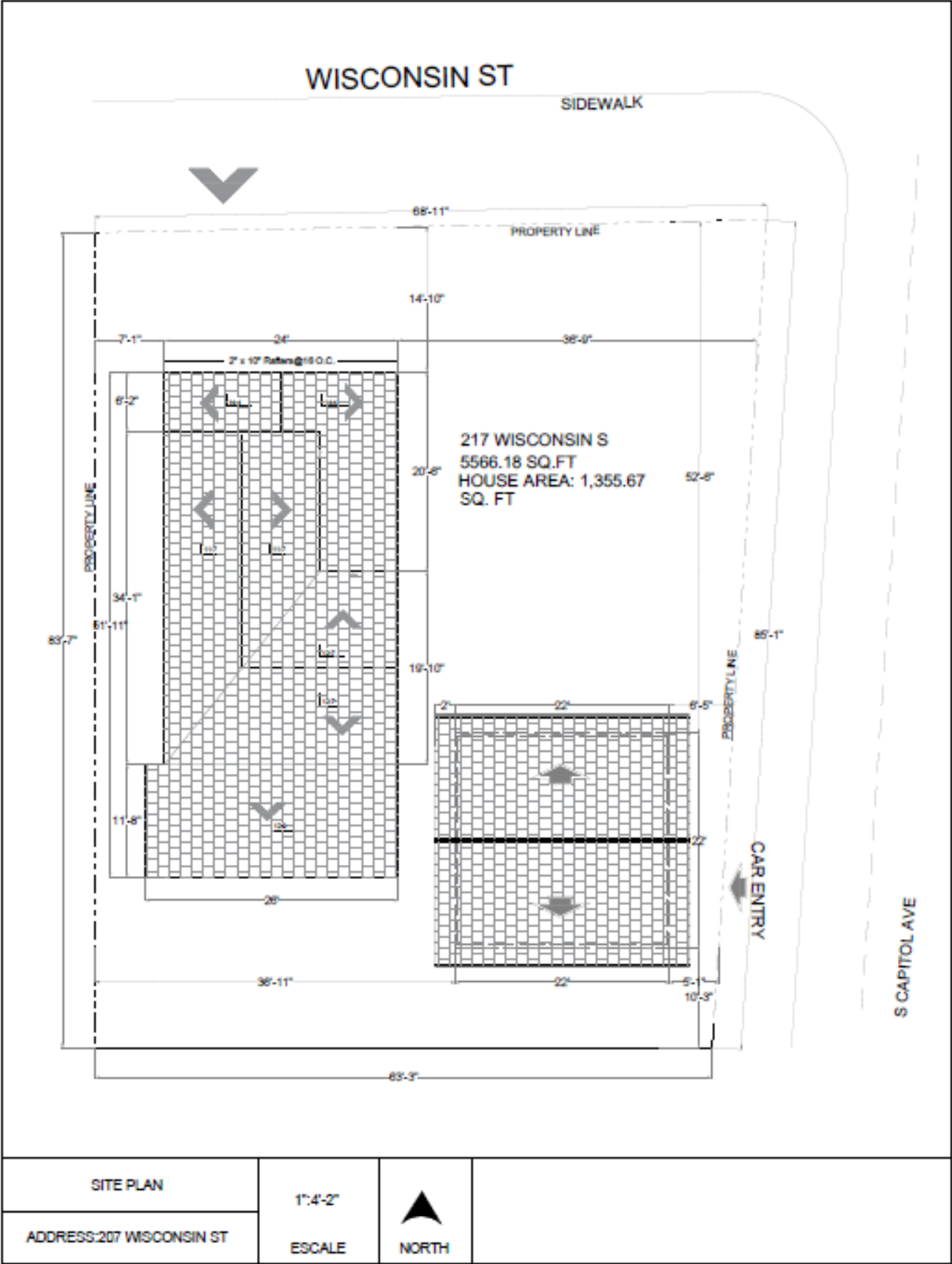
2023-CVR-811 / 2023-CPL-811 Aerial Map



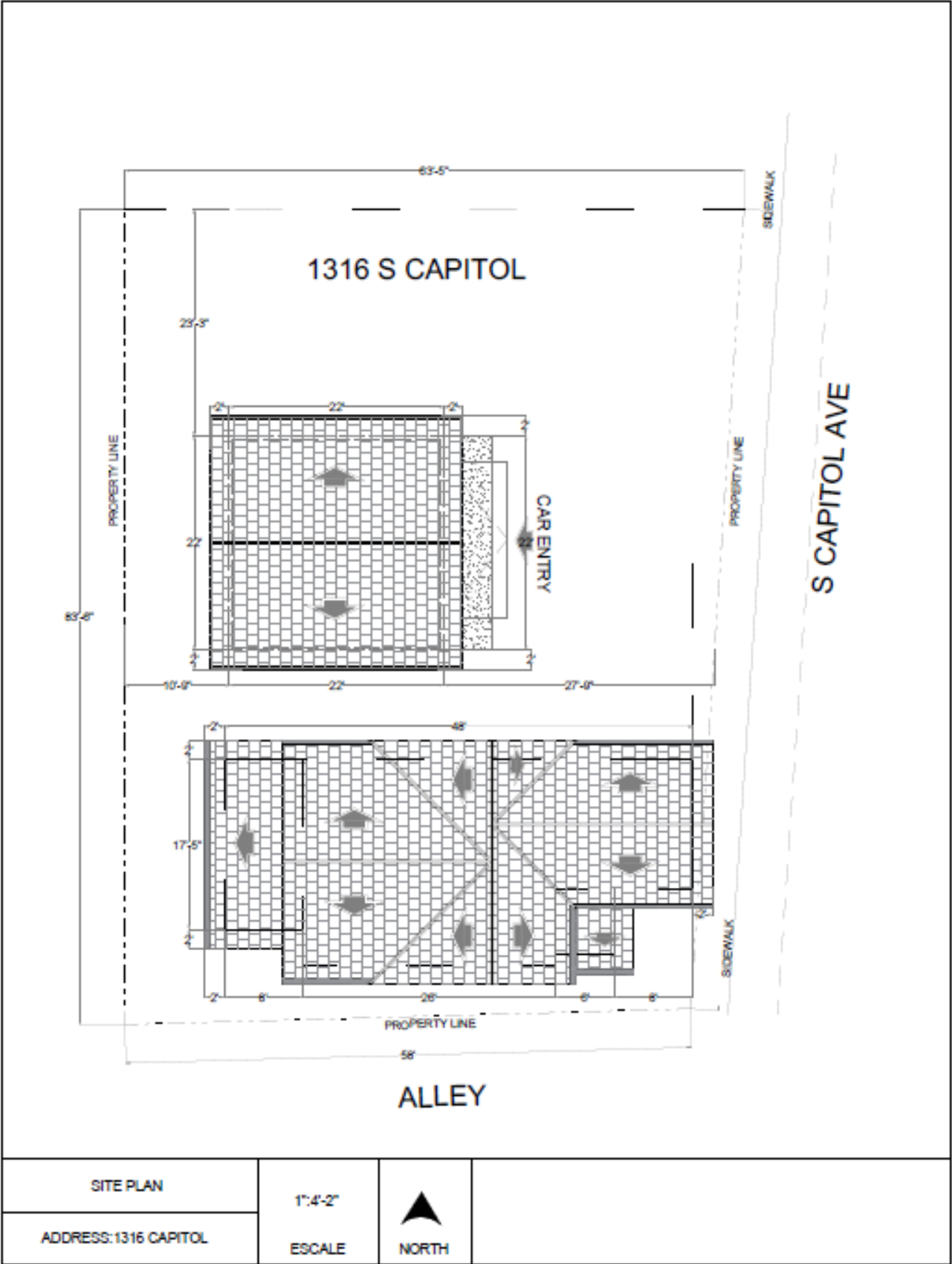
2023-CVR-811 / 2023-CPL-811 Sanborn Map 1915



2023-CVR-811 / 2023-CPL-811 Site Plan 207 Wisconsin Street



2023-CVR-811 / 2023-CPL-811 Site Plan





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WITHIN THE ONE HALF A MILE OF THE EAST SIDE OF A ROAD

[illegible][illegible]

144 HENRIETTA HENRY (1839-1900) WAS A HOUSEWIFE OF FARMERS. SHE HAD TWO DAUGHTERS, ONE OF WHOM WAS DECEASED, AND SHE WAS THE MOTHER OF TWO DAUGHTERS, ONE OF WHOM WAS DECEASED.

Chambers & Co.

Aviator's Capital Avenue Addition
(a Replat of Lot 7 in Aegidius Malters 2nd Subdivision
and vacated roadway east of said Lot 7)

1316 CAPITOL AVENUE
207 WISCONSIN STREET
MILWAUKEE, WISCONSIN 53233

PROJECT LOCATED IN:
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OF SECTION 14
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SHEET
1 OF 1

DRAWN BY: R. STOHLER
CHECKED BY: D. SCOTTEN
ISSUE DATE: 02-23-2023

2023-CVR-811 / 2023-CPL-811 Site Photos



Proposed Lot One, looking south



Proposed Lot One east side yard, looking south



Proposed Lot One, looking west



Proposed lot split, Lot One shown right, Lot Two shown left, looking northwest.



Existing driveway curb cut on Capitol Avenue, looking southwest



Proposed Lot Two, looking west



Proposed Lot Two, approximate garage location, looking south



Proposed Lot Two viewed from alley, looking northeast



Proposed Lot Two rear yard, looking north