



**BOARD OF ZONING APPEALS DIVISION III**

**February 17, 2026**

**Case Number:** 2026-DV3-001  
**Address:** 1759 North Whittier Place (approximate address)  
**Location:** Warren Township, Council District #14  
**Zoning:** D-5  
**Petitioner:** Leticia Lamas and Edgar Morales, by Josh Smith  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion, with a 5-foot south side setback (7-foot required), and a 4-foot rear setback (5-foot required).

**Current Land Use:** Single-Family Dwelling.

**Staff Recommendation:** Staff recommends denial of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ On December 2, 2025, a complaint was filed with the Mayor’s Action Center that an addition to the existing garage was being constructed on the subject site without a permit. A subsequent inspection resulted in a violation (VIO25-010683) and a stop work order was issued as a Structural Permit had not been obtained for the construction.
- ◇ A Structural Permit and an Improvement Location Permit were applied for on December 20, 2025, but were put on hold, as the construction was encroaching into the side and rear setbacks.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The Findings of Fact indicate the reduced setbacks are needed to create an industry standard 2-car garage with the addition. The garage as constructed with the reduced setbacks is 30’x34’. The typical industry size standard for a 2-car garage is 25’x25’.



- ◇ If a typical industry standard garage of 25'x25' was constructed, then it would not have encroached into the side setbacks, and no Variance would have been required. A larger garage of 28'x30' would have fit with in the setback constraints as well without any needed Variances.
- ◇ The garage as constructed with reduced side setbacks would be too intense for the subject site, would block additional sunlight and cast shadows on the adjacent residential properties to the east and south. The larger addition area with the requested reduced setbacks, would also make it difficult for public safety emergency responders to access between the adjacent dwellings.
- ◇ The need for the reduction in the required setbacks is a self-imposed hardship and not a result of the Ordinance requirements. Staff believes that the lot is large enough to accommodate an industry standard two-car garage as needed, while still meeting the required setbacks. Any existing work completed with the deficient setbacks is believed to have been self-started prior to being permitted by DBNS.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single Family Dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood Uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5 Single-Family Dwelling
	South:	D-5 Single-Family Dwelling
	East:	D-5 Single-Family Dwelling
	West:	D-5 Single-Family Dwelling
<b>Thoroughfare Plan</b>		
	Whittier Place	Local Street 50-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 6, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	January 6, 2026	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)



**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

**ZONING HISTORY**

**2023-DV3-014; 5464 East 18<sup>th</sup> Street (west of site)**, requested a Variance of Development Standards to provide for the construction of a covered addition to an existing garage, resulting in a 3.5-foot south side yard setback, **granted**.

**2009-HOV-027; 1756 North Whittier Place (west of site)**, requested a Variance of Development Standards to provide for the construction of 168-square foot room addition resulting in a 15-foot rear yard setback for the primary structure, **granted**.

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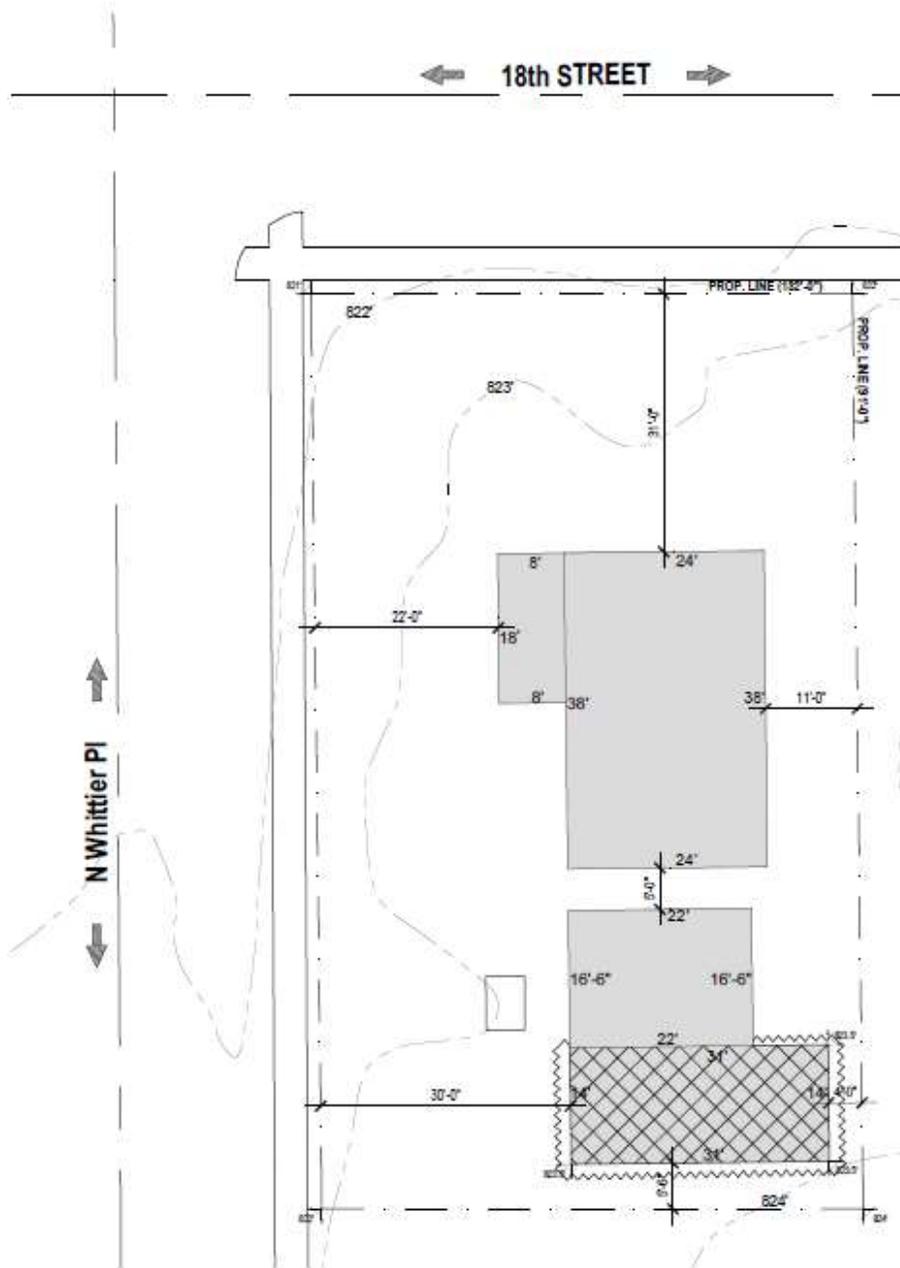
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**EXHIBITS**

Location Map



Site Plan





**Findings of Fact**

Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The current and proposed uses will remain the same, this variance will simply allow for an enlargement to the single-car garage so it can hold a 2nd car. The structure will still remain an accessory to the existing single family home.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This use of the property will remain the same; single family residential.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The current layout of the lot does not allow for expansion onto the detached garage without coming into conflict with the setback standard. This variance allows the garage to be converted from a single car garage to an industry-standard two-car garage.

Photographs



Subject site, existing dwelling, looking southeast.



Subject site, proposed/existing garage expansion location, looking east.



Subject site, proposed/existing garage expansion location with 5-foot south side setback, looking east.



Subject site, proposed/existing garage expansion location with 4-foot rear setback, looking south.