



BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2026-DV3-001 (Amended)
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).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the February 17, 2026, hearing to the March 17, 2026, hearing.

The petitioner has since amended the request to remove the variance for the 4-foot rear setback. As this would have less intensity than the original legal notice, no new notice was required. With this amended change, Staff does now recommend approval.

STAFF RECOMMENDATION

Staff recommends **approval** of this amended petition.

PETITION OVERVIEW

- ◇ 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 requested 5-foot south side setback as amended, would not be out of context with the neighborhood as it is similar to other dwellings in the area. In Staff's opinion, this would be a minor deviation, and would not negatively impact surrounding property owners.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family Dwelling
	South:	D-5 Single-Family Dwelling
	East:	D-5 Single-Family Dwelling
	West:	D-5 Single-Family Dwelling
Thoroughfare Plan		
	Whittier Place	Local Street 50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - Amended	February 17, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	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 18th 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**.

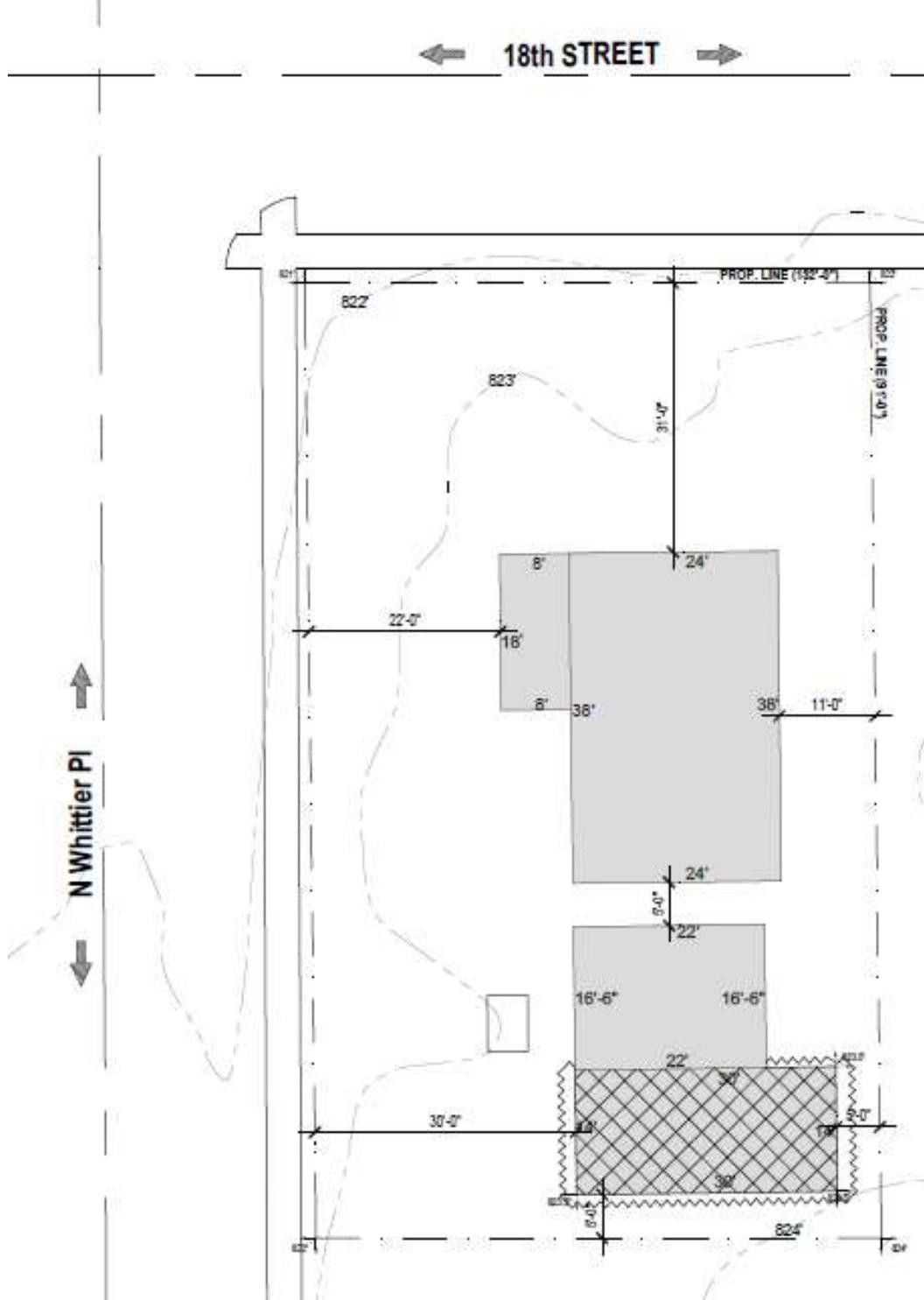
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EXHIBITS

Location Map



Site Plan – amended 2-17-2026





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.