

**BOARD OF ZONING APPEALS DIVISION II**

**January 13, 2026**

**Case Number:** 2025-DV2-046  
**Address:** 2346 Brookside Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-8 / C-7  
**Petitioner:** Raul Rosas, by Jorge Gonzales  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a three-foot east side setback (five-foot side setback required).

**Current Land Use:** Single-family dwelling

**Staff Recommendation:** Staff makes no recommendation for this petition.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff makes **no recommendation** for this petition.

**PETITION OVERVIEW**

- ◇ The request would legally establish an existing single-family dwelling with a three-foot east side setback, in the D-8 district, originally permitted by the Department of Business and Neighborhood Services (DBNS) under ILP24-00351, and subsequently permitted under ILP25-00927.
- ◇ The original new construction two story single-family dwelling was permitted under ILP24-03107 with a five-foot side setback indicated.
- ◇ According to the property owner, the 3-foot side setback was mistakenly constructed, but was not corrected by the DBNS inspector after several on-site inspections. In addition, the property owner was instructed to remove several windows along the deficient side setback and install fire-rated siding as a result of the 3-foot side setback.
- ◇ When the size of the house was change, permit ILP25-01763, was issued and then placed on hold once it was determined the side setback had been constructed at 3 feet. Resulting in the need for a Variance of Development Standards.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-8		
<b>Existing Land Use</b>	Single-Family Dwelling		
<b>Comprehensive Plan</b>	Traditional Neighborhood uses		
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Surrounding Context</u></b>	
	North:	C-7	Commercial Contractor
	South:	D-8	Single-Family dwelling
	East:	D-8	Single-Family dwelling
	West:	D-8	Single-Family dwelling
<b>Thoroughfare Plan</b>			
	Brookside Avenue	Local Street	64-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	December 5, 2025		
<b>Elevations</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	December 5, 2025		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends traditional neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology 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

**2024-UV1-018; 2243 Massachusetts Avenue (west of site);** requested a Variance of Use and Development Standards to provide for the construction of a freestanding surface parking lot, **granted.**

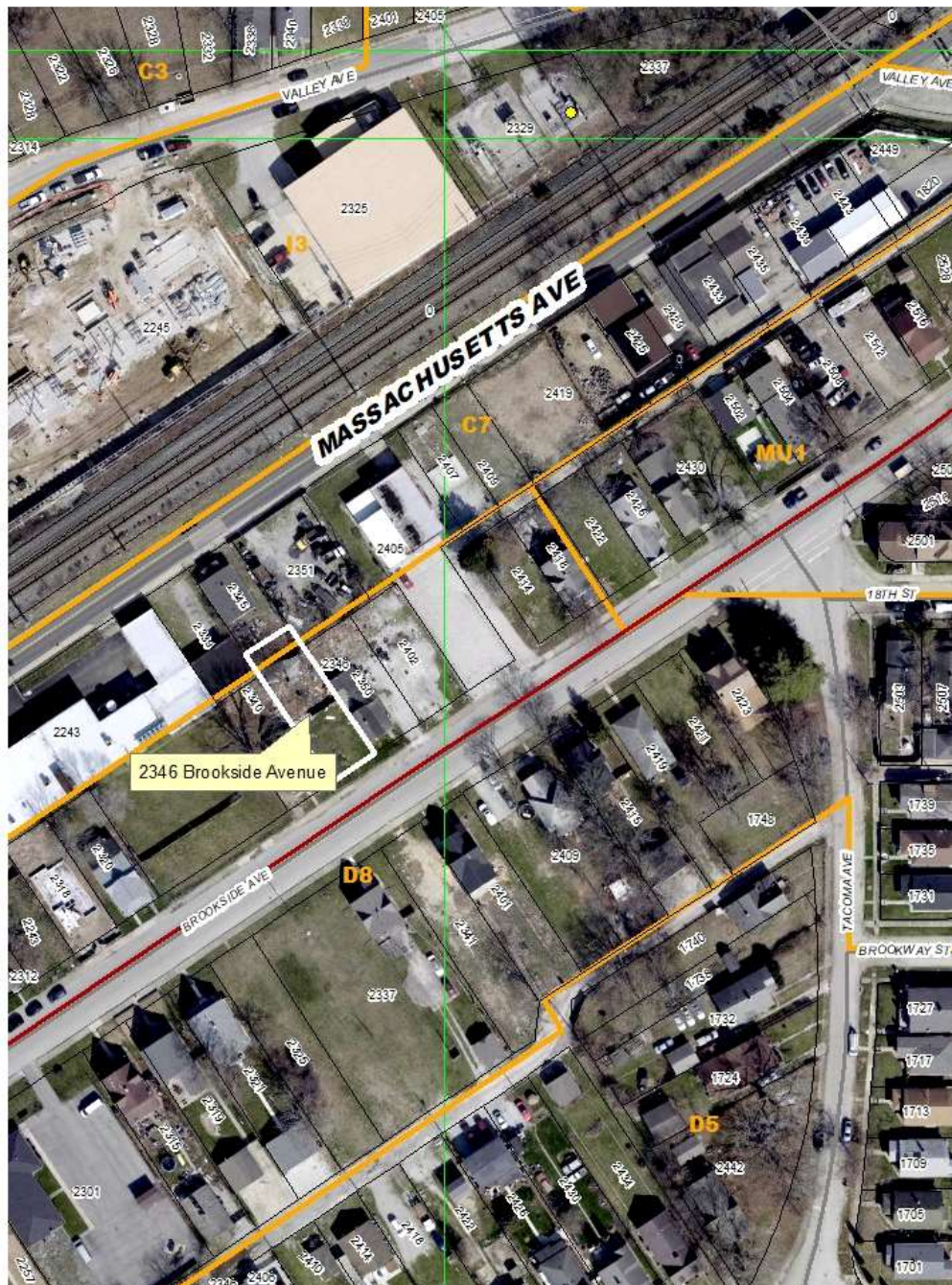
**2006-HOV-010; 2422 Brookside Avenue (east of site),** requested a Variance of Use to legally establish a single-family dwelling, in a C-2 (MU-1) zoning district, **granted.**

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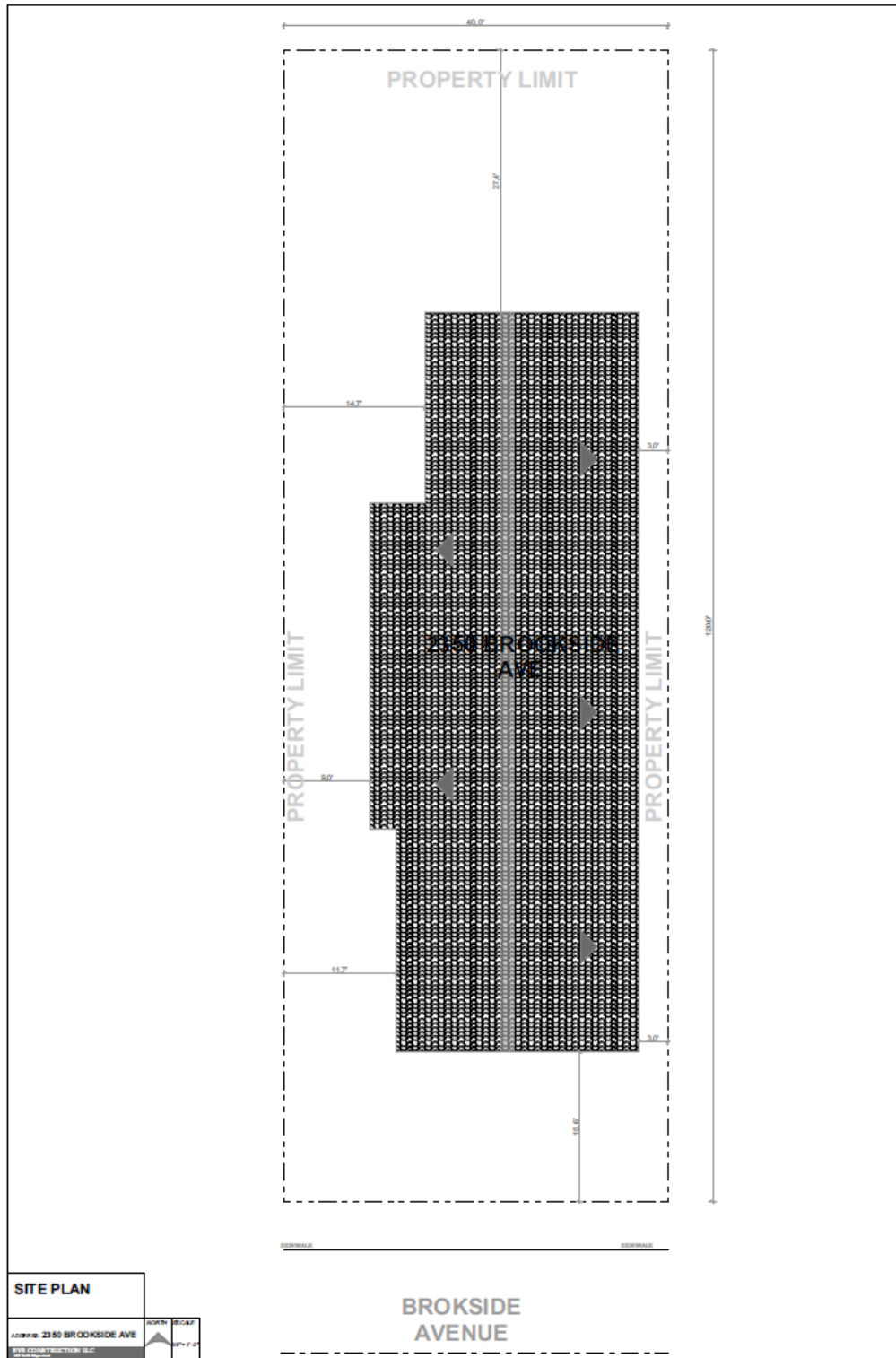
## EXHIBITS

### 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 as-built exterior walls located three (3) feet from the lot lines will comply with applicable building and fire-resistive requirements for reduced fire-separation distances, including rated wall assemblies, protection of projections/eaves, and opening limitations as required. Sightlines, emergency access, and drainage patterns are preserved, and no encroachment into any public right-of-way or recorded utility/drainage easement is proposed.

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:

the condition is modest and compatible with established development on similarly constrained lots; there is no physical encroachment onto adjoining parcels; light, air, and privacy for neighboring properties are maintained; and roof runoff will be managed onsite through gutters/downspouts directed to approved discharge points to avoid adverse stormwater impacts.

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

the lot's particular conditions (including narrow/irregular width and existing placements established during construction) make full compliance with a five-foot side yard on all sides impracticable without disproportionate demolition and relocation of finished walls. The requested three-foot side yards allow reasonable residential use comparable to nearby properties while meeting fire/life-safety standards and providing no lesser public protection than strict compliance would achieve.

**Photographs**



Photo of the subject site existing single family dwelling, looking north.



Photo of adjacent dwelling to the east, looking north.



Photo of adjacent single-family dwelling to the south.



Photo of adjacent single family dwelling to the west, looking north.