



**BOARD OF ZONING APPEALS DIVISION II**

**January 13, 2026**

**Case Number:** 2025-DV2-047  
**Address:** 2402 Brookside Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-8  
**Petitioner:** Braulio Jauregui Barajas, by Leyla Mirena Paz Pineda  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a two-foot front setback (ten-foot minimum front 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 two-foot front setback, in the D-8 district, originally permitted by the Department of Business and Neighborhood Services (DBNBS) under ILP24-03107, and subsequently permitted under ILP25-01763.
- ◇ The original new construction two story single-family dwelling was permitted under ILP24-03107, indicating a 12.3-foot front setback. When the owner determined there was not enough funding to construct the two-story dwelling, the permit was changed to ILP25-01763 to provide for a one-story dwelling, maintaining the same 12.3-foot front setback.
- ◇ Permit ILP25-01763, was issued then placed on hold once it was later determined the rear setback was proposed at being 18 feet, and the front setback was actually 2.5 feet from the property line. The rear setback was subsequently approved after discussions with the Division of Planning that the site warranted Terrace Frontage standards, allowing for a minimum 15-foot rear setback.
- ◇ It is believed the 12.3 front setback was originally measured from the sidewalk by the petitioner, instead of from the right-of way line, which has a 10-foot setback from the sidewalk edge. This was not detected by DBNS until after the ILP permits had been issued and construction was underway.

- ◇ Once detected, it was determined that a Variance of Development Standards would be required for the deficient 2.3-foot front setback.
- ◇ The subject site is adjacent to other residential developed properties in the D-8 District with similar reduced front setbacks. In addition, the local street has an above average 63-foot wide right-of-way for 48-feet in width of the existing street and sidewalks, providing for 10 feet of additional setback on the north side and 5 feet additional setback on the south side.

## 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>Zoning</b>	<b>Surrounding Context</b>
	North: C-7	Commercial Contractor
	South: D-8	Single-Family dwelling
	East: D-8	Parking lot
	West: D-8	Single-Family dwellings
<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 10, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	December 10, 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.**

RU

\*\*\*\*\*

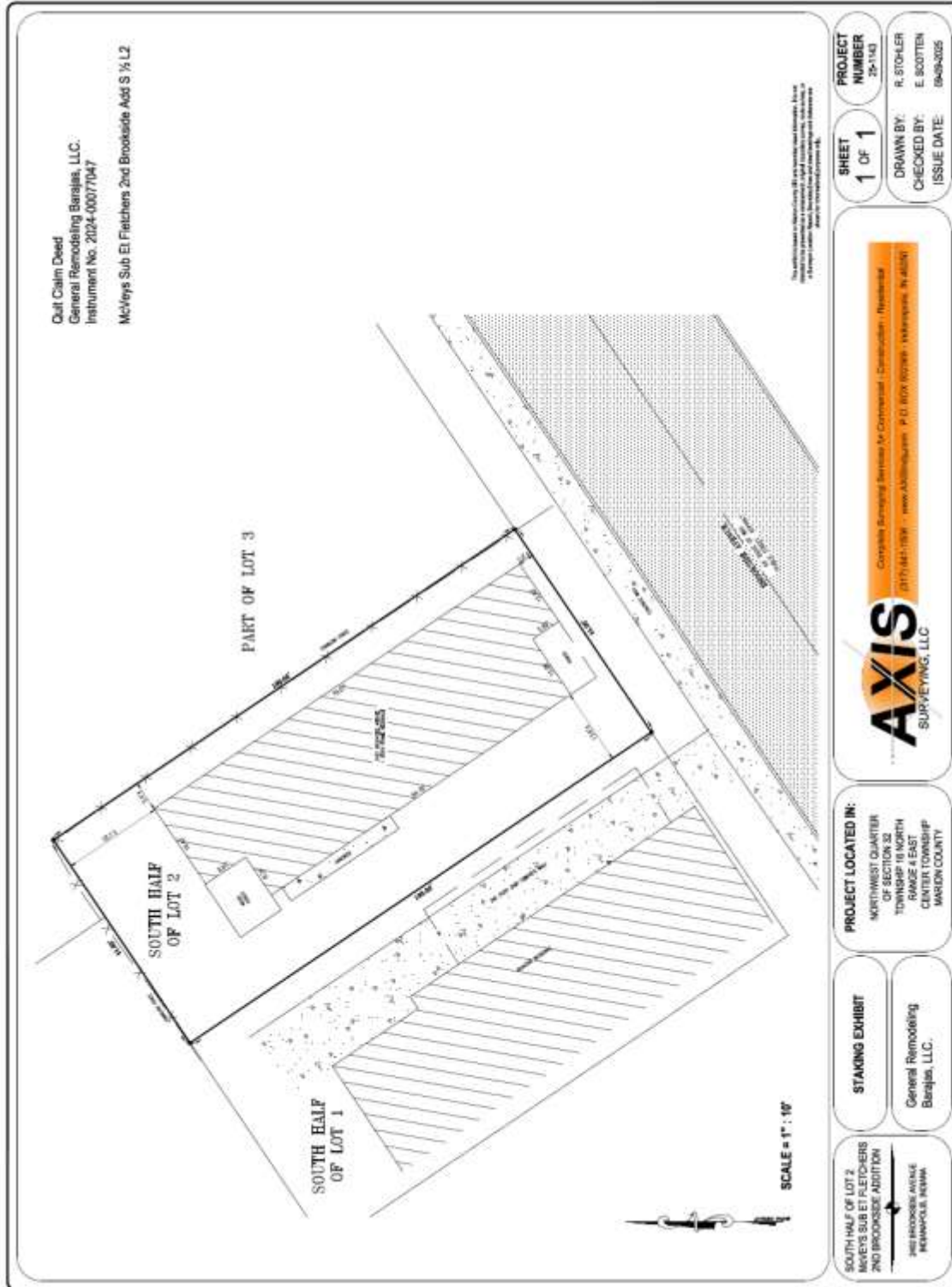
## EXHIBITS

### 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 proposal complies with applicable building and fire-safety measures, preserves visibility and emergency access,  
and does not encroach into public rights-of-way or easements; therefore, it does not compromise community health, safety, or welfare.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 building massing fits the established context, preserves light, air, and privacy for neighboring properties, and avoids stormwater burdens  
on adjoining lots; accordingly, it does not substantially and adversely affect the use or value of adjacent parcels.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Given the lot conditions and the existing placement of the structure, strict enforcement of the standard setback would require demolition  
and relocation of finished improvements without a commensurate public benefit; the variance allows reasonable, safe residential use  
consistent with the neighborhood.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



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



Photo of adjacent dwelling to the east with similar setbacks.



Photo of adjacent single-family dwelling to the south.



Photo of adjacent undeveloped lot to the west, looking north.