

BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number:	2026-UV3-004 (Amended)
Property Address:	2705 Shriver Avenue (<i>approximate address</i>)
Location:	Center Township, Council District #12
Petitioner:	Debbie Spain
Current Zoning:	D-5
Request:	Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use (not permitted) with deficient vehicle parking (5 spaces required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

1. The maximum occupancy of the transitional living quarters will be 8 residents and 1 live-in manager, per the Plan of Operation.
2. Grant of the variance shall be limited to the subject property and would not apply for building additions or expansions in the future.
3. A 'no-vehicle' policy for residents shall be enforced, per the filed document.
4. Three (3) bicycle parking spaces shall be installed at the site.

PETITION OVERVIEW

2705 Shriver Avenue is a residential lot with a width of 30 feet currently improved with a two-story single-family residence containing four (4) bedrooms. The building was constructed around 1920, has a footprint of approximately 1420 square feet, and utilizes street parking available on Shriver Avenue to the west. The building is on a noticeably higher grade than street level and is accessed by stairs. Adjacent land uses include the I-65 highway to the west and residential uses in all other directions.

Approval of this petition would allow for the establishment of a transitional living quarters use for adult women transitioning from incarceration, treatment facilities, and homelessness within the existing residential structure and utilizing existing bedrooms. This use would not be a daily emergency shelter, diversion center, or residential shelter for those required to leave during the day.

Per the filed Plan of Operation, the facility would be supervised 24 hours a day by an on-site House Manager, would typically accommodate a stay of 3-6 months for up to 8 residents, would enforce a curfew with quiet hours, and would provide case management and peer support services for those living on-site. The change in use would not result in the placement of new signage or external changes, and residents would be subject to a 'no-vehicle' policy which would disallow the operation or storage of a personal vehicle at the property. The Plan of Operation and 'no-vehicle' policy are within the Exhibits below.

A transitional living quarters use is not allowed by-right within the D-5 zoning district. Therefore, a Variance of Use would be required to allow for legal operation of the use as described within filed documents. Additionally, the Ordinance would require the provision of one (1) on-site or street vehicle parking space per two (2) beds/residents, meaning that the use would require five (5) parking spaces. The petitioner is also seeking a Variance of Development Standards to allow for deficient on-site parking.

The subject site is zoned D-5 (Dwelling District Five), which is a Walkable Neighborhood District intended for medium- and large-lot housing formats (primarily detached houses, but may incorporate small-scale multi-unit building types in new strategic locations). Similarly, the Comprehensive Plan recommends it to the Traditional Neighborhood typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Small-scale multifamily uses are contemplated by the Plan in this typology when near intersections, when not comprising over 25% of a block that also contains single-family homes, and when the building size and massing are contextual for the block.

Findings of Fact and supporting documentation provided by the applicant in support of their variance requests indicate that the proposed supervised residential use would be contextually appropriate for surroundings and could accommodate the desired density without the need for expansion, and that the narrow width of the parcel would limit the placement of on-site parking facilities for which the need would be substantially lessened by the implementation of a 'no-vehicle' policy.

Initial staff feedback to the request expressed concerns about the proposed density (11 residents at initial filing) and parking impact on the surrounding neighborhood. To address these concerns, the petitioner engaged with staff and agreed to the following limiting commitments:

1. Limiting the residential occupancy to 8 residents in addition to the 1 on-site manager in a manner more consistent with the maximum occupancy allowed for group home uses (which is a contemplated use type for the D-5 district).
2. Limiting the grant of the variance to the existing building without the allowance for additions that would occupy additional space or bring the development out of harmony with the surrounding neighborhood.
3. Enforcement of a 'no-vehicle' policy for non-managerial residents. Given this policy, the availability of street parking along Shriver Avenue, and the fact that the parcel to the south is undeveloped, staff feels that a reduction in parking could be supportable and that anticipated traffic from the manager and occasional guests would be contextually appropriate.
4. Placement of required bicycle parking at the subject site, which would be of extra importance given the enforceable 'no-vehicle' policy for residents.



Staff feels that the requested commitments to which the petitioner has agreed would not result in exterior changes or parking influx that would substantially impact surrounding properties and would keep the residential density at a scale sometimes contemplated for the D-5 zoning district. Staff recommends approval of the requested variance, subject to the four commitments above.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Undeveloped
	East:	East: Residential
	West:	West: Interstate
Thoroughfare Plan		
Shriver Avenue	Local Street	70-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/17/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/17/2025	
Findings of Fact (Amended)	03/18/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The property is recommended to the Traditional Neighborhood living typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Access to parcels should come from alleys when practical, and building form should promote the social connectivity and continue the visual pattern of the neighborhood. Typical residential density of 5 to 15 dwelling units per acre is recommended.
- Small-scale multifamily housing uses should be placed near intersections or collector streets, should not comprise over 25% of blocks that also contain single-family homes (and should have similar size and orientation to single-family homes when possible), and should have parking either behind or interior to the development.

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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022DV1001 ; 311 West 26th Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached single-family dwelling with a 13-foot rear setback, creating an open space of 22.7% (20-foot rear setback, 40% open space required), **approved**.

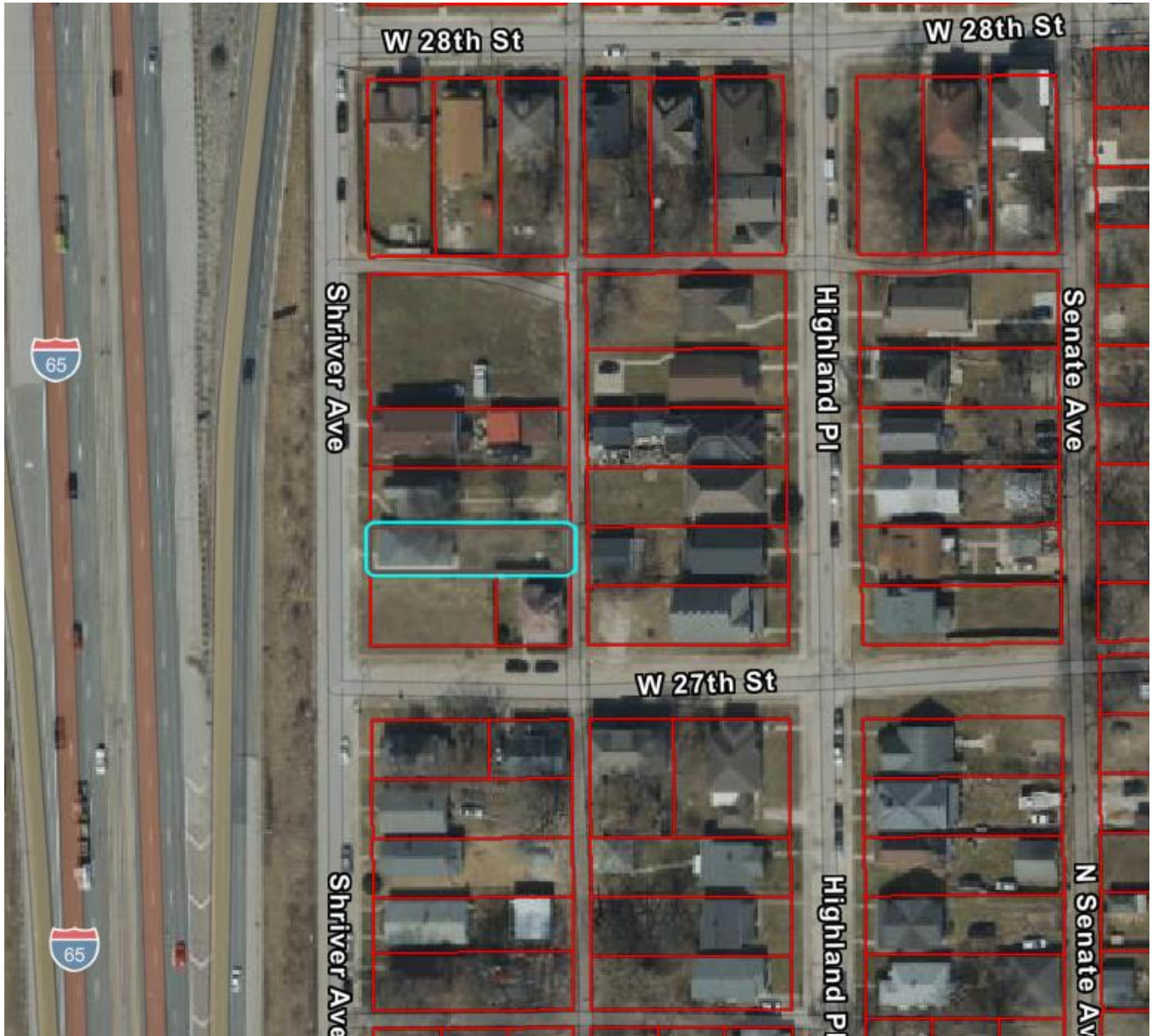
2020DV3020 ; 332 West 28th Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 3,090-square foot, 30-foot wide lot, with a dwelling with a one-foot east side setback and to legally establish a 0.7-foot west side setback, 1.6 feet between buildings and a 3.5-foot front setback (50-foot wide lot, 5,000-square foot lot area, three-foot side setback, 10 feet between dwellings and 18-foot front setback or average), **approved**.

2019ZON061 ; 324 W 26th Street (southeast of site), Rezoning of 0.116 acre from the D-5 district to the D-8 district, **approved**.

95-SE3-9 ; 2821 Highland Place (northeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to legally establish a church (not permitted), **approved**.

EXHIBITS

2026UV3004 ; Aerial Map



2026UV3004 ; Aerial Map (Zoomed)



2026UV3004 ; Findings of Fact (Parking)

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

The requested variance will not be injurious to public health, safety, or general welfare. The property will be operated with continuous on-site management to ensure proper oversight and compliance with property rules. Parking demand is expected to be lower than standard ordinance assumptions under Chapter 742, as residents typically have limited vehicle ownership and rely on alternative transportation such as public transit and rideshare services. Additionally, one adjacent parcel does not contain a residential structure, reducing the likelihood of direct impact on neighboring properties.

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 property will be professionally managed with continuous on-site supervision, ensuring that operations remain orderly and compatible with the surrounding neighborhood. The variance does not introduce a new or incompatible use but rather allows reasonable utilization of an existing structure within the constraints of the lot. Because parking demand will be managed operationally, there will be no substantial overflow or disruption to nearby properties.

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

The strict application of Chapter 742 parking requirements results in practical difficulties due to the physical characteristics of the property. The subject parcel is narrow in width with an existing structure that occupies a substantial portion of the buildable area. These conditions limit the ability to provide the required five (5) vehicle parking spaces and three (3) bicycle parking spaces in a compliant configuration. Achieving full compliance would require significant alteration or removal of existing improvements and the construction of a new vehicular access drive which is not feasible given the site constraints. These conditions are inherent to the property and were not created by the applicant. As such, strict enforcement of the ordinance would result in practical difficulties and unreasonably limit the use of the property given its inherent physical constraints.

2026UV3004 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The proposed use will operate as a supervised transitional living residence within the existing residential structure. The home will be staffed 24 hours per day by a live-in House Manager. No medical or emergency services will be provided onsite. The structure will maintain its residential character with no exterior modifications or signage.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The structure will retain its single-family residential appearance. There are no proposed exterior changes, parking lot expansion, or increased building footprint. The supervised residential use is compatible with surrounding residential properties and will not generate commercial traffic or activity.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The size and interior configuration of the existing dwelling allow it to accommodate structured residential occupancy without structural expansion. The property's layout uniquely supports supervised residential use while maintaining neighborhood compatibility.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Strict application of the D-5 Dwelling District regulations prevents a reasonable residential use of the existing structure despite its compatibility with surrounding residential development. The hardship arises from zoning limitations rather than from any action by the petitioner.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The subject property is located within an area designated for residential use under the Comprehensive Plan. The proposed supervised transitional living residence supports housing stability and residential community development while preserving neighborhood character.

2026UV3004 ; Plan of Operation (Partial)

Program Overview: Spain's Residential Living provides structured transitional housing for adult women for an average stay of 3–6 months.

Occupancy Configuration:

- 4 Bedrooms Total
- Bedrooms configured to support a maximum of 8 residents
- 1 Bedroom reserved for live-in House Manager

Supervision:

- 24/7 Onsite House Manager
- Structured daily schedule
- Enforced curfew
- No unsupervised hours

Services Provided (Non-Clinical):

- Peer recovery support
- Life-skills training
- Case management
- External referrals as needed

Safety Measures:

- Zero tolerance for violence or illegal activity
- Visitor restrictions
- Quiet hours enforced
- Compliance with all city housing codes

Exterior Conditions:

- No signage
- Rear privacy fence / private backyard
- Street parking only (limited use)
- Bicycle parking provided on-site
- No driveway or alley access

Operational Policies:

- No Vehicle Resident Policy (effective April 1, 2026)
- Low turnover with structured residency

2026UV3004 ; Plan of Operation (Partial; Continued)

Attachment 3 – Staffing & Supervision Plan

House Manager (Live-In, 24/7):

- Program oversight and compliance
- Intake coordination
- Rule enforcement
- Incident response
- Community liaison

Support Roles (as needed):

- Administrative support
- Case coordination assistance

Attachment 4 – House Rules Summary

- Curfew enforced
- No overnight guests
- Chore rotation required
- Respectful conduct required
- Compliance mandatory for continued residency

Attachment 5 – Property Summary

- Existing single-family residential structure
- No structural expansion permitted
- Variance applies to this property and structure only
- Located within residential neighborhood
- Adjacent properties are residential

Attachment 6 – Neighborhood Outreach Statement

Notice provided to applicable neighborhood development corporations including Mapleton-Fall Creek Development Corporation and Near North Development Corporation.

Program operates in a manner consistent with residential character of the neighborhood.

2026UV3004 ; No-Parking Agreement

Purpose

This policy is established to ensure that the residential program operates in a manner that is fully compatible with the surrounding neighborhood, particularly regarding parking demand and traffic impact.

Existing Policy Status

A no-vehicle policy for residents is already in force and actively enforced as part of the program's operational structure.

Resident Vehicle Restriction

Residents are prohibited from owning, operating, or storing personal vehicles on the property as part of program participation requirements.

Limited Parking Allowance

To align with zoning expectations, total on-site vehicle presence shall not exceed five (5) vehicles at any given time. This includes the house manager, staff, and approved visitors.

Resident Profile

The program serves individuals transitioning from incarceration, treatment facilities, and homelessness. As such, the majority of residents do not possess personal vehicles.

Transportation Management

Transportation for residents is coordinated through structured means, including staff oversight, public transportation, and scheduled movement, minimizing traffic and parking demand.

Compliance & Enforcement

This policy is actively monitored and enforced by program management. Any violations may result in disciplinary action, up to and including removal from the program.

Neighborhood Impact Statement

Due to the existing no-vehicle policy and operational controls, the property generates significantly less parking demand than a typical single-family residence.

Commitment to Compliance

The organization is willing to maintain this policy as a formal condition of approval to ensure continued compliance and neighborhood compatibility.

2026UV3004 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from South

2026UV3004 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southwest



Photo 4: Subject Site Viewed from East

2026UV3004 ; Photographs (continued)



Photo 5: Subject Site + Adjacent Property to North



Photo 6: Adjacent Property to South

2026UV3004 ; Photographs (continued)



Photo 7: Alley Access to Southeast of Subject Site



Photo 8: Adjacent Property to West