

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-012 (Amended)
Property Address: 2319, 2327 and 2331 North Gale Street (*approximate addresses*)
Location: Center Township, Council District #8
Petitioner: ICNA Relief USA Programs Inc., by David Gilman
Current Zoning: D-5 / C-5
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use.
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7/15: Staff became aware that at least one nearby property owner was mailed a version of the legal notice that incorrectly listed June 17th as the hearing date despite being postmarked as being sent on June 20th. It is likely that all mailed notices accidentally were sent indicating an incorrect hearing date that had already occurred. To allow time for sufficient notice with an accurate hearing date to be mailed, this petition was continued to the August 19th hearing date of Division III.

6/17: The petitioner made a continuance request at the June 17th hearing of Division III to allow time for legal notice to be sent and posted and to provide updates to the site plan. The updated site plan resulted in the blurb being amended to reflect a reduction in parking spaces requested (from 8 to 4).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is comprised of three split-zoned parcels: the southernmost parcel is developed with a duplex and accessory garage with vehicle access from the rear yard, while the northern two (2) parcels are undeveloped. The duplex was originally constructed in 1930 and is a two-story building with multiple exterior stairs that appears to contain two (2) dwelling units. Surrounding land uses include an elementary school to the west, residential uses to the north, an auto repair shop and rail tracks to the south, and industrial uses to the east. A variance was approved in 2009 to legally establish both structures with existing setbacks and partially within C-5 zoning. Parking facilities exist to the rear of the current duplex structure as well.

- Approval of this petition would allow for the site to be utilized as a transitional living quarters. This is a distinct use category from a group home or daily emergency shelter and would allow for residential facilities providing temporary lodging for women and children in immediate need for up to two (2) years. Neither the C-5 zoning district to the south or the D-5 district to the north of the site would allow for this use (permitted only in higher-intensity residential zonings).
- Previous site plans submitted by the applicant indicated expansion of the parking area in amount of up to ten on-site parking spaces. This parking addition would have required a Variance of Development Standards since for the closest comparable land use type, the Ordinance indicates that the maximum allowable parking would be two (2) parking spaces per three (3) habitable units. The most recent site plan submitted on August 8th indicates that only two parking spaces would be present, and that bicycle parking would be made available. This removes the need for any relief related to parking standards (though expansion of the parking would not be permitted without a petition given the maximum of 2 spaces per 3 units). Additionally, although the southeastern vehicle access point is oddly structured it does not appear to violate Ordinance rules about exclusive vehicle access from alleyways. However, placement of an ADA parking space as noted on plans would require the addition of a van-accessible aisle with a width of at least 96 inches. Approval of this variance would not replace or supersede any State certification requirements for legal operation of the use.
- This property is zoned both C-5 (General Commercial district) to the south to allow for retail sales and service functions typically characterized by automobiles and outdoor operations and D-5 (a residential zoning district) to the north to primarily allow for detached houses and some small multi-unit building types in strategic locations. The Comprehensive Plan (Land Use Plan Pattern Book, Martindale-Brightwood Quality of Life Plan) recommend the southern portion of the site for commercial office uses and the northern portion for low to medium density residential uses.
- The Plan of Operation provided by the applicant implies that the use would be housed within the existing duplex and that it would serve as a safe alternative housing option for women and their children working towards self-sufficiency. It also indicates that while there would be “occasional counselors, service providers or support personnel” visiting occupants, no full-time staff would be located on-site. The organization that would own and operate the use is a religiously affiliated social services organization with a national scope that focuses on health services, hunger prevention, transitional homes, and more (per their website). However, staff would emphasize that the proposed use is defined by Ordinance as a religious use and is instead residential in nature with all associated standards and regulations for residential development being applicable.
- Findings of Fact provided by the applicant indicate that the proposed use would be appropriate for the surroundings given that the existing structure and proposed parking would be residential in character and compatible with surrounding land uses. Staff would note that if the proposed use were to expand further north on the site beyond the existing duplex, placement of additional buildings or parking would bring the use and parking out of harmony with the lower-density residential development to the north. Staff feels that approval of this variance could make the likelihood of future requests to expand the unpermitted use more likely in the future.

- In addition to staff concerns about future expansion onto the parcels to the north, it is unclear why the petitioner would require a variance of use to fulfill their stated objective of housing 1-2 family units of women and children on a temporary basis. The property is currently legally established as a duplex which would allow for such lodging without the need for relief via a zoning petition; therefore, staff does not feel that undue hardship has been established (a statutory requirement for variance approval).
- Since (a) the proposed use is prohibited within both of the zoning districts of the property; (b) the site could legally function with a similar residential use (duplex/two-family dwelling) without the need for a Variance of Use; and (c) approval could result in future expansion of the prohibited use further north onto the subject site, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-5 / C-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood / Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	C-5	South: Commercial
East:	C-4 / C-5	East: Commercial
West:	SU-2	West: Institutional (School)
Thoroughfare Plan		
Gale Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Roosevelt Avenue	Local Street	34-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	03/20/2025	
Site Plan (Amended)	08/08/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/20/2025	
Findings of Fact (Amended)	06/20/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Martindale-Brightwood Neighborhood Plan (2011)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The northern portion of the site 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.
- The southern portion of the site is recommended to the Office Commercial typology to allow for single and multi-tenant office buildings and a buffer between higher and lower intensity land uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Similarly to the Pattern Book, the Martindale-Brightwood Quality of Life Plan recommends the northern portion of the site for low density residential uses and the southern portion for commercial office uses. The plan also emphasizes decreasing the number of abandoned homes.

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

2009UV1028, Variance of Use and Development Standards of the Commercial Zoning Ordinance to legally establish: (a) a single-family dwelling (not permitted) with a zero-foot front setback from the existing right-of-way of Gale Street (minimum ten-foot front setback required) and a zero-foot north side transitional setback (minimum twenty-foot north transitional yard required); and (b) a 270-square foot detached garage with a zero-foot front setback from Roosevelt Avenue (minimum ten-foot front setback required), and a nine-foot north transitional side setback (minimum twenty-foot north transitional yard required), **approved**.

ZONING HISTORY – VICINITY

2013HOV041 ; 2429 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling, with a 9.4-foot aggregate side setback (10-foot aggregate side setback required), **approved**.

2012HOV012 ; 2333 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: (a) a two-foot porch / stoop side setback and eight-foot aggregate setback for 2333 and 2402 Gale Street (four-foot minimum setback and 10-foot aggregate setback required); (b) to provide for 0.7-foot porch /stoop side setback and 8.4-foot aggregate side setback at 2367 Gale Street (four-foot minimum setback and 10-foot aggregate setback required); and (c) to provide for a one-foot setback for a parking pad and a 2.5-foot setback for a storage shed, creating an aggregate side setback of 3.5 feet at 2333 Gale Street (four-foot minimum setback and 10-foot aggregate setback required), **approved**.

2012HOV010 ; 2427 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a side porch, with a zero-foot north side setback, creating a 4.7-foot aggregate side setback (minimum four-foot side setback and 10-foot aggregate side setback required), **approved**.

2007UV3013 ; 2436 Station Street (northeast of site), VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance Zoning Ordinance to legally establish an excavating contractor (not permitted), and to legally establish six parking spaces with insufficient maneuvering area (proper maneuvering area required), **approved**.

EXHIBITS

2025UV3012 ; Aerial Map



2025UV3012 ; Site Plan (8/8/25)



2025UV3012 ; Site Plan (3/20/25)



2025UV3012 ; Plan of Operation

BACKGROUND

The subject site is located on the east side of N. Gale Street just north of Roosevelt Avenue. The site consists of 0.45 acres and is zoned D5 and C5. The existing improvements consist of a 2,496 sqft duplex dwelling with a detached storage building. The surrounding zoning is SU2 to the west (Elementary School), C5 to the south (Automobile Repair), D5 to the north (Single-Family) and C4 and I3 to the east (Vacant Commercial and Industrial Buildings).

Proposed Use

The proposed use will be Transitional Living Quarters for homeless women and their children to provide safe alternative housing which fosters healing and growth while working towards self-sufficiency.

Compatibility and Harmony

The proposed use will require minimal improvements to the existing duplex and will be compatible with other residences in the immediate area. The site is surrounded by a wide variety of uses consisting of a school, residential, commercial, and industrial. The paved parking area will only have access from the alley and contain landscape plantings to screen and buffer the Gale Street frontage and residential to the north. The parking area will have connectivity to the home with walkways and an outdoor communal area.

Workforce

There will not be any full-time staff at the site. There may be an occasional counselor, service provider or support personnel(s) visiting the families living at the home.

Hours of Operation

There will be no business hours at the home.

Off-Street Parking

There are nine (9) parking spaces provided, including 1 van accessible ADA space. The parking is designed to accommodate the tenants, counselors, service providers and support personnel.

Signage

There will be no signage required.

Clients and Customers

There will be no clients or customers at the site.

Lights

Only small wall pack security lights will be installed at the designated entrance and exit to the home.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

The stormwater drainage system will be designed to accommodate the paved parking lot and discharge into a storm sewer inlet located approximately 200 feet from the proposed parking lot.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.

2025UV3012 ; 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 be located within an existing residence that has direct access to a public street, all necessary utilities and will provide a living quarter for women needing assistance.

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 exterior of the dwelling will maintain its residential character and the proposed use will be compatible with the adjacent uses in the immediate area.

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

The site is zoned for commercial and residential use and the Transitional Living Quarters is not permitted in a portion of the existing residence.

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

The residence is split with a residential and commercial zoning district. The use variance is necessary to allow the entire residence to be used for a Transitional Living Quarters.

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

The use variance will not change the underlying zoning districts.

2025UV3012 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from Northwest

2025UV3012 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northeast



Photo 4: Subject Site Viewed from East

2025UV3012 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast



Photo 6: Subject Site Viewed from Southwest

2025UV3012 ; Photographs (continued)



Photo 7: Building Access/Alley Viewed from East (Roosevelt)



Photo 8: Building Access/Alley Viewed from North (Alley)

2025UV3012 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to South (Viewed from Roosevelt)

2025UV3012 ; Photographs (continued)



Photo 11: Adjacent Property to Southeast



Photo 12: Adjacent Property to Northeast