

**BOARD OF ZONING APPEALS DIVISION III**

**August 19, 2025**

**Case Number:** 2025-DV3-025

**Property Address:** 980 South Kitley Avenue (approximate address)

**Location:** Warren Township, Council District #20

**Petitioner:** 980 Kitley LLC, by David Gilman

**Current Zoning:** I-4 / I-3

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

**Current Land Use:** Industrial

**Staff Recommendations:** Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated August 11, 2025

**Staff Reviewer:** Staff **recommends denial** of the two-foot front yard setback from Kitley Avenue

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated August 11, 2025
- Staff **recommends denial** of the two-foot front yard setback from Kitley Avenue

**PETITION OVERVIEW**

- This petition would allow for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), and without required landscaping.
- The revised site plan, file-dated August 11, 2025, indicated sidewalks being placed along the Brookville Road frontage, which is a sufficient linear distance to meet the required sidewalk installation. Therefore, that variance is to be removed from the request.
- With regards to the landscaping, interior landscaping is required as a part of construction of new freestanding building (as being requested here), per Table 744-502-1 of the Zoning Ordinance. With the subject site being almost entirely hardscaped and used for industrial uses, Staff and the petitioner

have agreed to provide for landscaping along the frontages of Brookville Road and Kitley Avenue, per the landscaping plan. This would exceed the frontage landscaping requirement for number of trees per linear distance of frontage. While this would not meet the landscaping requirements for interior landscaping, Staff finds this to be a significant improvement to the site and to represent a reasonable replacement for the landscaping required by the Ordinance. Further, Staff finds providing frontage landscaping to be more appropriate and necessary for this site, to allow for additional screening of the existing outdoor storage. Being in the public right-of-way, this landscaping would require a flora permit, which has been obtained by the petitioner via FLR25-00094. Therefore, Staff is supportive of the request for deficient landscaping, subject to the filed landscape plan, which indicates that a total of 30 trees be planted along the Brookville Road and Kitley Avenue frontages.

- With regards to the request for the 2-foot front yard setback of the proposed new building, Staff finds this request to be a substantial deviation from the standard, approximately a 96% deviation from the standard of 60 feet in the I-4 district. The standard is in place to allow for sufficient distance and buffer of industrial uses from adjacent properties and public rights-of-way. The petitioner has indicated that the reason for the request is to ensure that outdoor storage space is not lost. Staff does not believe this to be justification for such a large deviation and would note that the site already contains a large amount of outdoor storage and that any presumed lack of outdoor storage space is likely an indication that the existing operations have outgrown the site. Staff does not find there to be any practical difficulty for needing such a request and believes there is ample room for outdoor storage as well as for truck maneuverability in between buildings. Therefore, Staff recommends denial of the 2-foot front yard setback.
- Additionally, Staff indicated to the petitioner that Staff would be supportive of a variance for a 25-foot front yard setback for the proposed building.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-4 / I-3	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Heavy Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-S	North: Commercial Special
South:	I-2	South: Industrial
East:	I-3	East: Industrial
West:	I-3	West: Industrial
<b>Thoroughfare Plan</b>		
Brookville Road	Primary Arterial	98 feet of right-of-way existing and 112feet proposed
South Kitley Avenue	Primary Collector	70 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Metro	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	5/30/25
<b>Site Plan (Amended)</b>	8/11/25
<b>Elevations</b>	5/30/35
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	7/10/25
<b>Findings of Fact</b>	5/30/25
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Heavy Industrial typology for this site.

**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

**78-Z-70**, Rezoning of 5.6 acres, being in the I-3-U district, to the I-5-U classification to permit industrial development, **approved**.

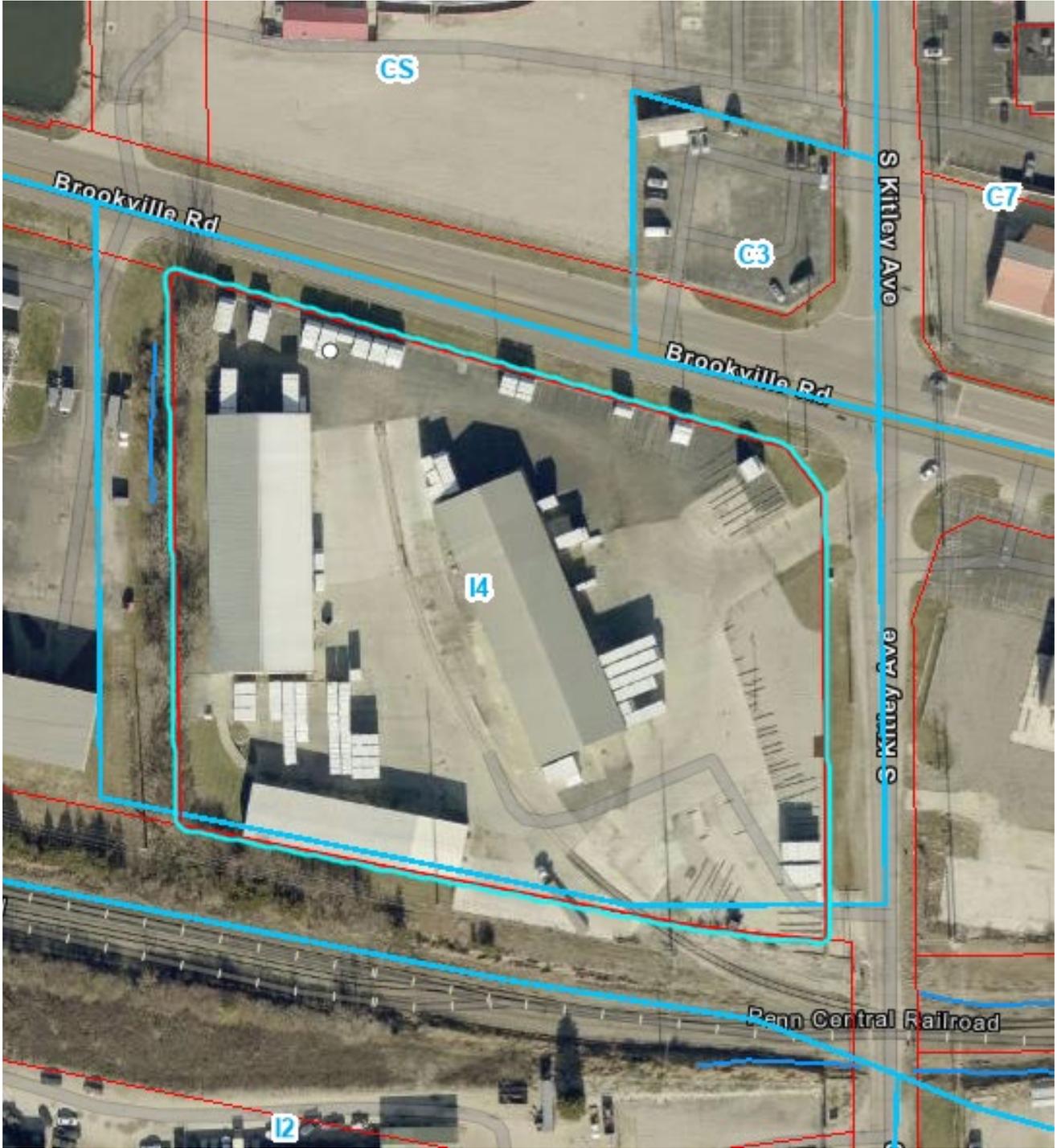
### ZONING HISTORY – VICINITY

**2023ZON026; 6501 Brookville Road (east of site)**, Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store, **dismissed**.

**2016UV3014; 805 S Kitley Ave (north of site)**, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for up to two dwelling units (not permitted) on the second floor of the existing building, including residential accessory uses and structures (not permitted), **approved**.

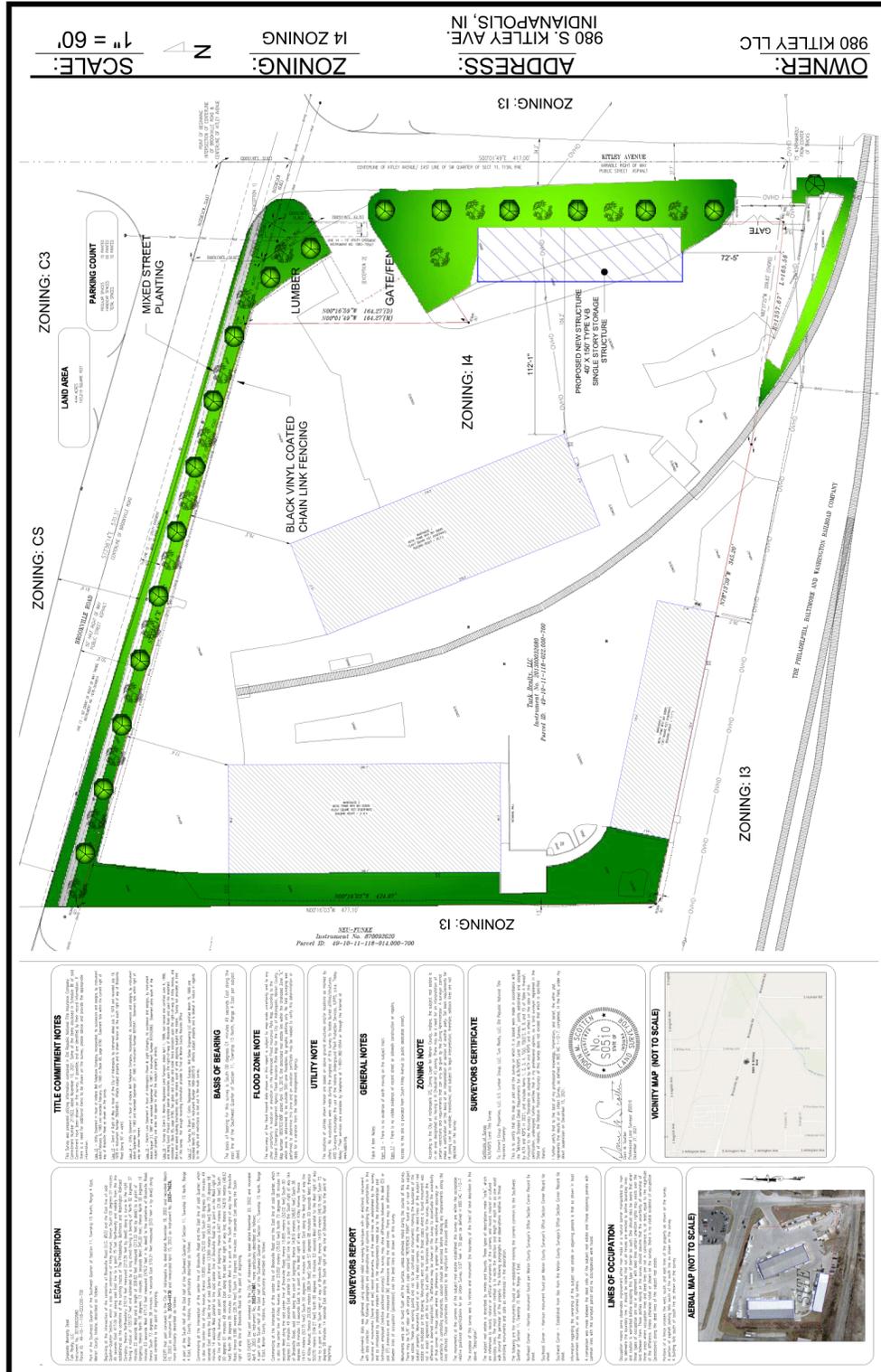
**2001DV3021 / 2001SE3006; 1000 S Kitley Ave (south of site)**, Special Exception of the Industrial Zoning to provide for the construction of a 6120 square foot building for an automobile salvaging operation, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a 6120 square foot building, with an 11-foot front yard setback and an 11-foot side yard setback (minimum 30-foot side yard setback required), **approved, subject to conditions**.

EXHIBITS

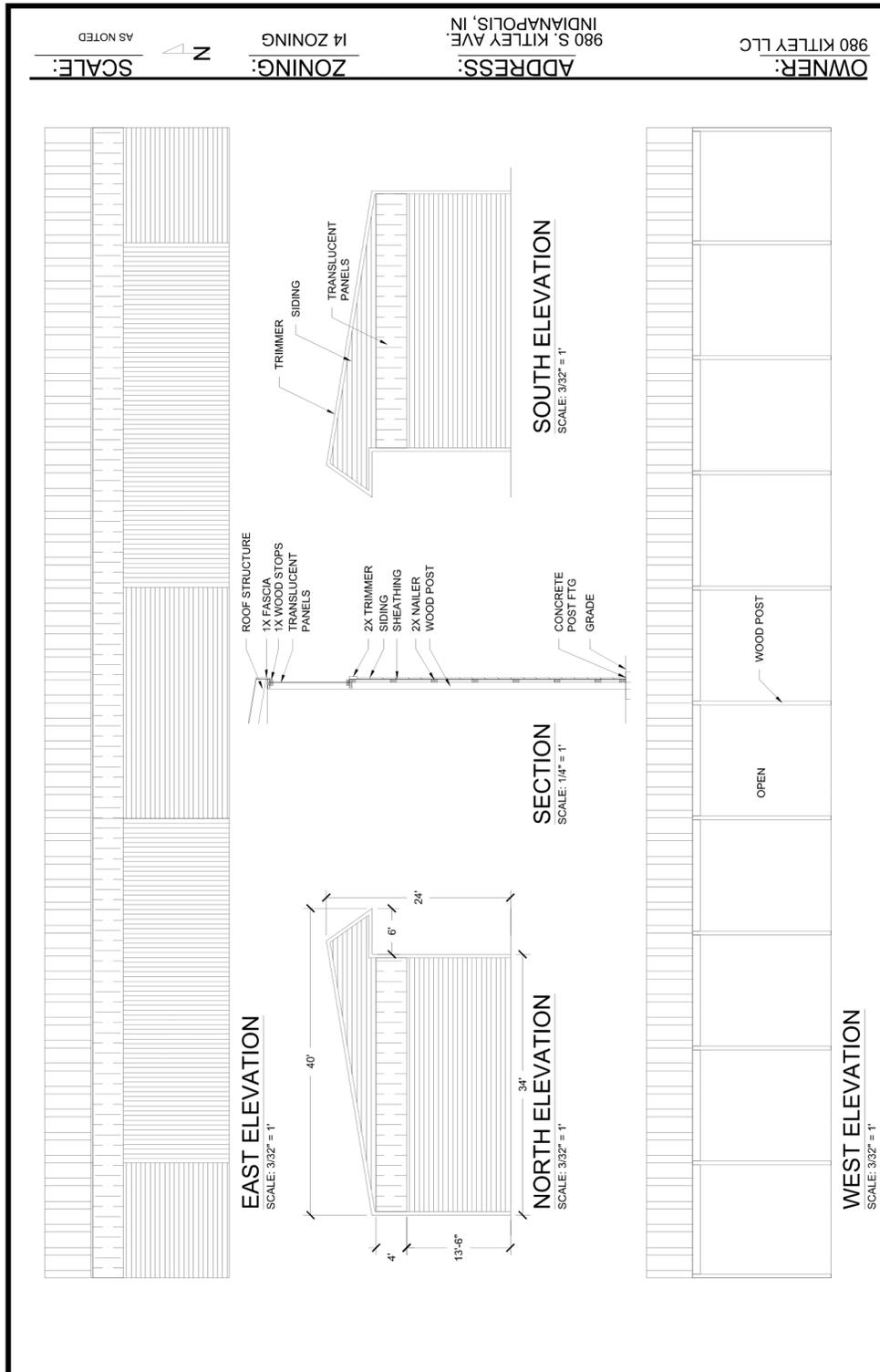


Aerial Photo

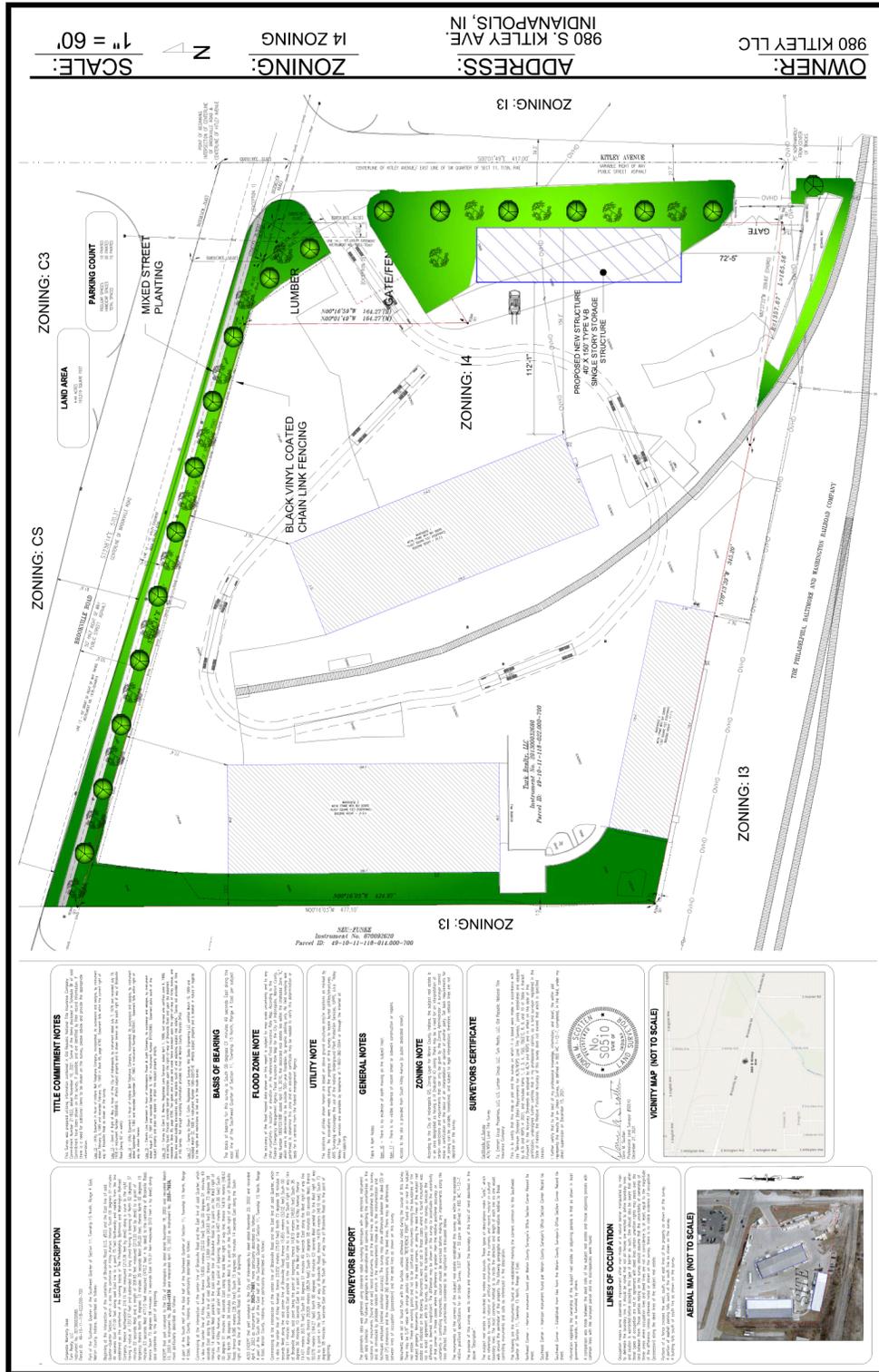




Revised site plan and landscape, file-dated 8/11/25



Building elevations, file-dated 5/30/25



Truck Maneuverability

City of Indianapolis  
 Department of Business and Neighborhood Services

**Flora Permit**

200 E. Washington St., Suite 107  
 Indianapolis, IN 46204

Permit No.: **FLR25-00094**  
 Location: **980 S KITLEY AVE**  
 Township:

Issued: **07/23/2025**  
 Start Date: **10/01/2025**  
 Expired: **11/30/2025**

**CONTRACTOR**  
 TBD  
 IN

**OWNER**  
 980 Kitley Llc  
 53 S Union St  
 Brazil, IN 47834

**APPLICANT**  
 David Gilman  
 Timberland Lumber Company  
 211 S Ritter Avenue, SUITE H  
 Indianapolis, IN 46219  
 3178336331

**PROJECT DESCRIPTION:** **Tree planting for private development.  
 Provisional permit upon determination of landscape contractor.  
 30 trees planted; species chosen to accommodate overhead utility lines  
 Redbud; Arbor vitae; Yew; Chokeycherry**

**CITY CONTACT:** BNS Forestry, 317-327-2236.

**CONDITION(S):**

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1. ANSI 60.1 – American Standard for Nursery Stock shall be adhered to.
  2. Chapter 701 of the Revised Code of the Consolidated City of Indianapolis and Marion County shall be adhered.
  3. Permit applicant is required to contact Indiana Underground Plant Protection Service (IUPPS) at 1-800-382-5544 to have Utilities Located prior to excavation/installation.
  4. Occupational Safety and Health Administration Standards 29 CFR 1910 and 1926 shall be adhered
  5. Changes to plant material or location must be submitted and approved prior to installation.
  6. ANSI A300 – American National Standards for Tree Care Operations – Standard Practices Series shall be adhered to.
  7. ANSI Z133.1 – American National Standards for Arboricultural Operations – Safety Requirements shall be adhered to.
  8. City of Indianapolis Department of Public Works Forestry Planting Detail shall be adhered.
  9. Must be planted on public lands under jurisdiction of the City of Indianapolis
  10. Trees shall be a minimum of 1 ½" -2½" caliper at installation.
  11. There will be a two-year warranty period on each tree. If the City finds a tree unacceptable during this period, the applicant will remove the tree and stump and plant a new tree to replace that tree at the applicant's expense.
  12. Applicant will commit to two (2) years of watering at fifteen (15) gallons of water per week from April 1st to October 31st each year.



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 reduced setback will not obstruct visibility to the general public. The site will have all required utilities and has direct access to a public street. The proposed building will be for dry storage of lumber and will not be for human occupancy.

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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 site is adjacent to a busy railroad, industrial and heavy commercial uses. The proposed building will be similar to other storage buildings already present on the site.

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

The site includes a railroad spur that required significant maneuvering area for the unloading of lumber material to the various storage buildings.

Placing the building along the property line will allow for the safe loading and unloading of the lumber by large equipment and safety of the employees.

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DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Subject site looking southwest



Looking northwest along Brookville Road



Looking south down Kitley Avenue



Looking west towards subject site



Looking southeast



Looking northwest



Looking east across Kitley Avenue towards adjacent site



Looking northeast at adjacent site