Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

November 12, 2026

Case Number:	2026-CZN-849 / 2026-CPL-849
Property Address:	3808 North Kitley Avenue (*Approximate Address*)
Location:	Lawrence Township, Council District #9
Petitioner:	GIT Enterprises, LLC, by Justin Kingen
Current Zoning:	D-3 (TOD)
Request:	Rezoning of 0.69-acre from the D-3 (TOD) district to the D-5 (TOD) to provide for residential development, consisting of two detached single-family dwellings. Approval of a Subdivision Plat to be known as Replat of Lot 282 in Vernon Acres, Section 6, dividing 0.69-acre into two lots.
Current Land Use:	Undeveloped
Staff Recommendation:	Staff recommends **denial** of the requested rezoning. Staff recommends **denial** of the plat, though subject to conditions if approved.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

9/24/2026: The petitioner requested a continuance to allow time to discuss with a neighborhood group.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested rezoning.

Staff recommends that the Hearing Examiner **deny** the plat petition since it does not comply with the lot width requirement for the D-3 zoning district. However, if the plat file-dated August 6, 2026 were to be approved, it should be subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
10. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.
11. That the plat shall not be recorded prior to certification of the rezoning petition 2026-CZN-849 by the City-County Council.

PETITION OVERVIEW

LAND USE

3808 North Kitley Avenue is a 0.69-acre parcel that is currently undeveloped. A 1200-square foot single-family residence previously on the property was demolished in 2019. Surrounding land uses are residential in nature, and the property is zoned D-3 to allow for residential development. Other adjacent properties are zoned D-3, with the exception to property to the east on the other side of Kitley Avenue, which is zoned D-4. The site is within the Transit-Oriented Development secondary zoning overlay given its proximity to IndyGo's BRT Purple Line.

PLAT

Approval of the plat petition would result in the creation of two separate lots. Each lot (Lot 282A and Lot 282B) would have a size of 0.344 acres and a lot width of 50 feet. Both lots would front on Kitley Avenue to the east. No new streets would be created as a part of the plat, and no new sidewalk would need to be added due to the residential exception found within 744-303.B of the Indianapolis Zoning Ordinance.

Although the proposed lots would not meet the minimum lot width requirements for the current D-3 zoning district (70 feet required), the proposed lot width would be permitted within the requested D-5 zoning. The Hearing Examiner could approve the plat, but it could not be recorded unless the rezoning petition were to be approved by the Metropolitan Development Commission and certified by the Council.

REZONING

Approval of the rezoning request would rezone the site from the D-3 zoning district to the D-5 zoning district, which would allow for development of two detached single-family dwellings.

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

STAFF ANALYSIS

The proposed plat would result in the creation of two lots that would not meet the minimum lot width standard for the D-3 zoning district (50 feet proposed for both lots; minimum of 70 feet required by the district). Staff would recommend **denial** of the plat petition since at the time of the initial hearing, a dimensional standard would not be met. However, if the plat and rezoning request were to be approved, the plat could not be legally recorded prior to the rezoning being certified by the City-County Council (see condition #11 above).

With regards to the rezoning request, although the Suburban Neighborhood recommendation of the Pattern Book does sometimes incorporate D-5 districts, staff would note that there is not any D-5 within the surrounding area (nearby residences are zoned D-3 and D-4) and that approval of this request might constitute a ‘spot rezoning’ that would run counter to established best practices of land use.

Additionally, staff would note that approval of both petitions would result in the establishment of two new lots substantially narrower then all others that exist along the western portion of Kitley Avenue (neighbors to the north have a uniform lot width of 100 feet). An access easement for the proposed shared driveway would also likely need to be granted outside of the zoning petition process.

Alternate options to allow for the desired level of density (2 units on the 0.69-acre lot) would also exist: the property could be developed with a single-family home and a secondary dwelling unit to allow for two residences by-right without the need for petition relief of any kind. Additionally, a rezoning to the D-4 zoning district would allow for construction of a duplex by-right and would not constitute spot rezoning given the presence of land zoned D-4 to the east: staff could support the rezoning of this site to the D-4 zoning district (and withdrawal of the companion plat request) as a potential compromise.

However, given that the requested rezoning petition **(a)** would be a 'spot rezone' solely pursued to seek relief from the applicable lot width dimensional standard for the D-3 zoning district and **(b)** would result in the creation of two lots incongruous with the context of the block, staff recommends **denial** of the requested rezoning petition.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-3	North: Residential
South:	D-3	South: Residential
East:	D-4	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Kitley Avenue	Local Street	90-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	08/26/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Purple Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the 38th and Arlington BRT stop, the Purple Line TOD Strategic Plan recommends this site to the Community Center typology. This typology allows for walkable commercial centers with a range of commercial types and a mix of retail, entertainment, office, and residential uses as desired.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022UV3002 ; 3900 North Kitley Avenue (north of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a secondary dwelling unit, in an existing detached accessory structure, where neither the primary or secondary dwelling is occupied by the owner of the property (not permitted), and without an entrance visible from a public right-of-way (entrance must be visible from a public right-of-way), **denied.**

2011UV3024 ; 3805 North Sheridan Avenue (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a beauty salon and nail shop home occupation utilizing 624 square feet or 32% of the total square footage of an existing single-family dwelling (maximum 573 square feet or 30% of the total square footage permitted), **approved.**

97-NC-88 ; 3881 Pasadena Street (east of site), Certificate of Legally Non-Conforming Use for the conversion of a single-family dwelling into a three unit dwelling, with units containing 443 square feet and 552 square feet, **approved.**

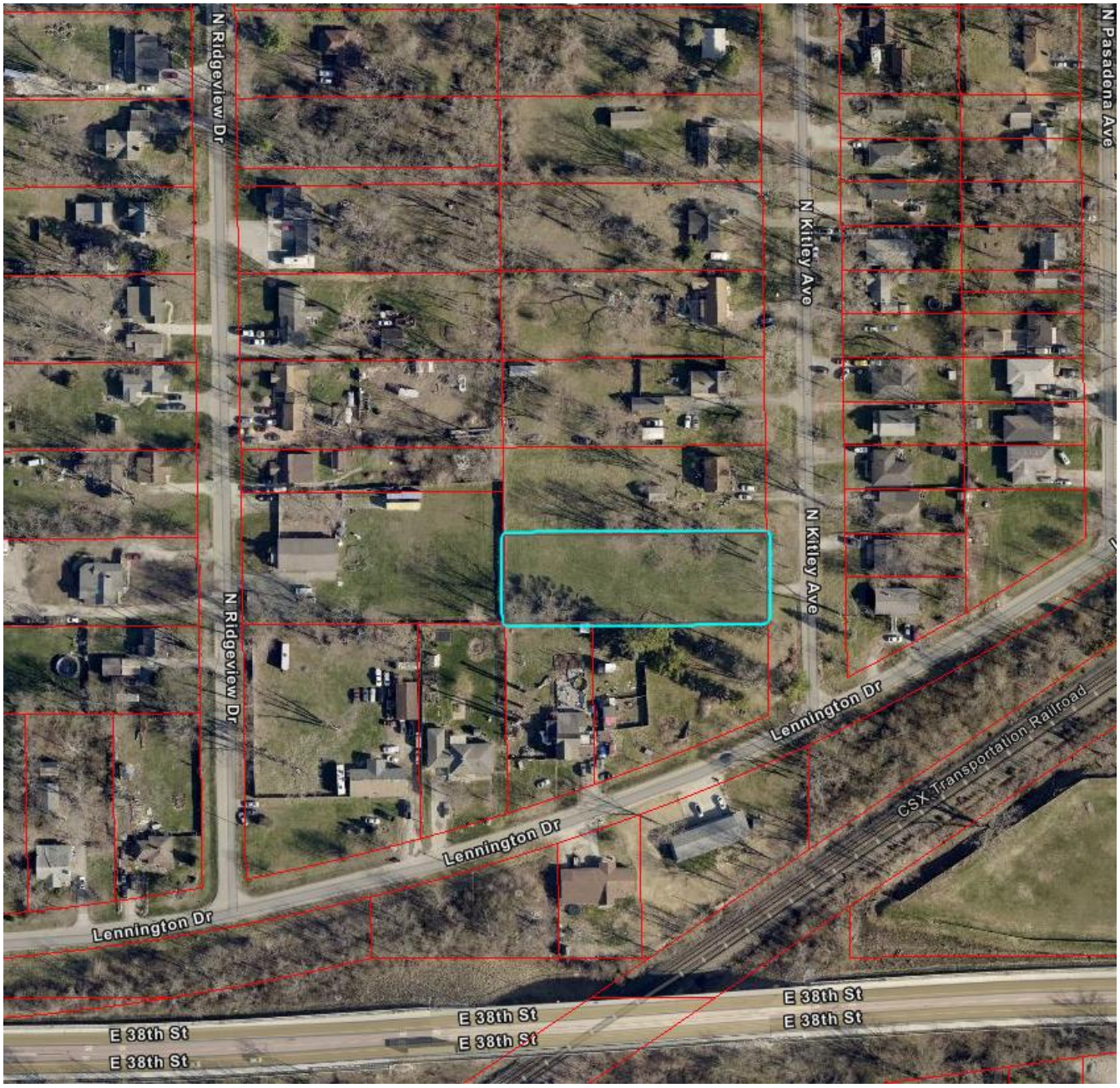
90-Z-62 ; 6429 Lennington Drive (south of site), Rezoning of 1.59 acres, being in the D-3 district, to the C-ID classification to provide for electrical contractor offices and outdoor storage, **denied.**

86-V2-20 ; 3944 North Elizabeth Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a carport to be erected at 3.5 feet from the right-of-way of Elizabeth Street (25 foot setback required), **denied.**

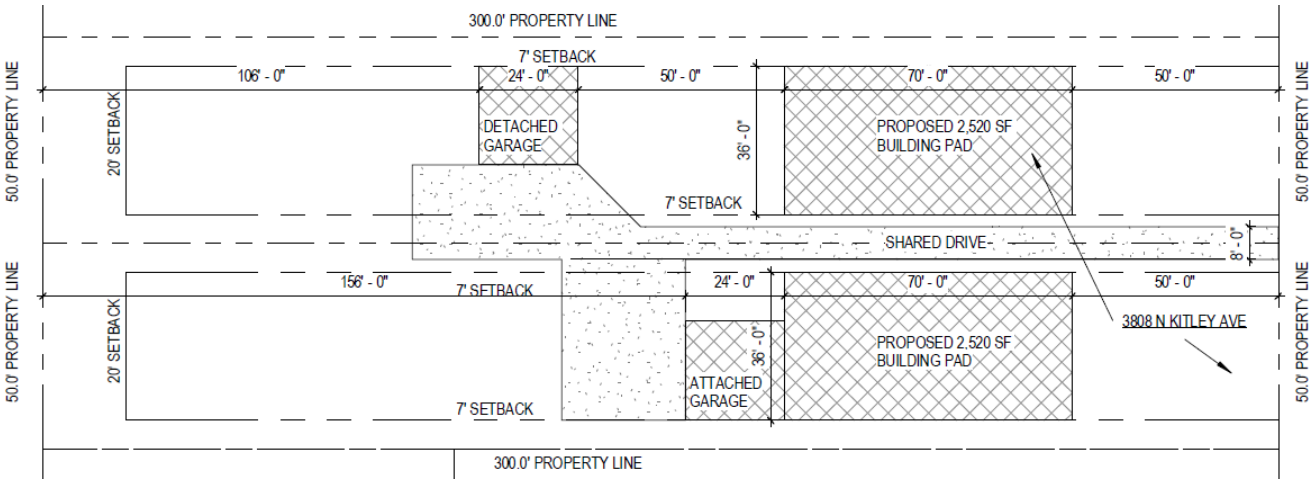
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EXHIBITS

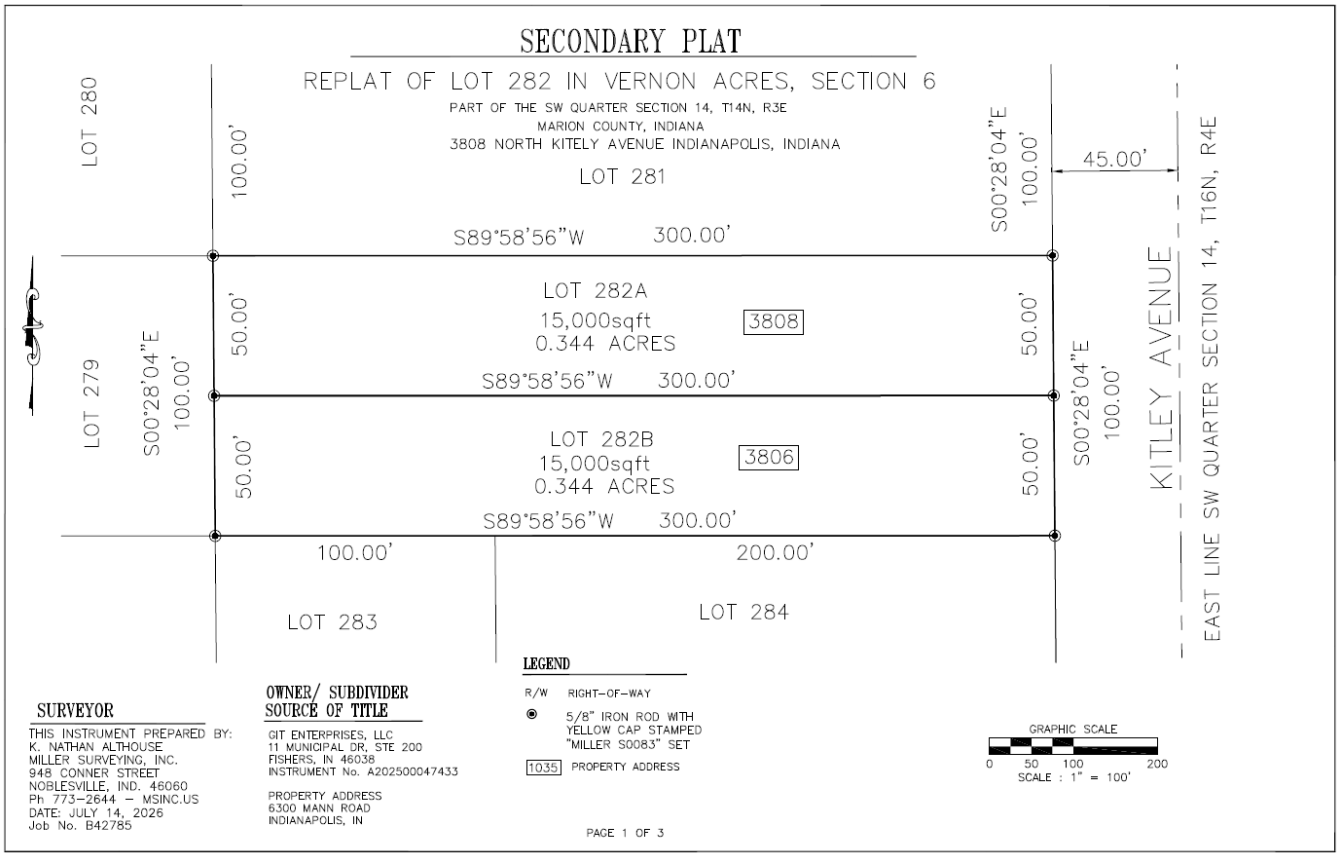
2026-CZN-849 / 2026-CPL-849 ; Aerial Map



2026-CZN-849 / 2026-CPL-849 ; Site Plan (zoomed)



2026-CZN-849 / 2026-CPL-849 ; Secondary Plat



2026-CZN-849 / 2026-CPL-849 ; Photographs



Photo 1: Subject Site Viewed from East

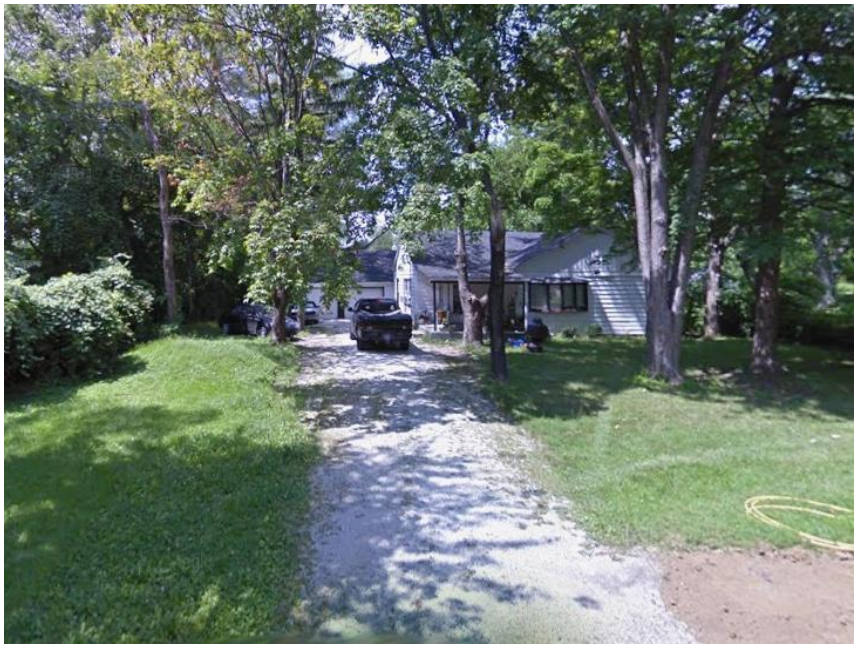


Photo 2: Previous Residence on Subject Site (August 2009)

2026-CZN-849 / 2026-CPL-849 ; Photographs (continued)



Photo 3: Existing Trees on Subject Site Viewed from East



Photo 4: Adjacent Property to North

2026-CZN-849 / 2026-CPL-849 ; Photographs (continued)



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to Northeast