

BOARD OF ZONING APPEALS DIVISION III

October 21, 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 September 29, 2025, and **recommends approval** of a 25-foot front yard setback from Kitley Avenue

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the September 16, 2025 BZA Division III hearing to the October 21, 2025 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated September 29, 2025 and **recommends approval** of a 25-foot front yard setback from Kitley Avenue

PETITION OVERVIEW

- The revised site plan, file-dated September 29, 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. Additionally, the revised site plan indicates the proposed building being located 25 feet from Kitley Avenue, which means that the front yard setback request is to be revised from the original 2-foot front yard setback to the revised 25-foot front yard setback.
- 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 25-foot front yard setback of the proposed new building, the standard is in place to allow for sufficient distance and buffer of industrial uses from adjacent properties and public rights-of-way. With the petitioner agreeing to alter the proposed plans from the original 2-foot setback to the revised 25-foot setback, Staff finds this to represent a reasonable request and compromise that would provide for a significant amount of setback from Kitley Avenue. The revised site plan has eased Staff's concerns on these points and is less concerned about a small reduction in setback at this location given that this is not a transitional yard. Therefore, Staff is unopposed to a 25-foot front yard setback along Kitley Avenue.
- Staff continues to recommend denial of the original 2-foot front yard setback request.

GENERAL INFORMATION

Existing Zoning	I-4 / I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-S	North: Commercial Special
	South: I-2	South: Industrial
	East: I-3	East: Industrial
	West: I-3	West: Industrial
Thoroughfare Plan		
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
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	

Site Plan	5/30/25
Site Plan (Amended)	8/11/25
Elevations	5/30/35
Elevations (Amended)	N/A
Landscape Plan	7/10/25
Findings of Fact	5/30/25
Findings of Fact (Amended)	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



Department of Metropolitan Development
Division of Planning
Current Planning

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**.

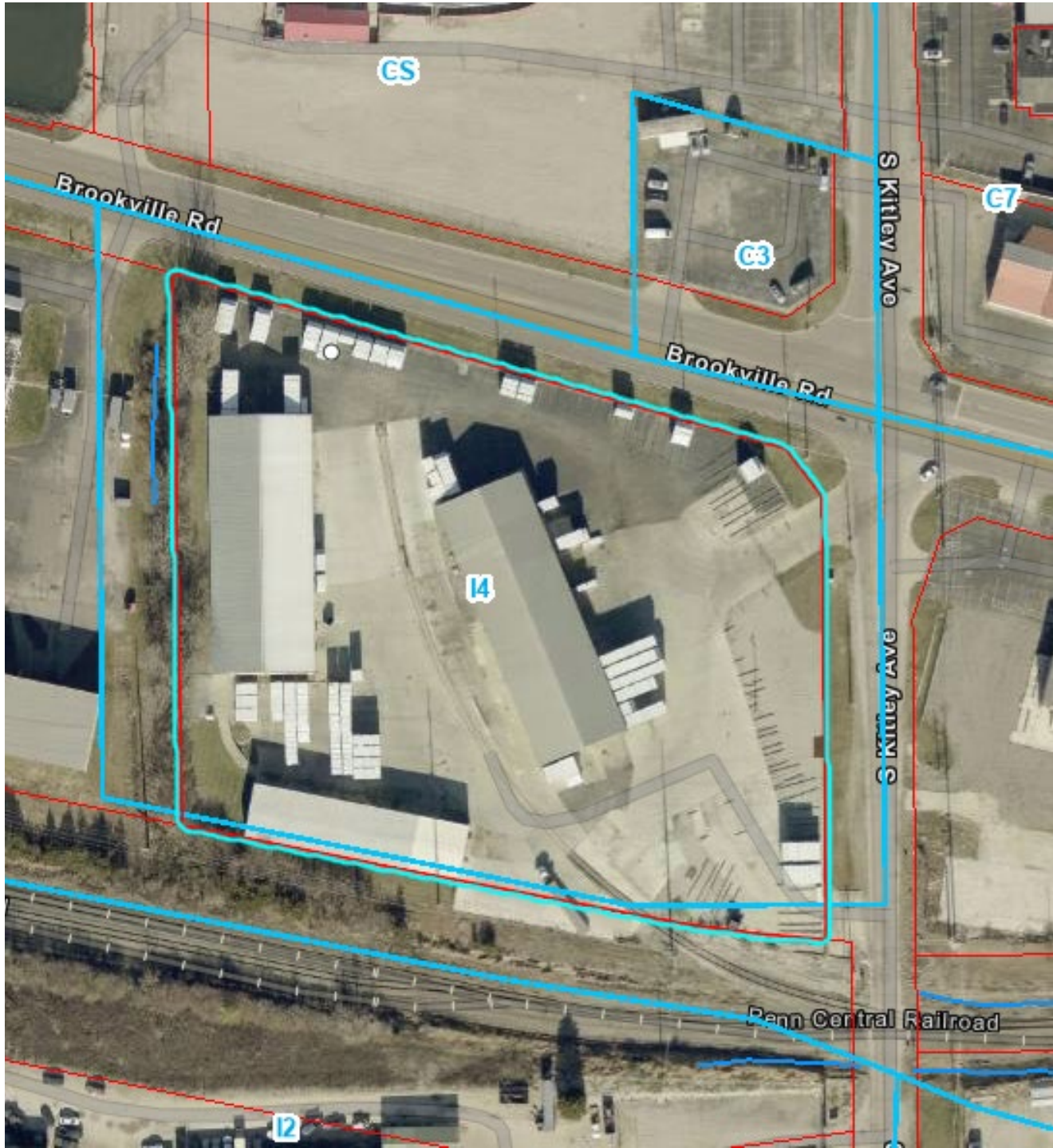
ZONING HISTORY – VICINITY

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**.

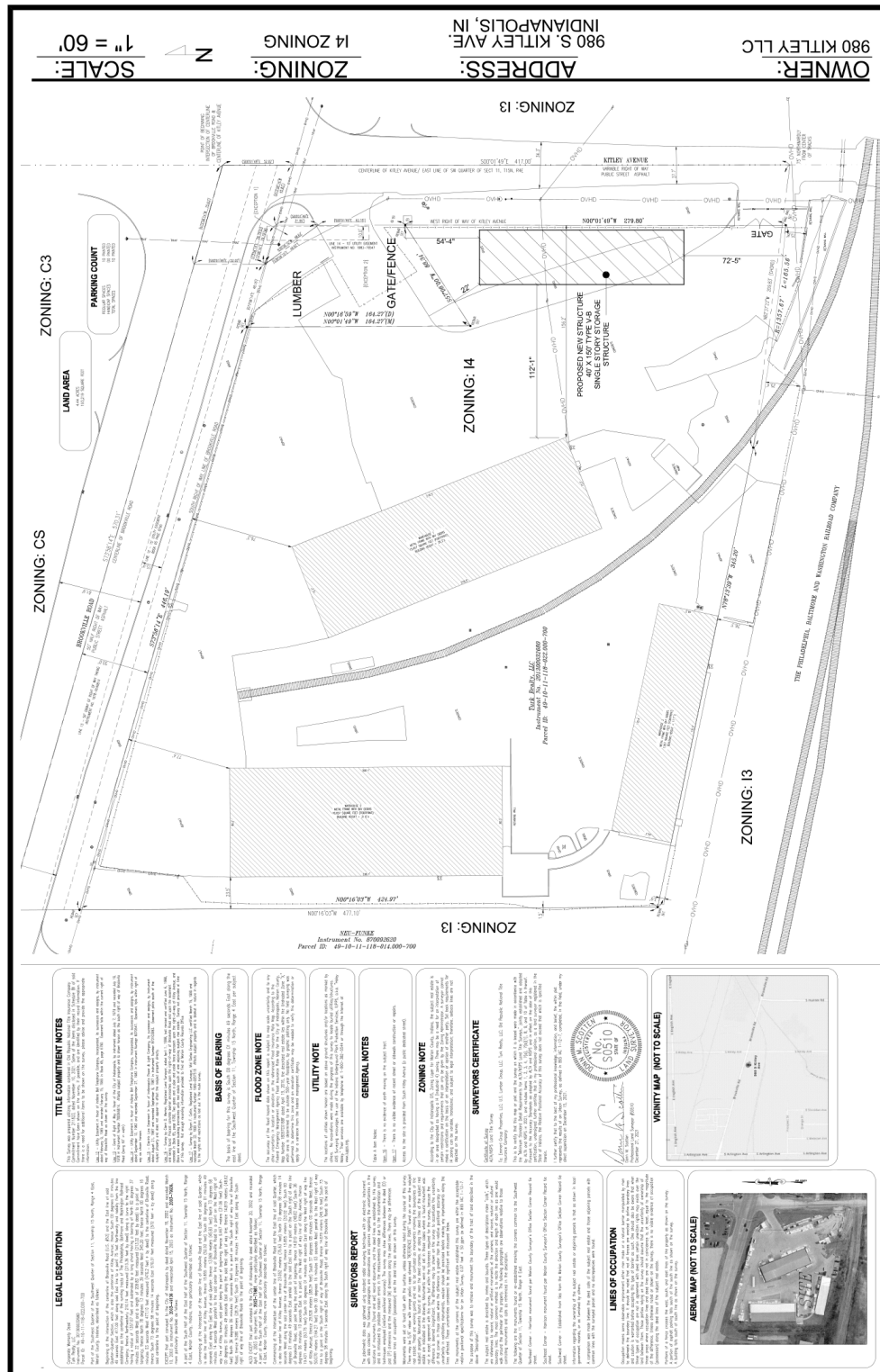
2016UV3014; 805 S Kitley Ave (north of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for up to two dwelling units (not permitted) on the second floor of the existing building, including residential accessory uses and structures (not permitted), **approved**.

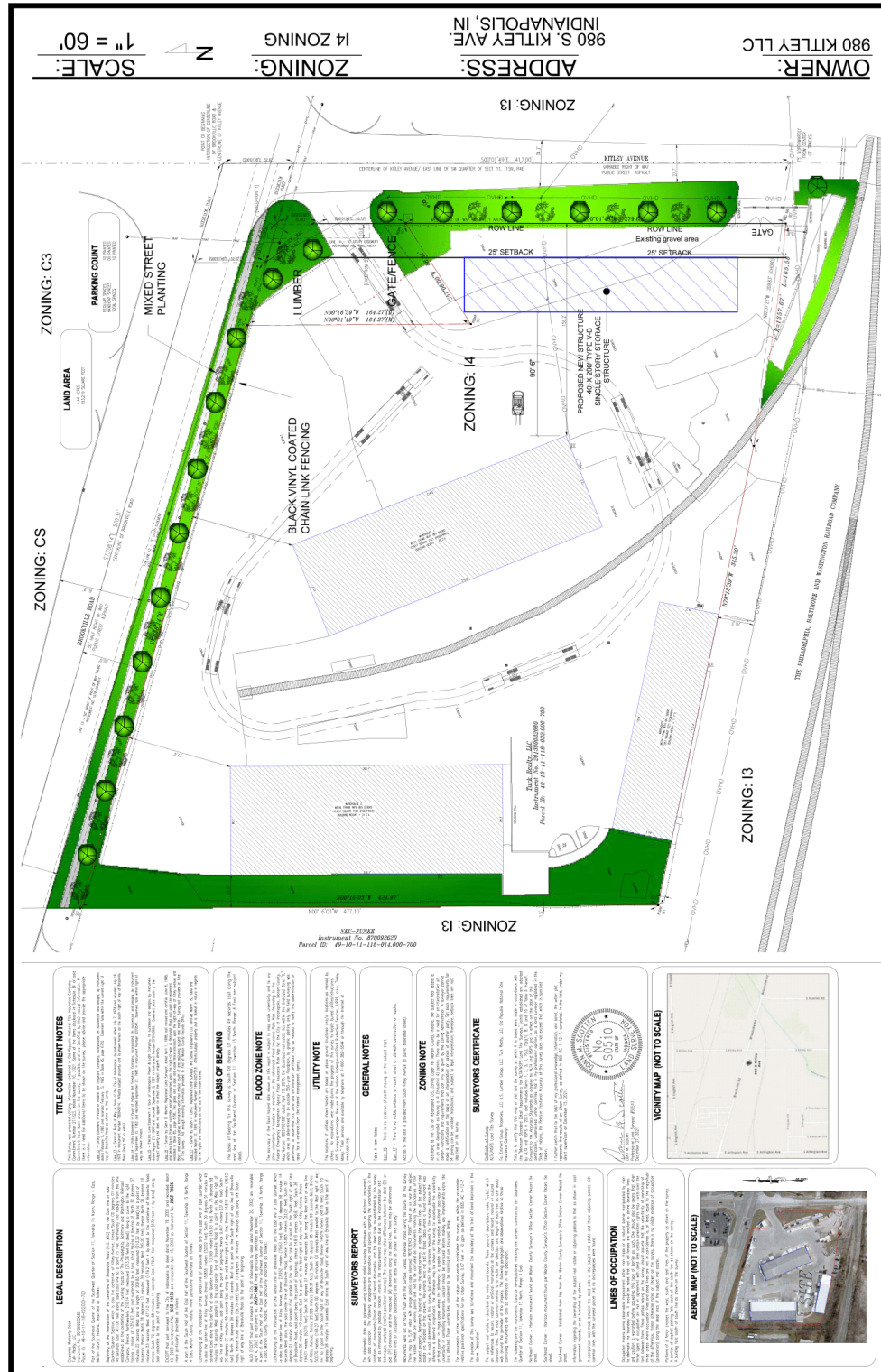
2001DV3021 / 2001SE3006; 1000 S Kitley Ave (south of site), Special Exception of the Industrial Zoning to provide for the construction of a 6120 square foot building for an automobile salvaging operation, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction 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**.

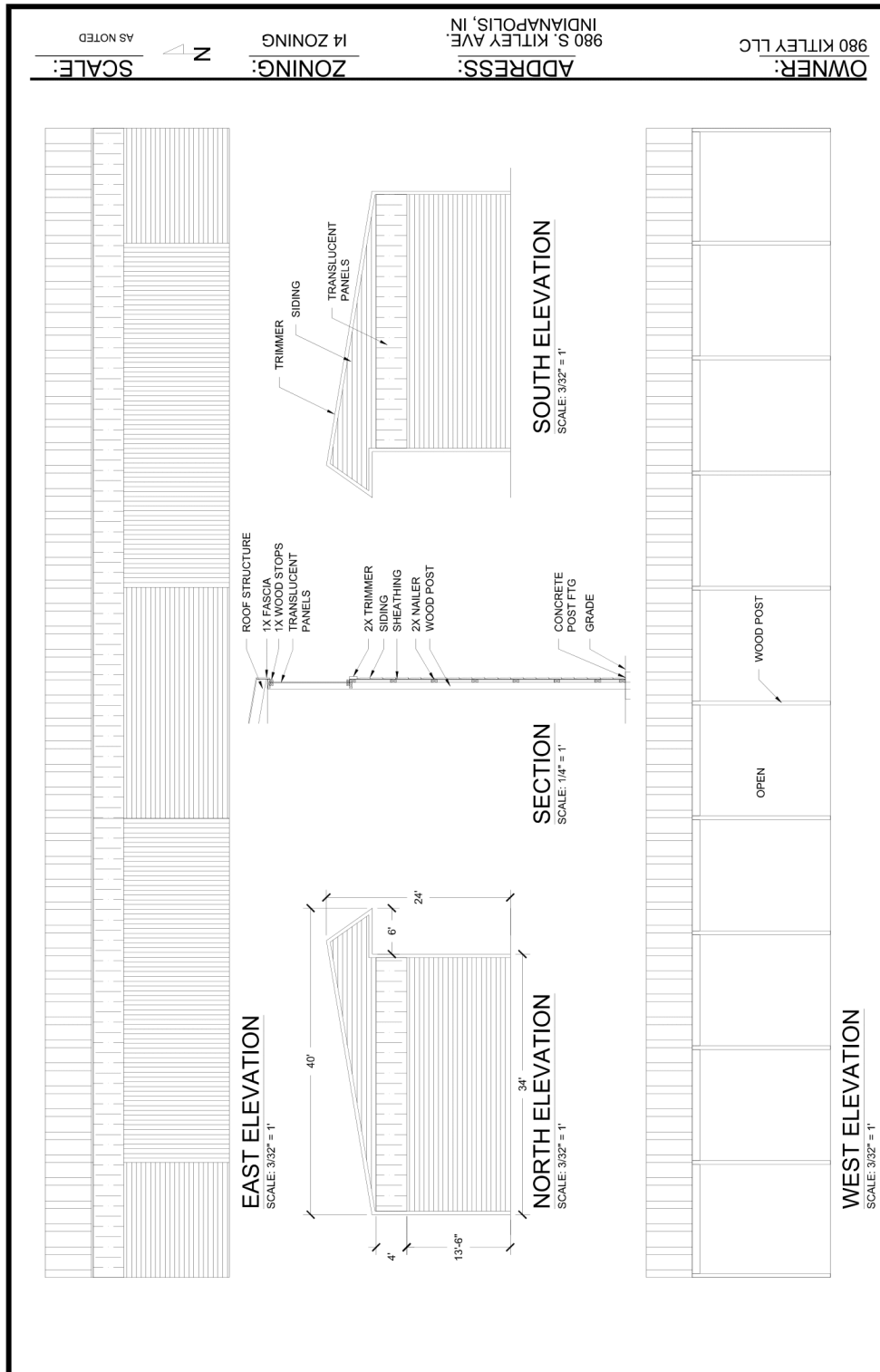
EXHIBITS



Aerial Photo







Building elevations, file-dated 5/30/25

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; Chokecherry**

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

CONDITION(S):

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.



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