

BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

Case Number: 2025-DV2-033

Property Address: 6445 Spring Mill Road (approximate address), Town of Meridian Hills

Location: Washington Township, Council District #2

Petitioner: Patrick & Laura Steele, by Misha Rabinowitch

Current Zoning: D-2 (R-2)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pool house with a three-foot east side yard setback and 27.33-foot aggregate side yard that would encroach into a platted easement (12-foot minimum and 30-foot aggregate side yard setbacks required, encroachment of easements not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 6445 Spring Mill Road is a residential property located at the southeast corner of the intersection of Spring Mill Road and Wellington Road and within the Town of Meridian Hills. The site is currently improved with a single-family residence that was expanded to the south by permits issued in 2023, as well as an accessory pool and partially constructed pool house. Power lines run along the eastern portion of the property, with a related utility easement of four (4) feet.
- In 2025, permits were issued for the renovation and reconstruction of the swimming pool in the same size and location as well as for a pool house structure that would be open on 3 of 4 sides. The site plan approved by Permitting indicated a 13-foot side setback for the pool house structure; however, that site plan incorrectly showed all site improvements shifted 10 feet to the west. The pool house structure is partially built, with a 3-foot eastern side setback not matching the permit.

- Construction of the pool house in its current location would require the approval of three (3) separate variances: **(a)** the required side setback for residential development within the R-2 district of Meridian Hills is 12 feet; **(b)** Meridian Hills also requires an aggregate side yard setback of 30 feet (the eastern and southern yards would combine for 27.33 feet); and **(c)** encroachment into the platted easement related to the overhead power lines (the easement is 4-feet in width and the setback is three feet). If the site plan provided for permit review had been accurate, the issuance of permits would have been delayed allowing for either plan revision or for required variances to be obtained.
- At the time of the publication of this staff report, it does not appear that AES (the easement holder) had provided the applicant with a Consent to Encroachment letter. This letter would be a requirement to allow for the improvement to remain, in addition to this zoning variance and an encroachment license from the Department of Business and Neighborhood Services. Staff would emphasize that approval of the ENC would not be guaranteed even if the AES consent was provided and the variance was granted, and that the City would not be held liable for any damages to improvements within the platted easement. Staff indicated to the applicant that applying for a “Vacation of a Platted Easement” petition with the Plat Committee would be a more appropriate remedy, but they indicated their desire to proceed with a Variance of Development Standards.
- This site is zoned D-2 (Dwelling District Two) to allow for suburban development with ample yards, trees, and open space. It also falls within the R-2 designation of the Town of Meridian Hills and is recommended to the Suburban Neighborhood typology by the Comprehensive Plan.
- Findings of Fact provided by the applicant indicate that the pool house would be adequately screened from surrounding properties and that flexibility wouldn’t exist to place it in an alternate location. Staff would note that this site appears to have housed a pool without a pool house since the late 1980s without incident, and that the sunroom addition constructed in 2023 could potentially fulfill some pool house functions without the need for variance relief. Any difficulty that exists in relation to the partially constructed pool house would be self-imposed since the construction was based on an inaccurate site plan provided for permitting.
- Staff would also note that this easement could be needed in the future to allow for either regular maintenance of nearby power lines or emergency repairs in the event of damage or inclement weather (see proximity of the lines to the structure in Photos 7 and 8). Although there might be residential building code issues related to this proximity, the primary zoning issue is encroachment into the easement seemingly without AES consent or a vacation of the platted easement. Given this context and the fact that no practical difficulty tied to the site exists to justify a deviation of this extent, staff recommends denial of the variances.

GENERAL INFORMATION

Existing Zoning	D-2 (R-2)	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-2	North: Residential
South:	D-2	South: Residential
East:	D-2	East: Residential
West:	D-1	West: Residential
Thoroughfare Plan		
Spring Mill Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
Wellington Road	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/05/2025	
Site Plan (Amended)	N/A	
Elevations	08/05/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/05/2025	
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 this site to the Suburban Neighborhood typology to allow for predominantly single-family housing supported by a variety of neighborhood-serving businesses and amenities.

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- 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

2023DV2003 ; 231 Wellington Boulevard (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required), **approved**.

2010HOV001 ; 100 W 64th Street (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **approved**.

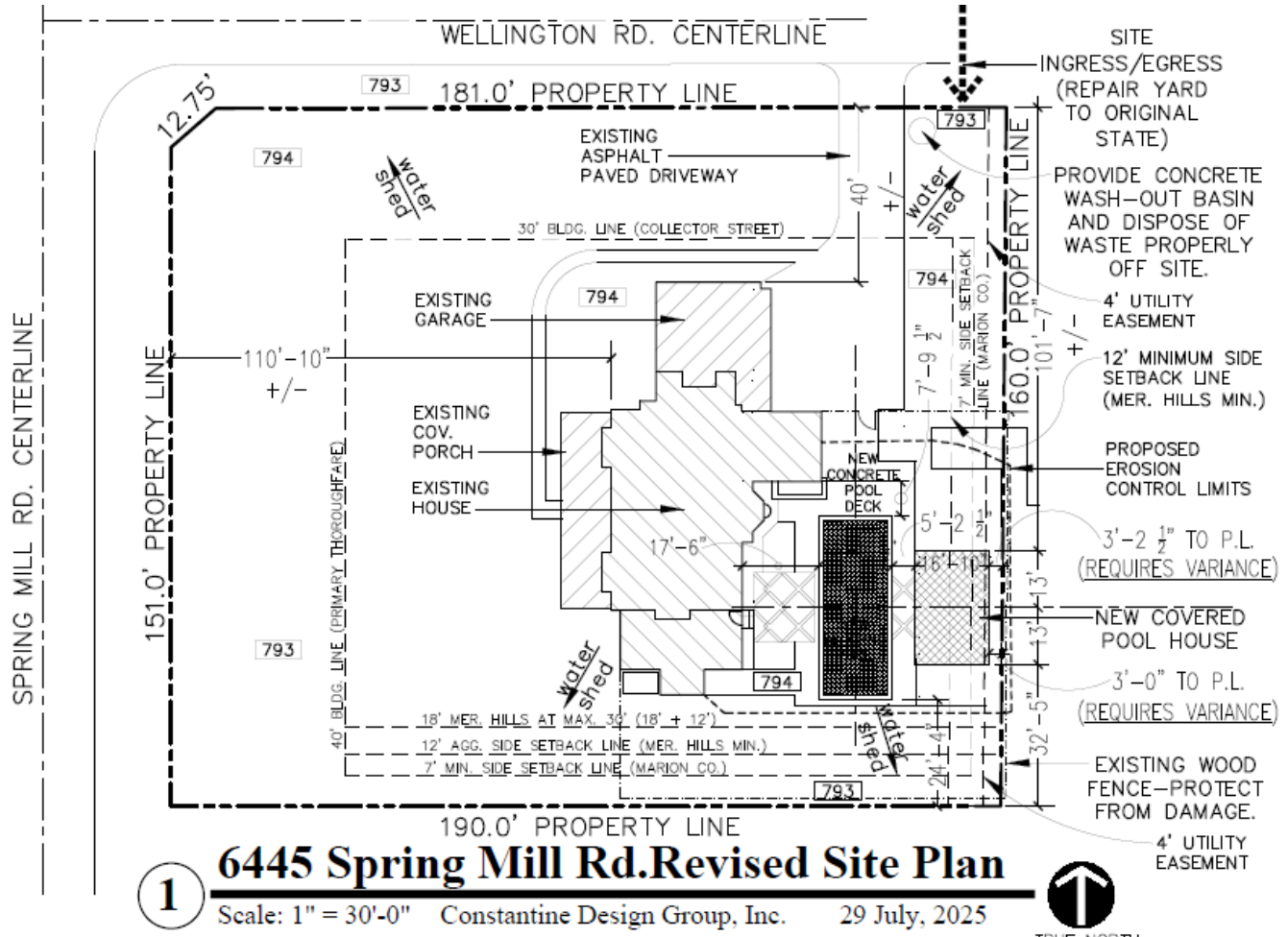
2006DV3009 ; 6470 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single family dwelling with a 25-foot front setback (minimum 38-foot front setback required), **approved**.

EXHIBITS

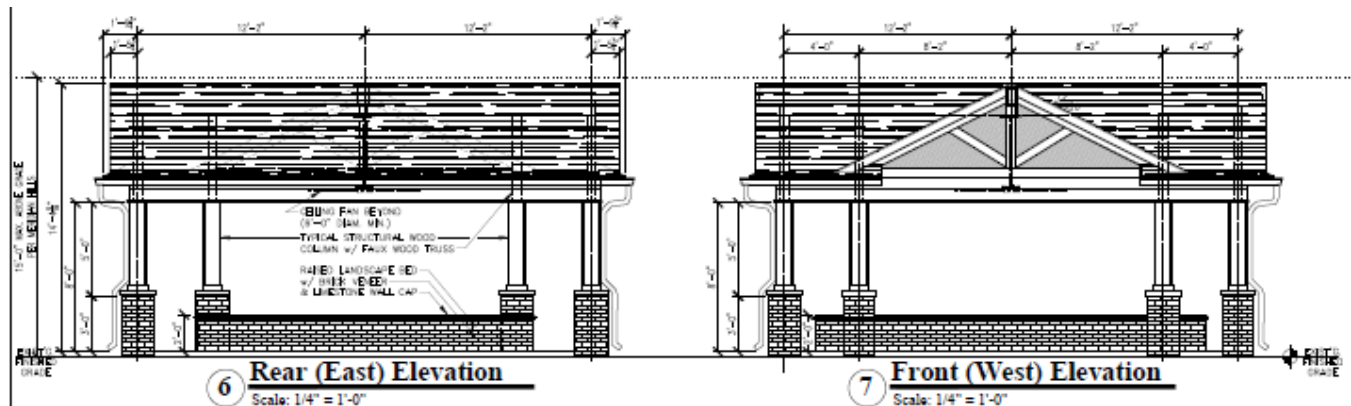
2025DV2023 ; Aerial Map



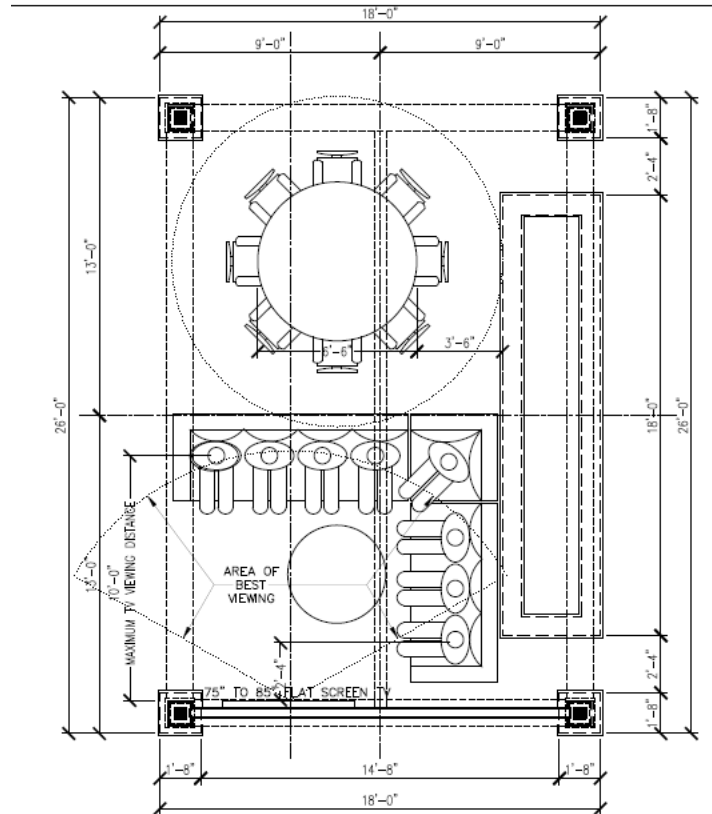
2025DV2023 ; Site Plan



2025DV2023 ; Elevations (eastern and western)



2025DV2023 ; Floorplan Layout (from ILP25-00823)



2025DV2023 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 the proposed accessory pool house is screened by a fence and landscaping and is located behind the house and the garage. The pool house is tastefully designed to fit in context with the neighborhood.

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 proposed pool house is screened by a fence and landscaping and is located behind the house and the garage such that adjacent properties will not be impacted in a substantially adverse manner.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
 due to the existing location of the home, setback over 110' feet from Spring Mill Rd., the area for enjoyment of the backyard, and to construct improvements, behind the home is narrow and there is insufficient area to the south of the home and pool to locate the accessory pool house structure.

2025DV2023 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from North

2025DV2023 ; Photographs (continued)



Photo 3: Existing Power Lines/Easement Along Eastern Property Line

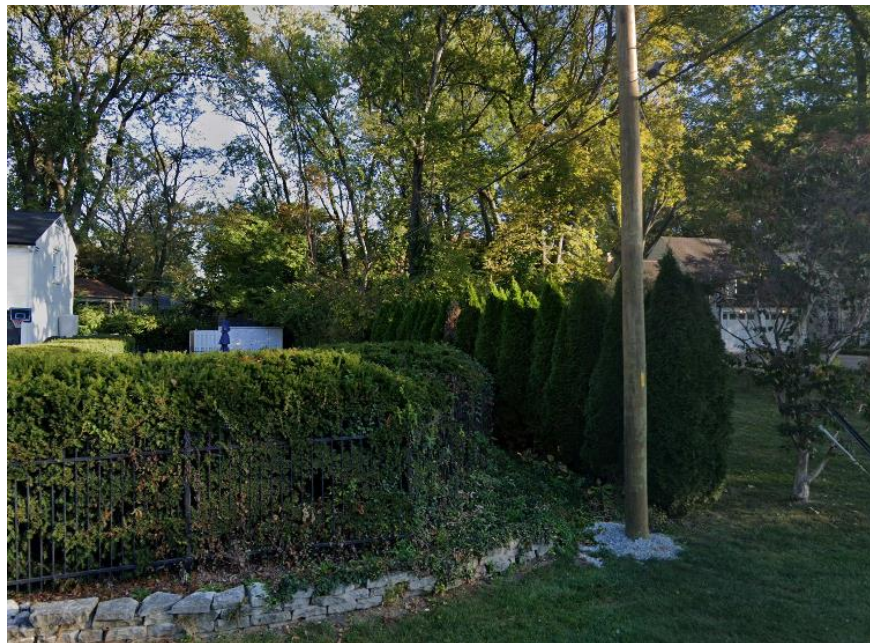


Photo 4: Existing Power Lines/Easement to North of Subject Site (October 2024)

2025DV2023 ; Photographs (continued)



Photo 5: Pool House Viewed from North

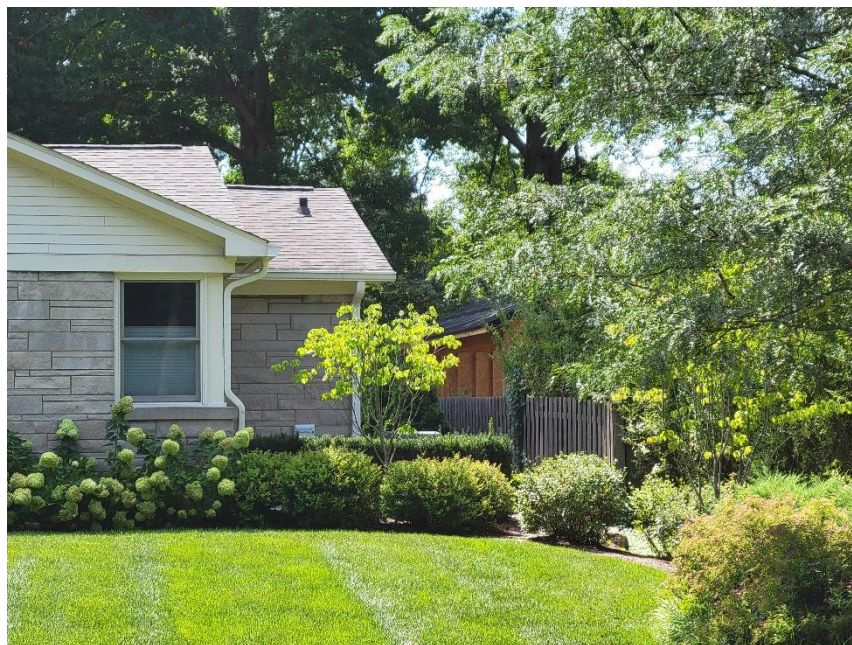


Photo 6: Pool House Viewed from Northeast

2025DV2023 ; Photographs (continued)



Photo 7: Pool House and Eastern Property Line Fence



Photo 8: Pool House and Power Lines/Easement Looking North