

**BOARD OF ZONING APPEALS DIVISION II**

**September 9, 2025**

**Case Number:** 2025-DV2-031

**Property Address:** 55 Williams Creek Boulevard (approximate address), Town of Meridian Hills

**Location:** Washington Township, Council District #2

**Petitioner:** Mary Elizabeth Seger Revocable Trust, by Brian J. Tuohy

**Current Zoning:** D-S / D-1 (FW) (FF) (R-1)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a 51-foot front yard setback from Williams Creek Boulevard (average setback of the block establishes 67-foot setback as requirement).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** of the petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the petition.

**PETITION OVERVIEW**

- 55 Williams Creek Boulevard is a residential property within the Town of Meridian Hills and situated at the southwestern corner of the intersection of Williams Creek Boulevard and Pennsylvania Street. The property is currently improved with a single-family home on the northern portion of the site, and the site also contains a high volume of trees, a portion of the Williams Creek, and a pond shared with the property to the west within its southern portion.
- Approval of this variance would allow for a small building addition to be placed onto the existing home with a northern front yard setback of 51 feet per the site plan within the Exhibits. Within the D-S zoning district, the applicable front yard setback would be the *larger* of either 40 feet or the average setback established by homes on the block. Since there are only two lots along this block, the applicable average setback would be 67 feet (the average of the 72-foot setback of the adjacent property to the west and the 62-foot setback of the current structure).

- The subject site is primarily zoned D-S to allow for low-density suburban areas of extreme topography conducive for estate development. It also partially falls within the Floodway and Floodway Fringe as well as the Class R-1 Residence District of Meridian Hills. The Comprehensive Plan recommends it to the Rural or Estate Neighborhood typology to allow for estate style homes on large lots with exceptional natural features, and places it within the Environmentally Sensitive overlay which recommends that at least 30% of the site should be preserved or added as tree canopy or naturalized area.
- Findings of Fact submitted by the applicant indicate that the proposed front setback would comply with the *smaller* of the two D-S restrictions (40 feet) and the addition would be placed in an area where substantial natural buffering from landscaping already exists and that the development would result in minimal removal of trees. Staff agrees and would also note that compliant development within side yards to the west or south would likely result in issues related either to the floodplain, changes in grade, or the required 100-foot Stream Protection Corridor.
- The proposed location of the addition would only result in the removal of one tree in accordance with the recommendation of the Environmentally Sensitive overlay. The subject site also has practical difficulties created by its topography and natural features, and natural buffering that would severely reduce or eliminate any negative visual effects of a front yard setback beyond the average setback established by the neighboring home approximately 180 feet to the west. Staff recommends approval of the requested variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-S / D-1 (R-1)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood / Floodway	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Surrounding Context</u></b>
	North: D-S	North: Residential
	South: D-S	South: Residential
	East: D-S	East: Residential
	West: D-1	West: Residential
<b>Thoroughfare Plan</b>		
Williams Creek Boulevard	Local Street	100-foot existing right-of-way and 50-foot proposed right-of-way
Pennsylvania Street	Local Street	88-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes or No	
<b>Site Plan</b>	8/4/2025	

<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	8/4/25
<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 Comprehensive Plan recommends it to the Rural or Estate Neighborhood typology to allow for estate style homes on large lots with exceptional natural features, and places it within the Environmentally Sensitive overlay which recommends that at least 30% of the site should be preserved or added as tree canopy or naturalized area.

### 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

N/A

### ZONING HISTORY – VICINITY

**2024DV1042 ; 8002 N Pennsylvania Street (north of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered rear porch resulting in an open space of 83 percent (85 percent required), **approved**.

**2020DV3019 ; 7960 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pergola creating 79% open space (85% open space required), **approved**.

**2018DV1006 ; 7801 N Pennsylvania Street (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway entry gate, with a six-foot tall gate and 6.7-foot tall columns in the front yard (maximum 42-inch tall fence permitted in the front yard), **approved**.

**2017DV2042 ; 7900 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 37-foot front setback from Williams Creek Boulevard and a 70-foot setback from North Pennsylvania Street (average setback required), **approved**.

**2017DV3039 ; 7940 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot south side setback (minimum 15-foot side setback required), **approved**.

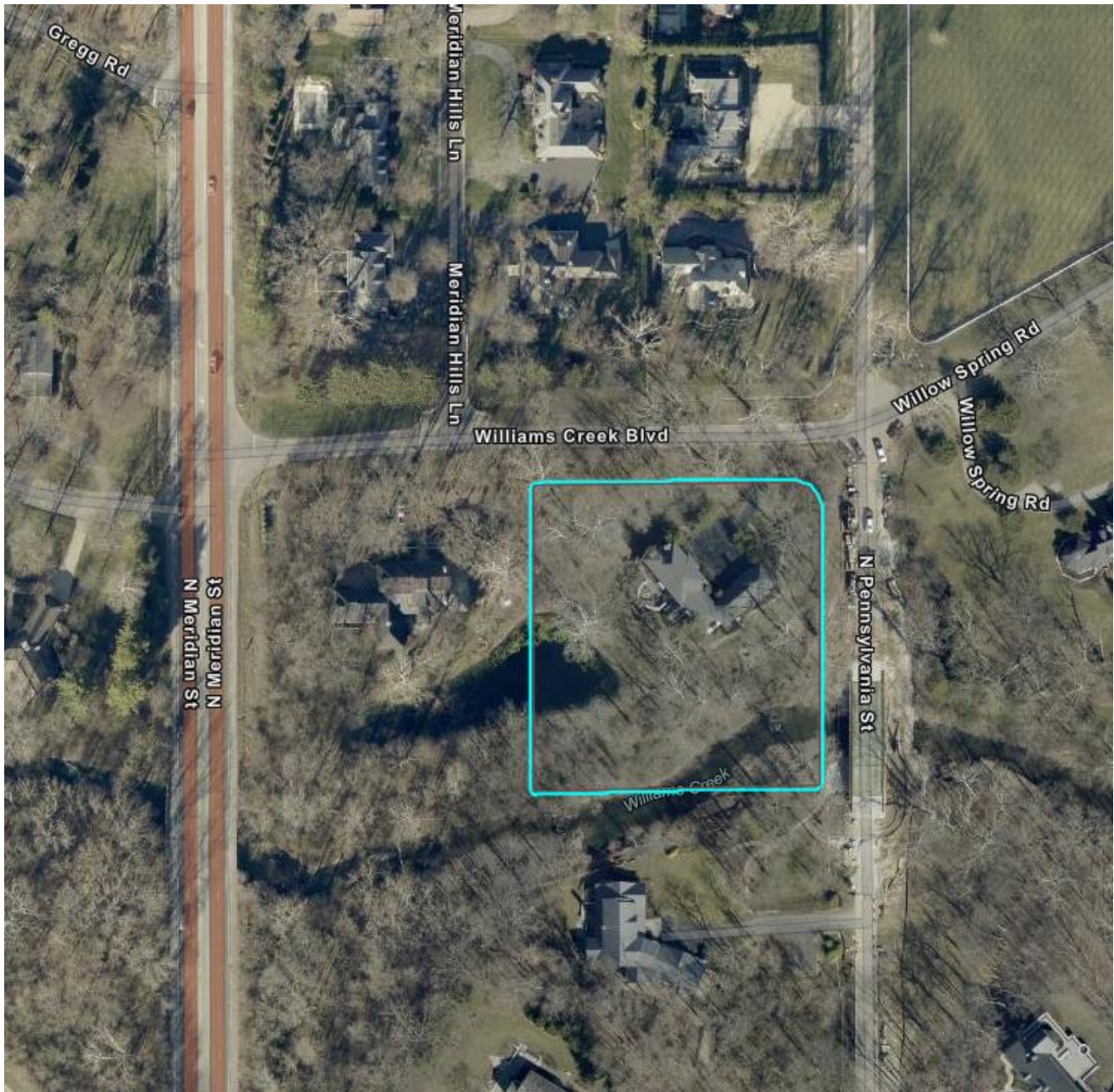
**2016DV1059 ; 7801 N Pennsylvania Street (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to an existing detached garage, within the established front setback of the primary dwelling (not permitted), with a 30.5-foot front setback (40 feet from proposed right-of-way or average setback, whichever is greater, required), **approved**.

**2016DV3040 ; 7940 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an in-ground pool and pool pavilion, with an 11.75-foot rear setback (26.31-foot rear setback required), **approved**.

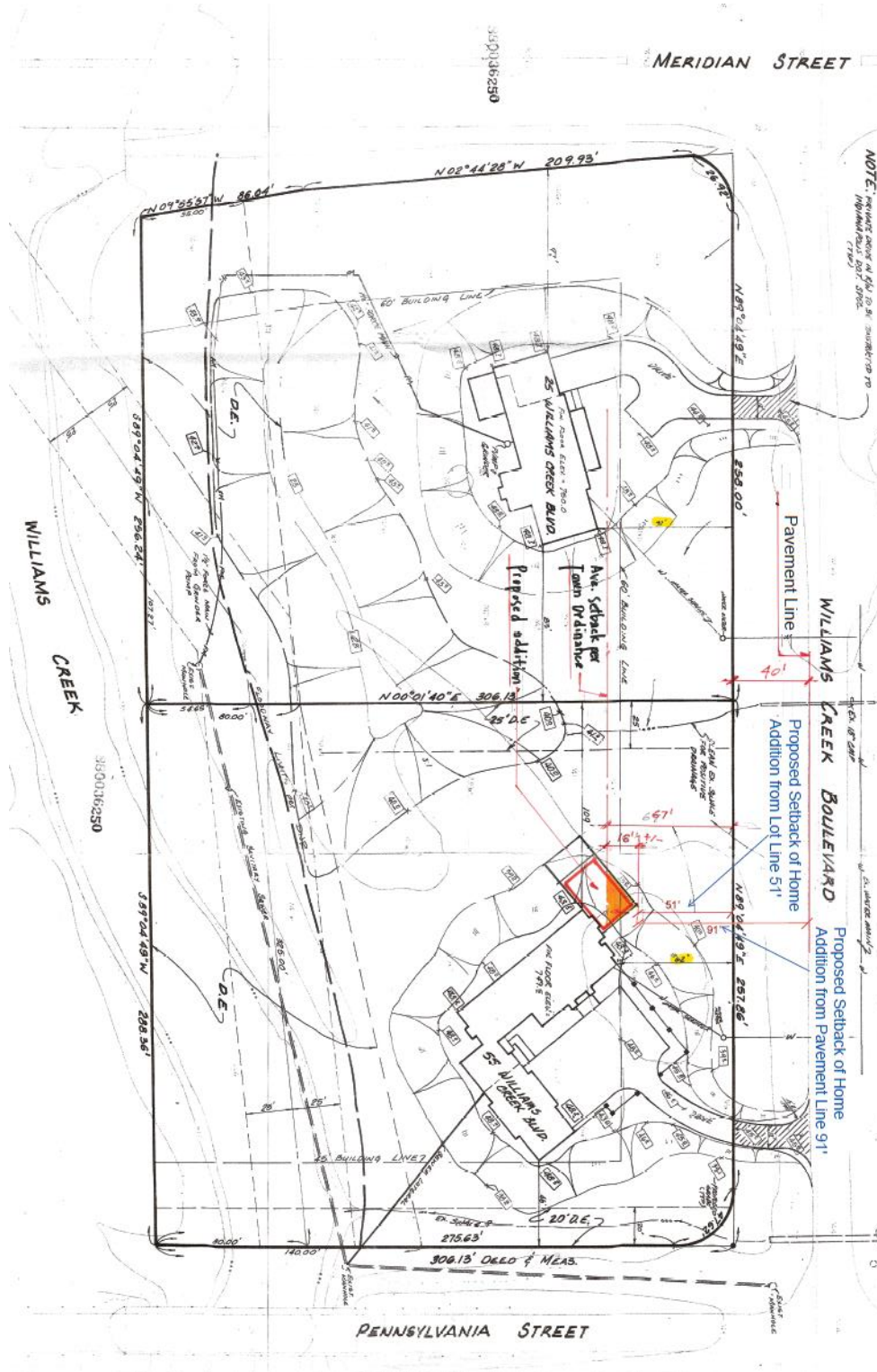


EXHIBITS

2025DV2031 ; Aerial Map



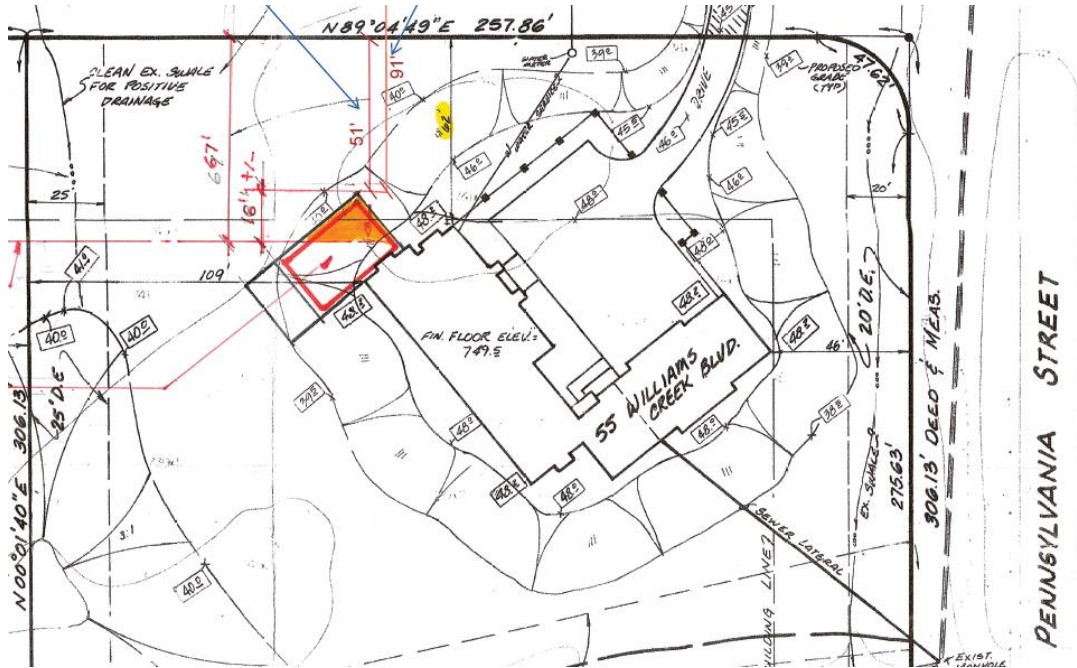
**2025DV2031 ; Site Plan (Subject Site + Neighbor to West)**



NOTE: "Proposed Setback of Home Addition from Lot Line 51'" and "Proposed Setback of Home Addition from Pavement Line 91'" are shown for informational purposes only. The actual setbacks will be determined by the final plat.



**2025DV2031 ; Site Plan (subject site only)**



## 2025DV2031 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The site is zoned D-S, is within the Metro Context Area and is in the R-1 District of the Town of Meridian Hills. Petitioner proposes to construct a new room addition ("New Addition") to the existing home ("Existing Home") on the site. The New Addition will have a front setback slightly closer to Williams Creek Boulevard than the Existing Home's setback. Per the Zoning Ordinance, some structures within the D-S District may have a setback that is only 40'. The setback of the New Addition will be greater than 40' (as permitted in a D-S District) and will not be injurious to the general welfare of the community.

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:

Existing, mature trees on the site located between Williams Creek Boulevard and the proposed location of the New Addition will provide a buffer between the New Addition and Williams Creek Boulevard and will assist in screening the view of the New Addition from Williams Creek Boulevard. The New Addition will include brick that matches the brick on the Existing Home and will be in character with the homes in the area. The use or value of the area adjacent to the site will not be affected in a substantially adverse manner. In fact, the room addition will increase the value of the improvements on the site.

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

The proposed location of the New Addition is on the northwest side of the Existing Home due to the interior layout of the Existing Home. Because the Existing Home is positioned at an angle on the Site, the New Addition is slightly closer to Williams Creek Blvd, even though it is to the side of the Existing Home. Relocating the New Addition would require the removal of several existing, mature trees located on the site and place the New Addition closer to Williams Creek. The strict application of the terms of the zoning ordinance will prevent the construction of a New Addition that is compatible and in character with homes in the area and which is screened from Williams Creek Blvd by existing, mature trees on the site.

**2025DV2031 ; Photographs**



Photo 1: Subject Site Viewed from North

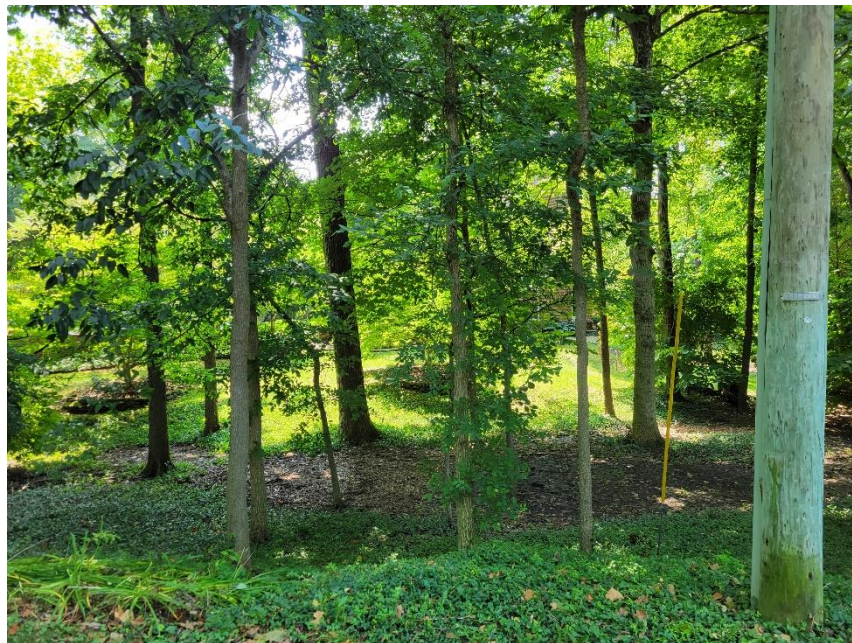


Photo 2: Subject Site Viewed from Northwest



**2025DV2031 ; Photographs (continued)**



Photo 3: Subject Site Viewed from Southeast (Pennsylvania)

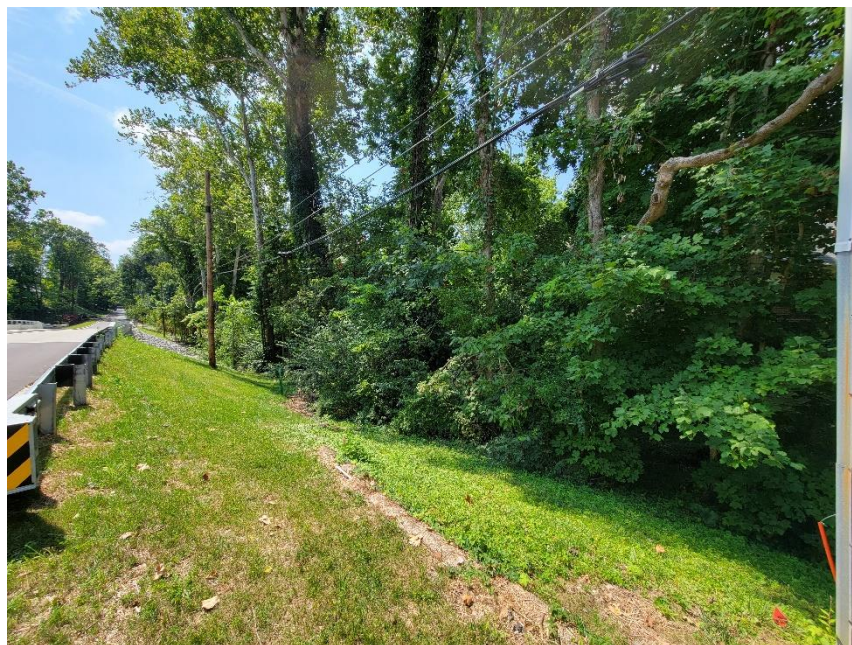


Photo 4: Eastern Property Line and Williams Creek Viewed from North



**2025DV2031 ; Photographs (continued)**



Photo 5: Adjacent Residence to West



Photo 6: Adjacent Residence to North