

BOARD OF ZONING APPEALS DIVISION II

February 11, 2025

Case Number: 2025DV2001
Property Address: 7126 Spring Mill Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: 7126 Spring Mill LLC, by Brian J. Tuohy
Current Zoning: D-1
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot tall privacy fence within the side and rear yards (maximum six-foot tall fence permitted) and a ten-space 64-foot wide parking area within the front yard (maximum 30-foot wide parking area permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of the variances subject to commitments.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance requests, subject to commitments that (a) the variance grant would only be applicable for as long as the property is maintained as a group home use would become void should the property revert to non-group home residential uses and/or be rezoned in the future; and (b) additional landscaping to screen the parking area from Spring Mill shall be installed and maintained.

PETITION OVERVIEW

- 7126 Spring Mill Road is currently improved with a memory care group home residence (Story Cottage Living) and the related front-yard parking area permitted under ILP22-00944. There is also a privacy fence installed within the side and rear yards of the property; fences are exempt from the need for permitting. The property was previously developed with a single-family residence and is surrounded by single-family residential uses to the north, south, and west. The Meridian Hills Country Club and golf course is located to the east.
- The violation case VIO24-007773 was opened in 2024 in relation to both the height of the fence (maximum 6-foot height in side and rear yards allowed) and the width of the front-yard parking

area (maximum 30 foot width of parking areas are allowed within residential zonings). Approval of this variance would allow for those improvements to remain at the site, while denial would require the fence height to be reduced and the parking area to be amended to meet the Ordinance standards.

- In addition to the fence and parking area width, the violation case cited this property for operation of a nursing home or assisted living use (not permitted within D-1 zoning). Information provided by the applicant about the use conducted at this property indicates that the scope of operation would be most accurately classified as a group home (permitted within D-1 zoning). Ordinance defines “group home” as “a residential facility for 2 or more individuals meeting the definition of a handicapped person under the Federal Fair Housing Act and court decisions interpreting that act” (inclusive of facilities for those with developmental disabilities, psychiatric disorders or addictions; not inclusive of those currently using or addicted to alcohol or controlled substances *not* in a recognized recovery program, halfway houses for those within the criminal justice system, or diversion centers). A Use Variance would not be required for continued operation of the group home; however, variances of development standards would be required for the other items cited by VIO24-007773.
- This property is zoned D-1 (Dwelling District One) to allow for suburban areas with estate-style development, generous front yards for trees, gently curving roadways, and a low density of residential uses. Additionally, the Marion County Land Use Pattern Book recommends this site to the Suburban Neighborhood typology which does make allowance for group homes that appropriately spaced from other group homes and are in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
- Findings of Fact provided by the applicant in support of this variance application cite changes in grade within the fenced area, the need for screening and security, and site-specific needs for parking as supporting arguments for variance approval. Staff notes that the fenced areas of the property along the western and southern property lines are noticeably lower in grade than the primary outdoor area; and that this use requires a higher amount of parking than surrounding residential uses (some of which appear to have parking areas with similar widths). Given this context and the petitioner’s openness to commitments limiting this approval to group home uses and to the placement of added landscaping to the east of the existing parking area to provide visual screening from traffic along Spring Mill Road, staff recommends approval of these variances.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Golf Course
	West:	West: Residential
Thoroughfare Plan		
Spring Mill Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/17/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/17/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate.
- Group homes should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas. Group homes should be located adjacent to residential uses and should not be located on the same block as another group home.



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

- Guidelines indicate that fencing around dwellings should be carefully placed, and that see-through fencing is safest. In the front, fences should be ornamental in style and privacy fences should be limited to side and rear yards per ordinance directives on height.

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

2014DV1036 ; 505 Fairway Drive (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,750-square foot detached garage: (a) creating an open space of approximately 78%, and an accessory use area of 4,630 square feet or 138% of the total floor area of the primary dwelling (minimum 80% open space permitted, maximum accessory use area of 3,361 square feet or 99.9% of the total floor area of the primary dwelling), and (b) to legally establish existing patios, pool decks and pool patios, with approximately zero-foot east side setbacks (minimum eight-foot side setback required), **approved**.

93-HOV-83 ; 7042 Spring Mill Road (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a storage shed with a side yard setback of 4 feet (minimum 8 feet required), **approved**.

EXHIBITS

2025DV2001 ; Aerial Map





2025DV2001 ; Findings of Fact (Fence)

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

Chapter 744, Article V, Section 10, C.4. of the Marion County Zoning Ordinance ("Height Exception Section") provides in part "that a fence or a wall may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence for that portion of the fence up to a maximum of two (2) additional feet..." The rear yard of the site is approximately two feet (2') to four feet (4') lower than the front porch of the existing memory-impaired group home. The Petitioner has installed an attractive and secure fence along the side and rear yards of the site. Granting the variance will allow the residents of the memory care home to have a secure and private back yard. Because part of the site has a significant drop in elevation, a portion of the fence is allowed under the Height Exception Section. There will be no harm to the health, safety, morals, and general welfare of the community in allowing an increase in two feet (2') in height on a portion of the fence in the rear and side yards of the group home.

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 neighboring property owners to the west and south have indicated their support of the existing eight foot (8') tall fence and such support is evidence that the use or value of the area adjacent to the property will not be affected in a substantially adverse manner. Additionally, under the Height Exception Section of the zoning ordinance, a portion of the site is allowed to have an eight foot (8') tall fence due to the change in terrain from the front of the home to the rear of 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 site is developed as a group home ("Home") for up to eight (8) memory-impaired residents ("Residents"). The rear yard and part of the south side yard are approximately two feet (2') to four feet (4') lower than the front porch of the Home. In order to provide sufficient screening and security for the Residents, Petitioner installed an attractive, secure eight foot (8') tall fence around the entire rear yard of the site. Without the approval of the variance, the fence would be six feet (6') tall on part of the side yard and eight feet (8') tall on part of the same side yard and eight feet (8') tall at the rear yard, which eight foot (8') height is allowed under the Height Exception Section. The strict application of the zoning ordinance will result in the fence having a six foot (6') height on part of the south side yard and eight foot (8') height on another part of the south side yard and an eight foot (8') height along the entire west side of the rear yard. The existing uniform height of eight feet (8') provides for a secure and private rear yard for the Residents and is necessary due to the substantial drop in the elevation of the rear yard from the front porch.

2025DV2001 ; Findings of Fact (Parking Area)

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

The attractive existing residential structure on the site is used as a group home ("Group Home") for up to eight (8) memory-impaired adults. The care provided to the residents of the Group Home is beneficial to the health, safety, morals, and general welfare of the community. Granting the variance will allow for ten (10) parking spaces for families to visit residents of the Group Home and for caregivers and physicians who provide comfort and care to the memory-impaired residents.

The parking spaces are set back more than sixty feet (60') from Spring Mill Road and are very well screened by landscaping and large, existing trees.

The beneficial use of the site for memory-impaired adults along with the extensive setback and screening of the parking area support a finding that granting the requested variance will not cause injury to the health, safety, morals, and general welfare of the Indianapolis community. The grant of the variance will actually allow the efficient use of the site which provides a benefit to the general welfare of the community. Additionally, the Dept. of Business and Neighborhood Services ("BNS") approved the plan for the parking area in August 2022 and Petitioner installed the parking area.

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:

Because of the extensive setback of the small parking area and the screening provided from the roadway, and because of the setback and screening of the parking area from the two adjoining side yards, the use and value of the area adjacent to the property will not be affected in any adverse manner. Additionally, directly across the street from the site is a golf course driving range and the existence of the parking area has not had any affect whatsoever on the operation, use or value of the driving range. The homes immediately adjacent to the property to the south, west and north are adequately screened and separated from the parking area and because of such screening and separation, the use or value of the adjacent properties will not be affected 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:

The Group Home may have up to eight (8) memory-impaired adults in residence, along with up to 2-3 caregivers at any one time. Without the variance to allow up to ten (10) parking spaces, there will not be adequate parking spaces for visiting family members, caregivers and/or visiting physicians.

If the parking area standards of the zoning ordinance are strictly applied, there is a practical difficulty in the use of the site as a permitted group home for up to eight (8) memory-impaired adults. Additionally, BNS approved the site plan in August 2022 for development of the site including the parking area.

2025DV2001 ; Photographs



Photo 1: Current Group Home & Parking Area

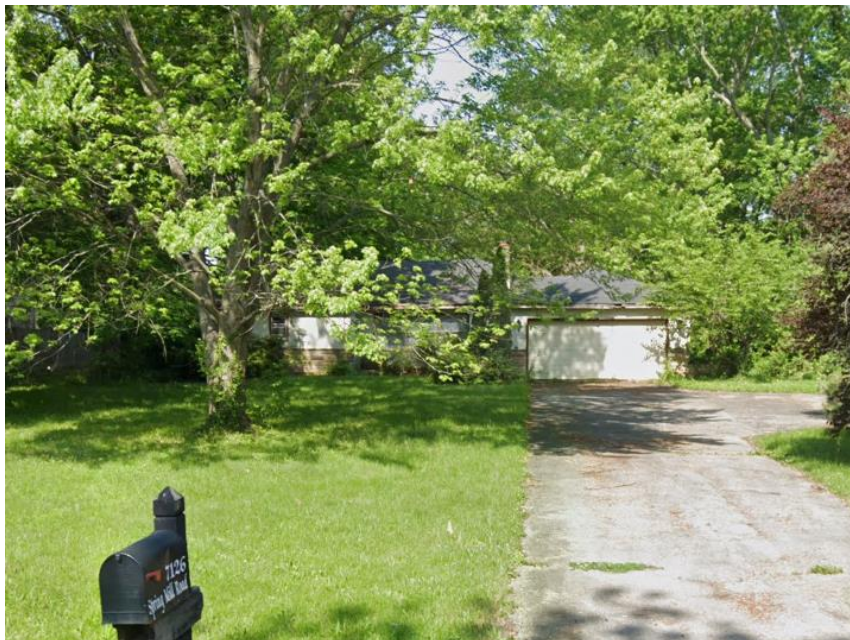


Photo 2: Previous Single-Family Residence at Site (taken May 2021)

2025DV2001 ; Photographs (continued)



Photo 3: Fence at Southern Side Yard

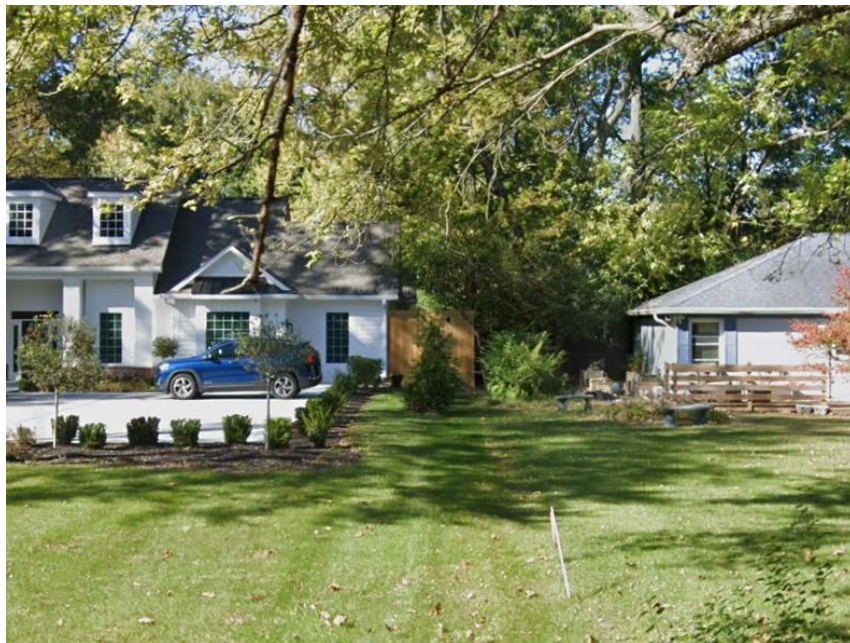


Photo 4: Fence at Northern Side Yard (taken October 2024)

2025DV2001 ; Photographs (continued)



Photo 5: Fence at Southern Side Property Line

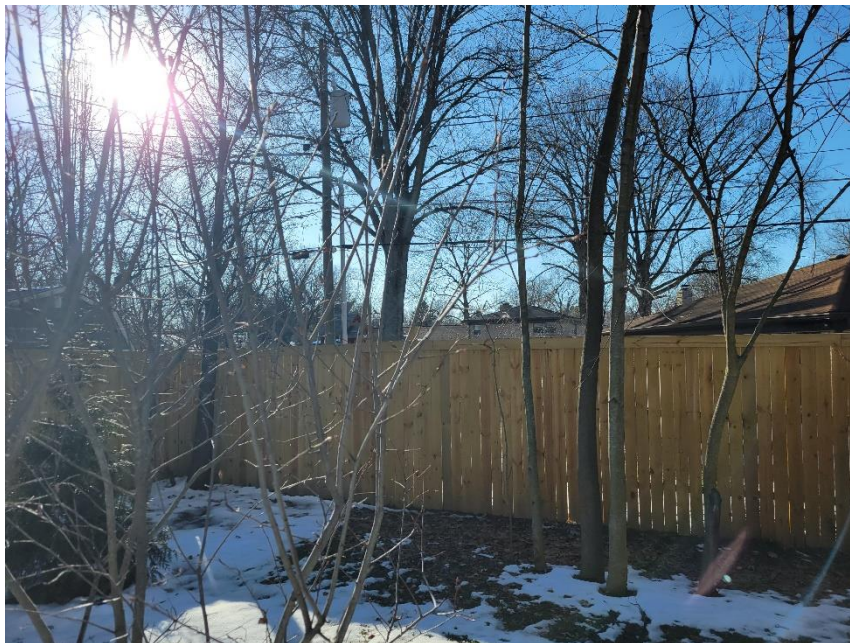


Photo 6: Fence at Western Rear Property Line