



Meeting Minutes

Whitestown BZA

Date: August 5, 2021

Time: 6:30pm

Location: Whitestown Municipal Complex, 6210 Veterans Drive Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:33pm

Pledge of Allegiance

Roll Call

- Mark Pascarella
- Phillip Snoeberger
- Craig Arthur
- Andrew McGee

- Staff:
 - Brittany Garriott, Town Planner
 - Jonathan Hughes, WPC/WBZA Attorney

Approve Agenda

Request of continuance for items a. and b.

Jon Hughes – a. is at the discretion on the board. b. no action needed; they had a public notice issue.

Motion to approve continuance and agenda by Arthur. Second by Snoeberger. Motion passes 4-0.

Motion to approve and 07-01-21 meeting minutes by Snoeberger. Second by Arthur. Motion passes 4-0.

Public Comment for Items Not on the Agenda- none

Presentations- none

Unfinished Business- none

New Business – Public Hearing

c. BZA21-005-UV Farmers Insurance Agency Use Variance

- i. Kent Frandsen – 225 W Main St Lebanon representing Al Baumgartner. 303 S Main Street under contract with Shawn Kirk to purchase for an Insurance Agency. Currently zoned R-3 and stated this is an area in transition. Most of the lot is the home. There will not be anyone living there. There will be employees and customers coming and going on Monday – Friday. Will not be a high traffic business. Understands that signage must comply and stated that a lot of lighting will not be needed. Would possibly take down the garage in the back for more parking in the future. Are looking to clean up house

and yard and renovate the house for office use. Went over surrounding zoning and stated that Jeanette Poskey who lives at 304 S Main is in support of the variance.

- ii. Brittany Garriott – Staff Report –
Staff recommends the use variance be approved with the following finding of facts for the variance request: 1. The approval of the use variance will not be injurious to the public health, safety, morals and general welfare of the community because: proposed variances do not negatively impact welfare and safety of community, similar uses are allowed within the area; 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: variances will not change the nature and character of the property or proposed area. 3. The need for the variance does arise from some condition peculiar to the property involved: the property and building are in an area that allow for similar uses and the current building is able to accommodate this use. 4. The strict application of the terms of the zoning ordinance will result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: similar uses are allowed within the area and the proposed use is consistent with existing uses. 5. The approval does not interfere substantially with the comprehensive plan: the comprehensive plan encourages businesses and office use within the legacy core overlay district and surrounding area.
- iii. Curtis Shields – 209 Hardesty Street – Lives close to the proposed home. Has lived in the area for 40 years. Concerned that this is not in the best interest of the residents in the legacy core and worried that more homes will be turned into businesses. Likes that homes in the legacy core are being improved but not wanting businesses in homes.
- iv. Andrew McGee – Read letter from Jeanette Poskey – 309 S Main St, I am fine with Al Baumgartner buying 303 S Main St and opening a business as an insurance agency.
- v. Becky Ottinger – 200 Laughner Street – Built her home in 1987 and grew up in Whitestown. Concerned about what opening this door will bring to the area. Believes that businesses should not be in the heart of the residential area. Stated that she spoke to Jerry, and he only knew that the garage was coming down, not that they were going to make changes to the inside of the home.
- vi. Kent Frandsen – Can understand residents’ thoughts. This is not a rezone; it is a use variance. If the business closes, it will not be allowed to turn into anything else. This is only for this location and is not precedent setting. Stated that he is only going to be making improvements to the home and this will not be high density or draw traffic.
- vii. Craig Arthur – If major he was to make major exterior changes, would that go through the Whitestown Plan Commission?
- viii. Brittany Garriott – Would have to follow the UDO.
- ix. Craig Arthur – For R-3 or GB?
- x. Jon Hughes – This is only for use. You can say it should stay looking like a house and they will need to acquire permits for work being done.
- xi. Phillip Snoeberger – Would the use variance stay with the property forever?
- xii. Joh Hughes – It stays with the property. He could sell to another Insurance agency in the future.
- xiii. Phillip Snoeberger – Or it could be converted back to a home?
- xiv. Jon Hughes – Yes because the zoning is residential and will not change.
- xv. Mark Pascarella – So by this purpose you mean an insurance office or other business?
- xvi. Jon Hughes – Only an insurance agency.
- xvii. Andrew McGee – Can you address the precedent setting, say another house wants to be another insurance agency.

- xviii. Jon Hughes – Every case is separate, it does not legally set a precedent, but that may be the perception.
- xix. Mark Pascarella – Seeking a variance is not prescient setting.
- xx. Craig Arthur – Will they have signage conditions? Would that have to come back before us?
- xxi. Brittany Garriott – You could ask them to, but they will have to go by the UDO and signage would have to go through Planning approval.
- xxii. Phillip Snoeberger – How will you handle parking? Would this have to go through the planning department?
- xxiii. Brittany Garriott – Yes, they would have to go by the UDO, and we had talks with them prior to hearing.
- xxiv. Kent Frandsen – Handed out drawing and stated that they will have plenty of room to park.
- xxv. Al Baumgartner – We will have three employees including myself. Plans to take down garage for more parking. Will be doing a lot of work to the house including landscaping.
- xxvi. Mark Pascarella – Lots of work to be done?
- xxvii. Al Baumgartner – Yes, the foundation is bad.
- xxviii. Mark Pascarella – Is that part of your plan?
- xxix. Al Baumgartner – Yes, we will not open immediately, there is a lot to be fixed.
- xxx. Mark Pascarella – Asked for clarification on area in transition.
- xxxi. Kent Frandsen – Industrial behind the house, older homes some fixed up nicely and some have not. Old school is now a restaurant.
- xxxii. Phillip Snoeberger – Asked about setback requirements.
- xxxiii. Brittany Garriott – They are not making any changes except paving and are within their 10 ft setback.
- xxxiv. Mark Pascarella – Can we ask them not to put parking lines, so that it doesn't look like a parking lot?
- xxxv. Brittany Garriott – I would have to check the UDO for handicap requirements.
- xxxvi. Mark Pascarella – It would make it look more like a house without.
- xxxvii. Andrew McGee – I don't see this as an unreasonable request. There are many businesses in surrounding residential areas with businesses in them.
- xxxviii. Mark Pascarella – Would you allow for financial services.
- xxxix. Andrew McGee – I am only wanting Insurance agency as being requested.
- xl. Craig Arthur – Agree, should stay with what is being requested. It is reasonable to ask that the outer appearance stay looking like a residence.

Motion by to approve with upon conditions for only insurance agency use and as well as it remains residential in nature on the outside and upon the finding of facts by staff by Arthur. Second by Snoeberger. Motion passes 4-0.

Announcements

Adjournment

6:38 pm

Unanimous vote to adjourn

Andrew McGee, President

Brittany Garriott, Secretary