



Meeting Minutes

Whitestown BZA

Date: September 2, 2021

Time: 6:30pm

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

Call to Order:

6:34pm

Pledge of Allegiance

Roll Call

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

- Staff:
 - Todd Barker, Director of Developmental Services
 - Jonathan Hughes, WPC/WBZA Attorney

Approve Agenda

Jon Hughes – BZA21-002-VA has asked to continue for one more month.

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

Motion to approve and 08-05-21 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

b. BZA21-004-VA 202 N Main Street Frontage Variance

- i. **Braden Nicholson** – Here requesting a street frontage variance for 202 N Main Street for a 40x80 guest residence for his family now and in the future. Will create a 12-foot easement. Have renovated front home and removed old garage to make room for easement and new drive for the primary and secondary residence.
- ii. **Todd Barker** – Staff Report – This request is for 2 variances. Section 2.3 of the UDO for minimum lot frontage and section 2.3 for width. Staff has identified this as a non-conforming lot. Went over finding of facts.

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community because: Approval of the two variances will not be injurious to the public health, safety, morals, and general welfare because the intended use of the site is in character with the surrounding area. 2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because: The use or value of the surrounding area will not be negatively affected if the two variances are approved. The surrounding area is primarily single-family residential, and the applicant is proposing to construct a single-family residence that conforms with the character of the surrounding area. 3. The strict application of the terms of the Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the variances are sought because: The lot is a legal non-conforming lot with no street frontage and a lot width does not meet the requirements of the ordinance. The parcel faces a hardship given its location and dimensions that are not the fault of the owner. Adhering to the requirements of the ordinance would constitute as an unnecessary hardship because the lot is unusual and legal non-conforming.
- iii. **Cheryl Hancock** – 5400 E 300 S – Stated that this would set precedence for a flag lot which Bonne County does not allow. Stated that the new proposed house will be bigger than the existing house. Asking for a condition that it can't be used as a business or for commercial. Stated that per the tax documents it is owned by someone in Tampa.
 - iv. **Braden Nicholson** – We purchased from company in Tampa, but it belongs to my family. This will not be used for commercial space. Drive thru ability for wheelchair access in the future.
 - v. **Todd Barker** – They are not creating a new lot; this is an existing parcel.
 - vi. **Braden Nicholson** – we will not be selling anything for many years.
 - vii. **Phillip Snoeberger** – Could the backlot be sold as a separate parcel?
 - viii. **Todd Barker** – Yes.
 - ix. **Braden Nicholson** – The new home has been renovated and is now over 1,500 square feet.
 - x. **Andrew McGee** – A variance request is not a rezone and will be within the permitted uses of R-2.
 - xi. **Jon Hughes** – This variance is only for development standards. There is no legal precedence set by your actions.
 - xii. **Mark Pascarella** – You live in the front property?
 - xiii. **Braden Nicholson** – My parents do currently.
 - xiv. **Mark Pascarella** – This is solely for your parents?
 - xv. **Braden Nicholson** – Yes, we will probably take the front home when they move to the back residence when they are older, and it is necessary for them to have ADA accessibility.

Motion by to approve with recommendations by staff, findings in the staff report and recording of easement by Arthur. Second by Snoeberger. Motion passes 4-0.

c. BZA21-006-VA 65 Commerce Park Building 6 Variance

- i. **Bryan Sheward** – Kimley – Horn – Went over site plan and how buildings face each other and will need a variance for no 10-foot side yard.
- ii. **Todd Barker** – Staff Report - Staff recommends the two variances be approved with the following finding of facts for the variance request: 1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community because: Approval of the two variances will not be injurious to the public health, safety, morals, and general welfare because allowing parking within the setback and allowing no landscaping within the setback will allow for trailer parking to be aligned in between the buildings. 2. The use or value of the area adjacent to the property included in the variances

will not be affected in a substantially adverse manner because: The use or value of the surrounding area will not be negatively affected if the two variances are approved. The variance request is located in between building 6 and future building 7. Building 6 will screen trailer parking from the residential area on the east side of site. 3. The strict application of the terms of the Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the variances are sought because: Adhering to the requirements of the ordinance would constitute as an unnecessary hardship because it would prevent necessary trailer parking to be located on the west side of the building screening trailer parking from CR 575 E.

- iii. **Phillip Snoeberger** – Does this apply to future Building 7?
- iv. **Bryan Sheward** – No, we will have to come back.
- v. **Todd Barker** – Was that on your application?
- vi. **Bryan Sheward** – I’m not sure. We can research.
- vii. **Phillip Snoeberger** – Then you will probably have to come back.
- viii. **Bryan Sheward** – And something could change with the building, and we would need to come back.
- ix. **Andres McGee** – No one will see the interior, facing away from the neighborhood.
- x. **Mark Pascarella** – The point of the landscape was not for two properties facing each other.
- xi. **Craig Arthur** – Facing each other and considering light pollution. Make sure that WPC considers this during CP and DP.
- xii. **Bryan Sheward** – In accordance with the UDO.
- xiii. **Craig Arthur** – Thank you.

Motion to approve by Pascarella. 2nd by Snoeberger. Motion passes 4-0.


Announcements


Jon Hughes – Variance request coming back next month for BZA-21-005 for Al Baumgardner.

Adjournment

7:06 pm

Unanimous vote to adjourn

DocuSigned by:

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 Andrew McGee, President

DocuSigned by:

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 Todd Barker, Secretary