



Meeting Minutes

Whitestown BZA

Date: December 2, 2021

Time: 6:30pm

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

Call to Order:

6:30pm

Pledge of Allegiance

Roll Call

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

- Staff:
 - Jill Conniff, Planner II
 - Jonathan Hughes, WPC/WBZA Attorney

Approve Agenda

Motion to approve and 11-04-21 meeting minutes and agenda by Arthur. Second by Snoeberger. Motion passes 4-0.

Public Comment for Items Not on the Agenda- none

Presentations- none

Unfinished Business- none

New Business – Public Hearing

a. BZA21-009-UV 202 S Main Street

- i. **Charlie Campbell** – 4820 W 650 N - Requesting UV for a hair salon. Went over history of daughters-in-law current salon clientele and business history. Went over plans for the remodel, landscaping, parking. Hours of operation will be M-F 8-6 and Saturday 8-3. Will have small signage and directional signage. Will comply with ordinance.
- ii. **Jill Conniff** – Staff Report –
Staff recommends the Use Variance be approved with the following finding of facts for the variance request: one. The use will not be injurious to the public health, safety, morals, and general welfare of the community. Similar uses are in the general vicinity and a different hair salon use is located approximately 155 feet to the north. The size, scale, and scope of the proposed use is low intensity. 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. Although the use will be categorized as commercial, the physical structure on site will remain residential in nature. The proposed use will not negatively detract from the adjacent areas. Similar parking style is located on the opposite side of Turner Street. 3. The need for the variance does not arise from some condition peculiar to the property involved. The site in question and structure are typical of other residential uses in the surrounding area. 4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship as applied to the property for which the variances are sought. Similar uses are permitted within the general area. The uses directly adjacent to the north are commercial uses, the proposed use is a continuation of the commercial segment of the Legacy Core. 5. The approval does not interfere substantially with the comprehensive plan. The Legacy Core land use designation in the Comprehensive Plan encourages ‘investment in both housing and commercial redevelopment and infill projects.’ Additionally, the proposed use meets the vision of the Legacy Core Redevelopment Plan where private investment is encouraged through the application of creative tools and economic development. Future signage will need to be reviewed and approved by the Building and Planning Department. Future paving for parking will need to apply for permitting through the Public Works Department. Future building renovations will need to be reviewed and approved by the Building Department.

- iii. **Sharon Fisk** – 203 S Bowers St – Is not for use variance. Stated that this will cause more traffic, flooding, and noise. Concerned with chemical contamination. Talked about the negative effects Monotown has had on her home.
- iv. **Reginald Herr** – 203 S Bowers St – Walked the site and said that drainage is the biggest problem. Stated that he was told by the Town that they are going to fix the storm drain.
- v. **Craig Arthur** – Let residents know that he will follow up with Public Works about flooding. Asked who Reg spoke to at the Town and he could not recall.
- vi. **Mark Robinson** – 11275 E 300 S – Owner of Indy Pro Graphix. Spoke to the credit of Charlie Campbell and his son and their home restoration business. Stated this will be good for the Town to improve that property. Stated that he had a drainage issue, and the town took care of it.
- vii. **Charlie Campbell** – The Site does not have parking at all, even if it stays a residence, parking will have to be addressed at some point. The current resident has been parking at the church.
- viii. **Craig Arthur** – This is a use variance not a rezone. It is zoned R-3. Lot coverage is 60% and they are requesting 38%. It is unfair to remonstrate about Monotown when speaking about this small business.
- ix. **Andrew McGee** – Monotown issue now need to go through the police department or code enforcement.
- x. **Craig Arthur** – There is no data about property values declining in the Legacy Core.
- xi. **Andrew McGee** – Is the use variance for retail?
- xii. **Jill Conniff** – The use variance is for the hair salon, we just categorized it as so. A new use would have to be approved if the hair salon is no longer in business.
- xiii. **Andrew McGee** – I just wanted to make sure it is clear that this is the only business that is approved.
- xiv. **Jill Conniff** – Even if another hair salon came in after, they would still have to get another use variance.
- xv. **Phillip Snoeberger** – If approved can it be used for a residence at the same time?
- xvi. **Jon Hughes** – If you are concerned, you can make it a condition to your approval.
- xvii. **Phillip Snoeberger** – Will it be used as a residence?
- xviii. **Charlie Campbell** – It has not been discussed at this point. We would like for that not to be a condition.
- xix. **Craig Arthur** – Opinion is that if you can live and work there, that would be beneficial.

- xx. **Jon Hughes** – Any other use would need use variance.
- xxi. **Mark Pascarella** – Conditions of hours, would like to cap hours at 8am – 8pm. Keep it looking like the original structure. Will you knock the house down?
- xxii. **Charlie Campbell** – They will not be taking the house down and not turning into a bed and breakfast.
- xxiii. **Jon Hughes** – Hours of operation accepting appointments 8am – 8pm, when the appointment starts.
- xxiv. **Mark Pascarella** – Just to make sure know one is there at 11:30 at night.
- xxv. **Jon Hughes** – We have a tenant agreeing to this and we can make sure language reflects.
- xxvi. **Craig Arthur** – Read email from Christina Stewart in favor of the use variance.
- xxvii. **Jon Hughes** – We also have an email from Sharon Fisk for the record. Item 3 in the staff report should say does arise, we have the five necessary findings. Question about future signage, is staff requesting as a condition?
- xxviii. **Jill Conniff** – No.
- xxix. Phillip Snoeberger – Would this have to go through Development plan stage.
- xxx. **Jon Hughes** – No.

Motion by to approve with upon conditions that it operates as a hair salon with the hours of 8am – 8pm. As well as the minor adjustment of the approval of the staff recommendation under item 3 where it says the need for the variance does not arise, making that does arise as and can remain as a single-family use by Arthur. Second by Snoeberger. Motion passes 4-0.

b. Whitestown Board of Zoning Appeals Rules and Procedures Update

Jon Hughes – Staff has proposed some amendments to the Rules and Procedures, gave overview of changes. Any part of the rules that restated the state law were removed. We just accept the state’s law and do not need to have it in our R&P. Continued to go through changes and recap.

BZA and Staff - Discussion with Board over proposed changes for public notice, removal of board member for attendance etc.

Motion to approve amendments with the removal of Article 6 Section 9 where it says see Article 2 Section 4 the removal of members, striking that out by Arthur. Second by Snoeberger. Motion passes 3-0.

Announcements

Adjournment

7:44 pm

Unanimous vote to adjourn.

Andrew McGee, President

Jill Conniff, Staff