



Meeting Minutes

Whitestown BZA

Date: August 3, 2023

Time: 6:30pm

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

Call to Order:

6:31pm

Pledge of Allegiance

Roll Call

- Mark Pascarella
- Phillip Snoeberger
- Ken Kingshill
- Coady Adams
- Andrew McGee

- Staff:
 - Jill Conniff, Planning Staff
 - Jon Hughes, WPC/WBZA Attorney

Approve Agenda

Motion to approve the agenda by Kingshill. Second by Snoeberger. Motion passes 5-0.

Motion to approve the 07/06/23 meeting minutes by Snoeberger. Second by Adams. Motion passes 5-0.

Public Comment for Items Not on the Agenda

Presentations

Unfinished Business

New Business – Public Hearing

- a. **BZA23-003-VA Lennar Homes**
 - i. **Tony Bagato** – Lennar Homes – Held up his cell phone showing the difference in size that they are asking for. Will answer questions.
 - ii. **Phillip Snoeberger** – Question about fire wall, one hour wall?
 - iii. **Tony Bagato** – Yes, one hour fire wall, agree to do that.
 - iv. **Phillip Snoeberger** – Confirmed what side of the home of the subject house.
 - v. **Mark Pascarella** – The house next door is sold?
 - vi. **Tony Bagato** – Yes, neighbor is sold and this home that the variance is on has not been sold because we were waiting on the variance decision.

- vii. **Mark Pascarella** – If we do the variance can we make sure the homeowner is aware?
- viii. **Jill Conniff** – Yes, it can be recorded with Boone County.
- ix. **Tony Bagato** – We can make sure the sales team discloses as well.
- x. **Jon Hughes** – Went over staff conditions.
- xi. **Phillip Snoeberger** – It’s been two months; I still remain the same. Foundation should have been staked, but they did not before the work began, correct?
- xii. **Tony Bagato** – Correct.
- xiii. **Phillip Snoeberger** – When was this realized?
- xiv. **Tony Bagato** – During framing, but we closed up and made safe and moved forward toward variance.
- xv. **Phillip Snoeberger** – Staff could this have been caught?
- xvi. **Todd Barker** – Yes, our inspectors will review the footings and foundations for structural relevance. They don’t survey the lot.
- xvii. **Phillip Snoeberger** – The location is on the contractor.
- xviii. **Todd Barker** – Correct.
- xix. **Ken Kingshill** – If they would not been self-reported, we would not have known.
- xx. **Jon Hughes** – There is a mechanism for enforcing and catching, but when inspected we don’t require a survey.
- xxi. **Ken Kingshill** – If someone had noticed, it would have been a complaint.
- xxii. **Todd Barker** – Six inches is harder to see. If it was on the property line, it would have been called out by the inspector.
- xxiii. **Phillip Snoeberger** – Sometimes people order survey and sometimes they don’t. What if it was? Would this fall to builder?
- xxiv. **Tony Bagato** – Would be handled by us, we would try and fix with a variance since it would have been built.
- xxv. **Coady Adams** – You realized during framing and weatherized. Would you have normally put a roof and windows?
- xxvi. **Ty Rinehart** – Lennar Homes – Yes, we wanted to weatherize and make it safe.
- xxvii. **Coady Adams** – What’s the reason to put one hour rating on only one home?
- xxviii. **Tony Bagato** – The fire code only measures from property line to the structure not structure to structure.
- xxix. **Coady Adams** – Growth has been large, have we had other instances like this?
- xxx. **Jill Conniff** – To my knowledge, we do not.
- xxxi. **Todd Barker** – None in Whitestown to my knowledge.
- xxxii. **Ken Kingshill** – I think self-reporting is a big deal. In the future if this is denied, no one will self-report. Lennar is setting a good example.
- xxxiii. **Coady Adams** – What is the enforcement mechanism?
- xxxiv. **Andrew McGee** – The house next door closed after?
- xxxv. **Tony Bagato** – Yes, they closed even though the variance was not decided.
- xxxvi. **Andrew McGee** – There were two houses in Walker Farms, but there was a fire that affected the house next door.
- xxxvii. **Todd Barker** – This is a state building code for the fire rating. Different from our setback rules.
- xxxviii. **Mark Pascarella** – For 6 inches, this is a one-time thing. If we approve, I don’t want to see anymore come back.
- xxxix. **Tony Bagato** – We have checked other homes and they are all fine. All are being staked beforehand, no more issues. Also, even if only one home has ratings, it makes the one next door safer.
- xl. **Andrew McGee** – It’s a mistake, to correct a mistake is not the spirit of a variance.

- xli. **Phillip Snoeberger** – Went over criteria. Concerned that there is nothing peculiar about this lot to approve variance.
- xlii. **Coady Adams** – Are homes on both sides occupied? Why is the variance just for one side?
- xliii. **Jill Conniff** – The other side is more than 10 feet.
- xliv. **Coady Adams** – Mistake and asking for forgiveness and have put processes in place.
- xlv. **Tony Bagato** – Hardship on the neighbors to start over.

Motion to approve both variances with the two additional staff recommendations. Second by Kingshill. Motion passes 3-2.

Announcements

We have received a request and should have a meeting on September 2nd.

Adjournment

7:01pm

Unanimous vote to adjourn.

Andrew McGee, President

Jill Conniff, Planning Staff