

# MEETING MINUTES

## WHITESTOWN BOARD OF ZONING APPEALS



(317) 769-6557 

6210 Veterans Drive 

Whitestown, IN 46075 

Thursday, March 7, 2024 AT 6:30 PM

### 1. OPENING THE MEETING

- a. CALL TO ORDER- 6:30 PM
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL

#### BZA Members

- Ken Kingshill, Chairperson
- Andrew McGee, Vice Chairperson
- Shelby Hasz
- Mark Pascarella
- Phillip Snoeberger

#### Whitestown Staff

- Desire Irakoze, Planning Staff
- Todd A. Barker, Director of Development Services,
- Ashley Ulbricht, WPC/BZA Attorney

### 2. ELECTION OF OFFICERS

- a. 2024 BZA President
  - i. **Motion:** Phillip Snoeberger made a motion to nominate and APPROVE Ken Kingshill as Chairperson, the motion was seconded by Andrew McGee. Motion **passed** 5-0.
- b. 2024 BZA Vice President
  - i. **Motion:** Phillip Snoeberger made a motion to nominate and APPROVE Andrew McGee as Vice Chairperson, the motion was seconded by Mark Pascarella. Motion **passed** 5-0.

### 3. APPROVAL OF THE AGENDA

- a. **March 7<sup>th</sup>, 2024, BZA Agenda**
  - i. **Motion:** Mark Pascarella made a motion to APPROVE the agenda as presented, the motion was seconded by Andrew McGee. Motion passed 5-0.

### 4. APPROVAL OF THE MINUTES

- a. **November 2<sup>nd</sup>, 2023 Minutes**
  - i. **Motion:** Mark Pascarella made a motion to APPROVE the meeting minutes for November 2<sup>nd</sup>, 2023, the motion was seconded by Andrew McGee. Motion **passed** 5-0.

## 5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

- a. None

## 6. PRESENTATIONS

- a. None

## 7. OLD BUSINESS

- a. BZA23-004-SE and BZA23-005-VA Findings of Fact

- i. Introduction:

Chairperson, Ken Kingshill, introduced the petition.

- ii. Presentation:

Matt Price, Dentons Bingham Greenbaum, appeared on behalf of applicant Crider and Crider. Mr. Price requested the Findings of Fact be continued.

- iii. Staff Report:

Staff reports were not presented.

- iv. Discussion of WBZA:

Chairperson, Ken Kingshill, asked if a motion was required to continue?

Ashley Ulbricht: Correct a motion to continue is required.

- v. Call for a Motion:

Chairperson, Ken Kingshill made a motion to **CONTINUE** the Findings of Fact for BZA23-004-SE and BZA23-005-VA, the motion was seconded by Phillip Snoeberger

- vi. Vote: The motion passed 5-0.

## 8. NEW BUSINESS-PUBLIC HEARING

- a. BZA24-001-VA The Enclave at Whitestown

- i. Introduction:

Chairperson, Ken Kingshill Introduced the petition and requested that staff present the staff report before the applicant.

- ii. Staff Report:

Desire Irakoze, Planning Staff, presented the request to increase the maximum density in an R3 from 3.0 to 3.32 units per acre. The request would allow the applicant to have 56 single-family homes.

- iii. Presentation:

Matt Price, Dentons Bingham Greenbaum, presented on behalf of Davis Homes. He went over the concept plan and stated that the site was impacted by lining up the entryway with Seabiscuit Road, as requested, and preserving two historic homes. He noted the lot sizes averaged 7,500 sq. ft. and were larger than the required 6,000 sq. ft. They reached out to large lot property owners to the northeast to discuss items including structures that cross property lines, drainage, and providing additional landscaping in that area as well as tree preservation. Davis Homes would also be providing enhanced architectural requirements. He reviewed the materials, overhangs, garage, window trim, and wainscot that would be provided. Mr. Price shared examples of the proposed elevations. He reviewed their Findings of Facts submitted noting this proposal exceeds

the minimum open space requirement, exceeds the minimum lot sizes, and has enhanced architecture and landscaping. The entry alignment and historical home preservation would preserve the traditional historic streetscape. This project would enhance the use and value of the surrounding area. The practical difficulties can be addressed with the flexibility of allowing four additional homes (and the relocation of the existing homes) for a total of 56 homes on 17 acres.

iv. Discussion:

**Chairperson, Ken Kingshill** asked members for any discussion.

**Member Shelby Hasz** appreciated the green space preservation. She asked why they could not pull some lots off the development.

**Applicant Mr. Price** said the road alignment required additional land and that additional land had historic homes on it that needed to be moved. They did not feel it would be possible to remove lots that would otherwise be permissible. The way the ordinance is written, while they exceed open space and lot size, they were slightly over the density cap.

**Chairperson, Ken Kingshill** asked why they did not eliminate the curb cut on the historic home to Main Street.

**Applicant, Matt Price** said that resulted from discussions with the homeowner and would preserve existing conditions. The house that is being relocated is not occupied.

**Member, Shelby Hasz** asked about the connection to Panther Park.

**Planning Staff, Desire Irakoze** said the petitioner did not have to connect that trail, they had to increase their portion of the trail through their subdivision. This was there for long-term planning and connection.

**Chairperson, Ken Kingshill** questioned the percentage of green space as part of it included the drainage/pond area. Mr. Price said it would be an attractive area to walk without leaving the neighborhood. Mr. Davis came up to note the pond trails connected to the neighborhood sidewalks so there was connectivity.

**Planning Staff, Desire Irakoze** noted that R3 zoning only requires 10% open space and the UDO also allows 50% of that requirement to come from wetlands/detention pond areas.

**Member, Shelby Hasz** asked if they had a mockup of what this would look like without the variance, and they did not.

**Applicant, Matt Price** said they did try to make the subdivision a conforming project without needing the variance.

**Member Andrew McGee** received confirmation David would not proceed with 50 homes. Mr. Davis the purchase of the property to the north, moving the home, and the lift station were expensive.

- v. Public Discussion: Chairperson, Ken Kingshill addressed the public that Davis Homes could come in and build 50 homes that met the Town standards, and they would not have to ask permission nor agree to the conditions that they have here. The Board was only there tonight to consider whether to allow 54 homes in exchange for enhanced standards, trail connections, a lift station, and extra open space.

**Public Hearing Opened at 7:12 PM.**

Elizabeth Johanson, 652 Dusty Laurel Dr., opposes the density increase and wishes to preserve the tree line. She later cited traffic concerns.

Courtenay Smock, 3403 Paisley Point, President of the Walker Farms Homeowners Association. Davis Homes spoke with residents on Main Street but not with the other bordering properties such as theirs. She has a list of questions pertaining to the concept plan and would like the opportunity to speak with Davis Homes. She requested they continue the case.

Monica Coronado, 6364 Dusty Laurel Dr., had concerns with the sidewalk placement and tree line preservation and wished to meet with Davis Homes.

Joni Michael, 3487 Paisley Point, opposes the development and loss of the rural aspect of the community and the loss of nature.

Tim Roberts, 6460 Dusty Laurel Dr., opposes the entire subdivision and especially the extra homes. He feels the historic homes should not be moved.

Noah Novak, 6400 Dusty Laurel Dr., said he was unaware of the project or that the property was zoned R3. He asked about the easements and trees.

Tyler Townsend, 6304 Dusty Laurel Dr., felt Davis Homes needed to talk to the other impacted homes before the BZA made a decision.

Cameron Sparks, 6412 Dusty Laurel Dr., asked if the existing fence would be removed and if there would be a buffer. He had concerns about construction.

The Board read into the record an email from Tim Mauch, 6409 Dusty Laurel Dr., who asked for a denial of the request and noted other subdivisions were able to comply with the zoning regulations.

- vi. Discussion of WBZA:  
Chairperson Ken Kingshill asked if anyone online would like to speak.  
Planning Staff, Todd A. Baker, No one online has asked to speak.

**Public Hearing Closed at 7:40 PM.**

- vii. Closing Remarks by Applicant:

**Applicant, Matt Price** said he would not object to a continuance to meet with the homeowners who expressed concerns. He said the developers were interested in tree preservation and could be included as a written condition. He said he would talk to the neighbors about their concerns including buffering, pathways, and the lift station. He noted these were for sale homes and not rentals.

**Applicant, Matt Price** committed to meeting with the homeowners before the next meeting.

**Chairperson, Ken Kingshill** asked for a discussion on the petition.

**Member, Philip Snoeberger:** I believe the discussion would be better warranted at the next meeting.

viii. Call for a Motion:

Chairperson Ken Kingshill called for a motion.

**Motion: Phillip Snoeberger** made a motion to CONTINUE BZA24-001-VA to the April BZA meeting after the Applicant had met with the Walker Farms residents, seconded by **Mark Pascarella**.

ix. Vote:

The motion **passed** 5-0.

## 9. NEW BUSINESS FROM THE FLOOR.

a. None

## 10. ANNOUNCEMENTS

a. Planning Case Viewer

- i. The Planning and GIS Departments have created a Planning Case Viewer that provides access to current and past projects. This tool enhances transparency and public engagement by providing Plan Commission and BZA case information. There is also a public comment email provided as well as a link to the meeting as that date approaches. [Planning Case Viewer](#)

## 11. ADJOURNMENT

- a. **Motion: Mark Pascarella** made a motion to adjourn, the motion was seconded by Ken Kingshill
- b. **Vote:**  
The motion **passed** 5-0.
- c. Meeting adjourned at 8:02 PM

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Ken Kingshill, Chairperson

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Desire Irakoze, Planning Staff