

MEETING MINUTES

WHITESTOWN BOARD OF ZONING APPEALS



(317) 769-6557 

6210 Veterans Drive 

Whitestown, IN 46075 

WHITESTOWN BOARD OF ZONING APPEALS

Thursday, July 11, 2024 AT 6:30 PM
Meeting Minutes

1. OPENING THE MEETING

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

BZA Members

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

Whitestown Staff

- Allan Henderson, Zoning Administrator
- Todd A. Barker, Director of Development Services,
- Ashley Ulbricht, WPC/BZA Attorney

2. APPROVAL OF THE MINUTES

Motion: Phillip Snoeberger made a motion to APPROVE the June 6, 2024, minutes as presented, seconded by Shelby Hasz. Motion passed 4-0.

3. PUBLIC REQUEST TO SPEAK (Topics NOT related to an Agenda item)

- a. Ken Kingshill asked if there was any Public Request to speak. **None.**

4. PRESENTATIONS

- a. Ken Kingshill asked if there were any requests for presentations. **None.**

5. UNFINISHED BUSINESS

- a. BZA23-004-SE and BZA23-005-VA Crider and Crider – [Findings of Fact](#)

The took a 10 minute recess to review the revised Findings of Fact. 7:34p.m.

The board returned to session after a 10 Min recess. 7:44 p.m.

Matt Price with Dentons, appeared before the Board with owner and president of Crider and Crider.

We understand you must document the denial from last fall and accept the vote and we are not here to challenge the vote or seek legal to change the vote.

There were 3 findings that Crider and Crider is concerned with how the findings are stated

1. The findings suggested they are storing used waste tires illegally
2. References that Crider and Crider is a potential harm to children
3. The findings suggested they are storing hazardous materials on the property.

We accept what was stated of the denial. Mr. Crider would like to relocate his business to Boone County and is currently a Boone County resident.

We are prepared to sign the agreement to not petition for 24 months, we do not intend to petition again for this property.

I. Discussion of WBZA:

II. Call for a Motion: Phillip Snoeberger – made a motion and Mark Pascarella seconded to APPROVE BZA23-004-SE and BZA23-005-VA Crider and Crider – Findings of Fact. **Motion passed 3-0-1 (Shelby Hasz).**

b. BZA24-003-UV 404 South Main Street

The applicant, Travis Carpenter, is requesting a use variance from UDO 10.2 (D) Use Variance to operate a multi-family residential in an R3 Medium Density Single-family and Two-family residential zoned property located at 404 South Main Street.

I.Introduction: Allan Henderson: A petition for 404 South Main Street, for a use variance to allow for a multi-family dwelling at the address. The surrounding zoning is all R3, the current use of the property is a duplex and legal non-conforming.

III. Presentation: Travis Carpenter, 404 South Main Street, Whitestown. I intend to renovate the property for multi-family use.

IV. Public Discussion:

Public Hearing Opened at 6:39pm

Amy Biggs, 6 Smith Street, questions and concerns regarding parking. There is an ally that is between the homes, concerned with how parking will impact the shared ally.

Ken Kingshill: Mr. Carpenter has been requested by the town that he pave the parking for the home at 404 South Main Street.

Public Hearing Closed at 6:42pm

V. Discussion of WBZA:

Ken Kingshill: There are two emails submitted about concerns.

Shelby Hasz: asked about parking; it looks like there are 6 spots plus a handicap space. The variance allowed a max of 9 spaces and the proposed was for 8 parking spaces. Where would the other parking spaces be located.

Ken Kingshill: The staff report indicated that there would be 8 – 9 parking spots.

Allan Henderson: There is a minimum/maximum of parking spots. The minimum parking spots would be 5 and the maximum 9 parking spots. 7 parking spaces are within the minimum/maximum parking spots.

Mr. Carpenter: the most updated plan has 6 regular parking spaces and 1 handicap parking space, with a total of 7 parking spaces.

Ken Kingshill: inquired how the number of parking spots are determined.

Allan Henderson: The determination is based on the number of units.

Mark Pascarella: Asked if there isn't anyone using the handicap parking space could anyone in the residents use the spot?

Allan Henderson: The parking spaces could certainly be used for anyone residing at the home. The standard minimum is 1.25 parking spaces per unit, which equals 5 spaces and 2.25 per unit which equals the 9 spots maximum.

Ken Kingshill: asked Mr. Carpenter if he was in the real estate business.

Mr. Carpenter: stated he is in the real estate business and flips homes and manages rentals. I've been doing this for 7 years.

Shelby Hasz: Asked Mr. Carpenter what the plan is for the property if the variance isn't approved.

Mr. Carpenter: is unsure but will most likely sale the property.

Phillip Snoeberger: What is the plan if you do not have enough parking.

Mr. Carpenter: There will be stipulations on parking for tenants.

Mark Pascarella: with there being an easement there, can you park there legally?

Todd Barker: the platted alleyway is a right of way not an easement. If parked there then the right of way would be blocked.

Todd Barker: if the structure was legally operating as a duplex, it would operate as it is, the change is what is making the change in the parking.

Phillip Snoeberger: our biggest concern is parking and the number of units within the unit.

Mr. Carpenter: Have looked at a triplex however it did not make the best sense from a business perspective.

Phillip Snoeberger: stated you are asking for a variance knowing the restrictions when the property was purchased and hopeful the variance will allow relief for you to continue your plan.

Mr. Carpenter: if the variance isn't approved then the property will be sold and learn from this.

Ashley Ulbricht: You can make note of the emails or read them aloud.

Ken Kingshill: read the emails submitted with concerns about the property at 404 South Main Street.

VI. Call for a Motion:

VII. Vote:

Motion: Shelby Hasz made a motion to deny. Ashley stated that the Board should make a positive motion to approve then if not approved the motion, then fails.

Shelby Hasz made the motion to approve, Ken asked if there was a second motion.

Ken Kingshill the motion has failed for lack of a second,

Ken Kingshill made a motion to table the findings of fact until the August 2024 meeting, Philip Snoeberger seconded the motion.

Motion passed 4-0.

c. BZA24-005-VA 404 South Main Street

The applicant, Travis Carpenter, is requesting a development standards variance from UDO 2.3 (D) Residential Development Standards to reduce the required square footage of three units in a multi-family residential development at 404 South Main Street.

I.Introduction: Allan Henderson: a request made by Mr. Carpenter for 404 South Main Street, to reduce the minimum dwelling unit square footage.

VIII. Staff and Public Official's Report:

IX. Presentation: Travis stated these apartments will be air bnb, short term rentals.

X. Public Discussion: Ken Kingshill read aloud emails sent by residents, Braden R. Nicholson 500 Sycamore, LLC. and Cameron Norris, 207 S. Main Street, Whitestown, IN 46075.

Travis Carpenter responded to the 1st email – already a business in place, this project is much more intense and is now deemed not safe. This house sat for sale for many months. Investors know how hard this project is. I'm the only investors willing to attempt to get this project across the finish line.

XI.

Public Hearing Opened at 6:39 pm

No one had signed in to speak. No one was online requested to speak. No one in the room wished to speak.

Public Hearing Closed at 6:42pm

XII. Discussion of WBZA:

Ken Kingshill: I have a problem with this. Unfortunately, this is a hardship for the petitioner. We are not here to make sure he can make money on his investment. This is a case of hardship that was caused. Ends it for me there. I do like the fact that the property would be fixed and trying to create something in legacy core. I think the use issues need to be handled by the Planning Commission and Town Council. Legacy core is a special development area. I think it is a mistake for the BZA to make the decisions and we are not to be heard outside of the venue. We don't always have information from all parties about what is going on. Seems to me in the special areas and decisions should be made by the council. I think typically Legacy Core we need to have a plan and do some of the diversions and rezones in a more planned manner as opposed to the one off like this situation. My feelings are based on the criteria before. I don't see where there is hardship and deny the application.

Shelby Hasz: As much as I'd like to see the home restored, seeing this as a potential Airbnb causes more issues for the neighborhood and agree we should deny this. It would be nice to see the homes restored in Legacy Core.

Mark Pascarella: I struggle with this you are both spot on. We aren't going to change all the different plans. This allows him to do something different and buy a property knowing a variance needs to happen and not sure where I'm coming from yet.

Phillip Snoeberger: When I was doing my research, I kept going back to the unnecessary hardship. It all seems self-inflicted as we are being asked to grant relief for something you knew it was potential to happen. I'm not sure that the parking space is acceptable. You are already over the allotted parking and is already an issue in the Legacy Core area.

Mark Pascarella: out of curiosity if someone would have the idea of changing things before making the purchase of the home.

Ken Kingshill: I think this is something the town would have to decide as there would need to be a change to the UDO. The UDO doesn't allow it and seems to be a zoning issue.

Todd Barker: The UDO can be amended, and part of process that staff looks at yearly is, is this an issue that should be rectified in the UDO. If things get denied, then no there doesn't need to be a change. If things are approved, then yes, the UDO would likely need changed. We are open to helping draft solutions. If it needs to be a rezone or a special exception. If it is a special exception, then it would come here to the BZA.

Mark Pascarella: appreciate where the staff come from, and that we are to follow the criteria.

Ken Kingshill: When I hear the objections, I need to listen to that.

Mark – the problem I have is purchasing and knowing you will need a variance. The purchase has been made and now we are back in the corner.

Phillip Snoeberger: Is there a minimum green space requirement.

Allan Henderson: they are not for residential.

Ken Kingshill: lets vote

VII. Call for a Vote:

VIII. Vote:

Motion: Shelby Hasz made a motion to deny. Motion passed 4-0. Ashley stated that the Board should make a positive motion to approve then if not approved the motion, then fails.

Amend a motion:

Shelby Hasz has made the motion to approve, Ken asked if there was a second motion.

Ken Kingshill the motion has failed for lack of a second,

Ken Kingshill made a motion to table the findings of fact Ken Kingshill until the August 2024 meeting, and Philip Snoeberger seconded the motion.

Motion passed 4-0.

6. NEW BUSINESS (public hearing)

- a. None

7. OTHER BUSINESS

Ken Kingshill asked if there was any other business. **None.**

8. ANNOUNCEMENTS

Ken Kingshill asked if there were any announcements

Allan Henderson – no petition proposed for August. This could be a time to meet and discuss the rules.

Todd Barker: we do have findings we do need address

Ken Kingshill: let's keep the meeting on the calendar unless there is an objection.

Todd Barker: we were looking at sharing the rules before going for a vote, wanted to run by the board.

Ken Kingshill: will this still be on zoom and YouTube?

Tood Barker: yes, the meeting will be shared as normal.

9. ADJOURNMENT

Motion: Philip Snoeberger made a motion to adjourn, Mark Pascarella seconded motion.

Motion passed 4-0. Meeting adjourned at 7:42pm.

Ken Kingshill, Chairperson

Allan Henderson, Zoning Administrator