

MEETING MINUTES

WHITESTOWN BOARD OF ZONING APPEALS



(317) 769-6557 

6210 Veterans Drive 

Whitestown, IN 46075 

WHITESTOWN BOARD OF ZONING APPEALS

Thursday, January 9, 2025 AT 6:30 PM
Meeting Minutes

1. OPENING THE MEETING

- a. Call to Order - 6:30p.m.
- b. Pledge of Allegiance
- c. Roll Call

Welcome to new member Lewis Eakins and thank you to Mark Pascarella for participating the last four years as part of the BZA board.

- d. Election of Officers

Motion: Andrew McGee made a motion to nominate Ken Kingshill for Chairperson of BZA 2025, seconded by Phillip Snoeberger. Motion **Passed 5-0.**

Motion: Phillip Snoeberger made a motion to nominate Andrew McGee for Vice Chair of BZA 2025, seconded by Ken Kingshill. Motion **Passed 5-0.**

Allan Henderson – the secretary role is covered by the planning staff.

BZA Members

- Ken Kingshill, Chair**
- Andrew McGee, Vice Chair**
- Lewis Eakins**
- Shelby Hasz**
- Phillip Snoeberger**

Whitestown Staff

- Todd Barker, AICP, CPM, Director of Development Services**
- Allan Henderson, Planning Administrator**
- Shannon Downs, EA of Development Services**
- Beth Copeland, Taft Law, Town Attorney**

2. APPROVAL OF THE AGENDA

- a. **Motion:** Andrew McGee made a motion to **APPROVE** the January 9, 2025, Agenda as presented, seconded by Phillip Snoeberger. Motion **Passed 5-0**.
- b. Approval of November 7, 2024, meeting minutes
Motion: Andrew McGee made a motion to **APPROVE** the November 7, 2024, minutes as presented, seconded by Phillip Snoeberger. Motion **Passed 5-0**.

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. None.

5. OLD BUSINESS

- a. None

6. NEW BUSINESS (public hearing)

- a. BZA24-009-VA

A request by Grace Clark for a **Development Standards Variance** from UDO 7.10 (G) Parking Ratios for Vehicles and Bicycles to increase the number of parking spaces from 20 to 37 at a new dental office being constructed at 6843 Phipps Lane, Whitestown, Indiana.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) representing Dr. Clark's Dental office – asked if there are any concerns with the landscape plans as presented once revised.

Allan Henderson – no concerns with the presented revised landscape as presented.

Floor opened for public hearing at 6:40p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 6:41p.m.

BZA Discussion:

Andrew McGee, asked for clarification if this is doubling the max parking space. Would this increased parking be for the dental office only or for the entire building and a second occupant?

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)
– Dr. Clark’s office will be the only occupant of the entire space and plans to expand the office in the next 3-5 years. Will build out the 3,000 square feet of space and build out the additional 2,000 square feet of space at a later time.

Ken Kingshill – asked for clarification on occupants of the space and how many employees and dental professionals will be in the office.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)
– there will be up to 10 employees and one dental professional, Dr. Clark has mentioned any additional dentists at this time.

Ken Kingshill – asked if Dr. Clark would be able to operate the business without the parking expansion.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)
– shared updated information as provided, Dr. Clark will want to scale back the total parking on the first build but do the complete the other buildout of 2,000 square feet and additional parking spaces during the expansion.

Ken Kingshill – asked if this is the first commercial business in this area?

Todd Barker – This will be the second commercial business as the gas station is the first commercial business.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)
– Dr. Clark’s office is only 1 acre of the 5 acres on the corner. There is 4 acres still for sale.

Andrew McGee – asked about the building/occupancy.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)
– she will occupy about 2,000 square feet of the building, now. She is requesting additional parking and will build it out in the future as the business grows and include the additional 18 spaces during that other end build out.

Andrew McGee - asked for clarification on the building out of the 37 parking spaces. It will not all be built at this time.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074)

– confirmed that not all 37 parking spaces would not be built at this time. Just 18 spaces at this time.

Phillip Snoeberger – asked for clarification on the location of the dumpster location.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) - confirmed the dumpster location will stay in the location as shown as Dr. Clark feels that is the easiest for access.

Todd Barker – the parking spaces are based on the ratio of the building and Dr. Clark's office would still need a variance for parking based on the size of the building.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – asked if there is a percentage of parking they could go over the max.

Ken Kingshill – this is 3rd request for an increase in parking and maybe the UDO should be reviewed due to the multiple requests for parking variances.

Todd Barker – verified when multiple requests have been presented for the same concerns. It is confirmed that it is approximately a 4-month process to change the UDO.

Ken Kingshill – this is a PUD, and maybe another option would be to amend the PUD with a text amendment.

Ken Kingshill – does not feel the 3rd criteria is not met as Dr. Clark is able to operate her business with the parking spaces as set forth.

Allan Henderson – a few other options to consider. There is no expiration on a variance. You can also place a condition on a variance. Stating that if the current owner sold the property the variance would be tied to the owner only and would be removed if sold.

Beth – the parking spaces could expire on buildout, and by default the spaces are tied to the land.

Andrew McGee – asked for clarification if the parking is denied when the petitioner could return for additional parking variance in a year or before?

Todd Barker – confirmed that it is a year timeframe unless the board suspended the rules.

Andrew McGee – also stated that he doesn't feel criteria 3 is met for the variance.

Phillip Snoeberger – current parking is 20 spaces based on square footage. 10 of the spaces for employee parking. Feels that the need for additional parking is there but not the 37 max spaces. Feels the 3rd criteria is met, and feels that there is a need for additional parking but needs to be reduced from the requested additional 37 spaces.

Ken Kingshill – with this being the first commercial business and there is no other business for overflow parking.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – the closest business to Dr. Clark's office is the gas station and is not close.

Shelby Hasz – asked if Dr. Clark currently owns the land. Shared thoughts on previous businesses approaching the BZA board multiple times for variances and is making the requests at the beginning. Wanted to confirm if Dr. Clark is planning on having shared parking.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – Dr. Clark does not plan to have cross access with neighboring commercial businesses and having shared parking.

Ken Kingshill – would rather see the PUD or the UDO updated and make a change to the parking to assist businesses overall with requesting parking variances.

Shelby Hasz – is this enough to deny this variance request.

Andrew McGee – could a condition be placed on a variance with the property owner and not the land/building.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – If the parking spaces would decrease to 25-30 and still be able to accommodate parking around the building which is important to Dr. Clark.

Phillip Snoeberger – if the number of parking spaces were reduced where would the spaces be removed.

Lewis Eakins – inquired if there is any criteria or set standard for a dental office required parking spaces.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – Dr. Clark wanted to request the maximum number of spaces that would best fit the space of the building.

Lewis Eakin – agrees with decreasing the number of spaces.

Kevin Steely (Terra Site Development, 1307 W 161st St., Westfield, IN 46074) – asked for clarification, if the approved variance is tied to the owner or the land.

Ken Kingshill – the approved variance is tied to the land.

Motion: Phillip Snoeberger made a motion to approve as BZA24-009-VA, Dr. Clark's Dental office parking variance, with the reduction of spaces from the proposed 37 to 30, removing 7 spaces from the southern edge of the property. Seconded by Shelby Hasz Motion **Passed 3-2.**

8. OTHER BUSINESS

- a. None

9. ANNOUNCEMENTS

Ken Kingshill asked if there were any announcements. **None.**

Phillip Snoeberger – would like to address the parking in the PUD/UDO, and how to start the process.

10. ADJOURNMENT

Motion: Andrew McGee made a motion to adjourn, Phillip Snoeberger seconded motion. Motion **Passed** 5-0. Meeting adjourned at 7:14p.m.

The next regular meeting is scheduled for **Thursday, February 6, 2025**, at 6:30 PM.

Signed by:

Ken Kingshill

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Ken Kingshill, Chairperson

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Allan Henderson

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Allan Henderson, Zoning Administrator