

# MEETING MINUTES

## WHITESTOWN BOARD OF ZONING APPEALS



(317) 769-6557



6210 Veterans Drive



Whitestown, IN 46075



### WHITESTOWN BOARD OF ZONING APPEALS

Thursday, November 6, 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

##### 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
- Noah Pappas, Planning Administrator
- Shannon Downs, EA of Development Services
- Chou-il Lee, Taft Law, Town Attorney

#### 2. APPROVAL OF THE AGENDA

- a. Approval of August 8, 2025, meeting minutes.
- b. Approval of October 2, 2025, meeting minutes.

**Motion: Phillip Snoeberger** motion made to approve August 8, 2025, and October 2, 2025, meeting minutes as presented seconded by **Lewis Eakins**  
**Passed 5-0**

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

- a. None.

#### 4. PRESENTATIONS

- a. None.

## 5. OLD BUSINESS

### a. BZA25-011-DSV Windswept Farms

A request by Windswept Farms Development LLC for a **Development Standards Variance** from UDO 8.9 (O) 2 to increase the maximum sign area for a Residential Subdivision Entry sign at 4300 S CR 700 E, Whitestown, Indiana.

#### Staff Report:

Allan Henderson – BZA25-011, a development standards variance from UDO 8.904. This is a request for the entry sign at Windswept Farms. Review of page 4 of the UDO signage sizing. The petitioner provided a memo and updated drawing, and they have reduced the size of the original square foot from 38 square feet to 32 square feet. At the prior meeting the board was comfortable with 32 square feet in size and the sign has been reduced to the size that was last discussed.

#### Presentation:

Adam Mears, Attorney, Gradison Land Development, 6330 E 75<sup>th</sup> St, Suite 156. Requesting a size variance for the windswept entrance sign. Discussion of how previous meeting impacted the size and how they ended up to the current size of 32 square feet and feel it is a good fit for the area even with it being larger than the permitted size.

#### Discussion of BZA:

Ken Kingshill – asked what changes were made to the sign.

Adam Mears – the sign company removed the ends of the sign face to accommodate the suggestion from last meeting.

Phillip Snoeberger – glad to see the reduction in size.

Lewis Eakins – feel this is a good compromise for the sign size.

Ken Kingshill – having a hard time supporting the esthetics. Appreciated the redesigning of the sign based on the last meeting's suggestions from the board. Practical difficulty is from the petitioner and not the ordinance.

**Motion: Phillip Snoeberger** made a motion to approve BZA25-011-DSV, Windswept Farms Development LLC **Development Standards Variance**, from UDO 8.9 permanent signs as presented based, and described based on the findings of fact, staff recommendation, staff report and compliance with the submitted plans, seconded by **Shelby Hasz. Passed 4-1 (Ken Kingshill)**

## 6. NEW BUSINESS (Public Hearing)

### a. BZA25-012-DSV Citizens

A request by Citizens Energy Group for a **Development Standards Variance** from UDO 4.3 (F), fence standards. This request is to allow for a chain link fence in a non-industrial district at Eagles Nest section 8 common area U, Whitestown Indiana, which is zoned R-3 medium density single family residential. The petitioner was asked to make sure that the open space requirements were met with the proposed changes. The petitioner is meeting the open space requirements. Review of page 4 of the UDO which establishes what fence requirements are.

#### **Disclosure Statement:**

Ken Kingshill, BZA President, disclosed that he is in negotiations with Citizens on a utility easement for his own property. I don't feel that there is a conflict with this project. Will not be recusing himself, offered the petitioner an opportunity to object.

Citizens Energy – agrees with Ken Kingshill participation in the decision making and voting of the project.

#### **Staff Report:**

Allan Henderson, BZA25-012-DSV, a request for a development standards variance from UDO 4.3(f). This is part of a common area 8 within Eagles Nest. Petitioners are meeting the requirements of the open space area with the project. Review of page 4 of the UDO, chain link fences are not permitted in residential areas only in industrial areas. Do not feel they have met the criteria as this is residentially zoned property.

Over the week there have been emails received from concerned residents, please say who they are received from for public record. Emails received from Dawn Fitch, Shelly Morrison, and John Nuti, all emails received are against the variance request.

#### **Presentation:**

Bruce Cooley, program manager, Citizens Energy Group – here today request a variance of a 7-foot-tall chain link fence. This is a typical fence that is used across all citizens' properties and for public safety purposes. We are proposing a black coated vinyl fence. On the west side of the building there will be landscaping to assist with the visual impact and there will be a 6-foot berm with trees on the south side to help with visual impact. Along 750 South there will be a vegetation area buffering the fence and assisting with the visual impact. The fence will help with public safety. With the improvements that the town will have in the future with vegetation. There is an illustration within the packet provided to each board member.

Public Hearing:

Floor opened for public hearing at 6:53pm.

The below residents were in attendance and voiced common concerns against the variance for the chain link fence requested by Citizen's Energy Group. The residents voiced concerns regarding no community meeting, a variance for a fence type that is not even permitted within the town, sharing concerns of the building location and the impact on the homes as well as the safety of children and families within the Eagles Nest neighborhood.

Kevin Russell 6123 Golden Eagle Dr, Zionsville IN 46077  
Don Teeter 7724 Eagle Crescent Dr, Zionsville IN 46077  
Matthew Zurfac 7728 Eagle Crescent Dr, Zionsville IN 46077  
Bryan Brackonyer 7723 Eagle Crescent Dr, Zionsville IN 46077  
Branden Cavanaugh – 7720 Eagle Point Circle, Zionsville IN 46077  
Rebecca Mankin - 7727 Eagle Crescent Dr, Zionsville IN 46077

No requests from anyone online

Floor closed to public hearing at 7:10p.m.

**Petitioner Response:**

Petitioners have no response to provide.

Discussion of BZA:

Lewis Eakins – inquired about the height of the towers.

Bruce Cooley, Citizen's Energy Group – the storage tanks are ground storage tanks, and they are 32-foot above grade.

Lewis Eakins – asked if there could there be a solid fence, inquired if it is a pricing or overall cost issue?

Bruce Cooley, Citizen's Energy Group – Chain Link fence allows the workers to see through the fence and along the fence for their safety. Trying to minimize issues and allowing workers to have visibility of the site.

Lewis Eakins – asking for Clarification on the fence installation. Doesn't feel that the chain link fence or barbed wire is the best security and with the current technology is this fence type the best practice?

Bruce Cooley, Citizen's Energy Group – 7-foot-tall fence with barbed wire, to detour entrance. There will be other security provisions in place as well. The fence is a security deterrent to prevent entry, and the other side is what to do if there is a someone within the premises of the property. The chain link fence will allow workers safety as they approach the site. There are additional security provisions onsite when a worker has detected someone on the property.

Lewis Eakins – asked for security statistics regarding the other sites with security issues.

Bruce Cooley, Citizen's Energy Group – statistics are not available at this time and would have to work someone within Citizen's to get the statistics.

Phillip Snoeberger – item B & C; asked about the location of the fence location, as it indicates the North and West sides of the parcel. Will there be a fence on the south side as well?

Bruce Cooley, Citizen's Energy Group – the fence should encompass the entire perimeter of the site.

Phillip Snoeberger – asked if the public notice is sufficient.

Chou-il Lee, Taft Law, Town Attorney – The public does not include fencing on the southside of the property. The public in attendance is not in agreement with the chain-link fence at all.

Ken Kingshill – they are also requesting barbed wire; and barbed wire is not permitted in any fashion of the UDO. There should have been two variances requested, one for the chain-link fence and a second for the barbed wire.

Chou-il Lee, Taft Law, Town Attorney – the only variance for review is fence, there has been additional discussion regarding the 32-foot tanks, the tanks are not up for discussion at this meeting.

Ken Kingshill – there is not a request for variance on barbed wire and the only variance that will be reviewed and voted upon will be the chain-link fence as it is the only variance request that has been received.

Ken Kingshill – suggested to the petitioner that if they'd like to move forward with the preceding, there needs to be a meeting with the neighbors. The meeting will need to include all the details, chain-link fence, barbed wire, tanks, etc. Would like to give the petitioner the opportunity to withdraw, with the requirements that there is a neighborhood meeting held.

Bruce Cooley, Citizen's Energy Group – seeking clarity on variances from Allan Henderson, is the barbed wire part of the fence. Would an additional variance be required for the gates as well.

Allan Henderson – clarified that the chain-link fence and barbed wire are two different points within the UDO and would require two separate variances.

Ken Kingshill – suggested a withdraw and resubmit for a variance.

Bruce Cooley, Citizen's Energy Group – requested clarification from the lawyer on the appropriate way to proceed. The public notice that was sent out how should Citizen's proceed.

Chou-il Lee, Taft Law, Town Attorney – advised that Citizen's should advertise a second hearing / notice with the chain link fence with the appropriate fence location and barbed wire. There will also need to be a hearing on the barbed wire.

Bruce Cooley, Citizen's Energy Group – requested clarification from Allan Henderson, asking if it would be best to withdraw or amend the existing variance.

Allan Henderson – based on the work that will need to be completed, you can amend and resubmit a public notice. There also needs to be a community meeting.

Bruce Cooley, Citizen's Energy Group – seeking clarification from the board, seeking amendment of the variance, providing the appropriate documents, etc. How should Citizens move forward.

Chou-il Lee, Taft Law, Town Attorney – recommended a request to allow the petitioner to amend and provide new notice and additional amended variance request with proper advertisement.

Philip Snoeberger – asked for clarification when this hearing returns will there be two separate variances?

Chou-il Lee, Taft Law, Town Attorney – this will be two separate variances but will be two separate votes but makes sense to complete all at one time.

Open Discussion amongst the board about continuing or voting on the variance as presented.

Shelby Hasz – don't feel to waste anyone's time would like to vote.

Andrew McGee – in agreement with voting this evening.

Lewis Eakins – in agreement with voting this evening.

Phillip Snoeberger – concern with voting tonight; issues with public notice, chain link and barbed wire and not opening the board up with issues.

Chou-il Lee, Taft Law, Town Attorney – The only issues that will be voted upon today will be the chain-link fence and will not impact the barbed wire.

Ken Kingshill – review of 3 criteria for variance approval; 1. We've heard from several community members that will impact on the community. 2. People

have talked about the value based on a chain-link fence and will affect property value and that no one within the town is permitted to install a chain-link fence.

3. There are other and better forms of safety protocols for the booster station, practical difficulty is self-imposed and there are other options for site security.

Andrew McGee – I think we've heard from enough of the community for item 3

Phillip Snoeberger – technically difficulty, this fence is to allow them to see in their facility. There are plenty of options for security and not seeing through the fence.

Lewis Eakins – item 1 public health and safety; concerns with fence and barbed wire. We are a community of children and looking at safety and safety of children. Feel that being able to see inside you want to be

Shelby Hasz – thank you to the community to coming and voicing their opinions.

**Motion: Andrew McGee** made a motion to Deny BZA25-012-DSV Citizens as presented, seconded by **Lewis Eakins. Passed 5-0**

## 7. OTHER BUSINESS

a. 2026/2027

Motion to approve by Andrew McGee, seconded by Phillip Snoeberger.


## 8. ANNOUNCEMENTS

a. None


## 9. ADJOURNMENT

**Motion: Phillip Snoeberger** made a motion to adjourn Seconded by **Andrew McGee**. Motion **Passed** 450. Meeting adjourned at 7:35pm.

The next regular meeting is scheduled for **December 4, 2025**, at 6:30 PM.

Signed by:  


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Ken Kingshill, Chairperson

DocuSigned by:  


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Allan Henderson, Zoning Administrator