



Meeting Agenda - Cancelled

Whitestown Board of Zoning Appeals

Date: January 9, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: L.J. Jernstadt, Andrew McGee, Gregg Semmler, Randy Clements, Matthew Doublestein

Due to a lack of agenda items, the WBZA meeting for January has been cancelled.



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: February 13, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: L.J. Jernstadt, Andrew McGee, Randy Clements, Matthew Doublestein, Greg Semmler

Call to Order

Pledge of Allegiance

Roll Call

Approve Agenda

Election of 2012 Officers

Minutes

Old Business

New Business – Public Hearing

1. **Docket BZA12-001-UV – Use Variance for storage facility.** The petitioner is requesting a use variance to allow a storage facility on property within a PUD that doesn't permit the requested use. The subject property contains 7 acres and is located on the north side of Central Blvd, east of 650 E, in Anson, Section I. The property is zoned PUD (Business District). The petitioner and owner is Duke Construction Limited Partnership.

Continued to March 12, 2012. A remonstrator has requested that this petition be continued and the petitioner has agreed to the continuance.

New Business – Public Meeting

New Business from the Floor

Announcements

Adjournment



Meeting Minutes

Whitestown BZA

Date: March 12, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:35pm

Pledge of Allegiance

Roll Call

- L.J. Jernstadt, Chairman
- Andrew McGee, Vice Chairman
- Greg Semmler
- Randy Clements
- Matthew Doublestein

- Staff:
 - Deborah Luzier, Town Planner, GRW
 - John Molitor, PC/BZA Attorney

Agenda

Motion by Clements to approve the agenda. Second by McGee. Motion passes unanimously.

Election of 2012 Officers

1) Election of 2012 Officers

Motion by Jernstadt to nominate McGee as Chairman. Second by Doublestein. Motion passes unanimously.

Motion by McGee to nominate Semmler as Vice-chairman. Second by Jernstadt. Motion passes unanimously.

Minutes

2) November 14, 2011

Motion to approve the minutes by Jernstadt. Second by Semmler. Motion passes unanimously.

Old Business – Public Hearing

- 3) **Docket BZA12-001-UV – Use Variance for storage facility.** The petitioner is requesting a use variance to allow a storage facility on property within a PUD that doesn't permit the requested use. The subject property contains 7 acres and is located on the north side of Central Blvd, east of 650 E, in Anson, Section I. The property is zoned PUD (Business District). The petitioner and owner is Duke Construction Limited Partnership.

Continued from February 13, 2012

1. Staff and Public Official's Report – Luzier
2. Presentation – represented by Craig Anderson, Duke; Rob Underwood, developer; Blaine Paul, Duke.
 - a. Anderson – Submits “Statement of Commitments (17 commitments and elevations)” to file. Describes the property location. Duke will review the plans for compliance with the PUD before the developer can submit them to the WPC for development plan consideration.
 - b. Paul – reviews Anson's overall plan. Phase 3 (centrally located) is where this use would be permitted, however this area is not ready for development yet. Therefore, we have guided the user to this site.
 - c. Underwood – shows elevations of structures. This site works well for us and we will comply with the architectural and landscaping requirements. Carmel Drive Self Storage is an existing facility that we have modeled this development off of.
 - d. Anderson – We select developers based on their ability and intent to meet the Anson standards. Describes elevations and door orientation further. Site will be surrounded by a brick wall, so the facilities will not be readily visible. Reviews Statement of Commitments. If this development does not move forward, the commitments apply to any other self-storage facility that may choose to locate here.
 - e. Paul – this use variance is for 7 acres, with the first phase being the eastern 4 acres.
3. Public Discussion
 - a. Adam Richter, Glick – represents Westhaven multi-family development to the east. Duke has worked with us to alleviate our concerns associated with the operations and development standards with the proposed use.
4. Staff Recommendations - Luzier
5. BZA Discussion
 - a. Doublestein – on the 3 acres to the west, would they need to have another entrance? Do the commitments apply to the expansion?
 - b. Underwood – if we expand, we may need additional access.
 - c. Anderson – the commitments apply to all 7 acres.
 - d. Paul – the layout is conceptual and will be finalized at Development Plan approval.
 - e. Jernstadt – Central Blvd is wide and has adequate access. I would be concerned if this was coming off of 700 E.
 - f. Anderson – two entrances would be the maximum.
 - g. Underwood – for security purposes, and cost, we would like to have only one entrance.
 - h. Doublestein – have any other property owners expressed concerns?
 - i. Anderson – no. There are tree lines and existing vegetation separating this use.
 - j. McGee – and Glick agrees to the commitments presented as well?
 - k. Richter – yes.

- l. Anderson – these will be recorded.
- m. Molitor – Commitments #8, what is the code citation? Typo should be SEQ and not SEG. Pg 3, second paragraph, should be continued in effect as long as the use variance is operational (not variance remains valid and in effect). Pg 3, states that the WPC can enforce the commitments and not the BZA – be aware of that, Board.
- n. Richter - code citation addresses warehousing sales.
- o. McGee – should the BZA be included?
- p. Jernstadt – yes.
- q. Molitor – this will give us another option as well. I would include 1) WPC, 2) BZA, or 3) owners of Westhaven.
- r. Doublestein – in thinking of the school and its students to the north, is lighting adequate?
- s. Jernstadt – how tall is the fence?
- t. Underwood – looks to be 6-7 feet tall.
- u. Richter – the WPC can finalize the fence height and lighting requirements with the development plan.
- v. Luzier – is there 24-hour access to the storage units?
- w. Underwood – yes. It is operated with a key pad.

Motion by Jernstadt to approve with the voluntary conditions as presented and modified. Second by Semmler. Motion passes unanimously.

Other Business

- 4) **Rules and Procedures Amendment.** The board to consider amending its Rules and Procedures to address the residency requirements for its members per IC 36-7-4-905.
- 1. BZA Discussion
 - a. McGee – I just noticed that as a member, I cannot be appointed to any other board. I am appointed to the RDC.
 - b. Molitor – his participation has not been challenged and we still have a quorum, but we will need to get it resolved before the next meeting.
 - c. Scott Dompke, GRW – add “be” to item #2 after “shall”.
 - d. Molitor – you can either live in the town OR own property in town and live in the county. It gives more opportunity for members to participate.

Motion to adopt amendments by Jernstadt. Second by Doublestein. Motion passes unanimously.

- 5) **Zoning Violations Complaint Procedures.** The board to review the proposed Zoning Violation Complaint Procedures.
- 1. Staff Presentation - Luzier
 - 2. BZA Discussion
 - a. Doublestein – does this need to be filed in writing?
 - b. Luzier – yes.

Motion to adopt procedures by Jernstadt. Second by Doublestein. Motion passes unanimously.

Other

- a. Clements – are we exploring an alternate member procedure?
- b. Luzier – that is something that we need to propose to the Council.

Adjournment

7:28pm

Andrew McGee, President

Deborah Luzier, Secretary



Meeting Minutes

Whitestown BZA

Date: April 9, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:32pm

Pledge of Allegiance

Roll Call

- Andrew McGee, Chairman
- Greg Semmler, Vice Chairman
- Randy Clements (absent)
- Matthew Doublestein
- L.J. Jernstadt

- Staff:
 - Deborah Luzier, Town Planner, GRW
 - John Molitor, PC/BZA Attorney

Agenda

Motion to approve agenda by Jernstadt . Second by Doublestein. Motion passes unanimously.

Minutes

March 12, 2012

Motion to approve minutes by Doublestein. Second by Semmler. Motion passes unanimously.

New Business

1. **Rules and Procedures.** Review membership requirements.
 - a. McGee – I have chosen to stay with the RDC and no longer serve on the BZA.
 - b. Luzier – I will let the Town Council know that they will have to appoint a new member to serve in your place.
 - c. Jernstadt – Semmler, you become President.
 - d. Molitor – you will need elect a vice-president.

Motion to continue the election to the next meeting by Jernstadt. Second by Doublestein. Motion passes unanimously.

New Business from the Floor

- a. Jay Fulkerson – I would like to appeal cost of my remodeling building permit.
- b. Luzier – I will put together an application kit and forward that to Mr. Fulkerson for the next meeting if this is what he would like to do.
- c. Molitor – we cannot discuss this any further until there is an application before the BZA.
- d. Luzier – the WPC will be reviewing the current fees at their meeting tonight for a possible amendment consideration at the May meeting. This may be a faster remedy than applying for an appeal.

Adjournment

6:45pm

Greg Semmler, acting President

Deborah Luzier, Secretary



Meeting Minutes

Whitestown BZA

Date: May 14, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order

6:45pm

Pledge of Allegiance

Roll Call

- Greg Semmler, Vice Chairman
- Randy Clements (absent)
- Matthew Doublestein (absent)
- L.J. Jernstadt

- Staff:
 - o Deborah Luzier, Town Planner, GRW
 - o John Molitor, PC/BZA Attorney

Due to the absence of a quorum, the WBZA meeting has been cancelled. Pending petitions are automatically continued to the next regular meeting on June 11, 2012.



Meeting Minutes

Whitestown BZA

Date: June 11, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order

6:30pm

Pledge of Allegiance

Roll Call

- Greg Semmler, Vice Chairman
- Randy Clements
- Matthew Doublestein
- L.J. Jernstadt

- Staff:
 - o Deborah Luzier, Town Planner, GRW
 - o John Molitor, PC/BZA Attorney

Approve Agenda

1. June 11, 2012

Motion to approve agenda by Jernstadt. Second by Doublestein. Motion passes unanimously

Election of Vice Chair

Motion to nominate Doublestein as vice chair by Jernstadt. Second by Clements. Motion passes unanimously.

Minutes

2. April 9, 2012

Motion to approve by Jernstadt. Second by Clements.

Old Business – Public Hearing

3. **Docket BZA12-002-SE - Special Exception - Morning Dove Therapeutic Riding facility.** The petitioner is requesting approval of a Special Exception for a use classified as an “outdoor recreation facility”. The subject property contains 28 acres and is located at the northwest corner of 500 S and 650 E. The property is zoned AG-General Agriculture and it is classified as Medium Intensity Residential (1 to 2 dwelling units per acre) in the Comprehensive Plan. The petitioner is Morning Dove Therapeutic Riding, Inc. and the owner is the Jeanette Stokely Revocable Trust. *Automatically continued from May 14, 2012 due to lack of quorum.*

1. Staff and Public Official’s Report – Luzier

2. Presentation – Liz Coit, Morning Dove. With this new facility, we should be able to provide our services year-round. We have since purchased the land, so Morning Dove is now the owner.
3. Public Discussion – none.
4. BZA Discussion
 - Clements – would they have to provide parking based on the entire acreage?
 - Luzier – yes. They could ask for a variance at a future meeting if needed. I believe that there's a provision that allows you to only pave half of the required parking.
 - Coit – the ordinance requirements far exceeds our needs. We anticipate 30-50 people maximum at one time, so that's something we would have to look into.
 - Jernstadt – 500S is a gravel, secondary road and I am concerned about the maintenance. It is probably one of the last roads to get plowed in the winter time.
 - Coit – we have plow equipment on property and would pave a way to the facility if need be. In severe weather, we would obviously cancel services for the day. Our last facility was serviced by a gravel road as well, so we are used to that. Our second driveway is closer to the paved area, so the gravel road impact should be minimal.

Motion to approve with conditions by Clements. Second by Doublestein. Motion passes unanimously.

- 1. The development shall significantly resemble the concept plan submitted with the application*
- 2. Where applicable, any public trails and pathways along Wildcat Creek that are part of the proposed trail system for Whitestown shall be made part of the Development Plan.*

Adjournment

6:50pm

Greg Semmler, Chairman

Deborah Luzier, Secretary



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: July 9, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: Greg Semmler, L.J. Jernstadt, Randy Clements, Matthew Doublestein

Meeting cancelled due to a lack of agenda items.



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: August 13, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: Greg Semmler, L.J. Jernstadt, Randy Clements, Matthew Doublestein

Meeting cancelled due to a lack of agenda items.



Meeting Minutes

Whitestown BZA

Date: September 10, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:32pm

Pledge of Allegiance

Roll Call

- Greg Semmler, Chairman
- Matthew Doublestein, Vice-chair
- Randy Clements (absent)
- L.J. Jernstadt

- Staff:
 - o Deborah Luzier, Town Planner, GRW
 - o John Molitor, PC/BZA Attorney

Approve Agenda

Motion to approve agenda by Jernstadt. Second by Doublestein. Motion passes unanimously.

Minutes

1) June 11, 2012

Motion to approve minutes by Jernstadt. Second by Semmler. Motion passes unanimously.

New Business – Public Meeting

- 2) **Appeal of Administrator’s Decision – Traders Point Christian Church.** The petitioner is appealing the Administrator’s interpretation of the Zoning Ordinance with regard to the requirement for sidewalks.
1. Staff’s interpretation of the ordinance – Luzier
 2. Molitor – cites state statute for appeals. The BZA is to make a determination that the Administrator’s interpretation of the ordinances is correct or incorrect.
 3. Presentation – Don Williams, Jim Stanley, and members of the leadership for this project.
 - i) Williams – gives history about property acquisition, initial development, and future development. The town has requested sidewalks along 650S and Indianapolis Rd. Sidewalks will cost \$150K along Indianapolis Rd and \$87K along 650S. Problems arise with crossing the ditch near the intersection which will cost additional monies. Staff has been accommodating during the process. We have over 4,000 members who have an interest in how the church’s funds are spent. The disagreement is when the standards set forth in the Subdivision Control Ordinance come into play. We feel that the

standards in the SCO are only applicable when subdividing or submitting a petition that involves both subdivision and development plan simultaneously. We feel that the property zoned PUD that contains only the driveway is not applicable in this situation. We believe that development plans are not required for all new structures in the ordinance. Boone County did not feel that sidewalks were required when they reviewed the initial Development Plan. There are no other sidewalks in the area to connect to. Surrounding properties are undeveloped or were developed without sidewalks. We will build sidewalks when the PUD portion of our parcel develops.

4. BZA Discussion

- i) Jernstadt – Cracker Barrel is not within our jurisdiction and McDonalds is part of the PUD that was approved by the County. We have to start somewhere with sidewalks. Boone County took control of 650 S. Had I been on the APC when this project came through, I would have required sidewalks. We asked the Administrator to uphold the ordinance standards and require sidewalks.
- ii) Williams – if required, we are asking for a delay in sidewalk installation along 650S when that area is developed commercially per the Golf Club of Indiana PUD Ordinance. We don't want to pay for sidewalks along Indianapolis Road if they will get torn out when Indianapolis Road is expanded.

Motion to uphold Administrator's decision by Jernstadt.

- iii) Doublestein – was this an oversight by the APC?
- iv) Williams – I'm guessing that Boone County didn't want sidewalks in this area.
- v) Jernstadt – I think it was an oversight by the APC.
- vi) Doublestein – we agree that there wasn't a variance, but why weren't they required?
- vii) Williams – Boone County did not want sidewalks along Indianapolis Road.
- viii) Doublestein – Eagles Nest does not have sidewalks along Indianapolis Road, but they are internal.
- ix) Jernstadt – Eagles Nest was done before I joined the APC, so I don't know the history either.
- x) Molitor – it could have been an oversight by the APC, Staff, or they felt that sidewalks were not required.
- xi) Doublestein – oversight or interpretation?
- xii) Jernstadt – I feel that it was an oversight by the APC, but now we have an opportunity to revisit the issue.

Second by Doublestein. Motion passes unanimously.

New Business – Public Hearing

- 3) **Traders Point Docket BZA12-003-VA - Traders Point sidewalk variance.** The petitioner is requesting approval of a sidewalk variance. The subject property contains 119 acres and is located at 6590 Indianapolis Rd, at the southwest corner of Indianapolis Rd and 650 S. The property is zoned AG-Agriculture and PUD-Planned Unit Development. The petitioner is Traders Point Christian Church and the owner is Traders Point Christian Church.
 1. Presentation – Don Williams, Jim Stanley, and members of the leadership for this project.
 - i) Williams – recapping the discussion from above, with the anticipated widening of Indianapolis Road, we do not want to install
 - ii) Doublestein – I think it's unfortunate that there are no connections at this time. I wish we have them
 - iii) Jernstadt – Whitestown just spent a lot of money putting in sidewalks where there were none before.

- iv) Doublestein – just south of here, there is a dedicated bike lane along Lafayette Road. It would be great if this would continue to Boone County and Hendricks County.
- v) Semmler – property along this road has been inquired about for future development, so this area is a viable area and will grow. As Jernstadt said, we need to start somewhere.
- vi) Jernstadt – sidewalks along town roads would be within the town’s sidewalk. Sidewalks along state roads would be outside the right-of-way.
- vii) Doublestein – so, sidewalks along 650S is a “when” issue.
- viii) Jim Stanley, Executive Pastor – it is not feasible to leave the PUD-zoned property undeveloped. It is too valuable. We would not put sports fields here.
- ix) Doublestein – can we establish when the sidewalks are installed?
- x) Jernstadt – yes, as soon as the property is developed or subdivided.
- xi) Stanley – we have not fully master planned the rest of the property. We will have to explain the expense for putting in sidewalks if required. I’m concerned about our liability if we put in a sidewalk that doesn’t connect to anything.
- xii) Doublestein – I’m sensitive to that, but it’s something to deal with. You have an internal flow for your sidewalks to deal with as well.
- xiii) Stanley – there is a lot of activity on our internal sidewalks. There is no need for users to leave the property or go somewhere else.
- xiv) Doublestein – I could see myself wanting to drive to your facility and use your sidewalks.
- xv) Molitor – the PUD parcel is part of the Golf Club of Indiana PUD. It is part of Parcel #6 and is to be exclusively for commercial uses. It doesn’t even allow a church without a rezoning or a variance to the PUD.
- xvi) Semmler – we are trying to be sensitive to your needs. As the BZA, we have to look out for the public and safety of all of our residents. Anyone who builds anything in Whitestown will have to install sidewalks. At some point, sidewalks will have to go in. I don’t believe you will get a complete variance from the sidewalk variance.
- xvii) Jernstadt – conditions would be
 - (1) 650 S – sidewalks will be installed when the PUD property is developed or subdivided.
 - (2) Indianapolis Road – sidewalks should be installed when the PUD property is developed or subdivided.
- xviii) Stanley – on the PUD portion, if we develop or subdivide, but no other area properties have developed, and no roadway improvements have been made, could we consider putting them in when the road is widened?
- xix) Jernstadt – we want the sidewalk on Indianapolis Road, period. We can postpone sidewalks on 650S. Sidewalks should be within the right-of-way. If sidewalks are torn out during roadway construction, the town will re-install them.
- xx) Doublestein – do we know what’s going on south of the church?
- xxi) Jernstadt – Wrecks presents its own set of hurdles before being developed.
- xxii) Molitor – if the Town Council doesn’t want the sidewalks in right now, and would rather have them included in the roadway improvements, then the Town Council could establish that.
- xxiii) Jernstadt – the Council has been very vocal about sidewalks throughout Whitestown.
- xxiv) Doublestein – our vision for Indianapolis Road is different than for 650S.
- xxv) Jernstadt – conditions will be a good compromise for considering this.
- xxvi) Semmler – I agree.

- xxvii) Williams – I don't know what you have planned for the intersection area with the ditch. Could we delay the connection of the two sidewalks when the intersection is improved?
- xxviii) Molitor – they could always ask for a modification of the commitment when they apply for a Development Plan approval for the intersection area.
- xxix) Stanley – could you exempt sidewalks at the intersection?
- xxx) Semmler – our Transportation Plan is currently under review, so you may be able to delay the construction subject to the contemplated improvements.
- xxxi) Molitor – you could come back any time and request an amendment.
- xxxii) Jernstadt – we're willing to be flexible and work with you, depending on the plans and the timing.

Motion to approve the variance with conditions by Jernstadt.

1. 650 S - once a structure is proposed or subdivision occurs on the PUD property, the sidewalk along 650 S shall be completed.

2. Indianapolis Road - sidewalks along Indianapolis Road shall also be constructed under the terms of #1, but a review of the Transportation Plan will be done to determine the timing of sidewalk installation as well as how the installation of the sidewalk at the intersection will occur.

- i) Doublestein – I appreciate how this is being handled.
- ii) Jernstadt – we have to deal with how things were approved by the APC. It could be awhile before this area is developed – we don't know.
- iii) Williams – we are fine with the proposed conditions. There is no condition for additional right-of-way that is part of this variance.

Second by Doublestein. Motion passes unanimously.

Announcements

4) 2013 Meeting Schedule

- 1. Jernstadt – I would ask that we make the Agenda and Staff Report publication date seven (7) days prior to the hearing instead of only three (3) days.

Motion to adopt calendar as amended by Jernstadt. Second by Doublestein. Motion passes unanimously.

Adjournment

7:50pm

Greg Semmler, President

Deborah Luzier, Secretary



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: October 8, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: L.J. Jernstadt, Randy Clements, Matthew Doublestein, Greg Semmler

Due to a lack of agenda items, the WBZA meeting for October has been cancelled.



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: November 12, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: L.J. Jernstadt, Randy Clements, Matthew Doublestein, Greg Semmler

Due to a lack of agenda items, the WBZA meeting for November has been cancelled.



Meeting - Cancelled

Whitestown Board of Zoning Appeals

Date: December 10, 2012

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Members: L.J. Jernstadt, Randy Clements, Matthew Doublestein, Greg Semmler

Due to a lack of agenda items, the WBZA meeting for December has been cancelled.