



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_12_2015

Tuesday, May 12, 2015 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, May 12, 2015 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE BOARD OF ZONING APPEALS

OPENING OF REGULAR MEETING

Note the presence of a quorum

Election of Officers

o Chairperson

o Vice-Chairperson

o Pro-Tempore

Approval of Minutes - April 14, 2015

Documents: [April 14, 2015, Minutes](#)

Review BZA Rules & Procedures

ITEMS OF BUSINESS:

1503-VU-02 [CONTINUED]

17777 Commerce Drive

Edward T. Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for a previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Documents: [Request for Continuance](#)

1505-VU-05 & 1505-VS-07 [PUBLIC HEARING]

SEC of 146th Street and Oak Ridge Road

AT&T Mobility by Bingham Greenebaum Doll LLP

The petitioner is requesting approval of a Variance of Use to allow a new Wireless Communication Service Facility and Variance of Development Standard to reduce the Minimum Building Setback Lines in the SF2: Single-Family Low Density District

(Chapter 13: Use Table & Article 4.5(E)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Application](#) | [Exhibit 4: Construction Plans](#) | [Coverage Maps](#)

REPORTS/COMMENTS:

APC LIAISON

ECD STAFF

ADJOURNMENT



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 12, 2015
1505-VU-05 & 1505-VS-07
Exhibit 1

Petition Numbers: 1505-VU-05 & 1505-VS-07

Subject Site Location: SEC of 146th Street and Oak Ridge Road

Petitioner: AT&T Mobility by Bingham Greenebaum Doll LLP

Requests: **1505-VU-05:** The petitioner is requesting approval of a Variance of Use to allow a new Wireless Communication Service Facility in the Single-Family Low Density District (SF2) District (Chapter 13: Use Table); and,
1505-VS-07: The petitioner is requesting approval of a Variance of Development Standard to reduce the Minimum Building Setback Lines for a new Wireless Communication Service Facility in the Single-Family Low Density District (SF2) District (Article 4.5(E)).

Current Zoning: Single-Family 2

Current Land Use: Vacant/Utilities

Approximate Acreage: 0.9 acre+/-

Exhibits: 1. Staff Report
2. Location Map
3. Application
4. Construction Plans

Staff Reviewer: Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the May 12, 2015, Board of Zoning Appeals meeting

ANALYSIS

Location: The subject property is approximately 0.9 acre +/- in size is located near the southeast corner of Oak Ridge Road and a realigned portion of 146th Street (the "Property"). The property is located within the City of Westfield and Washington Township. The Property is zoned Single Family-2 (SF-2). Adjacent property to the north (across 146th Street) and west is zoned SF-2. Property to the east is public right-of-way (146th Street) because the roadway curves, and there is no nearby/adjacent private



property to the east. Property to the south is within the City of Carmel's jurisdiction, and is currently an institutional use (athletic fields for Our Lady of Mt. Carmel School and Church).

Variance Requests: Wireless Communication Service Facilities are not permitted by-right within the SF-2 zoning classification. The request is to allow a Wireless Communication Service Facility on the Property. In addition, the property is too narrow (north-to-south) to accommodate the required setbacks for a Wireless Communication Service Facility. As a result, the request includes a reduction of the north and south setback lines to 65 feet and 75 feet, respectively. The requirement from the UDO is that wireless communication towers abutting residential properties are to be no less than the height of the tower¹

Project Description: In order to provide a certain level of wireless communication service within this area of Westfield, new antenna equipment is needed. There are no existing nearby co-location options, so a new tower would be needed in order to install new equipment. The proposal is to install a new 120 feet tall wireless communication tower and ancillary equipment building(s) on the Property. As proposed, the tower would be designed to appear as a flag pole, and is referred to as a "stealth pole". Proposed access to the Property would be from an existing access drive off of Oak Ridge Road via an access easement. The proposal includes an equipment building would be approximately 275 square-feet in area. The proposal indicates fencing and landscaping would be installed around the perimeter of the wireless communication lease site. If the use is approved through this variance request, this project would require Development Plan review and approval by the Advisory Plan Commission.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies this Property within the "Suburban Residential" ² land use classification. The Comprehensive Plan does not address wireless communication facilities or other utility facilities.

PROCEDURAL

Public Notice: The Board of Zoning Appeals (the "BZA") is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 12, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

¹ Article 6.20 (E)(2) Wireless Communications Service Facilities; Development Standards.

² Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

³ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 12, 2015
1505-VU-05 & 1505-VS-07
Exhibit 1

Development Plan Approval: If the Board of Zoning Appeals approves the requested Variance of Use and Variance of Development Standard, then the use and site would be required to obtain Development Plan approval by the Advisory Plan Commission.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Use: The Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance of use arises from some condition particular to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought; and,
5. The approval does not interfere substantially with the comprehensive plan.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



FINDINGS OF FACT

1505-VU-05 (Variance of Use)

- A. If the Board is inclined to **APPROVE** the variance of use request, then the Department recommends the following findings:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing a Wireless Communication Service Facility on the Property would be injurious to the public health, safety, morals, and general welfare of the community. Other utility infrastructure (natural gas pumping station) is located on the adjacent property to the west, and there is no evidence of harm to the community as a result of that facility. Adding a new tower would increase cell/wireless service in this area of Westfield.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The facility is designed to blend into the surrounding area by appearing like a flag pole. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The need for the variance of use arises from some condition particular to the property involved:*

Finding: The subject property is not buildable for a stand-alone SF-2 use. The existing, adjacent natural gas pump station establishes the presence of utilities in the area. The petitioner has indicated that there are no existing co-location options to service this area. Given all of that, the Property's proximity to existing development and future growth lends itself to the proposed use.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Wireless communication facilities are not allowed by-right in residential zoning districts.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 12, 2015
1505-VU-05 & 1505-VS-07
Exhibit 1

Current development conditions in the area warrant additional wireless equipment in order to provide a certain level of wireless service, according to information provided by the petitioner. This area of Westfield is currently underserved for wireless needs. The BZA should determine whether or not the inability to use the Property for a Wireless Communication Service Facility is an unnecessary hardship in the use of the Property.

5. The approval does not interfere substantially with the comprehensive plan:

Finding: The Comprehensive Plan does not address wireless communication facilities. The proposal neither frustrates nor further advances the vision of the Comprehensive Plan.

- B. If the Board is inclined to **DENY** the variance of use request, then the Department recommends the following findings:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: The view shed along a highly-traveled jurisdictional border street (146th Street) could be compromised if a 120-foot wireless communications tower is located on the Property. A new tower in this location could have a negative impact on the visitor's first impressions of the City, and thus the City's image and general welfare.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Finding: The use and value of adjacent property may be affected in a substantially adverse manner. Perceptions of living near a wireless communications tower may negatively impact the value of property in the nearby home markets.

3. The need for the variance of use arises from some condition particular to the property involved:

Finding: The property could be used in a manner that is consistent with permitted uses in the SF-2 District.



4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Wireless communication facilities are not allowed by-right in residential zoning districts. The Property could be used in a manner that is consistent with permitted uses in the SF-2 District.

5. *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Comprehensive Plan does not address wireless communication facilities. The proposal neither frustrates nor further advances the vision of the Comprehensive Plan.

1505-VS-07 (Variance of Development Standard)

A. If the Board is inclined to **APPROVE** the variance of standard request, then the Department recommends the following findings:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that reducing the north and south setbacks for a Wireless Communication Service Facility on the Property would be injurious to the public health, safety, morals, and general welfare of the community. Adjoining land to the north is public right-of-way (146th Street), then vacant land beyond that. Adjoining land to the south is non-residentially used (athletic fields for the school/church). If the tower were to fall, it would be beyond a reasonable range of residential dwellings. The proposal complies with the required setback for wireless communication towers adjacent to commercial districts/uses (40 feet).

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The facility is designed to blend into the surrounding area by appearing like a flag pole. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 12, 2015
1505-VU-05 & 1505-VS-07
Exhibit 1

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Wireless communication facilities are not allowed by-right in residential zoning districts. Current development conditions in the area warrant additional wireless equipment in order to provide a certain level of wireless service, according to information provided by the petitioner. This area of Westfield is currently underserved for wireless needs. The BZA should determine whether or not the inability to use the Property for a Wireless Communication Service Facility is an unnecessary hardship in the use of the Property.

- B. If the Board is inclined to **DENY** the variance of standard request, then the Department recommends the following findings:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is possible that reducing the north and south setbacks for a Wireless Communication Service Facility on the Property would be injurious to the public health, safety, morals, and general welfare of the community. A reduction would mean that in the event that the tower fell, it could fall into 146th Street (to the north) or it could fall into the adjoining athletic fields (to the south). This type of fall could be injurious to the safety of the community.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: The use and value of adjacent property may be affected in a substantially adverse manner. Perceptions of living near a wireless communications tower may negatively impact the value of property in the nearby home markets.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Wireless communication facilities are not allowed by-right in residential zoning districts. The Property could be used in a manner that is consistent with permitted uses and standards of the SF-2 District.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 12, 2015
1505-VU-05 & 1505-VS-07
Exhibit 1

DEPARTMENT RECOMMENDATIONS

If the Board approves both cases (1505-VU-05 and 1505-VS-07), then the Department recommends the following conditions:

1. That the installed tower be substantially similar to what is depicted in Exhibit 4; and,
2. That any building constructed on the Property be completely screened from view on all sides by evergreen trees that are a minimum of eight (8) feet in height at installation and are spaced in a manner that creates a complete visual screen.

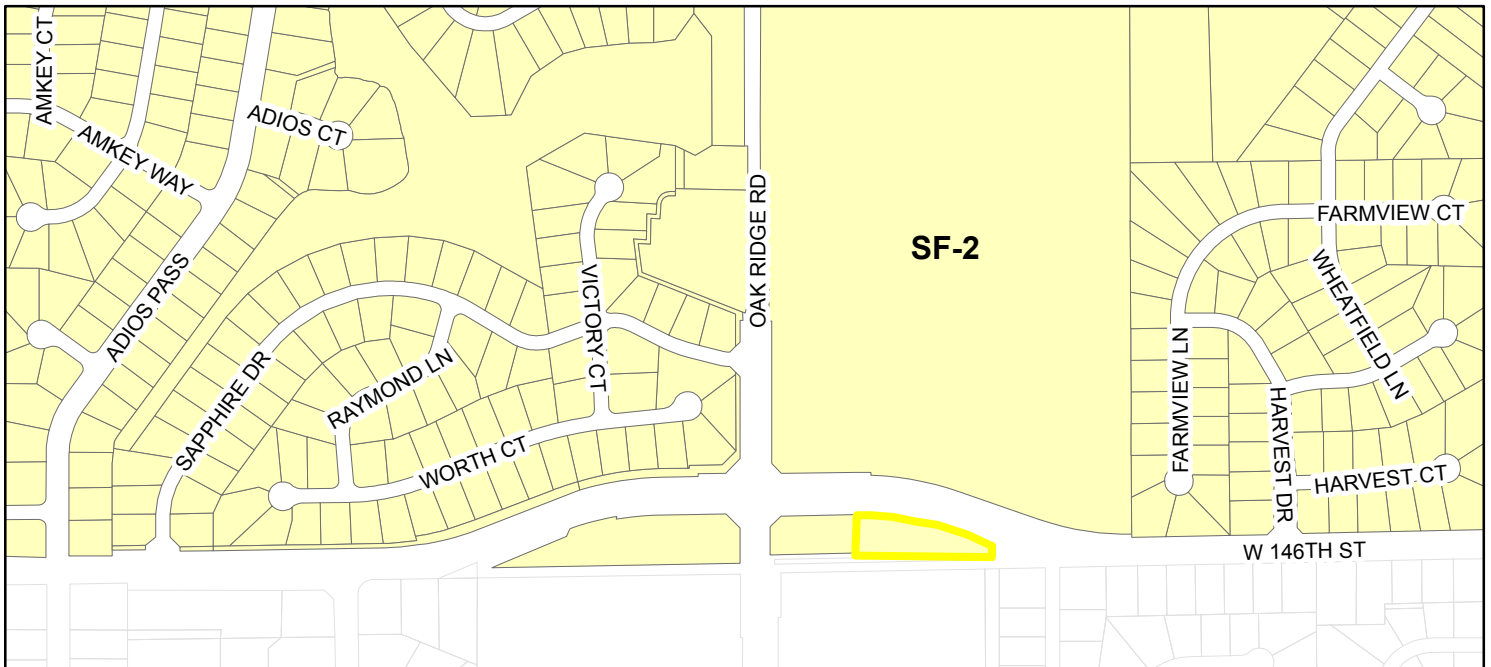
Property Location Map
ATT Cellular Tower
1505-VU-05 & 1505-VS-07



Aerial Location Map



Zoning Map



Zoning  SF-2 (Single Family - 2)

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: _____ FILING DATE: _____

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: Jan. 9, 2015

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: AT&T Mobility TELEPHONE: 317-686-5225

ADDRESS: c/o Matthew M. Price (see below) EMAIL: mprice@bgdlegal.com

PROPERTY OWNER'S NAME: Roman Catholic Diocese of Lafayette, Indiana TELEPHONE: _____

ADDRESS: 14598 Oak Ridge Rd., Carmel, IN 46032 EMAIL: _____

REPRESENTATIVE'S NAME: Matthew M. Price TELEPHONE: 317-686-5225

COMPANY: Bingham Greenebaum Doll LLP EMAIL: mprice@bgdlegal.com

ADDRESS: 10 W. Market St., Suite 2700, Indianapolis, IN 46204

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Near SEC 146th & Oak Ridge Rd. (between old 146th and existing 146th Street)

COUNTY PARCEL ID #(S): 08-09-13-00-00-022.000

EXISTING ZONING DISTRICT(S): SF-2 EXISTING LAND USE(S): Undeveloped

VARIANCE REQUEST

☒ VARIANCE OF LAND USE CODE CITATION: Ch. 13: Use Table

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 6.20, E, 2

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

Petitioner requests a variance of use and development standards to provide for a telecommunications facility, including a 120' tall stealth pole, being 75' from the south property line (75' from the old 146th Street right-of-way line).



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

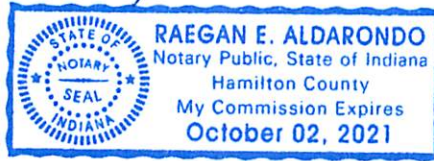
Matthew M. Price
Applicant/Representative (signature)

Matthew M. Price
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 25th day of March, 2015.

State of Indiana, County of Marion, SS:



Raegan E. Aldarondo
Notary Public Signature

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Property Owner (signature)*

Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

WESTFIELD-WASHINGTON TOWNSHIP

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Applicant/Representative (signature)

Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Don Alan Mathey, controller

Property Owner (signature)*

Glen Hickey

Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 1 day of April, 2015.

State of Indiana, County of Hamilton, SS:

Roxysann Durbin

Notary Public Signature

Roxysann Durbin

Notary Public (printed)

**A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

Hamilton County, Indiana

Ownership, Transfers, Deductions & Credits

Disclaimer:

The information available through this program is current as of April 1, 2015 .

This program allows you to view and print certain public records. Each report reflects information as of a specific date; so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

County Parcel No: 08-09-13-00-00-022.000	State Formatted Parcel No: 2909-13-000-022.000-015
Property Address: 0 W 146th St Carmel, IN 46032	Deeded Owner: Roman Catholic Diocese of Lafayette Indiana Inc Owner Address: 14598 Oak Ridge Rd Carmel , IN 46032
Legal Description: Acreage .90 Section 13, Township 18, Range 3	
Section/Township/Range: 13/18/3	
Subdivision Name:	
Subdivision Section:	
Deeded Acres: 0.9	
Political Township: Washington	
Lot Number(s):	
Transfer History:	
The Recorded Date might be due to a variety of changes; such as annexation, right-of-way, split, or deed.	
Recorded Date: 3/17/2010	
Check the Transfer History Report for details.	
Current Deductions and Credits:	
See all Current Deductions and Credits for this property	
Status of Homestead Verification Form: Homestead Verification form was not submitted. If you are claiming a Homestead Credit, you must certify your property to maintain the deduction. Submit or Print this form	



FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: AT&T Mobility

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
The facility will meet all structural and FCC standards, and the pole will be far-removed from residential, commercial or religious buildings.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

The facility will consist of a stealth pole design, will be located on church property where tall structures (such as steeples) are commonplace, and will be alongside a heavily traveled roadway (146th Street).

- C. The need for the variance arises from some condition particular to the property involved because: _____

The property is church-owned, difficult to access, narrow in shape, and residentially zoned, together constituting a condition peculiar to the property involved.

- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____

The property is church-owned, difficult to access, narrow in shape, and residentially zoned, together constituting an unnecessary hardship as applied to this property. Additionally, within the context of existing and growing wireless service needs in this portion of Hamilton County, and the growing population, the strict application of the terms of the Ordinance constitutes an unnecessary hardship.

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

The Comprehensive Plan recommends suburban residential and the use for which the variance is to provide will not interfere with existing or future suburban residential development in the vicinity. In fact, the growing demand for wireless communications facilities in the residential context indicates the important support function such facilities can play with respect to residential developments both existing and future.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)



APPLICANT: AT&T Mobility

DOCKET #: _____

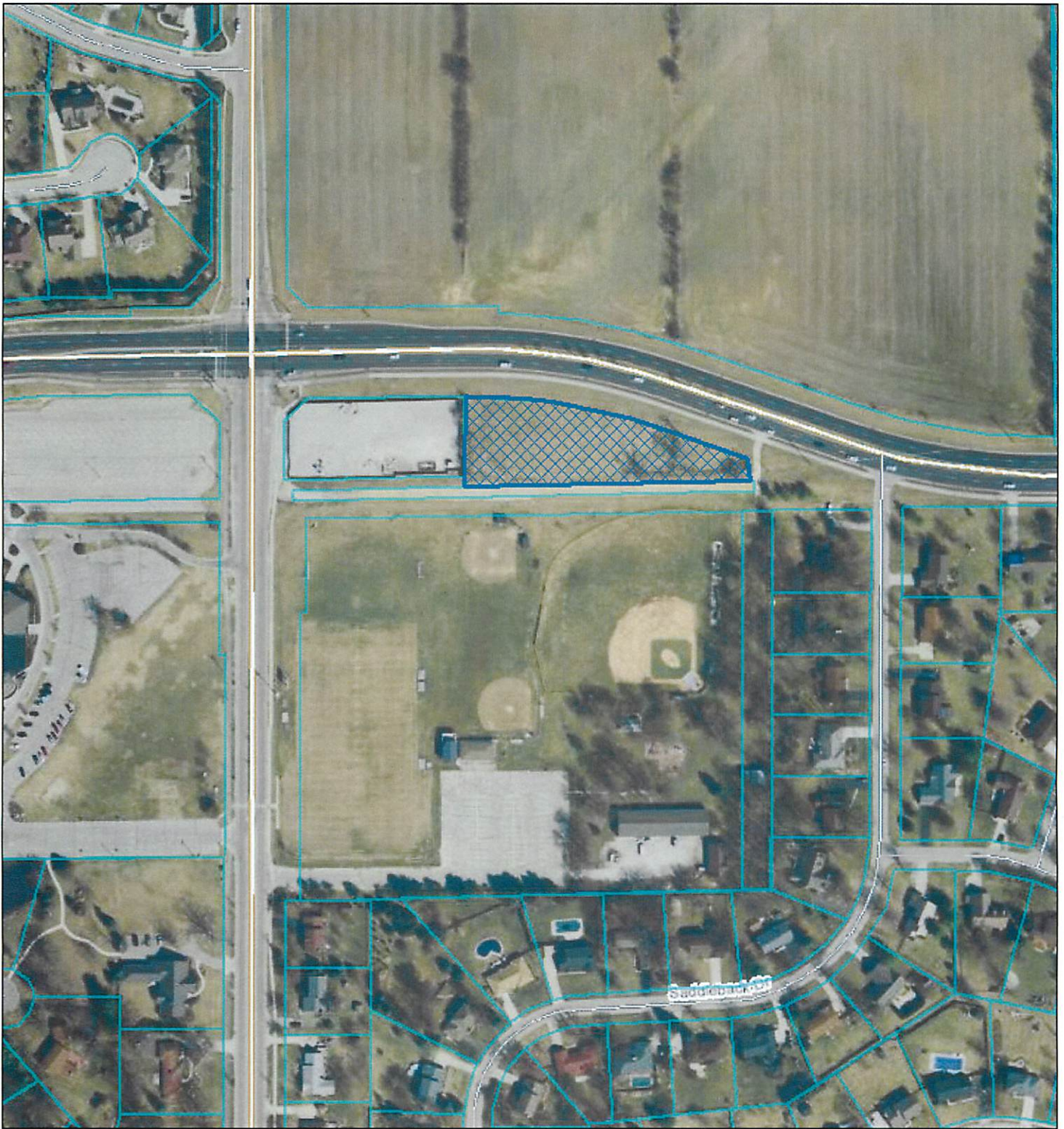
In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
The facility will meet all structural and FCC standards, and the pole will be far-removed from residential, commercial or religious buildings.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
The facility will consist of a stealth pole design, will be located on church property where tall structures (such as steeples) are commonplace, and will be alongside a heavily traveled roadway (146th Street).

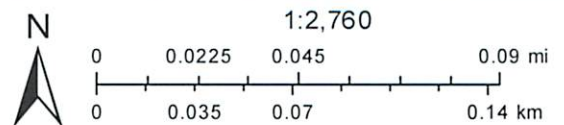
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The property is church-owned, difficult to access, narrow in shape, and residentially zoned, together constituting a practical difficulty in the use of the property.

AT&T Mobility - Vicinity Map



March 31, 2015

 Parcels



Basemap information here



SITE NAME	146TH & SPRINGMILL
SITE NUMBER	
IN1923 B	
AT&T FA NUMBER	FA#: 12784086
SITE ADDRESS	824 W 146TH STREET CARMEL, IN 46032
SHEET TITLE	LS1

DATE: 01/28/15	DWG. BY: A.
SCALE: 1"=100'	SURVEYED: 0
UPDATE: AG020415	CHKD BY: L.
PROJECT NO: 213147 047	



SURVEYOR'S NOTE
THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS
ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.
THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS
PERFORMED ON JANUARY 28, 2015.
NOT TO BE USED AS CONSTRUCTION DRAWINGS.

ELEVATION DATUM
ALL ELEVATIONS ARE BASED ON NAVD 88 DATUM.
CONTOURS ARE ILLUSTRATED AT 1.0' INTERVALS.

ZONING DATA
PER SCD SUBJECT SITE
ZONING: RES
SETBACKS:

FLOOD PLAIN INFORMATION

WE HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE MAP AS PREPARED FOR THE CITY OF CARMEL AND THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA, COMMUNITY PANEL NUMBERS 18057C0120G 18057C0207G, BOTH DATED NOVEMBER 19, 2014, AND FIND THAT THE PROJECT SITE IS ZONED X (UNSHADED)

ARE BASED ON THE HARN (HIGH ACCURACY
REFERENCE NETWORK) NAD83 (CORS 95)

EASEMENTS, COVENANTS, CONDITIONS,
AND RESTRICTIONS

COVENANTS, CONDITIONS, AND RESTRICTIONS, THAT ARE MATTERS OF SURVEY, AFFECTING THE PARENT PARCEL UNDER "EXCEPTIONS":

AS SHOWN.

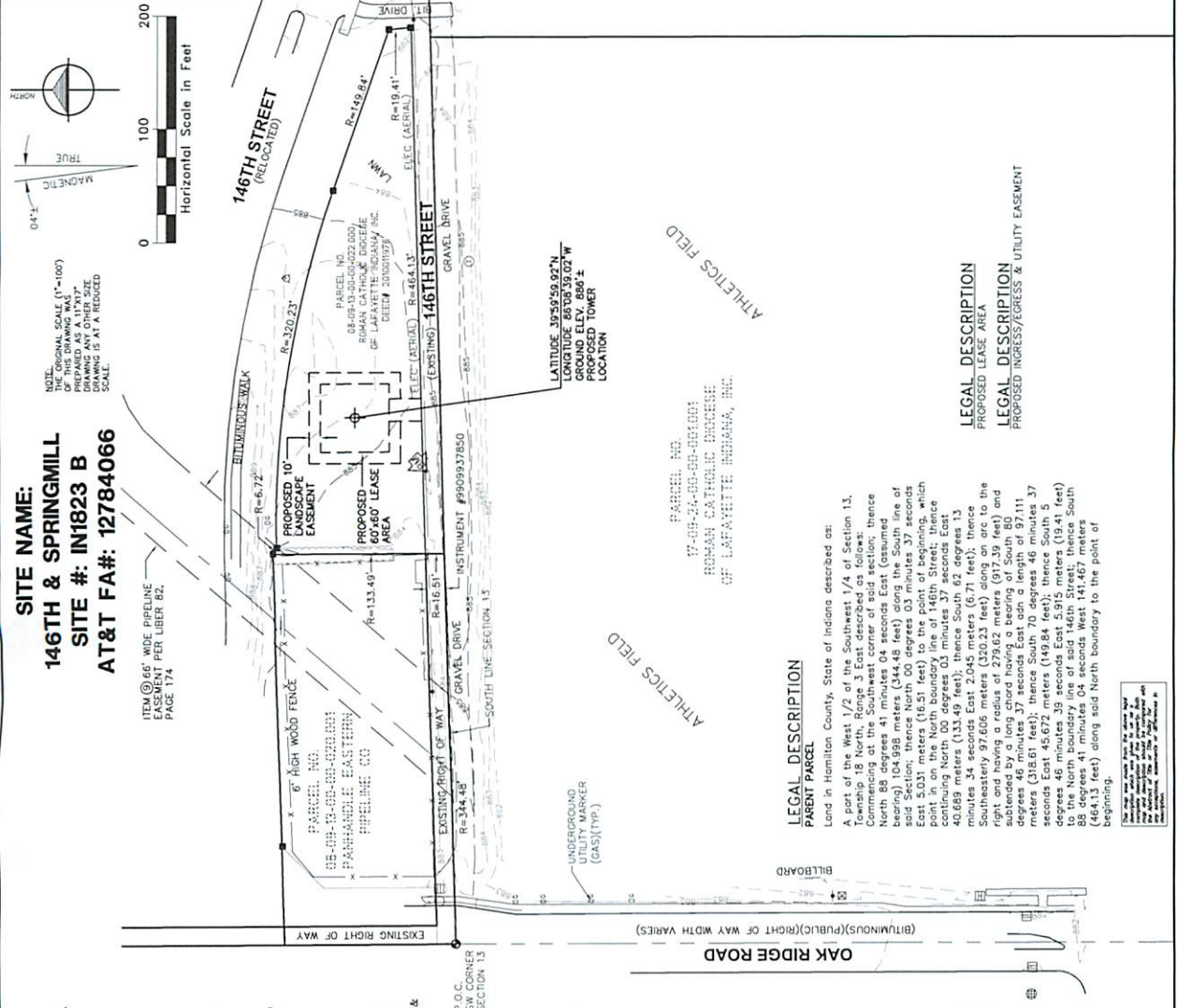
PROPOSED 10' LANDSCAPE
EASEMENT

PROPOSED LOWER LOCATION

60' x 60' LEASE AREA

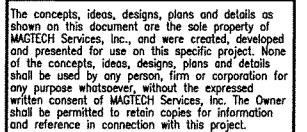
PROPOSED

10





MI-IN NSB 2013
GOODMAN NETWORKS
SITE NAME:
146TH & SPRINGMILL
SITE #: IN1823
AT&T FA#: 12784066
14597 OAK RIDGE ROAD
CARMEL, IN 46032



IN1823
AT&T FA#: 12784066
14597 OAK RIDGE ROAD
CARMEL,
IN 46032
HAMILTON COUNTY

DRAWN BY: DAS

CHECKED BY: DAS

NO:	DATE:	ISSUE:
B	01/09/15	ZONING EX
B	01/19/15	REVISED ZE

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:

T-1

DO NOT SCALE DRAWINGS



FROM DOWNTOWN INDIANAPOLIS GO NORTH ON MERIDIAN ST./
US 31 TO 146TH ST. GO WEST ON 146TH TO OAK RIDGE RD.
TURN LEFT ONTO THE PRIVATE ASPHALT DRIVEWAY LOCATED
ABOUT 200' WEST OF SADDLEBACK DR.. GO SOUTH ON THE
DRIVEWAY ABOUT 100' AND TURN RIGHT ONTO THE GRAVEL
DRIVEWAY DRIVE WEST ABOUT 400'. THE SITE IS ON THE NORTH
SIDE ADJACENT TO THE GAS PUMPING STATION.

DRIVING DIRECTIONS



SITE NAME: 146TH & SPRINGMILL
SITE NUMBER: IN1823
SITE ADDRESS: 14597 OAK RIDGE ROAD
CARMEL, IN 46032
HAMILTON COUNTY

LANDLORD: NAME	GLEN RICHEY
ADDRESS	14598 OAK RIDGE ROAD
CITY, ST	CARMEL, IN 46032
TELEPHONE	317-846-3475

APPLICANT: NAME	AT&T MOBILITY
ADDRESS	220 NORTH MERIDIAN STREET
CITY, ST	INDIANAPOLIS, IN 46204

LATITUDE:	39° 59' 56.54" N	(39.XXXXXX°)
LON	86° 08' 51.07" W	(-87.XXXXXX°)

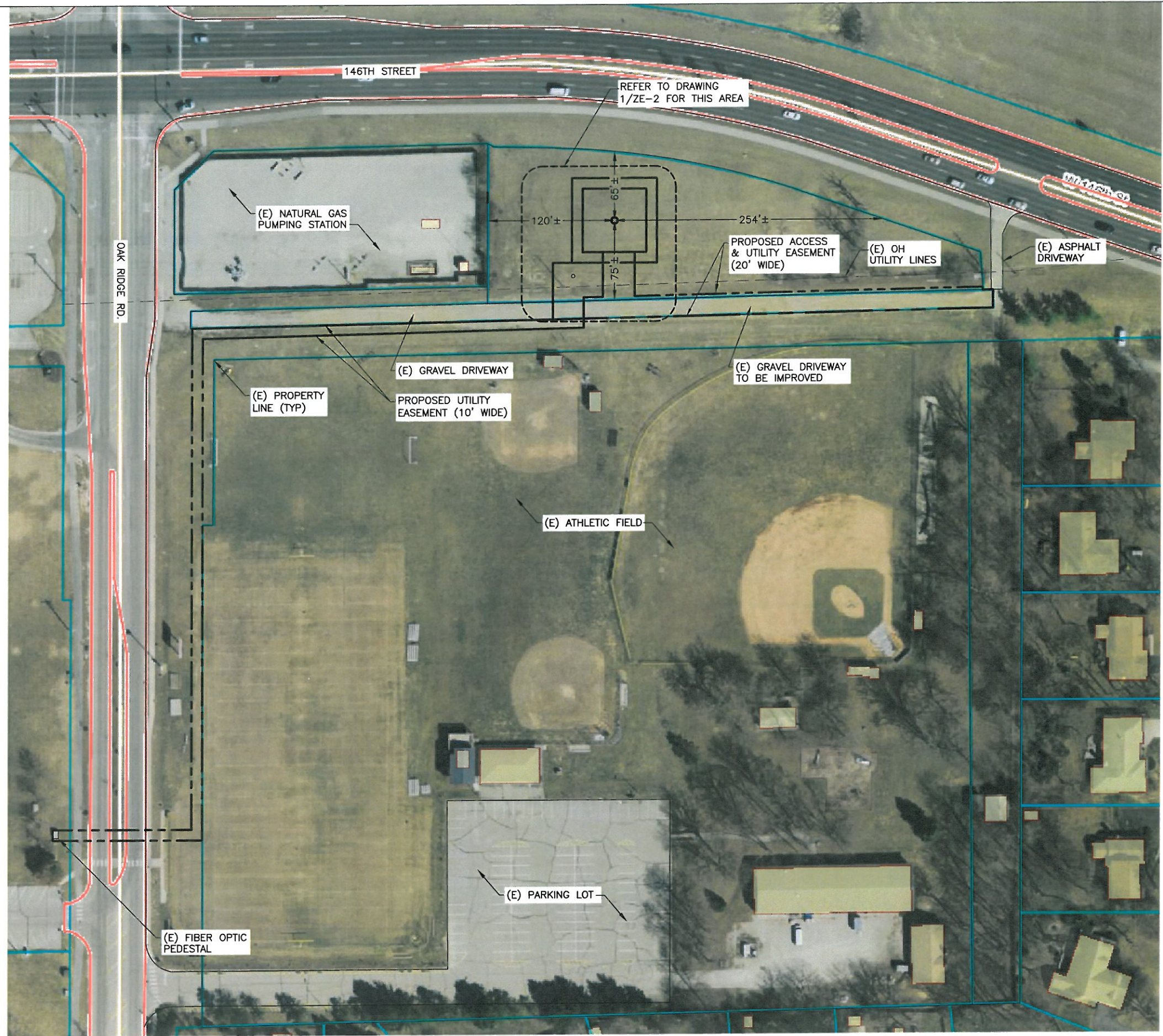
SITE INFORMATION

AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING A NEW FENCED COMPOUND, INDOOR EQUIPMENT IN A NEW CONCRETE SHELTER AND NEW ANTENNAS MOUNTED INSIDE OF A NEW STEALTH POLE.

PROJECT SUMMARY

[illegible]

SHEET INDEX



1 PROPOSED SITE PLAN
SCALE: 1" = 100'-0"



NOTE: THIS DRAWING IS CONCEPTUAL, CHANGES MAY BE NECESSARY DUE TO ENGINEERING REQUIREMENTS



The concepts, ideas, designs, plans and details as shown on this document are the sole property of MAGTECH Services, Inc., and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans and details shall be used by any person, firm or corporation for any purpose whatsoever, without the expressed written consent of MAGTECH Services, Inc. The Owner shall be permitted to retain copies for information and reference in connection with this project.

IN1823
AT&T FA#: 12784066
14597 OAK RIDGE ROAD
CARMEL,
IN 46032
HAMILTON COUNTY

DRAWN BY: DAS

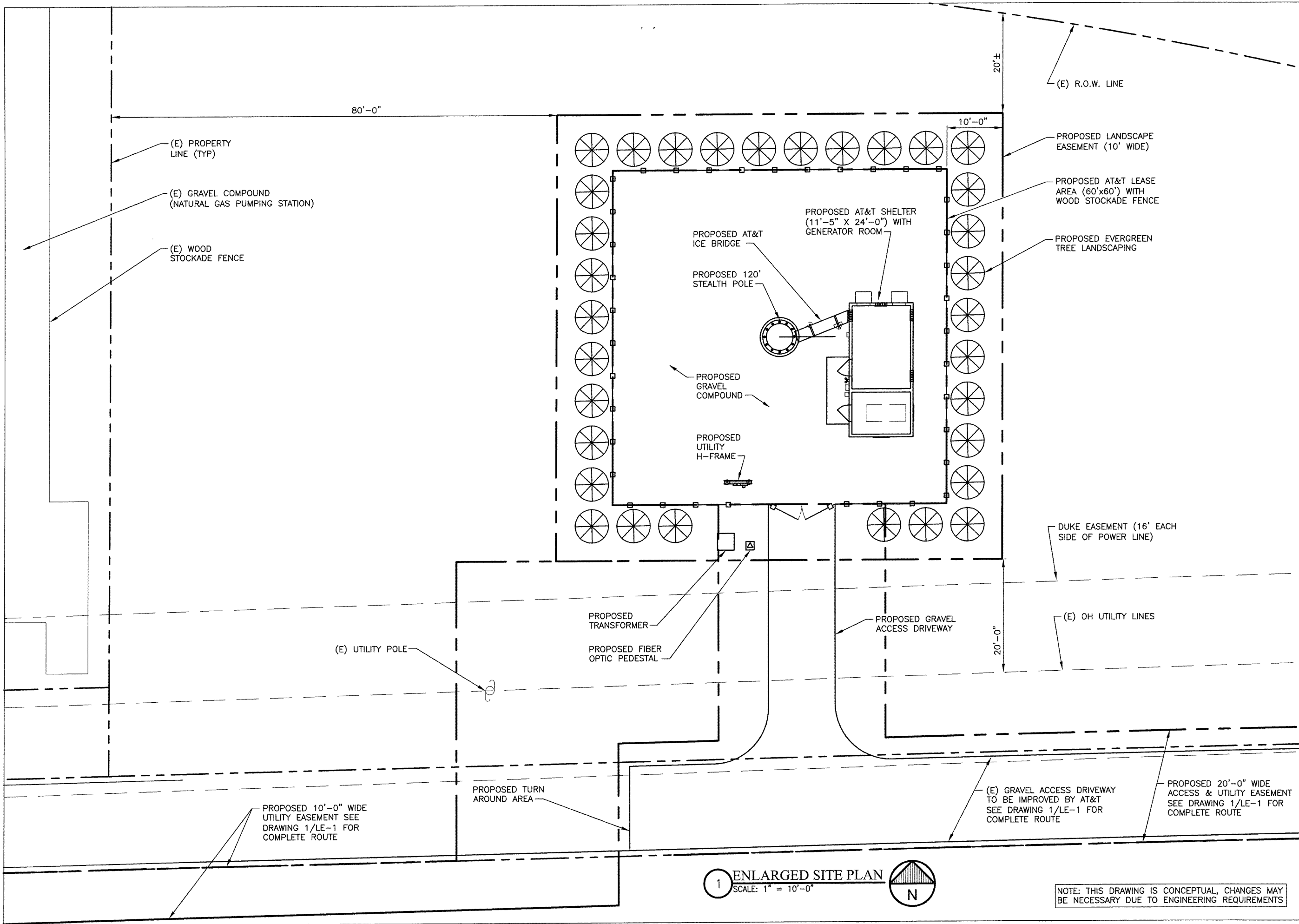
CHECKED BY: DAS

NO:	DATE:	ISSUE:
B	01/09/15	ZONING EX
B	01/19/15	REVISED ZE



SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
ZE-1
DO NOT SCALE DRAWINGS



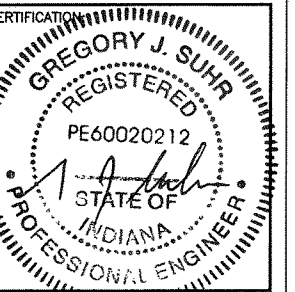
The concepts, ideas, designs, plans and details as shown on this document are the sole property of MAGTECH Services, Inc., and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans and details shall be used by any person, firm or corporation for any purpose whatsoever, without the expressed written consent of MAGTECH Services, Inc. The Owner shall be permitted to retain copies for information and reference in connection with this project.

IN1823
AT&T FA#: 12784066
14597 OAK RIDGE ROAD
CARMEL,
IN 46032
HAMILTON COUNTY

DRAWN BY: DAS

CHECKED BY: DAS

NO:	DATE:	ISSUE:
B	01/09/15	ZONING EX
B	01/19/15	REVISED ZE



SHEET TITLE:
ENLARGED SITE PLAN

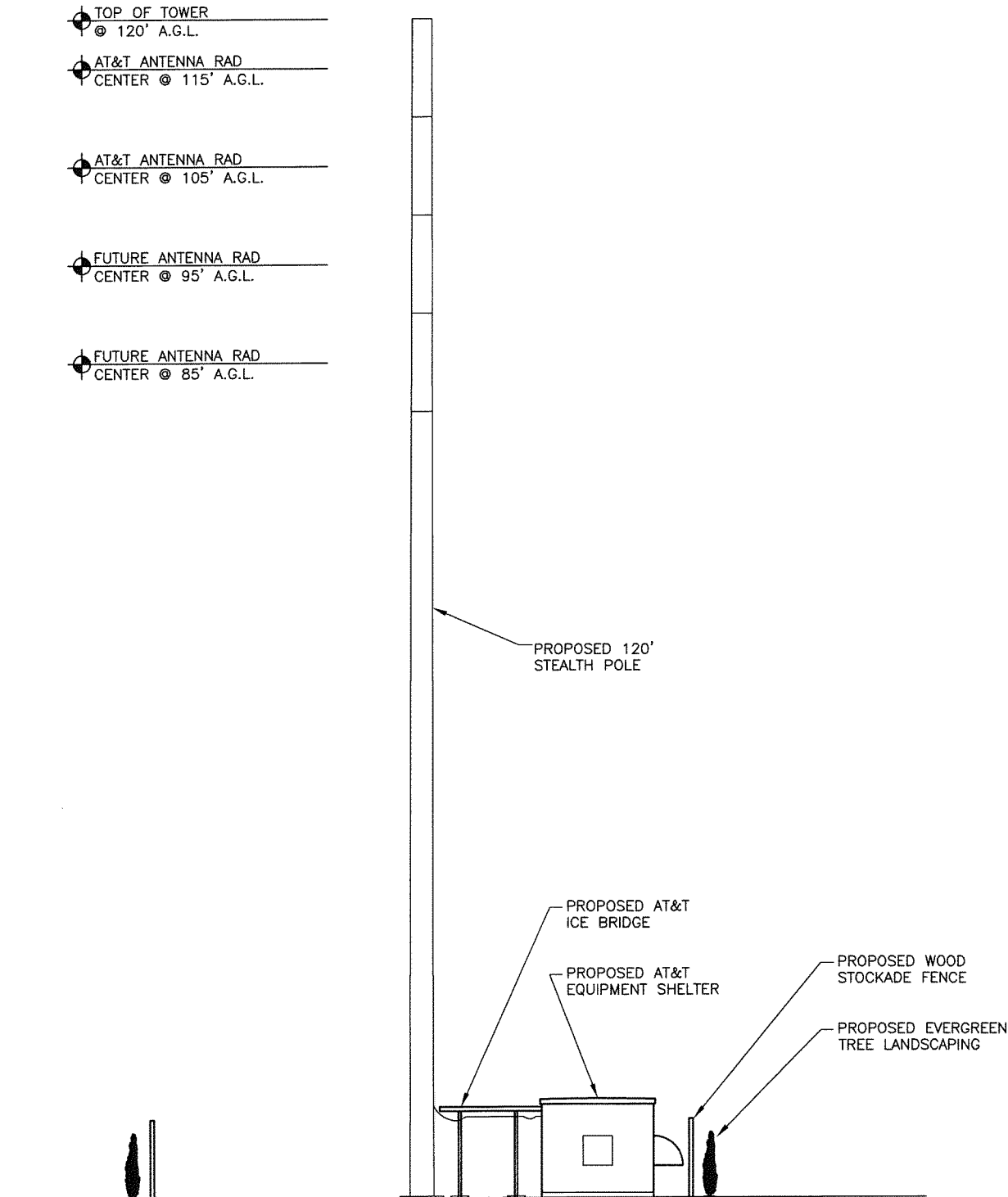
SHEET NUMBER:

ZE-2

DO NOT SCALE DRAWINGS

1 ENLARGED SITE PLAN
SCALE: 1" = 10'-0"

NOTE: THIS DRAWING IS CONCEPTUAL, CHANGES MAY BE NECESSARY DUE TO ENGINEERING REQUIREMENTS



1 **PROPOSED ELEVATION**
SCALE: 1" = 16'-0"

NOTE: THIS DRAWING IS CONCEPTUAL. CHANGES MAY BE NECESSARY DUE TO ENGINEERING REQUIREMENTS



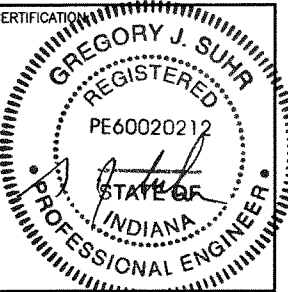
The concepts, ideas, designs, plans and details as shown on this document are the sole property of MAGTECH Services, Inc., and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans and details shall be used by any person, firm or corporation for any purpose whatsoever, without the expressed written consent of MAGTECH Services, Inc. The Owner shall be permitted to retain copies for information and reference in connection with this project.

IN1823
AT&T FA#: 12784066
14597 OAK RIDGE ROAD
CARMEL,
IN 46032
HAMILTON COUNTY

DRAWN BY: DAS

CHECKED BY: DAS

NO:	DATE:	ISSUE:
B	01/09/15	ZONING EX
B	01/19/15	REVISED ZE



SHEET TITLE:
TOWER ELEVATION

SHEET NUMBER:

ZE-3

DO NOT SCALE DRAWINGS

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, April 14, 2015, at Westfield City Hall. Members present included Randell Graham, Martin Raines, Ron Rothrock and Bill Sanders. Also present were Andrew Murray, Associate Planner; and Brian Zaiger, City Attorney.

ELECTION OF OFFICERS

Raines moved to postpone the election of officers until the next Board meeting.

Graham seconded, and the motion passed by 4-0 vote.

APPROVAL OF MINUTES

Rothrock moved to approve the March 10, 2015, minutes.

Sanders seconded, and the motion passed by 4-0 vote.

Murray reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02
(CONTINUED)

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for a previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

1504-VS-06
(PUBLIC HEARING)

16674 Greensboro Drive (Countryside)

Shawn Lancaster

The petitioner is requesting a Variance of Standard for a reduction in the Rear Yard Minimum Building Setback Line in the SF3: Single Family Medium Density Cluster District (Article 4.6(E)(3)).

Murray presented an overview of the requested Variance of Standard for a reduction in the Rear Yard Minimum Building Setback Line.

Shawn Lancaster, petitioner, introduced himself and made himself available for questions.

Public Hearing opened at 7:08 pm

There were no public comments.

Public Hearing closed at 7:09 pm

Graham motioned to approve the petition.

Sanders seconded, and the motion passed 4-0.

Rothrock moved to adopt the Department's recommended findings of facts.

Sanders seconded, and the motion passed 4-0.

REPORTS/COMMENTS

Plan Commission Liaison.

Economic and Community Development Department.

Graham motioned to adjourn the meeting.

Sanders seconded, and the motion passed.

The meeting adjourned at 7:15 p.m.

Vice Chairperson
Martin Raines

Secretary
Matthew Skelton, Director



Andi M. Metzel
Writer's Direct Dial: (317) 685-6159
Writer's Email: ametzel@beneschlaw.com

One American Square, Suite 2300
Indianapolis, Indiana 46282
Phone: (317) 632-3232
Toll Free: (800) 622-4799
Fax: (317) 632-2962

May 6, 2015

Jesse M. Pohlman, Senior Planner
City of Westfield - Economic and Community
Development Department
2728 East 171st Street
Westfield, IN 46074

Re: **City of Westfield Board of Zoning Appeals:**
Edward T. Tomich (Tim's Shooting Academy) 1503-VU-02

Dear Mr. Pohlman:

Please accept this written communication as a formal request to continue the above-referenced variance application filed on behalf of Edward T. Tomich and related to Tim's Shooting Academy located at 17777 Commerce Drive, Westfield, Indiana 46074. Specifically, this request seeks to continue these matters from the May 10, 2015 Board of Zoning Appeals Meeting Agenda to the June 9, 2015 Board of Zoning Appeals Meeting date.

Mr. Tomich has conducted significant research and has already undertaken several measures to address concerns voiced during the March 10th Board of Zoning Appeals meeting. Particularly, sound deadening material has now been applied to sections of the north building wall; sound deadening material has also been applied to the north facing emergency exit door; and, most significantly the roof-based HVAC system has been redesigned, reconfigured and the air intake ductwork has been refabricated to take advantage of the sound absorbing capabilities of the HEPA filters. Thus far, the refabricating and installation of new ductwork in bay three (3) at the facility has been completed and Mr. Tomich has been assured that the materials ordered and fabrication process to redesign two (2) additional bays at the facility will be completed by the end of this week.

Lastly, we are working to schedule a meeting with the adjacent property owners to take place early next week to conduct sound testing in the presence of all stakeholders. We want to emphasize that the continuance request is intended so that Mr. Tomich can complete the work in progress and to continue to engage in an ongoing effort to address these sound-related issues.

Jesse M. Pohlman, Senior Planner
May 6, 2015
Page 2

We believe that the requested additional time is of paramount importance and will endeavor to keep the Economic and Community Development Department apprised of any progress and material developments as they occur.

Very truly yours,

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP



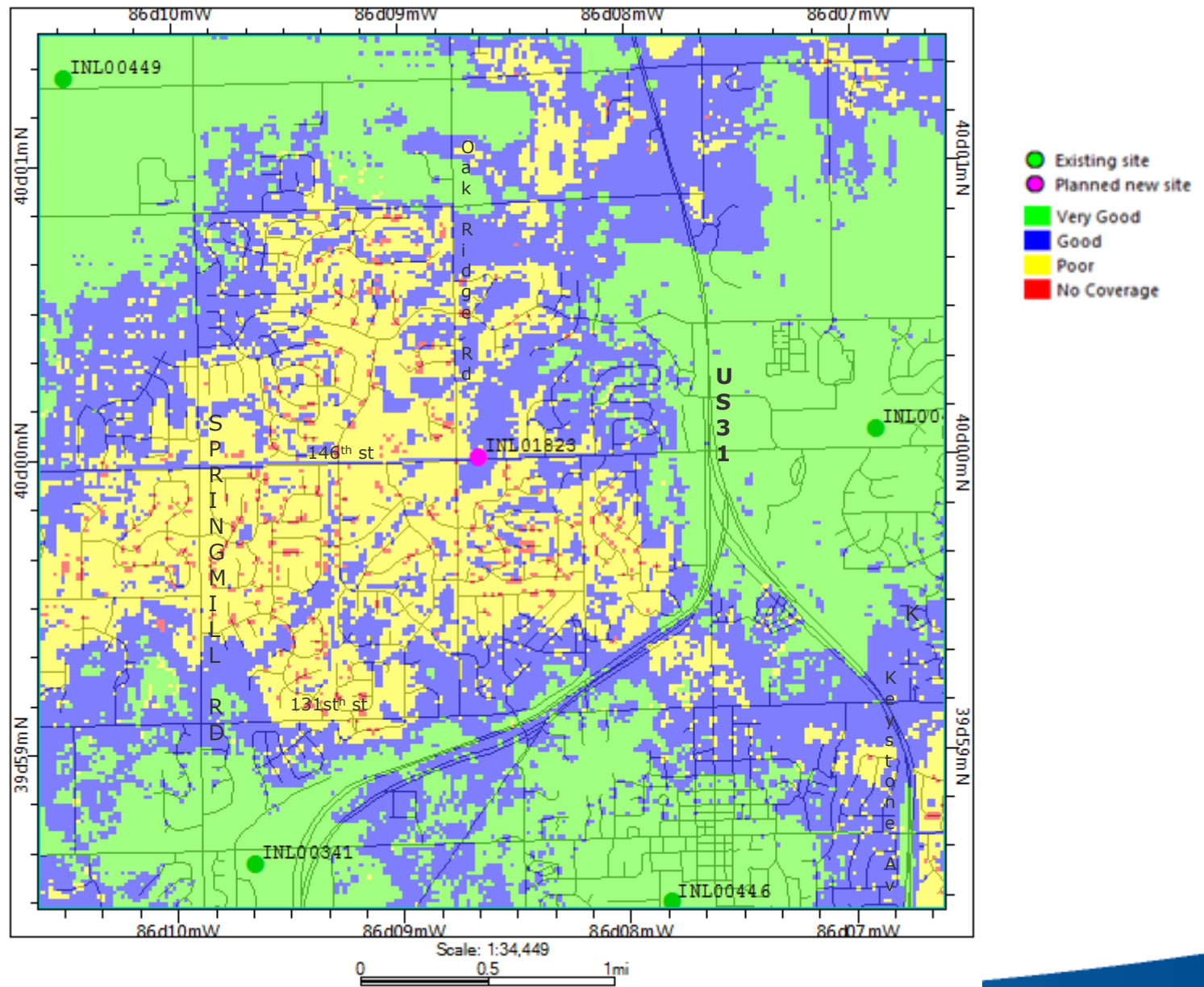
Andrielle M. Metzel

Cc: Timothy T. Tomich
Christian C. Badger P.E.

INL01823 Zoning Maps



LTE Coverage Before



LTE Coverage After at Proposed Location

