



**Petition Number:** 1408-VU-02

**Subject Site Location:** 747 W. 161<sup>st</sup> Street

**Petitioner:** Verizon Wireless

**Request:** The petitioner is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance to allow a new Wireless Communication Service Facility in the Single-Family 2 (SF-2) District (WC 16.04.125.A).

**Current Zoning:** Single-Family 2

**Current Land Use:** Institutional/Education (Shamrock Springs Elementary School)

**Approximate Acreage:** 0.06 acre+/-

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Application
4. Photo Simulations
5. Construction Plans

**Staff Reviewer:** Kevin M. Todd, AICP

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**Petition History**

This petition is scheduled to receive a public hearing at the August 12, 2014 Board of Zoning Appeals (the "BZA") meeting.

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

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**Property Location and Project Description**

The subject property is approximately 2,500 square feet in size and is located at the northwest corner of the Shamrock Springs Elementary School property (the "Property"). The Property is zoned Single Family-2 (SF-2). Adjacent property to the north is zoned Maple Knoll PUD and is residential in use. Adjacent property to the west is zoned Centennial North PUD, and is currently vacant, but is zoned for residential



use. Adjacent property to the east and south is zoned SF-2 and is school property. 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.

### **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 125 feet tall wireless communication tower and ancillary equipment building(s) on the Property. As proposed, the tower would be designed to appear and function as a flag pole, and is referred to as a "stealth flag pole". Proposed access to the Property would be from 161<sup>st</sup> Street, via a gravel drive that would be constructed within a private access easement. The proposed equipment building would be approximately ten (10) feet in height and approximately 300 square-feet in area. The proposal indicates fencing and landscaping would be installed around the perimeter of the Property. If the use is approved through this variance request, this project would require Development Plan review and approval by the Advisory Plan Commission.

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### **Procedural**

A 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:*

**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. Wireless communication facilities are located on a nearby water tower (across 161<sup>st</sup> Street to the north), and there is no evidence of harm to the community as a result of those facilities. 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 and functioning 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 area around the Property includes moderately dense residential development, an elementary school, and approximately 13 acres of retail commercial development. It is anticipated that additional residential units and commercial businesses will be built within this area in the near future. 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. 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 expected to see additional growth in the near future, adding further demand to wireless coverage. 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 Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") does not address wireless communication facilities. The proposal neither frustrates nor further advances the vision of the Comprehensive Plan.

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**Recommendations**

If the Board finds that: 1) the use and value of neighboring property will not be adversely affected by allowing the proposed use; and, 2) the zoning ordinance creates an unnecessary hardship in the use of the Property then approve 1408-VU-02 based on the findings of this report, with the following conditions:

1. That a U.S. flag, proportionally sized in relation to the height and size of the stealth flag pole, always be raised on the stealth flag pole, unless otherwise dictated by federal, state, or local law or edict;
2. That any building constructed on the Property either:
  - a. Be designed with architectural features that are consistent with the design criteria of the Spring Mill Station Plan; or,



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Exhibit 1

- b. 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.
3. That the petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to permit approval.