

SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY

DOCKET #: 1411-SE-04
FILING FEE: \$

FILING DATE: 10-3-14

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: (STAFF NAME) DATE:

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Horvath Communications LLC by Clark, Quinn, Moses, Scott & Grahn, LLP
ADDRESS: 320 North Meridian Street, Suite 1100 Indianapolis, IN 46204
TELEPHONE: 317-637-1321
EMAIL: ebw@clarkquinnlaw.com

PROPERTY OWNER'S NAME: William A. Anderson
ADDRESS: 20481 Horton Road, Sheridan, IN 46069
TELEPHONE: 413-3411
EMAIL:

REPRESENTATIVE'S NAME: Russell L. Brown and Elizabeth Bentz Williams
COMPANY: Clark, Quinn, Moses, Scott & Grahn, LLP
ADDRESS: 320 North Meridian Street, Suite 1100, Indianapolis, IN 46204
TELEPHONE: 317-637-1321
EMAIL: rbrown@clarkquinnlaw.com ebw@clarkquinnlaw.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 20481 Horton Road, Sheridan, IN 46069

COUNTY PARCEL ID #(S): 08-05-23-00-00-007.109

EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): Single family home, accessory structures & open space

SPECIAL EXCEPTION REQUEST

CODE CITATION: 16.04.125-B ARTICLE 4.20(B) FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): The property is zoned AG-SF1. Horvath Communications is requesting a Special Exception to permit the construction of a wireless communication facility.

The requested facility would propose a monopole tower on property utilized as 6 + acres single family homestead with a height of 170 feet. The tower is setback 178 feet from the north property line, 174 feet from the east side yard, 175 feet from the south side property line and approximately 478 feet from the west property line. It is also located 290 feet from the on-site residence.

SPECIAL EXCEPTION APPLICATIONS

**GENERAL INSTRUCTIONS**

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield") |
| <input checked="" type="checkbox"/> Legal Description | <input checked="" type="checkbox"/> Copy of Property Deed |
| <input checked="" type="checkbox"/> Draft Public Notice | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input checked="" type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input checked="" type="checkbox"/> Site Plan (to scale) | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet) |
| <input checked="" type="checkbox"/> Statement of Intent | <input type="checkbox"/> Covenants and commitments (if any) |
| <input checked="" type="checkbox"/> Elevations, photographs, service reports or other supporting information necessary to explain the nature of the special exception use | |
- C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- D. **Public Hearing and Notice:** All special exception petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's [Rules of Procedure](#):
- Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 - Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 - Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 - Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- F. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.



FINDINGS OF FACT (SPECIAL EXCEPTION)

APPLICANT: Verizon Wireless
by Clark, Quinn, Moses, Scott & Grahn, LLP

DOCKET #: _____

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

A. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare because: The proposed tower is located on a portion of 6+ acre property. The location is approximately 690 feet from the right of way from Horton Road and 290 feet from the landowner's home itself. The construction and operation of this facility is strictly regulated by Federal laws and Horvath Communications will meet or exceed all Federal and State requirements.

B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood because: Because the height is under 200' no tower lighting will be required. The tower is designed as a monopole. The ground equipment will be surrounded by fencing, locked and gated with additional landscaping surrounding the fenced area. Noise is limited to to the generator which is inside the equipment shelter, this generator is used only for testing remotely during normal business hours and in case of a power outage. The properties in the area will continue to be used as they are now and this use will support continued development of the area by providing stabilization and needed services needed for a vibrant community.

C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because: With the orderly development of a community public services, utilities and infrastructure are needed. Technology has advanced in which communities, residents and businesses expect reliable wireless service and this will aid in the orderly development of the area.

D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: The only utilities needed for the proposed use are electric and telephone, which are located in the right of way of Horton Road. The site will be designed to meet all permitting requirements including drainage, landscaping and all other requirements.

E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: Once constructed the facility will be unmanned. The only traffic to the site would be for routine maintenance or repair of the facility. The use does not generate any traffic. There is a separate curb cut proposed to not interfere with any traffic in or out of the school property.

F. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met: The use is permitted with the grant of a special exception and all other development standards regarding height, set back, lighting, signs, design, landscaping and all requirements for the structural design and construction shall be met.



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.

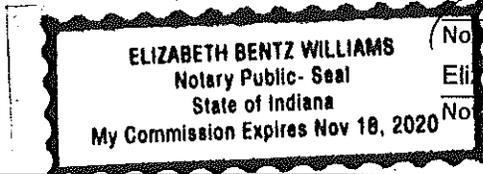
Matthew R. Clark
Applicant/Representative (signature)

Matthew R. Clark
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 3rd day of OCTOBER, 2014.

State of Indiana, County of Marion, SS:



Elizabeth Bentz Williams
Notary Public Signature
Elizabeth Bentz Williams
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.

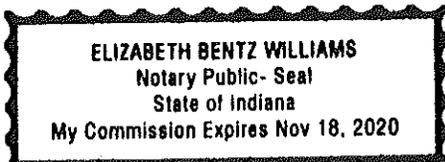
William A. Anderson
Property Owner (signature)*

WILLIAM A. ANDERSON
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 3rd day of October, 2014.

State of Indiana, County of HAMILTON SS:



Elizabeth Bentz Williams
William A. Anderson
Notary Public Signature
ELIZABETH BENTZ WILLIAMS
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.

PROPOSED LEASE AREA

BEING PART OF THE NORTHWEST QUARTER OF SECTION OF 23, TOWNSHIP 19 NORTH, RANGE 3 EAST, WASHINGTON TOWNSHIP IN HAMILTON COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT A FOUND HARRISON MONUMENT IN THE NORTHWEST CORNER OF THE EAST HALF IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 3 EAST, ALSO BEING IN THE INTERSECTION OF W 206th ST AND HORTON ROAD, SAID POINT IS N89°48'42"E 1326.20' FROM A FOUND HARRISON MONUMENT IN THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 3 EAST AND IN THE CENTER OF W 206th ST; THENCE WITH THE QUARTER QUARTER LINE OF SECTION 23 AND CENTERLINE OF HORTON ROAD S00°09'27"W 904.70' TO A POINT IN PROPERTY CONVEYED TO WILLIAM ALLEN ANDERSON AS RECORDED IN INST. #1989019656 AND COMMON CORNER TO WILLIAM A. ANDERSON & ELAINE S. GRIMME AS RECORDED IN INST. #2008024685; THENCE CONTINUING WITH SAID CENTERLINE OF HORTON RD AND ANDERSON'S LINE INST. #1989019656, S00°09'27"W 24.27' TO A SET MAG NAIL; THENCE TRAVERSING THE LANDS OF ANDERSON, INST. #1989019656, S89°57'13"E 218.02' TO A SET 5/8" REBAR; THENCE WITH THE CHORD OF A CURVE TO THE LEFT HAVING A RADIUS OF 40.00', N53°57'16"E 47.13' TO A SET 5/8" REBAR; THENCE WITH THE CHORD OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00', N53°18'56"E 69.60' TO A SET 5/8" REBAR; THENCE N88°46'07"E 347.92' TO A SET 5/8" REBAR; THENCE WITH THE CHORD OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00', N44°13'43"E 84.17' TO A SET 5/8" REBAR; THENCE N00°18'42"W 14.75' TO A SET 5/8" REBAR; THENCE S89°41'18"W 20.00' TO A SET 5/8" REBAR; THENCE N00°18'42"W 20.00' TO A SET 5/8" REBAR AND THE TRUE POINT OF BEGINNING OF THE PROPOSED LEASE AREA; THENCE N00°18'42"W 60.00' TO A SET 5/8" REBAR; THENCE N89°41'18"E 60.00' TO A SET 5/8" REBAR; THENCE S00°18'42"E 60.00' TO A SET 5/8" REBAR; THENCE S89°41'18"W 60.00' TO THE POINT OF BEGINNING CONTAINING 3,600 SQUARE FEET AS PER SURVEY BY THOMAS J. BOOFER, LS #S-0133 WITH T.J. BOOFER, CIVIL ENGINEER AND LAND SURVEYOR, DATED JUNE 4, 2014.

Detailed Statement

The property is zoned AG-SF1. Horvath Communications, LLC is requesting a Special Exception to permit the construction of a wireless communication tower.

The requested facility would propose a tower height of 175 feet, monopole tower. The tower is setback 690 feet from the right of way of Horton Road, 174 feet from the east side yard, 478 feet from the west side property line and approximately 175 from the south property line. It is also located 290 feet from the landowners residence, the closest building.



June 13, 2014

POD Project #: 14-2775

HORVATH COMMUNICATIONS

1A Letter

Site Name: Sheridan
Site Number: HV880
Site Address: 20481 Horton Road
Sheridan, IN 46069
County: Hamilton
USGS Quad Map: Westfield

Site Coordinates:

NAD 83

Latitude: 40° 05' 02.59"

Longitude: 86° 09' 29.91"

Site Elevation (NAVD88): 933'± AMSL

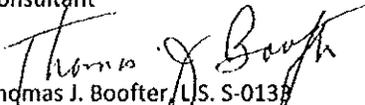
The horizontal coordinates are per the North American Datum of 1983 (NAD 83). Coordinates are shown as degrees, minutes and seconds.

The vertical elevations are per the National Geodetic Vertical Datum of 1988.

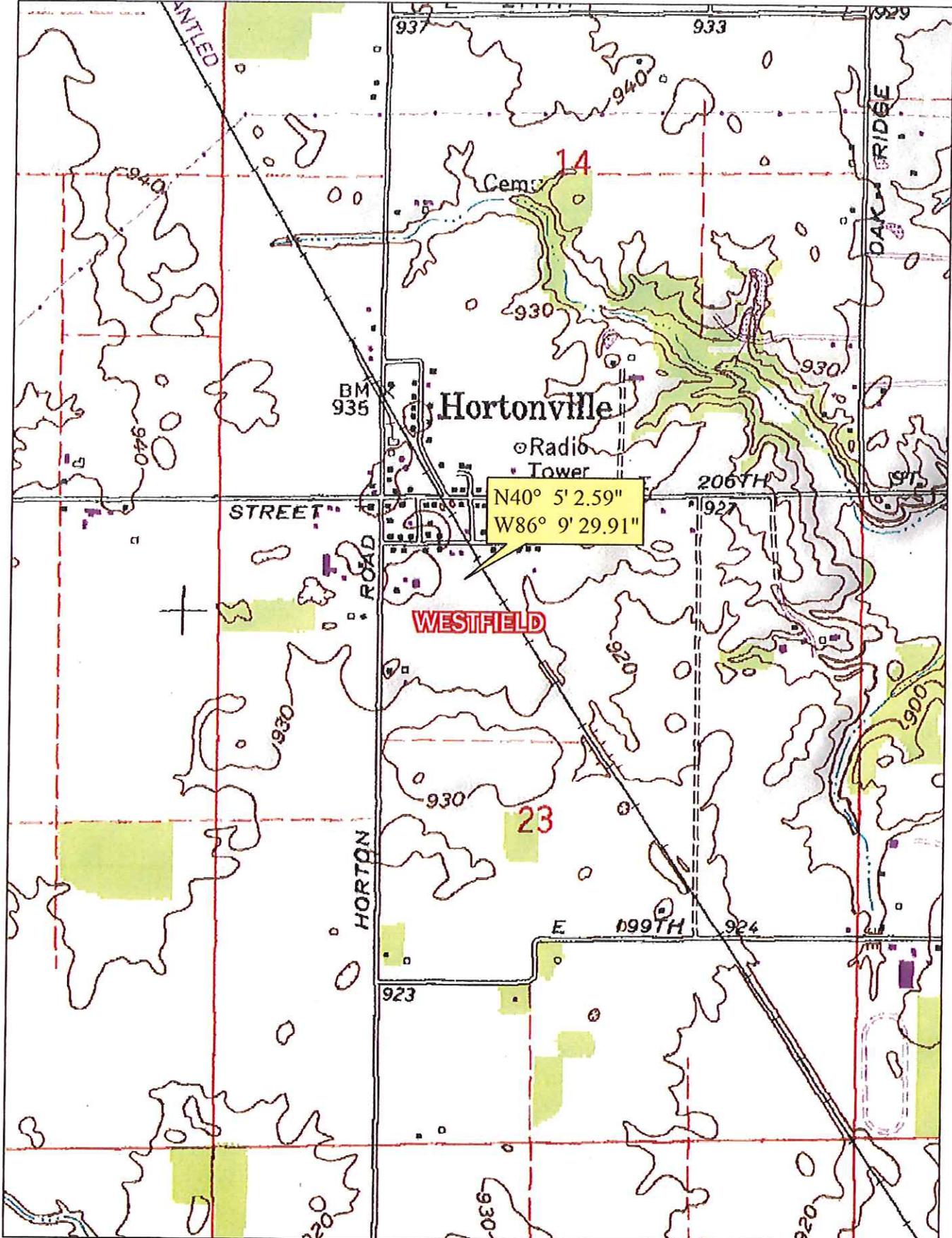
I hereby certify that the horizontal and vertical datum's as established from the above-mentioned USGS Quadrangle are accurate to within 1A reporting requirements (20'± horizontally and 3'± feet vertically).

The above-mentioned coordinates are based on the Indiana State Plane East Zone which was established using "Spectra Precision Epoch 50 receivers". The site is tied to the National Geodetic Reference System established by the National Geodetic Survey.

Consultant


Thomas J. Boofter, U.S. S-0133
T.J. Boofter, Civil Engineer and Land Surveyor
207 West Spring Street
New Albany, IN 47150

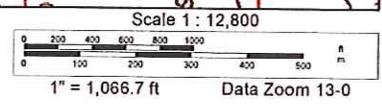




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September 29th 2014,

RE: City of Westfield Zoning Plots; Site Name: **Hortonville**

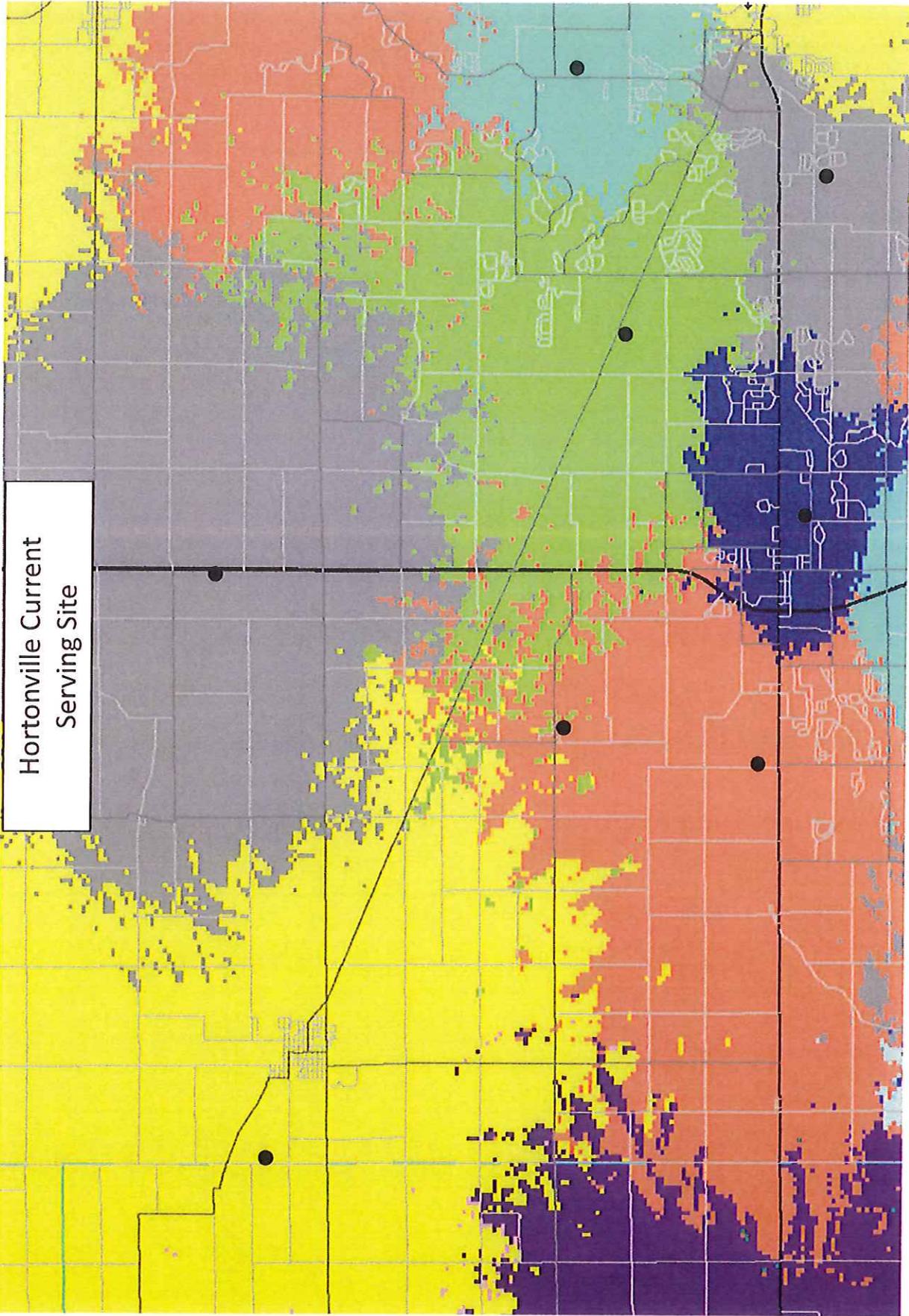
To Whom It May Concern:

This map is not a guarantee of coverage and may contain areas with no service. This map reflects a depiction of predicted and approximate wireless coverage of the network and is intended to provide a relative comparison of coverage. The depictions of coverage do not guarantee service availability as there are many factors that can influence coverage and service availability. These factors vary from location to location and change over time. The coverage areas may include locations with limited or no coverage. Even within a coverage area shown, there are many factors, including but not limited to, usage volumes, service, outage, customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service.

The proposed site is needed to offload capacity from existing sites. This map reflects the predicted coverage area that will be offloaded from existing sites and transferred to the proposed site.

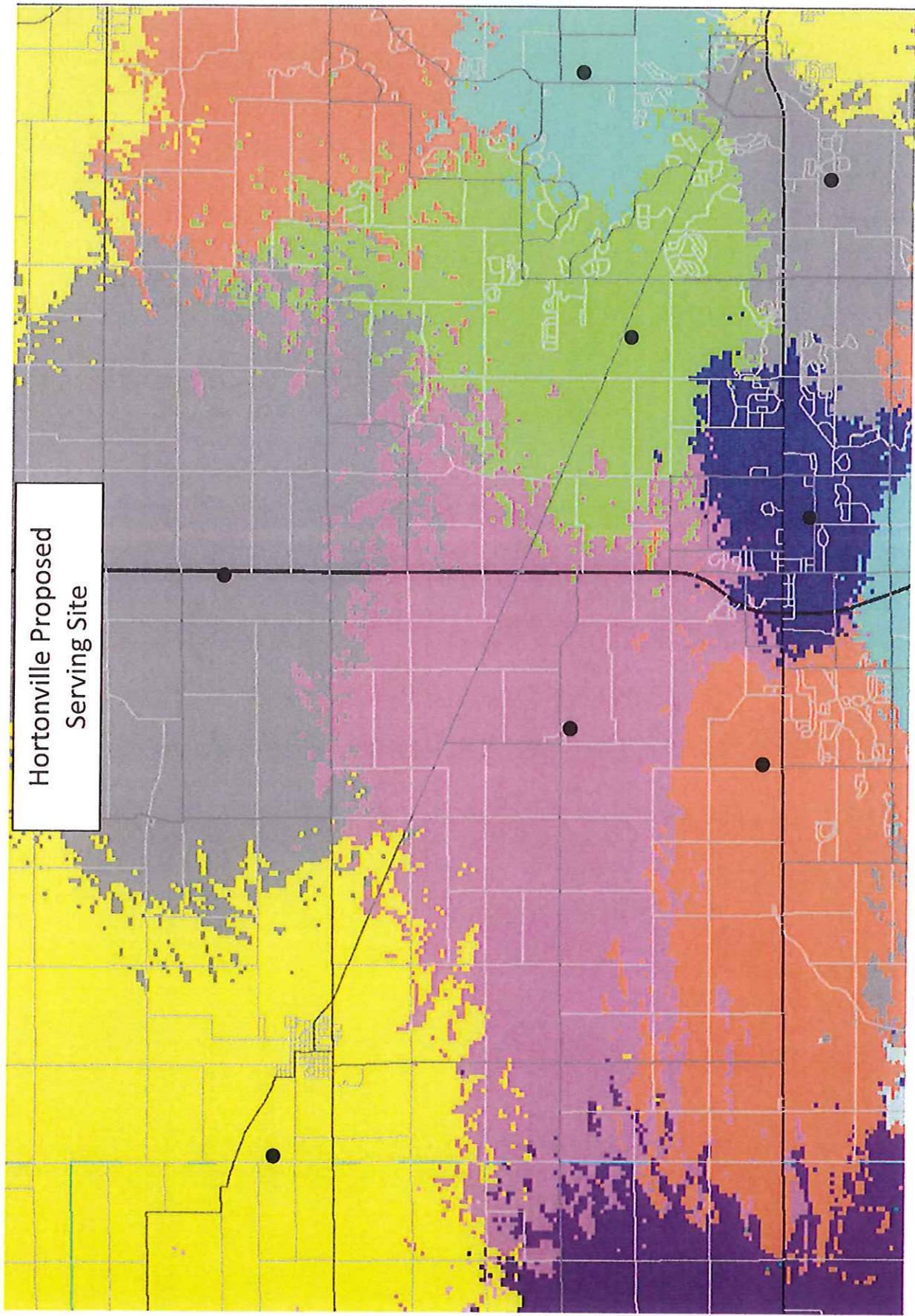
Sincerely,

Christopher Britt
RF Engineer, Verizon Wireless



Hortonville Current
Serving Site

Hortonville Proposed
Serving Site





September 29, 2014

RE: Proposed Verizon Wireless Communications Facility Site Name: Hortonville

To Whom It May Concern:

As a radio frequency engineer for Verizon Wireless, I am providing this letter to state the need for a Verizon Wireless site called *Hortonville*.

The Hortonville site is proposed with the below objectives:

1. Offload 4G traffic from multiple sites in the area.
2. Improve 4G throughput to existing heavy data users.
3. Improve 4G network reliability by increasing the amount of time our customers operate on 4G instead of 3G.

Currently the area is experiencing high demand for wireless high-speed data. Growth forecasts have triggered the need for an additional site in the area. The tower is needed to provide all Verizon customers in the area with the best experience on their 4G wireless devices.

Raw Land – Design plans for a new monopole would provide an antenna height of 160'. The new structure will be placed in an area that will allow for the offload of traffic from surrounding sites. This location provides optimum site spacing to enable long-term network capacity relief.

Verizon Wireless cares about the communities as well as the environment and prefers to collocate on existing structures when available. We prefer collocation due to reduced construction costs, faster deployment, and environment protection. However, Verizon Wireless was unable to find a suitable structure to collocate the proposed Hortonville site.

Crown Castle Monopole – A collocation on this tower was evaluated. This location does not offload enough traffic from the area with high demand. It also increases interference along US-31. If this location is used, another site would be needed in the near future.

State PD Guyed Tower – A collocation on this tower was evaluated. This location would provide sufficient coverage to meet our design requirements. Verizon is unable to pursue collocation on this tower from a site acquisition standpoint.

Verizon Wireless design engineers establish search area criteria in order to effectively meet coverage objectives as well as offload existing Verizon cell sites. When met, the criterion also reduces the need for a new site to cover the area in the immediate future. Each cellular site covers a limited area, depending on site configuration and the surrounding terrain. Cell sites are built in an interconnected network; which means each cell site must be located so that their respective coverage areas are contiguous. This provides uninterrupted communications throughout the coverage area.

Since collocation is generally the most cost-effective means for prompt deployment of new facilities, Verizon Wireless makes every effort to investigate the feasibility for using existing towers or other tall structures for collocation when designing a new site or system expansion. However, collocation on an existing tower or tall structure is not always feasible due to location of existing cell sites. Cell sites are placed in a way so they provide smooth hand off to each other and are placed at some distance from each other to eliminate too much overlap. Too much overlap may result in a waste of resources and raise a system capacity overload concern.

The Hortonville site will allow Verizon Wireless to provide continuous coverage in the town and along portions of major roadways in its vicinity. The site will provide the quality coverage our customers expect and rely on. Customers will experience access to mobile voice and wireless data services that may have been previously unavailable, and support Homeland Security through enhanced 911 services.

This cell site has been designed, and will be constructed and operated in a manner that satisfies regulations and requirements of all applicable governmental agencies that have been charged with regulating tower specifications, operation, construction, and placement, including the FAA and FCC.

RF exposure readings at this site in the accessible areas would be well below the applicable limits for FCC Uncontrolled/General Population and FCC Controlled/Occupational environments as outlined in 47 CFR 1.1301 through 1.1319. The site would carry appropriate RF exposure signage to the public entering the site area.

This site would transmit frequencies within the licensed frequency bands and the power limitations set by FCC regulatory authority. The site will go through a complete rigorous regulatory process before it comes on-air to provide service to our customers.

Verizon Wireless currently holds multiple FCC licenses in Hamilton County in order to provide multiple forms of wireless services to its current and prospective customers.

Sincerely,

Christopher Britt
RF Engineer, Verizon Wireless

Bakers Addition To Hortonville

Baker St

Jack St

Rogers

Length: 500 ft

Worman St

Bakers Addition To Hortonville

Parcel: 08-05-23-00-00-007.101
Owner: Anderson, William Allen
Click on the parcel for more details

Length: 500 ft

Length: 531 ft

Length: 500 ft

