

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/Representive (signature)

Applicant/Representive (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 Atchey

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 #: _____

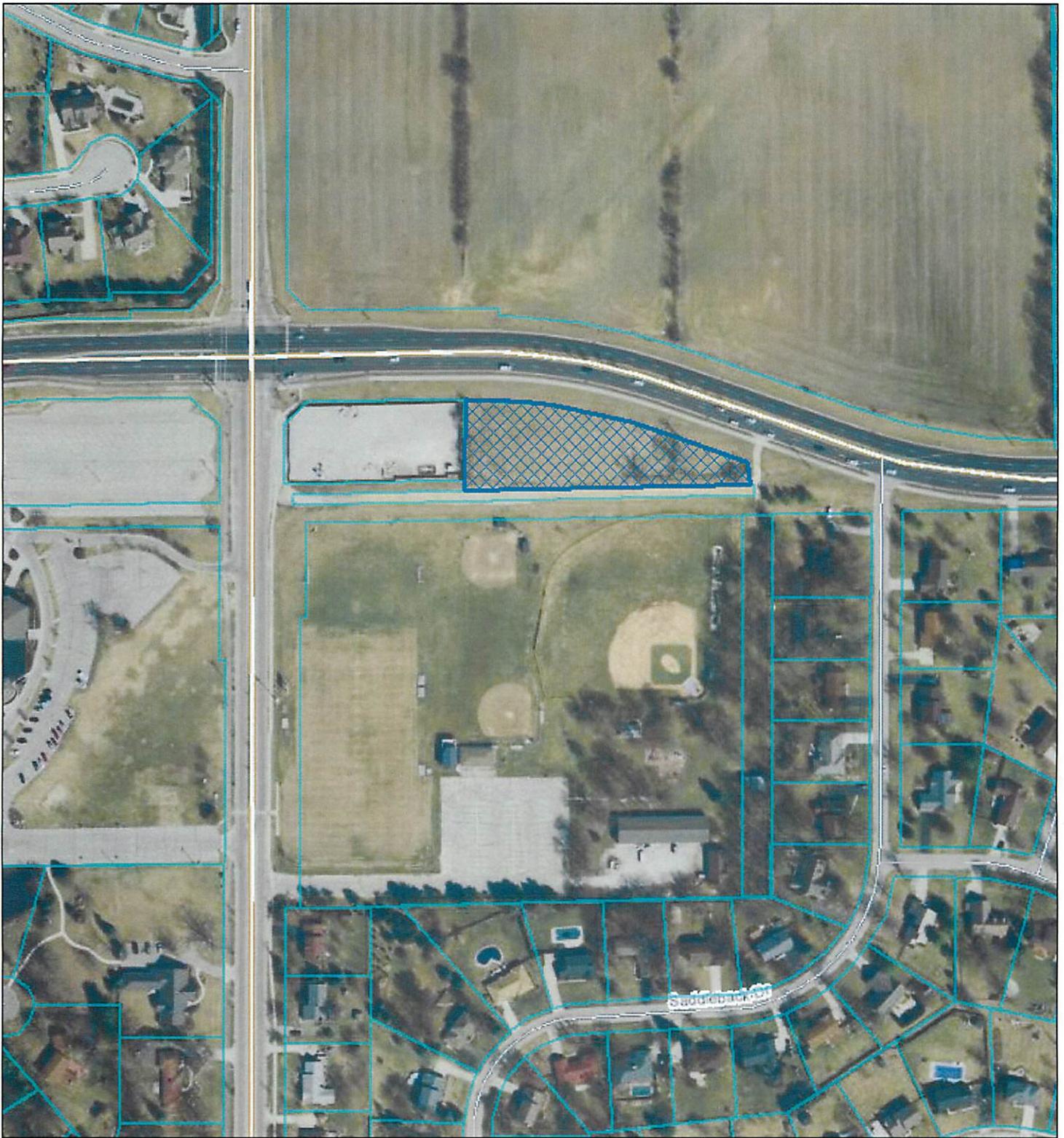
In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances 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).

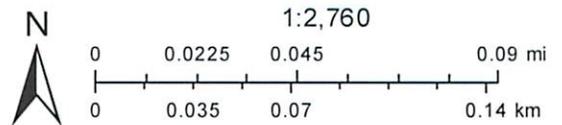
C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The property is church-owned, difficult to access, narrow in shape, and residentially zoned, together constituting a practical difficulty in the use of the property.

AT&T Mobility - Vicinity Map



March 31, 2015

 Parcels



Basemap information here



SITE NAME:
146TH & SPRINGMILL
SITE #: IN1823 B
AT&T FA#: 12784066

MASTEC SERVICES INC.
10000 N. UNIVERSITY BLVD.
INDIANAPOLIS, IN 46278
PHONE: (317) 522-8272
FAX: (317) 471-1234
Survey Prepared For:
Project Manager: Dennis Sherrill

NO.	DESCRIPTION	DATE	BY
1			

Williams & Works
engineers, planners, surveyors
616.224.1500 phone
549 Ottawa Ave NW, Grand Rapids, MI 49503
616.224.1501 facsimile

SURVEYED BY:
146TH & SPRINGMILL
SITE NUMBER: IN1823 B
AT&T FA NUMBER: 12784066
SITE ADDRESS: 824 W 146TH STREET CARMEL, IN 46032
SHEET TITLE: LS1

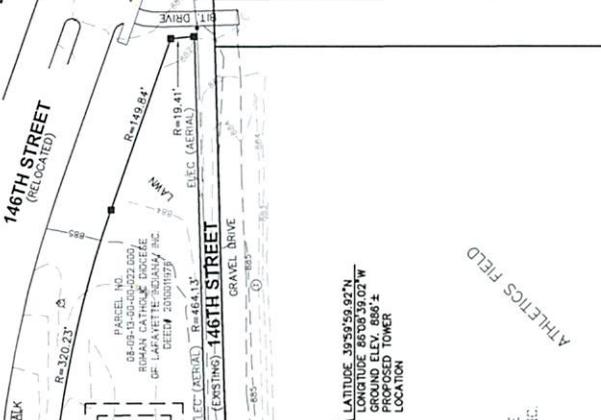
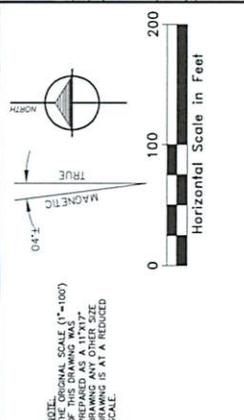


LEGEND

- AC UNIT
- U.G. UTILITY MARKER
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- UST FILL PORT
- GAS PUMP
- GAS METER
- WATER METER
- ELECTRIC RISER
- ELECTRIC METER
- CATCH BASIN
- ROUND CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- SANITARY MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- WATER MANHOLE
- HANDICAP PARKING
- SHRUB
- TREE
- PIKE TREE
- HAND HOLE
- SATELLITE DISH
- EXISTING CONTOURS
- TELEPHONE UTILITY LINE
- ELECTRIC UTILITY LINE
- WATER UTILITY LINE
- GAS UTILITY LINE
- STEAM UTILITY LINE
- STORM UTILITY LINE
- SANITARY UTILITY LINE
- FIBER OPTIC UTILITY LINE
- OVERHEAD UTILITY LINE
- FENCE LINE
- ROAD RAIL
- ROAD
- RAIL

PRELIMINARY
LAWRENCE W. ALBAUGH No. 80910002

DATE: 07/28/15
SCALE: 1"=100'
UPDATE: ACCURACY
DRAWN BY: L.W.A.
PROJECT NO: 23190287



LEGAL DESCRIPTION
PROPOSED LEASE AREA
PROPOSED INGRESS/EGRESS & UTILITY EASEMENT

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
PROPRIETOR
PANHANDLE EASTERN PIPE LINE CO
HOUSTON, TX 77210

FLOOD PLAIN INFORMATION
WE HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE MAP AS PREPARED FOR THE CITY OF CARMEL AND THE PANEL OF ENGINEERS REGISTERED WITH THE STATE OF INDIANA, BOTH DATED NOVEMBER 19, 2014 AND FIND THAT THE PROJECT SITE IS ZONED X (UNSHADED)

BASIS OF BEARINGS
LATITUDE AND LONGITUDE OF SITE REFERENCE POINT ARE DETERMINED BY THE STATE OF INDIANA (PUBLIC UTILITY NETWORK) NAD83 (CORS 98)

EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS
THE TITLE SEARCH ISSUED BY FIRST AMERICAN TITLE COMPANY AS COMMITMENT NO. 144155MAR, DATED DECEMBER 31, 2014, LISTS THE FOLLOWING EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS, THAT ARE LIKELY AFFECTING THE PARENT PARCEL UNDER EXCEPTIONS:

9. EASEMENT(S) AND RIGHTS RELATING THERETO GRANTED TO PANHANDLE EASTERN PIPE LINE COMPANY RECORDED IN PUBLIC RECORDS IN THE COUNTY OF HAMILTON, INDIANA, THAT AFFECT THE NORTHWEST CORNER OF SUBJECT PROPERTY AS SHOWN.

LEGAL DESCRIPTION
PARENT PARCEL
Land in Hamilton County, State of Indiana described as:
Township 18 North, Range 3 East described as follows:
Commencing at the Southwest corner of said section; thence North 88 degrees 41 minutes 04 seconds East (assumed bearing) 104.998 meters (344.48 feet) along the South line of said section; thence North 00 degrees 03 minutes 37 seconds East 50.315 meters (165.05 feet) to a point which is a point in on the North boundary line of 146th Street; thence continuing North 00 degrees 03 minutes 37 seconds East 40.689 meters (133.49 feet); thence South 62 degrees 13 minutes 34 seconds East 2.045 meters (6.71 feet); thence Southwesterly 97.606 meters (320.23 feet) along an arc to the center of a circular curve of 146th Street; thence along and degrees 48 minutes 37 seconds East with a length of 97.111 meters (318.61 feet); thence South 70 degrees 48 minutes 37 seconds East 45.672 meters (149.84 feet); thence South 5 degrees 46 minutes 39 seconds East 53.915 meters (177.21 feet); thence South 88 degrees 04 minutes 04 seconds West 141.467 meters (464.13 feet) along said North boundary to the point of beginning.



ITEM @ 66" WIDE PIPELINE EASEMENT PER LIBER 82, PAGE 174.

NOTE: ORIGINAL SCALE (1"=100') PREPARED AS A 11'X17" DRAWING IS AT A REDUCED SCALE.

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PROPOSED LEASE AREA
PROPOSED INGRESS/EGRESS & UTILITY EASEMENT

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