



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: April 14, 2015

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Crown Castle TELEPHONE: 317-249-2820

ADDRESS: 9045 River Rd., Indpls., IN 46240 EMAIL: michael.gasser@crowncastle.co

PROPERTY OWNER'S NAME: Wabash Valley Power Assoc., Inc. TELEPHONE: 317-481-2800

ADDRESS: 722 N. High School Rd., Indpls., IN 46214 EMAIL: _____

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

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

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

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 4540 E. 146th Street

COUNTY PARCEL ID #(S): 08-10-17-00-00-008.001

EXISTING ZONING DISTRICT(S): SF-3 EXISTING LAND USE(S): Substation, Telecom Facility

VARIANCE REQUEST

VARIANCE OF LAND USE CODE CITATION: Chapter 13 (Use Table)

VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Petitioner requests a variance of use to provide for an upgrade to an existing telecommunications facility within an existing power substation property, including the replacement of an existing 101-foot tall monopole tower with a 154' 5" tall monopole tower, located in an SF-3 District.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
VARIANCE 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 type="checkbox"/> Completed Application | <input type="checkbox"/> Filing Fee Check (made out to “City of Westfield”) |
| <input type="checkbox"/> Legal Description | <input type="checkbox"/> Copy of Property Deed |
| <input type="checkbox"/> Draft Public Notice | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input type="checkbox"/> Site Plan (to scale) | <input type="checkbox"/> Vicinity Map (including property within 500 feet) |
| <input type="checkbox"/> Statement of Intent | <input type="checkbox"/> Elevations, photographs or other supporting information
necessary to explain the nature of the requested variance(s) |
- 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, if determined by the Department to be necessary. 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 variance 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](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **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.
 3. **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.
 4. **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.

STATEMENT OF INTENT

**Crown Castle
4540 East 146th Street
Variance of Use**

An existing power substation exists at 4540 East 146th Street, at property owned by Wabash Valley Power Association, Inc. This intensely developed power substation includes a variety of large electrical equipment, poles and wires typical of such facilities. Additionally, an existing wireless telecommunications facility also exists at this power substation site, including 101-foot tall wood poles.

Due to the ever-expanding use of wireless service, growing customer base, and projected increases in demand for data services, virtually all wireless providers are seeking new facilities and upgrading existing facilities throughout the nation and beyond. In an effort to upgrade the existing wireless communications facility at 4546 East 146th Street, Crown Castle proposes to replace a 101-foot tall wood pole with a new 154'5" tall steel monopole structure. This new pole will accommodate additional services and additional carriers, and will help to increase service in the vicinity, including southeastern Westfield.

Although Crown Castle proposes to upgrade this existing, long-standing facility, at an intensely-developed power substation property, this upgrade requires a variance of use from the Westfield – Washington Township Board of Zoning Appeals because this property is zoned SF-3, a residential zoning classification.



FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: _____

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 and retail commercial 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 monopole design, and will be located on a power substation property far-removed from the nearest residentially developed property. Additionally, this power substation site has included a number of tall electrical poles, and an existing telecommunications facility with tall wooden tower elements for a number of years.

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

The combination of a power substation with a long-standing telecommunications facility, on a site zoned for residential use while also adjacent to commercially developed properties constitutes a condition peculiar to this property. Additionally, the necessity for physical upgrades to a long-standing telecommunications facility represents a condition peculiar to this property.

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: _____

Given the context of this property, being residentially zoned and developed with a power substation and telecommunications facilities, causes the strict application of the terms of the Ordinance to constitute an unnecessary hardship if applied to the property with respect to a necessary upgrade in telecommunications infrastructure.

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

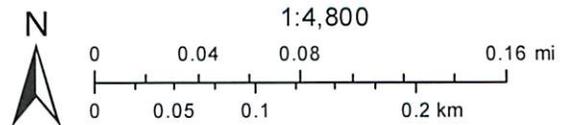
The Comprehensive Plan recognizes the existing zoning of the property, without recognition of the long-standing power substation and telecommunications facilities on-site. Within the context of the continued use and upgrade of long-standing telecommunications facilities on-site, the variance of use will not interfere substantially with the Comprehensive Plan.

4540 E. 146th Street



May 1, 2015

 Parcels



Basemap information here

Hamilton County, Indiana

Ownership, Transfers, Deductions & Credits

Disclaimer:

The information available through this program is current as of April 10, 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: 08-10-17-00-00-008.001	State Formatted Parcel No: 2910-17-000-008.001-015
Property Address: 4550 E 146th St Carmel, IN 46033	Deeded Owner: Wabash Valley Power Assoc Inc Owner Address: 722 High School Rd N Indianapolis , IN 46224
Legal Description: Acreage 12.56 Section 17, Township 18, Range 4	
Section/Township/Range: 17/18/4	
Subdivision Name:	
Subdivision Section:	
Deeded Acres: 12.56	
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: 11/12/2014	
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	