

March 15, 2021

The Hendricks County Board of Zoning Appeals in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, March 15, 2021. The meeting began at 7:30 p.m. Members present included Rod Lasley, Anthony Hession, Walt O'Riley and Ron Kneeland. Also, present were Tim Dombrosky, Planning Director and Leslie Dardeen, Recording Secretary. Sam Himsel was absent.

Everyone stood and recited the Pledge of Allegiance, led by Mr. Kneeland.

Mr. Lasley read the Rules of Procedure for the Board of Zoning Appeals meeting.

He then asked for a motion to approve the minutes from the February 16, 2021 meeting.

Mr. O'Riley made a motion to approve the February 16th meeting minutes.

Mr. Kneeland seconded the motion.

Motion to approve February 16, 2021 minutes passed unanimously.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
February 16, 2021 MEETING MINUTES

Mr. Dombrosky presented the case.

SE 02-21: SBA Communications and Brian & Catherine Stegemoller Special Exception to replace an existing cell tower with a new wireless communications facility including tower, fence, antennas and communications equipment on a 1.76-acre MI-zoned parcel in Lincoln Township: Section 20, Township 16, Range 2E; Key No. 08-3-20-62E 250-014; located approximately ½ mile west of N Raceway Rd on E US Hwy 136; 10647 E US Hwy 136, Brownsburg, IN 46234.

Mr. Dombrosky introduced the property on PowerPoint. It is on SR 136, directly north of the railroad tracks. The property was recently rezoned to MI (major industrial) from GB (general business). It had been zoned GB along with most of the other properties along that area, which is a varied mix of highway businesses. And there is a PUD-zoned area on the other side of SR 136. There have been a lot of BZA cases surrounding the property, but few that relate to the special exception being heard. The comprehensive plan shows the area remaining a mix of commercial, industrial and suburban residential. The rezone to MI was a little bit of a challenge because of the property's proximity to the residential and commercial areas; however, the rezone was approved and was the most appropriate zoning to allow for this kind of special exception. A close-up of the property shows the existing plumbing business owned by the Stegemollers. The site plan shows the development site in the southeast corner of the unused portion of the property with landscaping buffer all around it. Staff believes that all nine points of a special exception have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board.

Mr. Derek McGrew, SBA Communications, 103 Wilshire Court, Noblesville, IN 46062, addressed the board. He explained that there is an old cell tower on the neighboring racetrack property that needs to be replaced. The contract between SBA Communications and the racetrack has expired and the racetrack does not want to renew the lease. SBA's plan is to replace and relocate the old cell tower with all new

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equipment on a site near to the original site as it has the preferred coverage area. He confirmed that they will adhere to all setback and landscaping requirements.

Mr. Lasley asked if the land directly to the south of the property belongs to the National Hot Rod Association racetrack.

Mr. Dombrosky answered that the land is part of the racetrack property and presently undeveloped.

Mr. Hession asked how long the existing cell tower has been in place on the racetrack property.

Mr. McGrew was unsure. His best guess would be several years.

Mr. Dombrosky also was unsure. He added that BZA approval for it does not show up on Beacon, so it has been in place for quite a while.

Mr. O'Riley commented that the replacement project makes sense to him. The location is close to the original site, the equipment needs to be replaced and there are no subdivisions in the immediate area.

Mr. Lasley opened and closed the public portion of the meeting as no one signed up to speak.

Mr. Lasley asked if there were any final questions or comments from the board.

Being none, Mr. Lasley asked for a motion.

Mr. Kneeland made a motion to approve SE 02-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Hession seconded the motion.

Motion for approval of SE 02-21 carried unanimously.

VOTE: For- 4 Against- 0
SE 02-21: SBA Communications

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 02-21

An application for the above noted special exception was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to permit **a wireless communication facility** in an area zoned as MI (Major Industrial). Acting in its role as staff to the County Board of Zoning Appeals (Board), the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the County Government Center.

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In accordance with Indiana Code (IC) 5-3-1 and the County Zoning Ordinance (HCZO) Section 12.7, the DPB staff published a legal notice in the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above special exception on its agenda.

In accordance with Section 3.07 (D)(2) of the Rules of Procedure of the Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this notice and a list of those receiving them were made a part of the file for this Special Exception.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted Special Exception. Meeting in open session, the Board subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and HCZO. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-918.2 Exceptions and uses. A Board of Zoning Appeals shall approve or deny all: (1) Special Exceptions; ... from the terms of the Zoning Ordinance, but only in the classes of cases or in the particular situations specified in the Zoning Ordinance.

HCZO Section 12.7 authorizes the Hendricks County Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 12.7 (D)(1). In addition to the special requirements for permitted Special Exception uses as specified in Section 12.7 (D)(2) ... the Board of Zoning Appeals ... shall find adequate evidence showing that the use at the proposed location:

A. Is in fact a permitted Special Exception use ... [in] the zoning district involved.

The Board finds that a wireless communication facility is in fact a Special Exception in the Major Industrial Zoning District.

B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the County's Comprehensive Plan and the Zoning Ordinance.

The Board finds that the proposal will meet this standard. The County's ordinances and Comprehensive Plan encourage reuse of developed property in areas with existing services and infrastructure.

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The Board finds that the proposed use will meet this standard. The area is a mix of commercial and semi-industrial uses. The change in use will not substantially change the appearance of the property and will not change the essential character of the area.

D. Will be served adequately by essential public facilities and services ... or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

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The Board finds that the proposal will meet this standard. Public facilities and infrastructure are existing with adequate capacity. Other public services adequately serve the area, and the use does not represent a significant increase in demand.

E. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community.

The Board finds that the proposal will meet this standard. The minimal property changes will not result in significant changes to the existing demand for services and will not have a negative economic impact.

F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

The Board finds that the proposal will meet this standard. The facility will not generate conditions substantially different from other businesses or the surrounding environment.

G. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

The Board finds that the proposal will meet this standard. The existing entrance provides adequate access.

H. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Board finds that the proposal will meet this standard. There will be no substantial loss in natural, scenic, or historic features with the approval of the business.

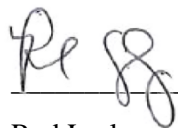
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. All applicable federal, state, and local approvals are required.

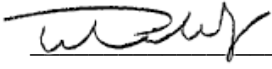
For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 15th day of March 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson

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Tim Dombrosky
Secretary

Mr. Lasley asked if there was any further business.

There was none.

Being no further business, the meeting was adjourned at 7:42 P.M.