



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(August 24, 2015 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/UV-15-02 (Lakeview Ministries)
Staff: Melissa Begley
Applicant: Lakeview Ministries
Property Size: 113.42 Acres
Current Zoning: AG (Agricultural: General)
Location: 13500 W. Lake Rd., in Jackson Township

Background Summary:

The applicant has indicated that the proposed use variance from Zoning Ordinance Section 6.8 is for the purpose of allowing a new telecommunications tower in the AG (Agricultural: General) zoning district.

Preliminary Staff Recommendation:

Approval, all criteria have been met. The approval should include only one single tower and shall not exceed 180 feet in height at either proposed location.

Zoning Ordinance Considerations:

District Intent: The intent of the AG (Agriculture: General) zoning district is as follows: to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to support the long-term viability of agricultural operations, while also allowing increased non-agricultural development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

Permitted Uses: The following uses are permitted in the AG (Agriculture: General) zoning district.

1. Farm (CFO/CAFO type I) – County & Joint District Jurisdictions
2. Farm (general)
3. Dwelling, single-family
4. Nature preserve/Conservation Area

Permitted Locations: The proposed use is permitted in the following zoning districts:

1. CO (Commercial: Professional Office)
2. CC (Commercial: Community)
3. CR (Commercial: Regional)
4. P (Public / Semi-Public Facilities)
5. I-1 (Industrial: Light)
6. I-2 (Industrial: General)
7. I-3 (Industrial: Heavy)

Conditional Use Locations: The proposed use is permitted by conditional use in the following zoning districts:

1. AV (Agriculture: Voluntary Protection)
2. AP (Agriculture: Preferred)
3. CN (Commercial: Neighborhood)

Current Property Information:	
Land Use:	Recreation facility
Site Features:	Cabins, a dining hall, an outdoor amphitheater, a lake, and woods.
Flood Hazards:	None
Vehicle Access:	Lake Road (Collector)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General Rural)	Residential (Lutheran Lake Association) Recreational (South Central Lutheran Camp Association)
South:	AG (Agriculture: General Rural)	Woods
East:	AG (Agriculture: General Rural)	Woods and single-family residential
West:	AG (Agriculture: General Rural)	Woods and single-family residential

Interdepartmental Review:	
County Engineer:	County Highway has no objections.
Code Enforcement:	No comments received.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as general rural district.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application: The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Policy 20-A:** Develop a mechanism to ensure that the owners of new transmission towers provide maintenance for the life of the towers.
2. **Policy 20-B:** Require that towers be removed when they are no longer in use or functioning.
3. **Policy 20-C:** Establish a reporting system for tower owners to confirm the continued operation, need for, and proper maintenance of the tower.
4. **Policy 20-D:** Establish a minimum separation distance from any houses, and ensure that new houses are not constructed within a minimum distance of the tower.
5. **Policy 20-E:** Encourage a landscape buffer zone around the perimeter fence area of the tower.

6. **Policy 20-F:** Establish restrictions on the number of towers permitted within a specified geographic area to limit the density of towers.
7. **Policy 20-G:** Require towers to be used for multiple transmitters / uses.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting to construct a 140 to 180 foot tall, lattice tower on the subject property. The applicants have identified two possible tower locations on the site. The first location is off of Lake Road. The second is located north of Lake Road, east of the entrance driveway. The purpose of the tower is to provide internet service to the facility and to the neighboring residences.
2. The subject property is a 113.42 acre parcel that abuts Lutheran Lake. There is a companion parcel to the south that is 70.47 acres. The property is heavily wooded along the southern portion of the site and the property houses a variety of outdoor amenities, as well as cabins, a dining hall and an outdoor amphitheater.
3. Section 6.8 of the Zoning Ordinance details additional development standards for new telecommunications facilities and includes such items as the minimum size of the site area, vehicular access, setbacks, fencing, lighting and landscape screening. These details have not been determined at this time. If this application request for a Use Variance is approved by the Board of Zoning Appeals, the next step required of the applicant is to submit an application with the above associated information for a Zoning Compliance Certificate. It will be reviewed for compliance at that time.
4. Section 6.8(F)(2) states that all towers shall be designed to accommodate additional users. The applicant has indicated that they would like to allow for additional users and the details will be provided when they purchase the tower. If the tower is 140 feet in height, 1 additional user would be required. If the tower height is 180 feet in height, 2 additional users would be required.
5. According to Section 6.8(E) of the Zoning Ordinance, all new towers are required to provide Documentation of New Tower Need. Verification must be provided by a professional engineer that the antennas planned for the proposed tower cannot be accommodated on any existing towers or other structures within a 2 mile radius of the proposed tower location. According to Antenna Search, there are no towers located in the two mile radius of the proposed tower and the applicants have indicated that there are no towers located within a two mile radius of the site.
6. Zoning Ordinance Section 6.8(G)(3)(c) states that no telecommunications facility shall be located closer than 250 feet to any residential zoning district. There is no residential zoning district in this area however there are residential uses in the area. If the tower is located at the #2 location, the nearest residence is approximately 761 feet to the south. If the tower is located at the #1 location, the nearest residence is approximately 1,065 feet to the south.
7. If the proposed tower remains below 199 feet in height, lighting would not be provided. The FAA only requires lights for towers that exceed 200 feet in height.
8. Further, Section 6.8(D) of the Zoning Ordinance identifies required documentation for the construction of new telecommunications towers. The following items will be required prior to the issuance of a Zoning Compliance Certificate. The applicant has not provided these materials at this time.
 - o An engineer's report from a professional engineer licensed in the State of Indiana that describes the height and design of the tower, certifies compliance of the construction specifications with all applicable building codes, certifies that the facility will not interfere with established public safety telecommunication facilities, and includes an engineer's stamp and registration number.
 - o A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.
 - o Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Natural Resources (IDNR) and all other appropriate state and federal agencies.
 - o A removal affidavit, recorded in the Bartholomew County Recorder's Office, committing all parties, including the property owner, to remove the tower and all related accessory structures if the tower is unused for a period of 12 consecutive months.

Provisional Findings of Fact / Decision Criteria

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Provisional Findings: The proposed telecommunications tower will be required to meet all the development standards listed in Section 6.8 of the Zoning Ordinance and will be required to meet all applicable building code standards. The proposed tower will not generate additional traffic on Lake Road and will be placed far enough away from Lake Road to provide clear traffic visibility. *This criterion has been met.*

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:

Provisional Findings: The nearest residence is approximately 760 feet to the south and the majority of the surrounding property is in the ownership of the camp. In addition, the southern portion of the site is heavily wooded and the proposed tower locations would be obscured from sight. *This criterion has been met.*

3. The need for the variance arises from some condition peculiar to the property involved:

Provisional Findings: The need for the variance arises because of the remote location of the property and high-speed internet service cannot be provided through other means. It is not an unreasonable expectation that this service be provided to the camp. *This criterion has been met.*

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 is sought:

Provisional Findings: As the technology of our society has evolved, access to high speed internet has become a necessity. Although the operations of Camp Lakeview could continue without high speed internet, camp attendees will demand the service and if not provided could affect the attendance numbers of the programs offered at Camp Lakeview. Prohibiting a telecommunications tower on this property, when it can be obscured from sight would be an unnecessary hardship on the property. *This criterion has been met.*

5. The granting of the variance does not interfere substantially with the Comprehensive Plan:

Provisional Findings: There are no other telecommunications towers within a two mile radius from this site, which conforms to Policy 20-F to establish restrictions on the number of towers permitted within a specified geographic area to limit the density of towers. The applicant has indicated they will provide for additional users on the tower as recommended by the Comprehensive Plan to require towers to be used for multiple transmitters / uses. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for a use variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Use Variance Application



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____

Docket No.: B/UV-15-02

Use Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: South Central Lutheran Camp Association of Indiana, Inc.; dba - Lakeview Ministries

Address: 13500 W. Lake Rd. Seymour IN 47274
(number) (street) (city) (state) (zip)

Phone No.: 812-342-4815 Fax No.: 812-342-9290 E-mail Address: david@camplakeview.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: South Central Lutheran Camp Association of Indiana, Inc.; dba - Lakeview Ministries

Address: 13500 W. Lake Rd. Seymour IN 47274
(number) (street) (city) (state) (zip)

Phone No.: 812-342-4815 Fax No.: 812-342-9290 E-mail Address: david@camplakeview.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: David Vandercar

Address: 13500 W. Lake Rd., Seymour, IN 47274
(number) (street) (city) (state) (zip)

Phone No.: 812-342-4815 Fax No.: 812-342-9290 E-mail Address: david@camplakeview.com

How would you prefer to receive information (please check one): E-mail Phone Fax Mail

Property Information:

Address: 13500 W. Lake Rd., Seymour, IN 47274
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance Requested:

I am requesting a variance from Section 6.8 (Table 6.5) of the Zoning Ordinance to allow the property to be used for the following:

Our property is currently zoned Agriculture: General Rural. We would like to construct a steel tower that will
allow us to provide internet service to our facility as well as our neighbors residences.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a use variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The tower will be located in an area that will not intrude on the appearance or operations of the surrounding
community. It will also improve the general welfare of the community by providing a service that is desperately
needed at this time. Appendix B shows the proposed locations and setbacks of the tower on our property.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The adjacent property owners are supportive of this project because it will bring a service to their community
that they do not currently have access to. Appendix A: 4-5 also addresses the impact the tower will have on our
community.

The need for the variance arises from some condition peculiar to the property involved.

We need this tower, and resulting variance, because of our remote location. As camp has grown and
technology has changed, internet has grown to become more and more important. The only option we have
for internet currently is satelite. This service is not sufficient anymore and our only option for upgrade because
of our location is wireless. The only way to receive this wireless signal is to construct a tower.

The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

As technology continues to advance, a high speed internet connection is becoming more and more of a
necessity. Since our only realistic option for unlimited high speed internet is wireless, this ordinance would place our
ministry under a difficult circumstance if the variance is not allowed.

The granting of the variance does not interfere substantially with the Comprehensive Plan.

The granting of this variance would add considerably to the common good of our community. Many neighbors have been seeking something like this to happen for a long time and are looking forward to the opportunity to have a high speed internet connection that does not have a data allowance stipulation.

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Lakeview Ministries

Address: 13500 W. Lake Rd., Seymour, IN 47274
(number) (street) (city) (state) (zip)

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.



(Applicant's Signature)

7/21/15

(Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

 *Executive Director*

(Owner's Signature)

7/21/15

(Date)

(Owner's Signature)

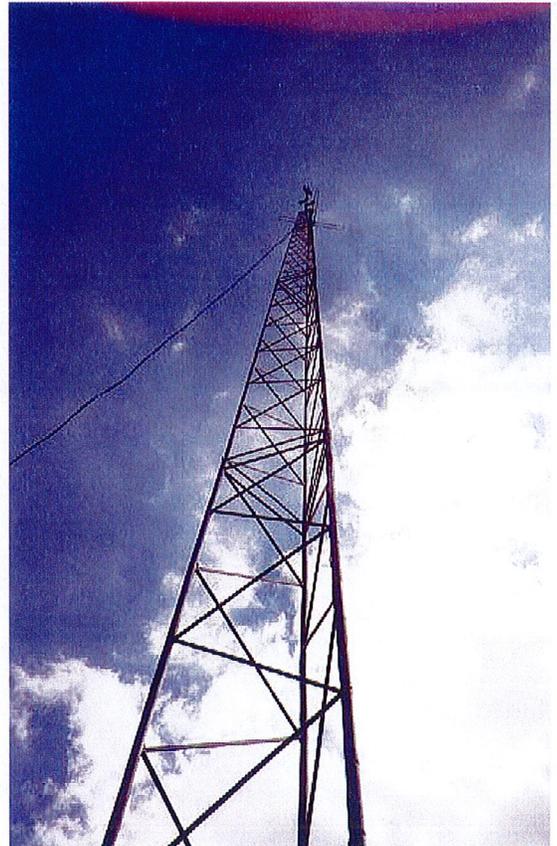
(Date)

APPENDIX A:

- 1) We have not purchased a tower yet because we are waiting for approval of this variance request. The towers we are looking at will be in the range of 140-180' tall. With the purchase of the tower an engineering design will be provided that will show the size of the foundation needed and will also address the weight and locations of the antennas that can be mounted to the tower. Sample images of the towers we are considering can be seen below.
- 2) Determination of a New Tower Need: At this point there are no telecommunication towers, that we are aware of, located within 2 miles of our property. In addition to that, the terrain of our property and the locations of our buildings in that terrain makes it nearly impossible to hit all of them from a tower that is not on our property since we need a line of site from our buildings to the tower in order to receive the wireless internet signal.
- 3) We will not know if our tower will be able to accommodate a cellular antenna until we find and purchase a tower. The potential is there, but it will depend on the size, structure, and load ratings of the tower that we purchase.
- 4) We are prepared to install any lighting that may need to be included with the tower depending on the regulations that address telecommunication towers. Our preference is to have as little lighting as possible so as not to adversely effect the outdoor nature of our ministry. It is our desire to keep the environment as untouched as possible.
- 5) We have a list of neighbors that have not only supported this project with their words, but have also made donations towards the purchase of a tower in order to see the project come to fruition. This tower will provide a great service to our neighbors and will not detract from their quality of life; but will greatly add to it by providing a service that they currently do not have access to.

RIGHT: This is a picture of an assembled tower reaching into the air. This picture was taken before the feed wire was attached to the tower. The tower will be self supported and will not require any guy wires.

BELOW: This is a picture of a similar tower that is laying unassembled on the ground. Each section is completely welded and then the sections are bolted together when erected.



APPENDIX B:

Both of the below tower locations are heavily wooded. We would clear enough trees back so that they would not interfere with the operation of the tower and antennas but would leave as many as possible for visual cover.

Tower Location #1: ~150' from Southern property line
 ~400' from Eastern property line
 ~150' from W. Lake Rd.
 Access would be provided directly off of W. Lake Rd.

Tower Location #2: ~550' from Eastern Property line
 ~700' from the Western property line
 ~100' from our private drive and ~300" from W. Lake Rd.
 Access would be provided off of our private drive.

The image to the right shows our current property boundaries consisting of approximately 200 acres in southwest Bartholomew County. The image below shows a blown up view of the possible tower locations.

