

## **BZA MINUTES**

**October 21, 2025**

Members present: Bill Davis, Jim Hufford, Jason Hawley, Jon Peacock, Jason Allen, and Don Calhoun

Members absent: Drew Cleveland

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director

Others present: Ed Thornburg and Jeffrey Haley

Chairman Hawley: All right, good evening. It is October 21, 2025. This is the Board of Zoning Appeals. First off, I would like to have all members state their name for the record. My name is Jason Hawley, Bill Davis, Jim Hufford, Don Calhoun, Jason Allen, Jon Peacock. Thank you very much. First order of business we have tonight is the approval of minutes from our last meeting on September 16, 2025. Has everybody had a chance to look over those?

Vice Chairman Davis: Make a motion to approve as presented.

J. Hufford: I'll second.

Chairman Hawley: All those in favor, "Aye". Motion carries. All right this evening we have one petition on the docket. I will remind everyone that petitioners will have 15 minutes to present their petition. During this time there will be no interruptions or question. After the presentation the board may ask questions. Anyone wanting to speak for or against will have three minutes each and then the petitioner will have an additional five minutes to respond to comments. Tonight we have BZA2025-23-V, Justin and Katelynn House represented by Jeff Haley of Pyramid Network Services, LLC. Looks like their request to build a 295 foot cell tower on a property containing a residence closer to the property line allowed by the Unified Zoning Ordinance and it looks like we also have for the same folks a request of the variance for the set back to property line. So there will be two in that we'll be hearing about on this case tonight. Is there anyone here that would like to speak on behalf of this. Please come forward state your name and address for the record sir.

J. Haley: Good evening. Jeff Haley, 15375 Cherry Tree Road, Noblesville, Indiana 46062. Here on behalf of Horvath Communications which will be the tower builder ,Verizon Wireless which will be the anchor tenant and Justin and Katelynn House who are the landowners. So I believe that has been given to you guys.

Chairman Hawley: Real quick – have you sent out notices of certified mail and returned the receipts to Area Planning?

J. Haley: I have.

Chairman Hawley: Have you received Article V Conduct of Hearings?

J. Haley: Yes.

Chairman Hawley: By all means, tell us what you like us to hear tonight.

J. Haley: Okay, pretty simple straightforward process. We're requesting to build a 285 foot tower with a 10 foot lightning rod on top. It's a self-support tower so there's no guide wires. We are requesting a variance from the road. I believe we're about 176 feet away from the road but in your packet there is a pole zone letter stamped and signed by professional engineer stating that the tower will be designed to crumble within the actual 100 foot by 100 foot compound and not tip over. They put their specifications in there when they do it with wind, ice, and any other thing that could affect the tower. So that's in your packet. It's a very depleted area for Verizon Wireless. I do have propagation maps that I don't think that Deb included. I can share those with you. It's a very depleted area for Verizon Wireless. With 80 plus percentage of all 911 calls coming from cell phones in the past two years, this has been a huge year and that there will be a bigger year for Verizon, AT&T, T-Mobile to get into rural areas where coverage is very, very spotty so. Like I said we're requesting to build the tower with 100 foot by 100 foot compound. It will be have a seven foot chain link fence around the compound that will be locked up. There will be a 12 foot wide gap drive that leads from 400 South back to the compound and that's it. It's pretty simple. We'll run fiber and electric underground so it won't be overhead. We'll pull from the nearest transformer. Put in our own meter. Pull from the nearest fiber stand. Run it all underground and then back to the site.

Chairman Hawley: Are there any questions from the board this evening?

D. Johnting: And I did include the Indiana Code. We can go stricter which we are right now but I believe this has come about since our tower ordinance was written. And that will be something for the APC members to consider and if we decide to continue to have meetings and we continue to have meetings even though we're a lot more strict than the state.

J. Welch: The language is a little different in the statute than what our ordinance says. The drop zone already set back so it's not necessarily that the certification language is a little vague in the statute so I'm not sure if a letter from the engineers is going to qualify as certification. Those things we have to consider. So I think we should probably look at it because we do have a lot of these come up. But I don't know that we're in violation of the state statute right now and I think it could be argued.

D. Johnting: In some cases you have to consider this, it seems to be in an area where 1200 feet away from the house doesn't really matter that it's on the same property as the house and it still is quite a ways from the road. Not a highway or a housing addition. So we still might want to keep them in place for the places where it wouldn't be so.

J. Welch: We could always put in their requirements and define those things a little bit better with the engineering certification. So, those are things we can think about but.

D. Johnting: So I just wanted to point out the state has taken notice that probably some counties have been very, very, very strict even though the state has made some concessions towards.

J. Hufford: Usually the state is okay if you override something and don't try to override it. We found that out in our experience with speed limits and anything else. You can override but you can't also put a 70 mph speed zone by a school.

D. Johnting: We did have a gentleman who had some questions that thought he might be here tonight. Jeff graciously called him three or four times trying to get in touch with him. And when I asked him about getting his phone calls he said he seemed to have some questions and maybe some issues but he said he might not be able to get in touch with me cause we don't have very good cell service out there. He will hopefully have better cell reception with the new tower.

J. Haley: One thing that I will add which comes up quite frequently but the tower is designed initially to house four carriers. So without any modifications or structural changes or anything like that the initial design will be Verizon at the top of it and then it will be built strength wise to house three other carriers. If there ends up being four or five really right now carriers are actually starting to like go by the wayside and you know merge like T-Mobile and Sprint but if there were a fifth or a sixth obviously that's pretty good money for the tower company. They would do the modifications in order to house that and one thing that Horvath does regularly is if we can help your EMS system in any way with you know with antennas for Sheriff's Department, Volunteer Fire Departments, anything of that sort. They allow those antennas to be placed on their tower.

D. Johnting: And there's a few more things that are in the packet for this hearing that you've already actually turned in for your actually permit.

J. Haley: Yeah like we FAA approval. We have FCC approval. I have all of that stuff stating that there's no hazards. I have propagation maps.

D. Johnting: Yeah those are listed and I didn't put those in. Those are things that you're required to do for your permit not necessarily for tonight.

J. Haley: Yes, just throwing it out there.

Chairman Hawley: I guess my question for Jason is the discussion since you were having about the upcoming ordinances and things is that something we need to get the mud and wrestle it tonight or is that something for the APC.

J. Welch: No, no. My guess is this language was likely written before the engineering is like it is now and they collapsed straight down.

Chairman Hawley: Okay, just want to make sure that.

D. Johnting: Things have changed a lot since that tower ordinance was written.

Chairman Hawley: Are there any questions?

E. Thornburg: I have a question.

Chairman Hawley: Mr. Thornburg, please.

E. Thornburg: How far are you going to have to run cable to get your hook up?

J. Haley: Actually fiber is not far. I'm trying to remember my site visit here was probably close to a year ago. I know we have to go to the west down towards the stop sign where the fiber pedestal there. Power is pretty close. It's actually to the east on the north side of 400. And like I said we'll just we'll either use that transformer it will all become a money thing with the tower company and the and the PC so a lot of times we try to do is use an existing transformer put our own meter on there because it's a lot less work and it's a little bit cheaper. But if that distance becomes greater than you know what the value would become they'll drop a pole near there and put their own transformer near there. So I've had conversations with the highway department and like we're good with all of that and the locations of where everything is.

E. Thornburg: One thing, when you ready to do that, the highway may have mentioned it, but you get to come see me about putting the fiber in the right of away. We don't charge for it. I just need a set of plans.

J. Haley: Okay.

E. Thornburg: Then I know who to blame when that ditch quits working.

J. Haley: Do you want to give me your e-mail address now or do you have a card?

E. Thornburg: I'm right next door to her.

J. Allen: That's what I was going to ask. Mainly for if there's any drainage lines along there if they're going directional drill through. The only reason why I say that is because I got one today where they put a fiber line in a sewer line.

J. Haley: Yeah, not that I'm aware of.

D. Johnting: I can just e-mail and copy you Ed tomorrow.

J. Haley: Well but when we get to that point so like I don't have final construction drawings yet. I have prelims so like once we get through this step, like after we get through this step, hopefully, and I apply for the building permit and those things that's when we'll ...

E. Thornburg: Your permit will go in front of the commissioners for approval for a road cut permit. I'll just need a set of basic plans.

J. Haley: Okay, yeah.

E. Thornburg: Like I said, no big deal.

J. Haley: I can give you the finals once they're complete probably within a week or so.

Chairman Hawley: Is there anyone else that may have questions? Seeing none I move for a roll call.

Vice Chairman Davis: So moved.

J. Welch: You'll have two separate votes.

Chairman Hawley: Sorry two separate ones. First one we'll have is to build the 295 foot cell tower on a property containing a residence.

D. Johnting: Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jason Allen, yes. Jon Peacock, yes. And Drew Cleveland is absent.

Chairman Hawley: And for our second one we have the request for a variance to the set back to the property line.

J. Allen: Move for a roll call vote.

Vice Chairman Davis: Second.

Chairman Hawley: Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jason Allen, yes. Jon Peacock, yes. Don Calhoun, yes. Motion approved.

Chairman Hawley: Congratulations.

J. Haley: Thank you. You guys have a great night.

Chairman Hawley: Moving on do we have any old business before the board. Seeing none, do we have any new business before the board?

D. Johnting: I think we have a meeting next month.

Chairman Hawley: All right, reports on officers, staff, committee? Seeing none, I motion to adjourn. Thank you so much gentlemen.

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Chairman, Jason Hawley

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Kristi Halloran, Recording Secretary

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Vice Chairman, Bill Davis