

MINUTES OF THE HOWARD COUNTY BOARD OF ZONING APPEALS MEETING HELD  
TUESDAY, FEBRUARY 25, 2020 IN THE HEARING ROOM IN THE HOWARD  
COUNTY GOVERNMENT CENTER

MEMBERS PRESENT

Richard Byrum  
Mike Imbler  
Frank Faulkner  
Greg Sullivan  
Jeff Miller

MEMBERS ABSENT

OTHERS PRESENT

Greg Sheline, Executive  
Director  
Alan Wilson, Attorney  
Dianne Trobaugh, Secretary

The meeting was called to order at 7:00 p.m. by Mr. Imbler, who turned the chair over to Mr. Wilson.

The first item on the agenda was the election of officers for 2020. Mr. Wilson opened the nominations for Chairman. Mr. Byrum nominated Mr. Imbler for Chairman, and Mr. Faulkner seconded. Mr. Byrum moved that nominations be closed, Mr. Faulkner seconded, and Mr. Imbler was elected unanimously as Chairman for 2020.

Mr. Imbler opened nominations for Vice-Chairman. Mr. Sullivan nominated Mr. Byrum, and Mr. Faulkner seconded. Mr. Faulkner moved that nominations be closed, Mr. Sullivan seconded, and Mr. Byrum was elected unanimously as Vice-Chairman for 2020.

The next item on the agenda was the approval of the minutes from the meeting held October 22, 2019. Mr. Byrum moved to approve the minutes as presented, Mr. Sullivan seconded, and the motion carried unanimously.

Case 1-CS-20: The public hearing of **GTE Mobilnet for Verizon Wireless** requesting a **Special Exception Permit in order to construct a monopole telecommunications facility (cell tower) (HCZO Sec. 2.03) in an AG (Agricultural) zone**, on property described as Part of the Southwest Quarter of Section 5, Township 24 North, Range 4 East, Howard Township, Kokomo, Howard County, Indiana, at **1001 East 550 North**.

Mr. Dave Coots of Coots, Henke & Wheeler, P.C., 255 E. Carmel Dr., Carmel, IN was present in the audience and addressed the members on behalf of the petitioners. Mr. Coots introduced Mr. Brian Ramirez, site specialist for Verizon, and Mr. John O'Donnell, who owns the property.

Mr. Coots advised that the property is near Cassville and is zoned AG. Mr. Coots clarified that the cell tower will be located on a

100' by 100' tract approximately 700 feet south of County Road 550 N.

Mr. Coots told the members that the proposed location for the tower has received the required FAA (Federal Aviation Administration) approval from the Kokomo Airport Authority.

Mr. Imbler asked Mr. Coots if the tower will be located next to the woods at the south end of the property, and Mr. Coots said that it will. Mr. Coots told the members that the tower will be buffered by the woods and an adjacent flood plain and that it fits comfortably within its engineered fall zone.

Mr. Coots read the petitioners' findings of fact, which are as follows:

**GTE Mobilnet of Indiana  
Special Exception for a telecommunications facility in an AG Zone  
550 N 100 E  
1-CS-20**

Petitioner's findings of fact

- a. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community.
  - The proposed monopole and lease area containing the ground lease equipment meet the requirements of the Howard County Zoning Ordinance and 5.58 TC-01 governing Telecommunications Facility Standards. There is no impact on public health per federal regulations and the safety concerns are satisfied by the Zoning Ordinance requirements. All federal regulations imposed by FAA and FCC will be implemented in the construction of the telecommunications facility.
- b. The requirements and development standards for the requested use as prescribed by this Zoning Ordinance will be met. The buildings meet the minimum requirements for front and side setback requirements on this zoning district.
  - All development standards contained in the Zoning Ordinance are fulfilled per the submitted plans and supporting documents. The prerequisite need requirements specified in 5.58 TC-01(A) have been demonstrated.
- c. The granting of the exception will not subvert the general purposes served by this Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity.
  - The proposed use is consistent with other uses permitted under the Zoning Ordinance in an AG District as a Special Use. The proposed telecommunications facility as contained in the submitted plans is consistent with and complies with the

Telecommunications Facility Standards of the Zoning Ordinance and has no negative impact on adjacent uses.

- d. The proposed use will be consistent with the character of the district therein, the spirit and intent of this Zoning Ordinance, and the Howard County Comprehensive Plan.
- The proposed use is contemplated by the Zoning Ordinance and the application has met all of the Zoning Ordinance requirements.

Mr. Sheline read the staff findings of fact, which are as follows:

GTE Mobilnet of Indiana  
Special Exception for a telecommunications facility in an AG Zone  
550 N 100 E  
1-CS-20

Staff's findings of fact

- a. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community.
- The proposed special exception for a telecommunications facility would include a 199-foot tall tower. The tower will meet all safety requirements and will not be injurious to the community and will sit far off the road in the middle of a field. It will be built outside of any recorded easement and outside of the flood plain.
- b. The requirements and development standards for the requested use as prescribed by this Zoning Ordinance will be met. The buildings meet the minimum requirements for front and side setback requirements on this zoning district.
- The proposed tower will meet the requirements of the zoning ordinance, including height, setbacks, and distance from homes. The tower and ground equipment will be contained in a 100'x100' area.
- c. The granting of the exception will not subvert the general purposes served by this Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity.
- The proposed tower will allow more phone coverage for nearby residents, making the area more desirable. Neighboring property owners may benefit from the presence of the tower as it will extend and boost phone coverage. The tower will be visible in the skyline, but will keep a narrow profile.
- d. The proposed use will be consistent with the character of the district therein, the spirit and intent of this Zoning Ordinance, and the Howard County Comprehensive Plan.

- *This area is intended for agricultural uses by the Howard County Comprehensive plan. This tower will not negatively impact the character of the area and will not interfere with the intended use of the land. The Howard County Zoning Ordinance states that the board allow a special exception use only when it clearly benefits adjacent properties; the staff believes the use for a telecommunications facility will be beneficial.*

Mr. Tom Cunningham, 1063 E 550 N, Kokomo, addressed the members and said that his house is on 550 N just east and north of the proposed site. Mr. Cunningham asked where the tower will be situated with regard to his house. Mr. Coots said that it will be approximately 900 feet southwest of Mr. Cunningham's lot.

Mr. Faulkner moved to approve case 1-CS-20 and Mr. Byrum seconded.

With no more questions from either the members or the audience Mr. Imber called for a vote, and the motion carried unanimously

**Other Business:** None.

There being no further business before the Howard County Board of Zoning Appeals, the meeting was adjourned at 7:15 p.m.

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Michael Imbler, Chairman  
Howard County Board of Zoning Appeals

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Greg Sheline  
Howard County Board of Zoning Appeals