

## September 16, 2008

The Ellettsville, Indiana, Board of Zoning Appeals met in session on Tuesday, September 16, 2008 at the Fire Department Training and Conference Room. Geraldine McIntyre called the meeting to order at 6:30 P.M., leading the Pledge of Allegiance.

**Roll Call:** Members present were Fred Baugh, Phil Rogers, Geraldine McIntyre, Darlyne Sowder, as well as Frank Nierzwicki and Connie Griffin.

Members Absent: Terry Baker

### Approval of the minutes – February 20, 2008

**Geraldine McIntyre-** Do I have a motion to approve of the minutes.

**Fred Baugh-** I approve of the minutes, and Phil Rogers seconded the motion.

**Geraldine McIntyre-** Minutes approved.

### Old Business

None

### New Business

#### 2008-EUV-003, 5858 W. State Road 46, David Keister (Variance, wireless tower in commercial zone)

**Frank Nierzwicki-** The petitioner would like to request a variance to have a 40' antenna installed at 5858 W. State Road 46. The property is zoned C-3, which is allowed, since a wireless facility needs to be in an industrial or agricultural zone. They are coming before you tonight to have a 40' tower to get their radio communications from the studio to a transmitter.

If approved tonight, the next step for the petitioner is to go before the Plan Commission for approval of a wireless communication facility.

**David Keister-** Petitioner, Mid America Radio- We hope to use the property for a radio studio for WCLS. Our transmitter is located on Lowden Hill. We have to get our music from the studio to the transmitter; we do that by a studio link, which is a low power transmitter.

**Geraldine McIntyre-** How many homes are back there? Are they going to build more homes out there?

**Frank Nierzwicki-** That would be an underuse of the zone.

**David Keister-** We notified four property owners. It isn't a potential residential area.

**Darlyne Sowder-** Is there some confusion concerning the town code.

**Frank Nierzwicki-** Our code is written for a wireless communication facility with 190' towers. Different signals were discussed. We have to consider safety issues, interference from the transmission. We may need to review our codes again.

**Darlyne Sowder-** So he doesn't really fit into the exemption?

**Frank Nierzwicki-** No.

Do we have anyone for or against the petition?

**Jay Richardson-** Adjoining property owner. Could they build a 200 foot tower on this location?

**Frank Nierzwicki-** The permit is for a 40' tower.

**Steve Ross-** Corporate Engineer Mid America Group- This will be a 40' tower. Even if it fell, it wouldn't hit your property. Steve described the size, dimension and characteristics of the dish and the antenna. It will hardly be noticed, because it doesn't stand out. It is called an STL, studio transmitter link. It will put out about 3 watts.

**Jay Richardson-** Will this change any of the setbacks.

**Frank Nierzwicki-** This will not change the setbacks.

**Darlyne Sowder-** Do you have insurance if it were to come down?

**Steve Ross-** We have insurance on everything we own, the wind will blow through the dish. Total weight of the tower and dish are about 150 lbs.

**David Keister-** We currently have 10 or more STL towers in Indiana, and we've never had a problem with them.

**Geraldine McIntyre-** Would anyone else like to speak?

I only have one problem with it; it's in a residential area.

**Frank Nierzwicki-** It's commercial.

**Geraldine McIntyre-** I thought it was in a residential area?

**Frank Nierzwicki-** No, it's commercial, along SR 46.

**Geraldine McIntyre-** I think we need to redo our codes.

**Frank Nierzwicki-** We have a work shop scheduled for Sept. 24 to discuss code issues.

**Geraldine McIntyre-** If we grant this we may have more wanting to come in.

**Frank Nierzwicki-** We need to have a motion one way or the other.

**Phil Rogers-** I make a motion we grant the variance for the tower, being constructed on the East side of the building, 5858 W. SR 46.

**Darlyne Sowder-** I'll second that motion.

**Geraldine McIntyre-** All in favor say aye? Motion carried, Four to zero.

**Roll Call-** Phillip Rogers- Yes, Fred Baugh-Yes, Darlyne Sowder-Yes, Geraldine McIntyre-Yes

**Geraldine McIntyre-** Anything else?

### **Adjournment**

**Geraldine McIntyre-** I entertain a motion to adjourn. Phil Rogers made a motion to adjourn, seconded by Fred Baugh. All in favor, motion carried. Meeting adjourned 7:45 P.M.

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**Terry Baker, President**

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**Geraldine McIntyre, Vice Pres.**

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**Fred Baugh**

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**Phil Rogers**

BZA September 16, 2008

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**Darlyne Sowder**

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**Connie Griffin, Secretary**