

**Johnson County Board of Zoning Appeals**  
**March 29, 2022 Special Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, March 29, 2022 in the Johnson County Courthouse Annex Auditorium. The special meeting was called to order at 6:06 PM by Chairman Chris Campbell.

**I. ROLL CALL:**

**Present:** Chad Bowman, Chris Campbell, Charlie Canary, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting), Rachael Schaefer (Planner – not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Paul Clodfelter (Alternate) and James Kaylor

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**II. PUBLIC HEARINGS:**

**SP-SCW-1-22 through SP-SCW-28-22; TeleCAD on behalf of Verizon Wireless – Waiver Request. Various Locations in the White River Township.**

Staff presented to the board members an **Exhibit** packet was provided to the board members containing guidance letter from Williams, Barrett & Wilkowski, Remonstrator letters and e-mails that were received prior to the meeting, signed Petition from residences within the locations of SP-SCW-13-22 through SP-SCW-15-22 and letter from the Johnson County Highway Department.

Staff advised the board that three (3) cases had timely filed for continuances. Case numbers SP-SCW-2-22, SP-SCW-3-22 and SP-SCW-9-22 will be heard at the April 26, 2022 Board of Zoning Appeals meeting.

Staff advised the board that three (3) cases have been withdrawn. Those case numbers are SP-SCW-12-22, SP-SCW-14-22 and SP-SCW-23-22.

Staff and legal counsel presented to the public and the board an overview of the Indiana State Codes and County Ordinances, why these waiver requests were being made and three (3) specific criteria for consideration when deciding whether to deny or approve said waivers.

Three (3) specific criteria:

1. Denial of the waiver request would effectively prohibit, or materially inhibit, the purposed wireless service in the area.
2. The proposed structure and its proposed location are not unreasonably dangerous.

3. The proposed structure and its proposed location do not violate any other applicable law or regulation, including generally applicable highway right of way regulations.

Board members asked questions and expressed concerns which were addressed by the staff and legal counsel as follows:

- Q. Board member Chad Bowman referred to number two (2) of the specific criteria for consideration and asked who is authorized to determine the definition of unreasonable?  
A. Legal counsel defined it as unreasonably dangerous as it would be a normal structure in the right of way. Such as, power lines. If it is felt that the proposed is worse than normal structures such as power lines it would be unreasonably dangerous.
- Q. Board member Charlie Canary referred to number one (1) of the specific criteria for consideration and asked what does materially inhibit means?  
A. Legal counsel defined it as if you were to take out that small cell facility that area will not be serviced by the technology.
- Q. Board member Chris Campbell inquired as to who gets to determine if the small cell facility is removed the area will not be serviced by the technology?  
A. Legal counsel advised that the Petitioner would provide evidence of some kind that would say if we take out the small tower facility in this area then the area won't have this same technology.
- Q. Board member Charlie Canary inquired as to whether or not that was the same as effectively prohibit or are those two (2) different definitions?  
A. Legal counsel stated that they were about the same.
- Q. Board member Chris Campbell questioned as to why the Petitioner would get to determine whether or not the service exists or not?  
A. Legal counsel advised that the Petitioner has the burden of proof to provide evidence that by removing the small cell facility the area will not have the same technology.

**Motion:** To hear the twenty-eight (28) cases individually. **Moved** by Chad Bowman. **Seconded** by None. **Motion died.**

**Motion:** To hear the twenty-eight (28) cases all together. **Moved** by Steve Powell. **Seconded** by None. **Motion died.**

**Motion:** To hear the twenty-eight (28) cases by subdivision. **Moved** by Charlie Canary. **Seconded** by Steve Powell. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

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Attorney Russell Brown requested a continuance for twenty-seven (27) of these waiver requests in order to allow time for the Petitioner to provide construction drawings that meet the requested Highway Department's setback requirement from a travel way.

**Motion:** To continue twenty-seven (27) cases. **Moved** by Petitioner. **Yes:** Bowman. **No:** Campbell, Canary and Powell. **Motion denied 3-1.**

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**Fair Oaks / SP-SCW-1-22**

Staff presented findings and facts to the board and recommended denial of this waiver request.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Steve Powell asked if the reason that the Petitioner was seeking these variance was because the Highway Departments criteria was not being met?  
A. No, the waiver requests do not meet the zoning requirements.
- Q. Board member Chris Campbell inquired as to whether or not 5G will not exist if the cell tower was not installed?  
A. If the tower is not installed the level of 5G service will not meet the coverage objective for this area.
- Q. Board member Charlie Canary inquired as to whether or not there was any coverage there now of any kind?  
A. Maybe, but it is not meeting the level of coverage objective for this area.
- Q. Board member Chris Campbell asked for clarification that the level of coverage was determined by the Petitioner?  
A. Yes.
- Q. Board member Charlie Canary asked if the level of coverage could be met in this area by another carrier?  
A. Unknown, due to the fact that Attorney Brown does not represent the other carriers.
- Q. Board member Charlie Canary inquired as to whether or not there was any coverage there now of any kind?

A. Maybe, but it is not meeting the level of coverage objective for this area. Attorney Brown for the Petitioner further commented that the board could not discriminate on placing towers in a location because another carrier already has service in that area.

- Board member Charlie Canary commented that he would be against allowing the Petitioner a tower at a location and then another company coming to the board and wanting them to allow their tower there too.
- Board member Charlie Canary commented that he understood collocating but he does not blame REMC for not allowing your cell services on their poles. They put their poles in for their use.

- Q. Board member Charlie Canary inquired as to whether or not the utilities were in the backyard?

A. Yes.

- Q. Board member Charlie Canary asked where does the electrical power come from to operate these cell facilities?

A. The power will be pulling from existing utility power within the existing utility easements.

- Q. Board member Charlie Canary inquired as to whether or not the Petitioner would be trenching through properties to access this power?

A. Yes.

Remonstrator Shane Pemberton (4949 Auburn Ford, Greenwood 46142) was present to express his concerns regarding placement and safety.

Remonstrator Kyle Dougherty (149 Hawthorne Ln., Greenwood 46142) was present to express his concerns regarding placement, coverage impact, structural/infrastructure needs, safety, lightening, no burden of proof and health issues.

Remonstrator Terrance Pavlack (4927 Auburn Ford, Greenwood 46142) was present to express his concerns regarding placement.

**Motion:** To deny SP-SCW-1-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Steve Powell. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

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**Motion:** To recess Board of Zoning Appeals Special Meeting until the regular scheduled Board of Zoning Appeals meeting is completed. **Moved** by Chad Bowman. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

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**Fairview Heights / SP-SCW-4-22; SP-SCW-5-22; SP-SCW-6-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Charlie Canary inquired as to whom decides whether or not a light is placed?  
A. The most adjacent property owner.
- Q. Board member Charlie Canary asked why that decision did not fall upon the Homeowners Association?  
A. Not all subdivisions have Homeowners Associations.
- Q. Board member Chad Bowman inquired as to the timeline of when any and all cell facilities would be placed?  
A. One (1) year to eighteen (18) months.
- Q. Board member Chris Campbell inquired as to whether or not any and all of the adjacent homeowners were consulted about these purposed plans?  
A. No.
- Q. Board member Chad Bowman asked legal counsel what the proper procedure would be if the member would be in favor of one (1) or more but not for all?  
A. Since the board has agreed to address these by subdivision the vote should be for all together or none at all.

Remonstrator Judith Heatherly (73 Hill Ct., Greenwood 46142) was present to express her concerns regarding health, safety, nature of the area and property value.

Remonstrator Lucas Hendricks (4018 Summit Ridge Dr., Greenwood 46142) was present to express his concerns regarding coverage, business interests and health impact.

Remonstrator Greg Heatherly (73 Hill Ct., Greenwood 46142) was present to express his concerns regarding power, coverage and lightening.

Remonstrator John Hubbard (301 Summit Ridge Dr., Greenwood 46142) was present to express his concerns regarding health and safety.

Remonstrator Karen Wildey (308 Summit Ridge Dr., Greenwood 46142) was present to express her concerns regarding property value, safety, health and nature of the area.

**Motion:** To deny SP-SCW-4-22, SP-SCW-5-22 and SP-SCW-6-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Chris Campbell. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

### **Innisbrooke / SP-SCW-7-22 and SP-SCW-8-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Chris Campbell inquired as to what the height of the cell facility needed to be?  
A. Forty-three (43) feet.
- Q. Board member Chris Campbell inquired as to what the height of the light would be?  
A. Thirteen (13) feet.
- Board members and staff discussed what the differences were with these cases versus the others. Staff also explained that the Homeowners Association for Innisbrooke has the control on what can or cannot be done with their light poles.

Remonstrator Terrance Pavlack (4927 Auburn Ford, Greenwood 46142) was present to express his concerns regarding placement and safety.

**Motion:** To approve SP-SCW-7-22 and SP-SCW-8-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3 and condition that the Homeowners Association must approve prior to installation. **Moved** by Charlie Canary. **Seconded** by Chad Bowman. **Yes:** Bowman and Canary. **No:** Campbell and Powell. **SP-SCW-7-22 and SP-SCW-8-22 continued to the April 26, 2022 Board of Zoning Appeals meeting.**

### **Pebble Run / SP-SCW-10-22 and SP-SCW-11-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Chris Campbell asked Attorney Brown if he was still maintaining that there is not 5G in this neighborhood?  
A. If the tower is not installed the level of 5G service will not meet the coverage objective for this area.
- Q. Board member Steve Powell asked for confirmation that all of these cell facilities are to be located within the right-of-ways not private easements correct?  
A. Yes.
- Q. Board member Steve Powell asked if the Petitioner had looked into placement within private easements?  
A. No, not permitted.

Remonstrator John Dishman (5196 Tracey Jo Rd., Greenwood 46142) was present to express his concerns regarding placement, safety, nature of the area, property value and health. **Exhibit** letter has been made in writing as well and presented to the board members.

Remonstrator David Young (5284 Tracey Jo Rd., Greenwood 46142) was present to express his concerns regarding his objection to this waiver request.

Remonstrator Dan Veldkamp (5205 Tracey Jo Rd., Greenwood 46142) was present to express his concerns regarding placement, coverage, price impact, property value and Highway Department requirements.

Remonstrator Steven Gericzak (5177 Tracey Jo Rd., Greenwood 46142) was present to express his concerns regarding placement and health.

Remonstrator Barbara Edmond (475 David Dr., Greenwood 46142) was present to express her concerns regarding coverage and health.

Remonstrator Dorothy Morris (414 Estes Rd., Greenwood 46142) was present to express her concerns regarding nature of the area, health and placement.

Remonstrator Pamela Young (5284 Tracey Jo Rd., Greenwood 46142) was present to express her concerns regarding nature of the area, health and placement. **Exhibit** Environmental Health Trust study report on 5G wireless and Small Cells was provided to the board members.

Remonstrator Robert Jennings (5301 Tracey Jo Rd., Greenwood 46142) was present to express his concerns regarding health and placement.

Remonstrator Antionette Mika (424 Estes Rd., Greenwood 46142) was present to express her concerns regarding health, nature of the area and placement.

**Motion:** To deny SP-SCW-10-22 and SP-SCW-11-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Charlie Canary. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

### **Southwind Estates / SP-SCW-13-22 and SP-SCW-15-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Remonstrator Ryan Panik (188 Lake Dr., Greenwood 46142) was present to express his concerns regarding placement, safety, health and property value.

Remonstrator Susan Nicoson (60 N. Southwind Ln., Greenwood 46142) was present to express her concerns regarding nature of the area, placement, property value, health and safety.

Remonstrator Dodd Drayer (313 Lake Dr., Greenwood 46142) was present to express his concerns regarding placement, nature of the area, property value, health and safety.

Remonstrator Theodore Sander (294 Sunrise Cir., Greenwood 46142) was present to express his concerns regarding coverage, obsolete technology, property value, safety and health.

Remonstrator Amy Sander (294 Sunrise Cir., Greenwood 46142) was present to express his concerns regarding health, safety, and proof of need.

**Motion:** To deny SP-SCW-13-22 and SP-SCW-15-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Chris Campbell. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

### **Windsong / SP-SCW-16-22; SP-SCW-17-22; SP-SCW-18-22; SP-SCW-19-22; SP-SCW-20-22; SP-SCW-21-22; SP-SCW-22-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.



Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Remonstrator Wilma Andre (4321 Jasmine Way, Greenwood 46142) was present to express her concerns regarding placement and coverage.

Remonstrator Stacey Bowden (4405 Hazy Ln., Greenwood 46142) was present to express her concerns regarding health and coverage.

Remonstrator Tami Vest (4301 Windview Cir., Greenwood 46142) was present to express her concerns regarding placement. **Exhibit** signed Petition presented to the board members.

Remonstrator Jerry Helderman (373 N. Windsong Ln., Greenwood 46142) was present to express his concerns regarding placement, safety and health.

Remonstrator Heather Foley (296 N. Windmill Trl., Greenwood 46142) was present to express her concerns regarding placement.

Remonstrator Nancy Plake (129 Leaning Tree Rd., Greenwood 46142) was present to express her concerns regarding placement, safety, and property value.

Remonstrator Wayne Andre (4321 Jasmine Way, Greenwood 46142) was present to express his concerns regarding placement and nature of the area.

Remonstrator Randy Cummings (4075 Rolling Trails Rd., Greenwood 46142) was present to express his concerns regarding placement, nature of the area, health and property value.

**Motion:** To deny SP-SCW-16-22, SP-SCW-17-22, SP-SCW-18-22, SP-SCW-19-22, SP-SCW-20-22, SP-SCW-21-22 and SP-SCW-22-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Steve Powell. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

#### **Wood Creek Estates / SP-SCW-24-22 and SP-SCW-25-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Remonstrator Debra Lee (3825 Pineview Ln., Greenwood 46142) was present to express her concerns regarding placement.

**Motion:** To deny SP-SCW-24-22 and SP-SCW-25-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

**Woodcreek Terrace / SP-SCW-26-22 and SP-SCW-27-22**

Staff presented findings and facts to the board and recommended denial of these waiver requests.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Chris Campbell asked Attorney Brown that in circumstances where there are large tracts is it legal for you to pay an owner for the rights to install a cell facility?  
A. No, not permitted.
- Q. Board member Charlie Canary inquired as to whether or not these cell facilities would be the same height as the others?  
A. Yes, forty-three (43) feet.
- Q. Board member Chad Bowman asked Attorney Brown what necessary services does Verizon anticipate providing that they do not provide currently to the existing population in this area?  
A. Capacity, to meet the demand of wireless growth patterns.
- Q. Board member Chad Bowman referred to testimony given earlier by Attorney Brown in regards to the cell facilities needing fiber, electricity and tower and further stated that 5G needed fiber and asked what would the 5G provide that underground fiber could not provide?  
A. Attorney Brown stated that he believed the 5G to be equal to fiber and that the Verizon service would be another alternative and customer choice.

Remonstrator James Lewis (3680 Creekwood Dr., Greenwood 46142) was present to express her concerns regarding placement. **Exhibit** signed Petition presented to the board members.

Remonstrator Michael Teipen (3652 Creekwood Dr., Greenwood 46142) was present to express his concerns regarding placement, health, costs and nature of the area.

Remonstrator Anne McGee (3920 Creekwood Dr., Greenwood 46142) was present to express her concerns regarding not meeting the three (3) criteria that staff has presented to the board.

Remonstrator Jessica Yoder (3714 Creekwood Dr., Greenwood 46142) was present to express her concerns regarding the three (3) criteria that staff has presented to the board.

Remonstrator Patricia Dewaelsche (3965 Creekwood Dr., Greenwood 46142) was present to express her concerns regarding need and safety.

**Motion:** To deny SP-SCW-26-22 and SP-SCW-27-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3. **Moved** by Charlie Canary.

**Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None.

**Motion approved 4-0.**

### **Woodridge Estate / SP-SCW-28-22**

Staff presented findings and facts to the board and recommended denial of this waiver request.

Attorney Russell Brown with Clark Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) on behalf of the Petitioner was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner, Remonstrators and staff as follows:

- Q. Board member Charlie Canary asked staff what the small pedestals were that were shown in the photo illustrations and if they were allowed?

A. Yes, junction boxes for underground utilities.

- Q. Board member Charlie Canary inquired as to whether or not this request still needed to meet the Highway Department's seven (7) feet requirement?

A. Yes.

- Q. Board member Steve Powell inquired as to where does Verizon go next?

A. Several avenues are possible such as redesign and come back, judicial review, changes through legislature or move on to another community.

Remonstrator William Smith (3953 Woodmore Dr., Greenwood 46142) was present to express his concerns regarding safety, placement and lightening.

Remonstrator David Snyder (3935 Woodmore Dr., Greenwood 46142) was present to express his concerns regarding need and placement.

**Motion:** To deny SP-SCW-28-22 for a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per

Johnson County Resolution 2017-R-3. **Moved** by Charlie Canary. **Seconded** by Steve Powell. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

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**III. ADJOURNMENT:**

Chairman Chris Campbell called for a motion to adjourn the meeting at 11:00 PM.

**Motion:** Adjourn the meeting. **Moved** by Chris Campell. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Powell. **No:** None. **Motion approved 4-0.**

Approved on: April 26, 2022

By:

  
Chris Campbell, Chairman

Attested By:

  
Steve Powell, Secretary



**WILLIAMS BARRETT & WILKOWSKI**  
L L P

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March 24, 2022

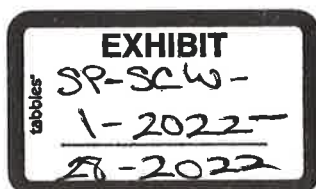
To: Michele Hansard, AICP, Director, Johnson County Planning & Zoning  
From: Williams Barrett & Wilkowsi, LLP  
Re: Legal Standard for Consideration of Small Cell Tower Waiver Requests

We provide this memo in connection with case numbers SP-SCW-1-2022 to SP-SCW-28-2022 (collectively the “Small Cell Tower Waiver Requests” or “Waiver Requests”) pending before the Johnson County Board of Zoning Appeals (“BZA”). This memo is to be utilized to guide staff of the Johnson County Planning & Zoning office, the BZA, petitioners, and remonstrators in relation to the review, analysis, discussion, consideration, and determination of the pending Waiver Requests and any future waiver requests of this kind that may be submitted to the BZA under the currently applicable laws, regulations, ordinances, resolutions, and procedures.

Because State and Federal lawmakers, and their agencies and regulators, have adopted laws, regulations, and policies facilitating the installation of small cell tower networks, including within areas designated for underground utilities, the BZA has limited authority when considering Waiver Requests for the placement of small cell towers. Consequently, in order to exercise the BZA’s limited authority within the boundaries of these laws and regulations, legal counsel for the BZA recommends that the following be considered the legal standard to be applied in determining the approval or denial of the Small Cell Tower Waiver Requests:

**A Waiver Request is entitled to be approved if all of the following criteria are satisfied:**

- 1. Denial of the waiver request would effectively prohibit, or materially inhibit, the proposed wireless service in the area.**
- 2. The proposed structure and its proposed location are not unreasonably dangerous.**
- 3. The proposed structure and its proposed location do not violate any other applicable law or regulation, including generally applicable highway right of way regulations.**



March 28, 2022

Nickole Huffman  
3136 Lake Court  
Greenwood, Indiana 46142  
Nickolehuffman@Gmail.Com

Johnson County Planning Department  
86 W. Court Street, #2  
Franklin, Indiana 46142  
RE: Hearing on March 29, 2022, proposed cell towers

Dear Johnson County Planning Board of Directors,

My name is Nickole Huffman and my family currently lives at 3136 Lake Court, Greenwood, in the Southwind Estates subdivision. We have lived here for almost seven years and love our home and our neighborhood. We recently learned of a petition submitted by TeleCad on behalf of Verizon Wireless to install small 5G cell towers in various areas of our county, including Southwind Estates. One proposed tower is directly across the street from our home.

While I understand the demand for more coverage by Verizon Wireless, I am deeply concerned about the locations of these proposed towers. While they could be an eye sore, I am less concerned about appearance, and more concerned about the ramifications this could have on my family's well being and those of our neighbors, many whom are elderly.

The transmissions to and from proposed 5G wireless installations are radio-frequency emissions that are an environmental pollutant found to cause cancer (in both experimental animals and humans), DNA damage, neurological damage and other adverse health and environmental effects (ie: on birds, bees, and trees). While these claims may seem a bit extreme, there have been studies conducted by internationally recognized authoritative research entities that can back up these claims. These prestigious institutions include the U.S. National Toxicology Program, the nation's premier testing institute, and the Ramazzini Institute, a foremost testing center in Italy.

I have read pages and pages upon pages of ramifications of these towers on our environment and the harm they can cause on birds, bees, wildlife, plants, trees, and more importantly, on our bodies. I've listened to testimonies from doctors and read about scientists in 42 countries who shared their concerns, warning their local governments about emerging health problems directly correlated with wireless radiation. Their testimonies and additional research

show that there are concerns about physiological and/or morphological effects, including (but not limited to) impaired reproduction, increased evidence of brain cancer, oxidative stress, immune dysfunction, sleep changes, hyperactivity, general feelings of malaise, severe headaches, altered brain development, and memory and cognitive problems. A 2019 study of students in schools near cell towers found their RF exposure was associated with impacts on motor skills, memory, and attention. Other studies show an increase in neuropsychiatric problems, elevated diabetes, headaches, sleep problems, and genetic damage. While I don't feel it is necessary to go through every side effect and every study conducted, I will include a supplemental document that highlights many of these studies, in case you would like an opportunity to read more.

As I mentioned before, I understand that there is a growing demand for faster service, but at what cost are we (or you) willing to risk the health and well being of our citizens? We are a homeschooling family who spends a large majority of our day in the home. Should these cell towers be installed just across the street, our family will not only be exposed to the EMF radiation of them while we sleep (which is the most vital time for our bodies to rest and repair), we would have high levels of exposure during the day, as well. As a family who has been on a long journey of health and wellness, this could be detrimental to our health.

I am nothing short of begging you to deny the petition regarding the rezoning of the poles in Southwind (all of them) and any subsequent requests that try to find a way around it. Our family lost our home in the flood of 2008. It took us seven years to recover from this flood, and this home is special to us. We love living here, we love the redemptive nature our home brings, and we would be absolutely devastated if you chose to vote for exemptions to allow Verizon Wireless to put 5G towers in our neighborhood that could physically harm us.

Please consider reading through the various research that has been conducted regarding cell towers and the harm they bring. While I understand that our bodies are constantly being exposed to radiation through our wireless routers, cell phones, and other technology, there are ways to limit that exposure by simply turning them off, or limiting their usage, yet when it comes to 5G towers, we have no control. I cannot simply turn the cell tower across the street off when my children are sleeping.

I am so thankful you have given me the opportunity to share my request. I am unable to attend the hearing as I will be out of state and am hoping this letter serves as a special request/testimony and will be used in my absence.

Sincerely,

Nickole Huffman

On behalf of our family: Gregory Huffman, Josiah Huffman, and Samara Huffman

## **Hansard Michele - Planning & Zoning**

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**From:** JO WOODS <jodie.woods@comcast.net>  
**Sent:** Tuesday, March 29, 2022 12:33 PM  
**To:** Hansard Michele - Planning & Zoning; Schaefer, Rachael - Planning & Zoning  
**Subject:** Petitions by Verizon SP-SCW-1-2022; SP-SCW-2-2022; SP-SCW-3-2022;

I'm almost a 9-year resident of the Fair Oaks subdivision. My opposition to the petitions listed above are to granting them without a clear record that the petitioner agrees that the allowance of any tower in Fair Oaks is not to be used as evidence that any new or different tower in the subdivision be granted, or allowed even if there has been an agreement reached. The record should be made clear that one tower is not to remove the subdivision from being considered as an underground utility subdivision. Thank you for considering my request, and especially if clearly acted upon.

I regret that I am currently unable to attend the hearing in person.

Jo Angela Woods  
228 Elmscourt Circle  
Greenwood, IN 46142  
317-888-1001

[jodie.woods@comcast.net](mailto:jodie.woods@comcast.net)



**Remonstrance Against Verizon Wireless 5G Poles**

**Petitions/Case #: SP-SCW-15-2022; SP-SCW-14-2022; SP-SCW-13-2022**

By signature below, I hereby acknowledge that I live near and/or own property near the proposed locations for the Verizon 5G Wireless Poles in the above referenced Petitions/Case #. My signature below confirms my opposition to and remonstrance against said Petitions.

Name (Printed)	Signature	Address, Phone, and/or Email
Ryan Parik		188 Lake Drive 317-370-9011
Kim Lewis-Freeland		176 Lake Dr. 317/371-3393
Nick Lynd		164 LAKE DR 317 851-2392
Andrea M. Smith		302 Lake Dr. 317-918-6069
STEVEN D. SMITH		302 LAKE DR 317 918 6028
Jeremy Beeson		178 Southwind Ct 317 918 8227
Kelsey Memmhall		151 Lake Dr. 317-460-4585
Kathy Whittington		245 Southwind Way 317-796-4444
JERRON WESSUBER		245 Southwind Way 317-508-1635
DENNIS KLOCKER		158 LAKE DR 317 509-5540
Christy Vopelak		195 Lake Drive 317.670.7839
Ted Sander		294 Sunrise Circle 317-352-6704
Marcy Siller		141 Lake Dr. 317-514-1102
Stephen Thompson		133 Lake Dr 317-362-5199
HELEN L SIMS		117 Lake Dr. 317 888-4215
Phil Sims		" " "
Jerry Grider		91 Lake Dr 317-626-6997
Janula Bush		102 Lake Dr 317-294-2536
Beth Hass		244 Sunrise Cr 423-526-9766
Teri Wright		282 Sunrise Cr. 317-509-9514
Sue Tapplee		264 Sunrise Cr 317 753 5350
Beth Van Gordon		298 Lake Dr. 317-502-4311
Clay Steel		281 Lake Dr 317-753-4095
Sarah Steel		277 Lake Dr. 317-308-5143
Donna Vothorn		277 Lake Dr 317-851-9384
Robin M. Williams		237 LAKE DR. 317-480-1813
Steve Goodson		271 Southwind Way 317 371-7702
SUE GOODSON		348 CLYDE HILLS CT 317 714 5871
Alan Leonard		163 Lake Dr 317 888 7678
John Alquist		163 LAKE DR 317-888-7078
Barb Alquist		192 Southwind Way 317-409-7050
<del>John Alquist</del>	<del></del>	192 Southwind Way 317-409-7060
<del>John Alquist</del>	<del></del>	260 Lake Dr 317 319 5558
<del>John Alquist</del>	<del></del>	260 Lake Dr 317 319 8402
<del>John Alquist</del>	<del></del>	<del>317 319 1119</del>
Kelly Elliott		259 Lake Dr. Greenwood 46142 317-918-4477
Diana Williams		136 Lake Dr. Greenwood, TN 46142

**Remonstrations Against Verizon Wireless 5G Poles**  
**Petitions/Case #: SP-SCW-15-2022; SP-SCW-14-2022; SP-SCW-13-2022**

By signature below, I hereby acknowledge that I live near and/or own property near the proposed locations for the Verizon 5G Wireless Poles in the above referenced Petitions/Case #. My signature below confirms my opposition to and remonstrations against said Petitions.

Name (Printed)	Signature	Address, Phone, and/or Email
Christine Woodruff		3133 Lake Ct. 317-840-0331
RICHARD C. BARTON		3153 LAKE CT 317-888-1783
JERONETTE BARTON		3153 LAKE CT 317-888-1783
MARK KIRCH		3153 LAKE CT 404-626-0963
Craig Lister		3157 Lake Ct 317-345-6710
Linda Sykes		3154 Lake Ct 317-331-6749
Louis Lauck		339 LAKE DR 317 506-9494
CHRISTINA LAUCK		339 Lake Dr 317 412 3843
CRYSTAL Schaeffer		340 Green Hills CT. 317-828-2633
KEVIN SWOFFER		u
Mike Schaeffer		340 Green Hills Ct 317-828-2736
BO OGLE		346 Green Hills Ct 317-847-9853
Karen Steward		299 Lake Drive 317-435-0434
Kelly Weis		3140 Lake Ct 317 502-8767
Clint Weis		3140 Lake Ct 317-752-9706
Alexandra Venney		3162 Lake Ct 317-48372-3005
Debbie England		3155 Lake Ct 317-443-0658
Negan Lister		3157 Lake Ct. 765-4909999
Nickole Huffman		3136 Lake Ct. 317-258-3249
Greg Huffman		3136 Lake Ct 317-258-3249
Sabrina Huffman		3136 Lake Ct
Josiah Huffman		3136 Lake Ct
Dodd Drazge		317 Lake Dr 970-310-1808
JASON BLANETTE		316 Lake Dr 317-652-7579
Sam Arbuckle		348 Lake Dr. 317-652-7579

This letter is to be read at the meeting to be held on March 29<sup>th</sup> at 6 pm at Johnson County Annex Building, 86 west Court St, Franklin IN.

The meeting is to address Verizon's request to erect 5G small tower [43FT] in the ROW, on the corner of my lot at 4070 Rolling Trails Rd Greenwood IN 46142, and on other lots in the Windsong neighborhood. My husband Joseph and I have a personal objection to this and other towers in our neighborhood. We do not want it in our front yard. It will lower our property value and is aesthetically unattractive. One of the primary reasons we purchased this property is that the Windsong addition has underground utilities. We have no utility poles or lines but now Verizon wants to stick a 43ft. tower in our front yard. This is not acceptable on a personal level.

This request by Verizon is a special exception to the use of the Public ROW, to the Board of Commissioners of Johnson County. This may benefit a small portion of our population but not all. The tower is not like the water, electricity, gas, cable and internet service already located in the Public ROW. These are under ground and benefit all. This is a 43 ft. tower placed in, by my count, in the ROW of 8 individual properties in the Windsong addition. I think these towers would be unnecessary and would not appreciably improve the internet and wireless capability we already have.

My husband and I do not want this tower in the ROW of our property for the personal reasons that I have sited, the decline in property value, and the aesthetics look of a 43 ft tower in our front yard. I also do not believe it is a necessary improvement to what we already have. Patricia Lill and Joseph Lill 4070 rolling Trails Rd Greenwood in. 46142

First of all, I want to say thank you for letting me speak on behalf of myself and the group of residents that own houses around this proposed tower at 5191 Tracey Jo rd. I'm speaking for the 6 homeowners directly around this proposed tower as well as other residents in Pebble Run.

Our biggest concern is the damage to our property values. After speaking with several established relators in our area It has been said that such a structure could and will distract potential home buyers from considering our property when comparing like homes without such a commercial tower in plain view. Secondly it's the eyesore that such a commercial tower located in the front yard of a residence will do to the eye a peel of our neighborhood that we live in every day.

Understanding that with progress some things are unavoidable we have a simple proposed solution to offer.

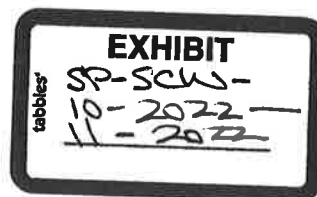
Relocating the tower 200ft from it's current proposed site will put the tower across the street (Fairview rd) and in area that already has other commercial poles such as parking lot lights poles, weather siren pole, and other commercial structures.

Please look at the ariel photos and you'll see that the open area I mention has utility easement's in place, no obstacles such as trees , fences or buildings and a commercial structure such as yours will blend in that environment without being an eyesore or hurting residential home prices.

This issue can be put to rest by simply moving 200ft south from it's current proposed site.

Thank you

John Dishman







## What You Need To Know About 5G Wireless and “Small” Cells

*“We recommend a moratorium on the roll-out of the fifth generation, 5G, for telecommunication until potential hazards for human health and the environment have been fully investigated by scientists independent from industry...RF-EMF has been proven to be harmful for humans and the environment.”*

— 2017 5G Scientific Appeal (signed by more than 180 scientists and doctors from 35 countries)

Nationwide, communities are being told by wireless companies that it is necessary to build “small cell” wireless facilities in neighborhoods on streetlight and utility poles in order to offer 5G, a new technology that will connect the Internet of Things (IoT). At the local, state, and federal level, new legislation and new zoning aim to streamline the installation of these 5G “small cell” antennas in public rights-of-way.

**The radiation from small cells is not small:** Wireless antennas emit microwaves — non-ionizing radiofrequency radiation — and essentially function as cell towers. Radiation emitted from small cells is expected to typically travel from 10 feet up to several hundred feet.

**Millions of small cells to be built in front yards:** The Federal Communications Commission estimates that millions of these wireless transmitters will be built in our rights-of-way, directly in front of our homes.

**5G will add to — not replace — our current wireless technology:** 5G will add in another layer of wireless radiation to our environment. 5G will not only utilize wireless frequencies already in use but also add in higher frequencies — submillimeter and millimeter waves — in order to transmit data at superfast speeds.

**Community authority is overruled:** Communities are being stripped of their right to make decisions about this new technology. “Streamlining” means almost automatic approval. Public notice and public hearings are being eliminated. Even if every homeowner on the block opposes the antennas on their street, the opposition will be disregarded.

**Scientists worldwide are calling for a halt to the 5G Roll-out:** In 2017, over 180 scientists and doctors issued a declaration calling for a moratorium on the increase of 5G cell antennas citing human health effects and impacts to wildlife.

Read the 2017 Scientific Appeal on 5G To the European Commission

Read the 2015 EMF Scientist Appeal to the United Nations

Read Letters From Dozens of Scientists on Health Risks of 5G

**Cumulative daily radiation exposure poses serious public health risks:** Peer reviewed, published science indicates that exposures to wireless radiation can increase cancer risk and alter brain development and damage sperm. Most people are unaware that wireless technology was never tested for long-term safety, that children are more vulnerable and that the accumulated scientific evidence shows harm.

**Decreased property values:** Studies show property values drop up to 20% on homes near cell towers. Would you buy a home with a mini cell tower in the yard?

Read Research on Cellular Base Stations Near Homes

**Microwave antennas in front yards present several worker and public safety issues:** Unions have already filed comments that workers were injured, unaware they were working near transmitting antennas. How will HVAC workers, window washers, and tree cutters be protected? The heavy large equipment cabinets mounted on poles along our sidewalks also present new hazards. Cars run into utility poles, often, what then?

**There is a safer alternative:** Worldwide, many regions invest in safer and smarter fiber optic cabling all the way to each home, rather than antennas in front yards. Wired fiberoptic connections are safer, faster, more reliable, provide greater capacity, and are more cyber-secure.

## KEY RESEARCH AND REPORTS

### Study Finds 5G Frequencies Have A Biological Effect

A newly published study from distinguished Israeli physicists Yuri Feldman, Paul Ben-Ishai and colleagues found that the higher millimeter frequencies intended for use in 5G are preferentially absorbed in the sweat duct, a significant biological effect. Read the study "The Modeling of the Absorbance of the Sub-THz Radiation by Human Skin." Watch a lecture by Paul Ben-Ishai, PhD at 2017 IAS Conference.

### US National Toxicology Program (NTP) Study Found Wireless Caused Cancer and DNA Damage in Rodents

The National Institute of Environmental Health Sciences NTP long-term radiofrequency radiation (RFR) studies found male rats developed gliomas (brain cancer) and schwann cell tumors, the same types of tumors increased in long-term human cell phone users. In addition, DNA damage was found leading the scientists to conclude that, "exposure to RFR has the potential to induce measurable DNA damage under certain exposure conditions."

### Cell Tower Radiation is Linked To Damage in Human Blood

A newly published study compared people living close and far from cell antennas and found a significant impact on people living closer to cellular antennas. Damage was found in their blood that predicts cancer development. Read the study "Impact of radiofrequency radiation on DNA damage and antioxidants in peripheral blood lymphocytes of humans residing in the vicinity of mobile phone base station" (Zothansiana et al, 2017; published in *Electromagnetic Biology and Medicine*).

### Millimeter Waves Impact Bacteria Growth

New research finds that millimeter waves alter bacteria growth, and the combined action of these frequencies with antibiotics had even stronger effects. Read the study "Millimeter waves or extremely high frequency electromagnetic fields in the environment: what are their effects on bacteria?" (published in *Applied Microbiology and Biotechnology*).

## RESOURCES

A 5G Wireless Future: Will it give us a smart nation or contribute to an unhealthy one?" Santa Clara Medical Association Bulletin, Cindy Russell MD, 2017

Letters by Scientists in Opposition To 5G Research on Cell Tower Radiation, 2017  
Research on Cell Tower Radiation

Biological Effects from Exposure to Electromagnetic Radiation Emitted by Cell Tower Base Stations and Other Antenna Arrays, Levitt and Lai, 2010

Radiofrequency radiation injures trees around mobile phone base stations, Waldmann-Selsam et al., 2016

Department of Interior Letter on the Impact of Cell Towers on Migratory Birds, Willie R. Taylor Director, Office of Environmental Policy and Compliance, 2014

Anthropogenic radiofrequency electromagnetic fields as an emerging threat to wildlife orientation, Balmori, 2015

Briefing Memorandum On The Impacts from Thermal and Non-thermal Non-ionizing Radiation to Birds and Other Wildlife, Manville, 2016

## TAKE ACTION

Contact local, state and federal elected officials in person.

Share this information with your friends, family and community.

Ask for government policy that reduces RFR exposure to the public.

**Citizens in all states must organize and take action to halt federal legislation which is moving forward right now.**

## LEARN MORE

Federal Legislation To Know

US States With Streamlining Bills

### 5G Small Cell Antennas To Be Placed On:

- Street lights
- Trashcans
- Utility poles
- Bus stops
- Sides of buildings

### 5 Reasons Why Small Cells Are Not Small

- Increased radiation near homes
- Refrigerator-sized equipment cabinet
- Drop in property values
- Taller poles
- Fixtures weigh hundreds of pounds

### Crown Castle's 2016 10-K Annual Report says:

"If radio frequency emissions from wireless handsets or equipment on our wireless infrastructure are demonstrated to cause negative health effects, potential future claims could adversely affect our operations, costs or revenues... We currently do not maintain any significant insurance with respect to these matters."

Read warnings from Crown Castle, Verizon and other wireless companies.

### The American Academy of Pediatrics says:

"An Egyptian study confirmed concerns that living nearby mobile phone base stations increased the risk for developing:

- Headaches
- Memory problems
- Dizziness
- Depression
- Sleep problems"

### AAP on Cell Towers & Reducing Cell Phone Radiation

**Letter from oncologist Lennart Hardell MD & Colleagues:** "There is a substantial body of evidence that this technology is harmful to humans and the environment. The 5G millimeter wave is known to heat the eyes, skin and testes... Of particular concern are the most vulnerable among us — the unborn, children, the infirm, the elderly and the disabled. It is also expected that populations of bees and birds will drastically decline."

2017 Scientific Letter

### Peer Reviewed Research Studies on Radiofrequency Radiation Have Found:

- Headaches
- Sperm damage
- Altered brain development
- Depression
- Neurological symptoms
- Hormone changes
- Memory problems
- Sleep problems
- Cancer

### See also:

Dr. Moskowitz, University of California at Berkeley  
Dr. Lennart Hardell Örebro University Sweden  
The Baby Safe Project  
Physicians for Safe Technology



Windsong

Windview Circle

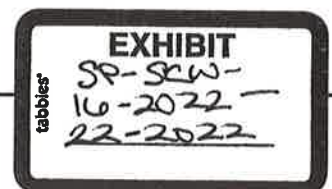
Our Circle

Attention to: Michele Hansard, Staff Planner for Johnson County Planning and Zoning  
Re: Petition SP-SCW-1-2022 through SP-SCW-28-2022 Verizon Small Cell Towers

I am a resident and homeowner in the Windsong addition where there is a proposed variance to the zoning law that states "Placement of new utility poles or new wireless support structures is prohibited in the District". This is a suburban housing addition, with neither the roadways wide enough or buildings tall enough to accommodate 43-47 foot towers. (As seen in the pictures) Furthermore, as Daniel R. Mandelker, noted lawyer on the subject of land use, states in his most recent edition of his book, "Land Use Law":






"A clear majority of courts hold that aesthetics alone is a legitimate purpose in land use regulation". On this subject of aesthetics, the middle of Windsong is situated so that eight of the twenty-eight proposed towers, soaring above all the houses and many trees, will mar the view that was a reason we bought a house here. We may see a decrease of our property values due to this. We are opposed to this variance, and would like to see it denied.

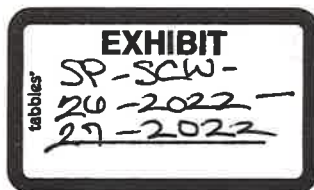
NAME	ADDRESS	NOTES
FRED VEST Fred Vest	4301 Windview Cir.	
TAMI VEST Tami Vest	4301 Windview Cir.	
MARJAN Reel Marjan Reel	4379 Windview Cir	
Erin Wogomon Erin Wogomon	4337 Windview Circle	
Steve Reel Steve Reel	4379 Windview Circle	
Mary Gates Mary Gates	4382 Windview Cir	
Amy Letgler Amy Letgler	4323 Windview Circle	



Name	Address	Comments
Don Leitgeb Don Leitgeb	4323 Windview Circle	
Lori A. Ramirez Lori A. Ramirez	4324 Windview Cir Wind. Greenwood, IN	
Roy BROWN Roy Brown	4342 WINDVIEW CIR GREENWOOD, IN	


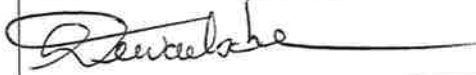






We the undersigned oppose the waiver to allow new wireless 5G structures to be constructed in our neighborhood specifically case #SP-SCW-26-2022 and #SP-SCW-27-2022

Name	Address	Signature
JAMES LEWIS	3680 CREEKWOOD DR GREENWOOD, IN 46142	
MARY ANNE SMITH	3694 CREEKWOOD DR GREENWOOD IN 46142	Mary Anne Smith
Jim & Doree Roberts	3750 CREEKWOOD DR 46142	
Mike Bryant	3778 creekwood Dr 46142	
DAVID DAVIS	3876 CREEKWOOD DR 46142	
LARRY AYLES	3890 CREEKWOOD DR 46142	Larry Ayles
Anne McGee	3920 Creekwood Dr 46142	AMcGee / ACM
Jaime Wright	3942 Creekwood Dr. 46142	Jaime Wright
Andri Ruff	3956 Creekwood Dr 46142	
William Dehoyer	3262 Creekwood Dr 46142	WDS
Therese Maggias	3968 Creekwood Dr 46142	Therese Maggias






317 529 7033

We the undersigned oppose the waiver to allow new wireless 5G structures to be constructed in our neighborhood specifically case #SP-SCW-26-2022 and #SP-SCW-27-2022

Name	Address	Signature
DAVID L. BRODHAGEN	3974 CREEKWOOD DR	
ARTHUR J DEWAELSCHÉ	3965 CREEKWOOD DR	
Sarah Skipworth	3973 Creekwood Dr.	
NANCY McCAFFREY	3986 CREEKWOOD DR.	
JOHN C. SPRINGMAN	3915 CREEKWOOD DR.	
KONSTANTINOS GEROLIS	3934 Creekwood DR	
Chris Pictou	3916 Creekwood Dr.	
DEMETRIOS GEROLIS	3919 CREEKWOOD DR.	

We the undersigned oppose the waiver to allow new wireless 5G structures to be constructed in our neighborhood specifically case #SP-SCW-26-2022 and #SP-SCW-27-2022

Name	Address	Signature
SHAUNA CROWELL	3614 Creekwood Dr Greenwood, IN 46143	
Bob Frankworth	3792 CREEKWOOD D	
Sarah Corey	3812 Creekwood Drive	SCorey
Jim Yoder	3848 CREEKWOOD	
Jessica Yoder	3714 Creekwood Dr.	Jessica Yoder
Michael Teipen	3652 Creekwood Dr	Michael J. Teipen