

# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>

Toll Free (352) 489-2120 • TTY (352) 527-5312

3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

PL1-08-068

July 18, 2008

Thomas Warren  
5912 Walnut St.  
Temple Hills, MD 20748

**RE: Application No. CU-08-08**

LOCATION: Section 27, Township 18 South, Range 18 East; more specifically, Timberlane Estates Revised, Lots 86 & 87; which address is 1403 N. Prospect Ave. Lecanto, Florida.

Dear Mr. Warren:

At the July 18, 2008, hearing of the Citrus County Planning and Development Review Board (PDRB), your request for a conditional use from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request to allow for the construction of a HAM Radio tower that exceeds the 70-foot maximum height for Amateur Radio, pursuant to Section 4673, Commercial Wireless Telecommunications Towers, Structures, and Antennas, of the Land Development Code (LDC) was **APPROVED** subject to the following conditions:

1. This Conditional Use is limited to the construction and operation of one HAM radio tower that exceeds a height of 70 feet, but is not to exceed a height of 120 feet above ground level.
2. The proposed HAM radio tower must be placed on the site so that it will have a minimum setback from property lines that is equivalent to 100 percent of the certified fall zone as stated in the signed and sealed letter by an engineer licensed in the state of Florida, which is date stamped May 14, 2008.
3. If after one week of notice of such interference from the Water Resources Department via certified mail, the situation has not been remedied, the owner agrees to cease operation and use of this installation.
4. Any lighting must be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.
5. The proposed HAM radio tower must be of neutral color such as either a galvanized finish or non-contrasting blue or gray finish.
6. The proposed HAM radio tower must be fenced to prohibit access to it.
7. The proposed HAM radio tower must have a buffer along the property lines of either natural vegetation or planted material to mitigate the visual impact.
8. The proposed HAM radio tower must be used in a manner that is incidental and accessory to the primary residence and may not allow for further collocation.
9. A complete set of revised site plans and building plans for an accessory residential structure must be submitted to the Department of Development Services showing compliance with this application and the LDC prior to the issuance of any permits.
10. Noncompliance with or any violation of the above referenced conditions, as may be determined by the Citrus County Code Enforcement Proceedings may, in addition to any penalty imposed by Code Enforcement and subsequent to the procedural requirements set forth in Section 2223 of the Citrus County Land Development Code being satisfied, render this Conditional Use null, void, and of no force or effect.

It is the responsibility of the property owner to obtain a Development Order subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5239  
Fax 527-5252



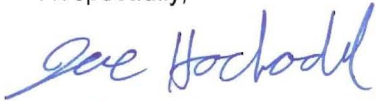
A complete record of the hearing, findings of fact, and the decision of the PDRB are available for your inspection at the Department of Development Services Office, 3600 West Sovereign Path, Suite 140, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 2500 Appeals, of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDRB and all appeals must be filed within 30 days after rendition of the decision by the PDRB.

If any person decides to appeal any decision made by the PDRB with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Community Development Division (352-527-5239).

Respectfully,



Joe Hochadel  
Planner  
Community Development Division

JH/ds

cc: Assistant County Attorney  
Officer of Code Enforcement; Department of Public Safety  
Community Development Coordinator, Community Development Division  
Graphics Coordinator, Community Development Division  
Customer Service Supervisor  
Master File

**CU-08-08 Thomas Warren**

**REQUEST:** To allow for the construction of a HAM Radio tower that exceeds the 70 foot maximum height for Amateur Radio, pursuant to Section 4673 Commercial Wireless Telecommunications Towers, Structures, and Antennas, of the Land Development Code (LDC). **LOCATION:** Section 27, Township 18 South, Range 18 East; more specifically, Timberlane Estates Revised, Lots 86 & 87, which address is 1403 N. Prospect Ave. Lecanto, Florida.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS

**STAFF CONTACT:** Joe Hochadel, Planner

Mr. Hochadel gave the staff report. Mrs. Coester made the PowerPoint presentation.

**STAFF COMMENTS:**

**PROPONENT:** Fred Hopengarten, Esq., on behalf of Thomas Warren, described Mr. Warren's professional qualifications and educational degrees, reviewed slides on regulation of commercial towers and amateur radio towers, talked about accessory and principal uses, buffering issues, laws for ham radio operations, distance of the proposed tower to residential structures, visibility of the tower through trees, actual photos of the proposed tower, interference, number of towers allowable, removal of towers as people relocate and take them along, and that the applicant would agree to all conditions for approval.

Harvey Stranigan, local resident, stated he had no problem with this antenna in his development.

**OPPONENT:** Ed Bosworth, immediate resident to this property, stated his concerns regarding frequency bleed-over, lightning issues, land value, and having to look directly at this tower.

Max Minnich, resident from 200 yards of the tower, stated his concerns about property value, and that he should not have to pay for someone's hobby.

Halina Matyko, local resident, spoke about harmful radiation from the tower, and the possibility of leukemia.

Sally Jeroniminck, local resident, stated her objection due to lightning strikes, and handed the Board two letters of objection from residents who could not attend today.

Larry Crosby, local resident from Terra Vista, asked the Board to reject this application, asked that eleven people in the audience stand who were also against approval, that this was a visual blight to their community, concerns that needed to be addressed, that the slides that were presented were old, and that many residents had not received their notification letters on this application. Mr. Crosby asked that the Board continue this application until further investigation could be made.

Barry Rioux, local resident, stated there were 120 more lots that are yet to be built on, and that prospective buyers would not buy due to the tower being built there.

Floyd Ford, local resident from Timberlane, stated they got a lot of lightning in his area due to the high land that he lived on, that he loved ham radio, but that this was incompatible with the community. Mr. Ford was also concerned about power levels of the towers and interference with appliances.

Moo Uhm, local resident, stated his property was next to this project, and that his concern was over property values in the future.

Ken Hedden, local resident, stated property values would suffer, and that vegetation would not hide the tower.

Tim Allensworth, local resident, stated that this application be continued so that the homeowner's association had time to review all information.

Robert Blanda, local resident, stated her opposition due to the fact this would be comparable to an eleven story building, and that nobody would want to move there after the tower was constructed.

Larry Dalton, local resident, stated his opposition due to everything that was presented today.



Fred Edwards, local resident, stated there was no permit for a house, and that he was concerned about a commercial tower business moving there.

Gayle Widell, local resident, stated her opposition due to the height of the property and the added height of a tower.

REBUTTAL: Fred Hopengarten answered the question regarding radiation, that it was low compared to the standards, that the towers would not be visible due to vegetative buffering, that this was a self imposed by the developer of Terra Vista due to tree removal, that this would save residents from lightning, that this was the first time anyone had seen an application like this so that there was no precedent, and that this was not a commercial tower due to a residence being built on this property by the applicant. Mr. Hopengarten stated that this tower would be used for communications around the world.

DISCUSSION: Mrs. Ennis agreed with staff, Mr. Garvin asked Attorney Greg Brennan to review the regulations on amateur radio towers, accessory uses and satellite dishes. Attorney Brennan reviewed all these regulations with the Board members. Mr. Garvin then agreed with staff. Kevin Smith pointed out that the applicant wanted three towers, but that staff was considering just one tower due to density issues. Mr. Hughes asked Attorney Brennan about federal law and the Board's limitations, and Attorney Brennan advised the Board members via legal language. Mr. Pruss agreed with staff, and Mr. Blodgett stated it was incompatible. Mr. Hughes asked for clarification on how many towers could be built.

MOTION: By Mr. Hughes, seconded by Mrs. Ennis.

The Planning and Development Review Board finds application number **CU-08-08** **CONSISTENT** with the Citrus County Comprehensive Plan and the Citrus County Land Development Code and that Board **APPROVES WITH CONDITIONS** the application based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition. It has been determined that **APPROVING** the proposed Conditional Use will not adversely effect the public interest; that there is compliance with special rules governing individual conditional uses of the type involved; that the proposed development, with conditions and safeguards attached, would be generally compatible with adjacent properties and other property in the district; and that the PDRB is empowered under the section of the LDC described in the application to grant this Conditional Use.

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**VOTE: 5-1**