

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Appeal of the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald Fisher **CONTACT:** Earnest McDonald **EXT:** 7430

Agenda Date 01-13-04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **UPHOLD** the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants); or
2. **REVERSE** the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants); or
3. **CONTINUE** the request to a time and date certain.

(Commission District 5 , McLain) (Earnest McDonald, Principal Coordinator)

Reviewed by:	<u>Kec</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
Other:	<u>MW</u>
DCM:	<u>59</u>
CM:	<u> </u>
File No.	<u>ph700pdp02</u>

BOARD OF ADJUSTMENT DECISION:

At its regular meeting on October 27, 2003, the Board of Adjustment denied the request for a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences. This decision was based on the inability of the site to provide the minimum separation distances required.

STAFF RECOMMENDATION:

Based on the findings stated in this report, staff recommends the Board of County Commissioners reverse the decision of the Board of Adjustment to deny a request for a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences.

Staff's recommendation for approval of the special exception is conditioned upon the demonstrated need for a telecommunication facility at the proposed location. Staff believes that the amount of variance for separation distances between the proposed tower and abutting properties with residential uses can only be determined following the applicants' demonstration of the minimum tower height that would ensure reasonable use of the property for establishing a telecommunication tower.

<p>GENERAL INFORMATION</p>	<p>WIRELESS FACILITIES, INC., CINGULAR WIRELESS, & KEVIN KARR, APPLICANTS 5347 CARTER ROAD LAKE MARY, FL 32746</p>	<p>A-1 District, LDC Section 124 (b)(23) Communication Towers; LDC Section 30.1364(b) Performance Standards (Minimum Separation from Off-Site Uses / Designated Areas)</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicants propose to lease a portion of the subject property in order to construct a 150 ft tall monopine camouflage communication tower that would be designed to blend into existing vegetative surroundings. • The subject property is currently occupied by a single-family structure, which is a part of a larger church site owned by Markham Woods Presbyterian Church, Inc. • <u>REQUEST FOR SPECIAL EXCEPTION</u> <ul style="list-style-type: none"> ○ The existing site is located in the A-1 district, where communication towers may be permitted by the Planning Manager on any parcel, which is not residentially zoned, provided a determination is made that the tower meets the definition of a camouflage tower. ○ The Land Development Code defines a camouflage communication tower as: <ul style="list-style-type: none"> ▪ A structure designed to merge, blend into and conform in appearance with existing surroundings; and ▪ A structure that does not appear to be unique, unusual or out of place; and ▪ A structure that a reasonable person with normal observational faculties and intelligence would not perceive as a tower; and ▪ A structure with camouflage techniques that do not have negative impacts on the general area in which it would be located. ▪ Based on this definition, the Planning Manager has determined the proposed monopine tower, while camouflage in design, would substantially exceed the height of existing vegetation on the subject property and nearby properties and would thereby appear unique, unusual and out of place with surrounding development. For this reason, a special exception is requested for the proposed tower, as allowed by the Land Development Code for structures that fail to meet the definition of a camouflage communication tower. 	

• **REQUEST FOR VARIANCES**

- Minimum separation distance is defined as 300 percent of proposed tower height (or 150 ft x 3 = 450 ft), measured from the outer extremity of the base of the tower to the property line of the parcel on which the residence is located. For the proposed 150 foot tower, the Land Development Code requires a minimum separation distance of 450 ft between the base of the tower and existing single-family uses to the south.
- The subject property abuts three (3) properties to the south where there are single-family residences. The following variances are requested to reduce the separation requirements:

SE DESIGNATED PARCELS	PROPOSED DISTANCE SEPARATION	VARIANCE AMOUNT REQUESTED
02-20-29-506-0000-0020	353.50 FT (SOUTH)	96.50 FT
02-20-29-506-0000-0030	307.46 FT (SOUTH)	142.54 FT
02-20-29-300-027A-0000	298.67 FT (SOUTH)	151.33 FT

- The subject property is occupied by an existing single-family residence, where the separation requirement would typically apply. However, Section 30.1364(b)(3) of the Land Development Code allows the Planning Manager to reduce separation distances with written consent of property owners within the separation distance. By authorizing the applicant to seek the requested special exception and associated variances to establish the proposed tower on the subject property, the owner has consented to allowing a reduction in distance; no variance is required.

ZONING & FLU

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
SITE	A-1	SE	SINGLE-FAMILY
NORTH	A-1	SE	VACANT
SOUTH	A-1	SE	SINGLE-FAMILY & VACANT
EAST	A-1	SE	CHURCH
WEST	A-1	SE	SINGLE-FAMILY

STANDARDS FOR

The Board of County Commissioners shall have the power to

**GRANTING A
SPECIAL EXCEPTION;
LDC SECTION
30.43(b)(2)**

hear and decide appeals from Board of Adjustment decisions, including special exceptions the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:

IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

The trend of development in the area has included other communication towers, including two (2) flagpole towers, 135 ft and 90 ft in height, located to the north of the subject property on property owned by First Baptist Church of Markham Wood, Inc.

The proposed tower is designed to resemble a pine tree and assimilate into surrounding vegetation, as opposed to traditional monopole, lattice or guyed communication towers. The Land Development Code identifies monopine tower design, along with signs, light poles, utility poles and roof fascias, as acceptable camouflage treatments.

Because the proposed monopine tower, at the height proposed, would not blend into existing surroundings such that a reasonable person with normal observational faculties and intelligence would not perceive its presence as a tower, staff believes an alternative camouflage design would be more appropriate on the subject property. The Board might want to consider alternative design elements, including those identified in the Land Development Code (e.g., utility pole, flag pole, or a monopine design at a reduced height)

DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

The proposed tower would not have an adverse impact on existing traffic volumes, since the facility would be unmanned and require a minimum number of vehicle trips for routine service and maintenance.

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

The Seminole County Vision 2020 Comprehensive Plan describes the SE (Suburban Estates) future land use (FLU)

	<p>as (1) most appropriate for the development of large-lot single-family estates as a desired final land use, (2) most appropriate as a transitional use between urban development and general rural uses, and (3) most appropriate as a location where agricultural operations can continue until development occurs for other purposes.</p> <p>The comprehensive plan further describes SE FLU as appropriate for special exception uses like utility structures. With the imposition of staff's recommended conditions, the proposed communication tower would be consistent with the SE FLU designation.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>Based on the submitted site plan, the proposed communication tower would not meet the 450 ft minimum separation distance required between a 150 ft tower and abutting properties with single-family uses to the south. For this reason, variances from the minimum separation distances required between the base of the proposed tower and the aforementioned properties to the south are requested as a part of this application.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>Within the A-1 District, communication towers are allowed as conditional uses. The prior establishment of similar tower structures on adjacent property to the north has defined the character of the area as appropriate for this type of facility.</p> <p>The proposed incorporation of camouflage design elements, including heavy branch coverage, pine needles with custom coloring to match surrounding trees, and pine bark would further reduce the visual impact of the proposed tower. However, the proposed height of 150 ft would be substantially taller than surrounding trees and vegetation the tower would be designed to assimilate into. For this reason, staff believes an alternative design, as suggested elsewhere in the report, would provide a reasonable alternative to reducing visual impact to surrounding development.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1</p>	<p>Upon appeal, the Board of County Commissioners may uphold, reverse or modify any decision of the Board of Adjustment to deny any use allowed by special exception in the A-1 (Agriculture District) upon making findings of fact, in addition to</p>

<p>(AGRICULTURE DISTRICT); LDC SECTION 30.124(a)</p>	<p>those required by section 30.43(b)(2) of the Land Development Code, that the use:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></p> <p>As previously stated, the proposed use would be consistent with the SE FLU and underlying A-1 zoning with the imposition of staff's recommended conditions. The proposed use would otherwise comply with the dimensional standards of the A-1 District.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The request would not be highly intensive in nature, if improvements are limited to a camouflage tower system, an equipment cabinet, privacy fence, and requisite landscaping as depicted on the submitted site plan.</p> <p>The proposed facility would be self-operating and used exclusively for transmitting and receiving. Routine maintenance visits would occur approximately twice a month. More frequent visits would be required in the event of malfunction or emergency.</p> <p>Proposed ingress/egress to the facility would be provided from Carter Road by virtue of an access easement to the site.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>The proposed tower would be an unmanned facility, which would require no connection to water or sewer, nor impact school services. Other County services, including police, emergency, and garbage disposal are otherwise available to the site. Electrical power and telephone service would be respectively provided by Progress Energy and Bell South.</p>
<p>STANDARDS FOR GRANTING A VARIANCE; LDC SECTION 30.43 (b)(3)</p>	<p>Separation distances may be decreased or increased by the Board of County Commissioners in accordance with the procedural requirements for variances.</p> <p>Prior to granting a variance, the Board of County Commissioners must reach a finding that literal enforcement of applicable regulations would result in an unnecessary and undue hardship upon the applicant and determine compliance</p>

with the criteria presented in Section 30.43(b)(3) of the Land Development Code.

The standards relative to variances as otherwise stated below may be considered in determining whether to approve a variance but shall not be determinative as to whether the variance may be granted:

THAT SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE, OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONING CLASSIFICATION:

Based on the submitted propagation maps and supporting documentation, the applicants have demonstrated a need to expand Cingular Wireless' service area by establishing a communication tower in the general vicinity of the subject property. The applicants have further indicated that all collocation opportunities, including the two (2) flagpole towers to the north, have been explored and thereby determined to be unacceptable for meeting coverage goals and the provision of homogeneous service across Cingular Wireless' network.

Should the Board of County Commissioners find that a communication tower is appropriate for the proposed location and thereby approve the requested special exception, the applicants could make no reasonable use of the subject property without variances from the minimum separation distances required between the proposed tower and the three (3) properties with existing single-family homes to the south. Staff believes this circumstance constitutes a hardship.

No other circumstances or special conditions peculiar to the subject property or proposed tower, which would support or justify the grant of the requested variances, have been demonstrated.

THAT THE SPECIAL CONDITIONS AND CIRCUMSTANCES DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

The aforementioned special condition is related to the size limitation of the subject property and its inability to allow the minimum distance separation required between the proposed tower and abutting properties where there are existing single-

family homes. Therefore, the special circumstance did not result from the applicants' actions.

THAT GRANTING THE VARIANCE REQUESTED WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY CHAPTER 30 TO OTHER LANDS, BUILDINGS, OR STRUCTURES IN THE SAME ZONING CLASSIFICATION:

The granting of variances from the minimum separation distance would not confer special privileges, since no reasonable use could be made of the property for the purpose of establishing a communication tower without relief from the minimum requirements of the Land Development Code.

THAT LITERAL INTERPRETATION OF THE PROVISIONS OF CHAPTER 30 WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION AND WOULD WORK UNNECESSARY AND UNDUE HARDSHIP ON THE APPLICANT:

The literal interpretation of the provisions of Section 30.1364 (Performance Standards) would deprive the applicant of rights commonly enjoyed by other properties in the A-1 District. Without variances from minimum separation distances, a tower no taller than 100 feet in height could be constructed at the proposed location, should a special exception be granted by the Board.

THAT THE VARIANCE GRANTED IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE LAND, BUILDING, OR STRUCTURE:

The requested variances may not be the minimum that would make possible the reasonable use of the property. At the time staff lastly reviewed this application, the applicants had yet to substantiate why the proposed 150 ft would be the only acceptable height that would ensure reasonable use of the property for communication tower use. For this reason, staff is unconvinced that the requested variances would be the minimum that would ensure reasonable use of the property.

THAT THE GRANT OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE

OF CHAPTER 30, WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD, OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

If the applicants can demonstrate the minimum height at which a communication tower could be constructed to achieve reasonable use for that purpose, staff believes the grant of variances from separation distance (with staff's recommended conditions) would be in harmony with the general intent and purpose of the Land Development Code, since special conditions constituting a hardship have been demonstrated by the applicant.

STAFF FINDINGS

The proposed use would meet the legislative intent of Section 30.1362 of the Land Development Code and would accomplish the following policy goals and objectives:

- The applicant has submitted documentary evidence (radio frequency propagation maps and a signed statement from a radio frequency engineer) to support Cingular Wireless' need for a new telecommunications facility in the general area. Therefore, a new communication tower would accommodate the growing need for Cingular Wireless' service and provide contiguous coverage in Seminole County (e.g., Markham Woods Road and the surrounding area west of Heathrow) if located on the subject property.
- The applicants have submitted further documentary evidence to suggest alternative collocation sites have been investigated and determined unacceptable for satisfying radio frequency propagation and height requirements, which would ensure seamless interconnection capabilities across the Cingular network.
- The proposed use is allowable under the existing SE FLU and corresponding A-1 zoning; with the imposition of the conditions recommended by staff, the proposed use would be compatible with the existing trend of development in the area, which includes other communication towers on adjacent property to the north.
- The visual impact of the proposed tower to abutting residential properties could be minimized by design features intended to camouflage its presence and assimilate the same into surrounding development.
- If limited to the maximum height that would ensure reasonable use of the property for operating a communication tower, potential damage to adjacent

	<p>properties in the event of structural failure would be minimized.</p>
<p>BOARD OF ADJUSTMENT DECISION</p>	<p>At its regular meeting on October 27, 2003, the Board of Adjustment denied the request for special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE FLU designation and having residential uses.</p> <p>The Board of Adjustment's decision was based on the inability of the site to provide the minimum separation distances required.</p> <p>Since the Board's decision, staff has determined the minimum separation requirement only applies to abutting properties with existing residential uses. Since Suburban Estates is not a future land use exclusive to (single-family) residential development, no variances from minimum distance required between the proposed tower and abutting SE properties are required; the appellant's request has been modified to reflect this determination.</p>
<p>STAFF RECOMMENDATION</p>	<p>Based on the above standards for granting special exceptions and the stated findings, staff recommends the Board of County Commissioners reverse the decision of the Board of Adjustment and <u>approve</u> the request to establish a camouflage communication tower in the A-1 (Agriculture District) at 5347 Carter Road, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The proposed tower shall not exceed the maximum height that would ensure reasonable use of the subject property for operating a communication tower, as verified by an RF (Radio Frequency) Engineer. 2. The proposed tower shall be camouflage in design and painted a muted color to blend in with the natural environment. 3. Ingress/egress to the site shall be restricted to an existing 60 ft wide access easement (Carter Road) to the west of the site, as well as the existing access road to the site and an 83 ft extension of the same along the length of the north property line. 4. No commercial signage or advertising shall be

permitted on the proposed tower unless otherwise required by law or the signage pertains to the posting of property relative to trespassing.

5. A chain link fence or wall not less than eight (8) ft in height from finished grade shall be installed around the area described as "proposed Cingular lease parcel" on the submitted site plan; requisite landscaping shall be provided outside this area.
6. The proposed tower shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
7. In the event the proposed tower is abandoned, the owner of the subject property shall have one hundred eighty (180) days to reactivate the use of the tower, transfer the tower to another owner/operator who must make use of the tower as permitted, or dismantle and remove the tower.
8. In the event of abandonment for a period of one hundred eighty (180) days, the granted special exception shall automatically expire.
9. Prior to final site plan approval, the owner/operator of the proposed tower shall post a surety bond in the amount of 110 percent of the estimated cost of tower removal, or other acceptable guarantee, with the planning manager for the purpose of removing the tower in the event the owner fails to reactivate, transfer ownership, or remove the tower within one hundred eighty (180) days after abandonment.
10. Prior to final site plan approval, the owner/operator of the proposed tower shall file with the planning division a master plan indicating the site of all proposed communication tower sites and a statement describing the anticipated communication tower needs over the next ten (10) years; the master plan shall be filed annually on or before January 1st.
11. Prior to receiving final inspection by the county, the applicant shall provide certification to the Federal Communication Commission (FCC) and the planning division that FCC rules for Non-Ionizing Electromagnetic Radiation (NIER) have been complied with.
12. Any improvements and/or additions to the proposed tower shall be submitted for approval to the county.
13. A listed species survey shall be provided prior to final engineering approval.
14. Prior to final engineering approval, a water quality

swale shall be provided.

15. Prior to the final development order / approval, an application for full concurrency management shall be provided.

16. The proposed use shall otherwise comply with the Seminole County Vision 2020 Comprehensive Plan, Land Development Code and all applicable construction and building codes.

Staff further recommends the Board of County Commissioners reverse the decision of the Board of Adjustment and approve the requested variances, conditioned upon the applicants' demonstration of a hardship. Staff believes that the amount of variance can only be determined following a determination by an RF Engineer of the minimum tower height that would ensure reasonable use of the property.

If the Board should decide to grant any variance, staff recommends the following condition of approval:

1. Any variance granted shall apply only to the proposed communication tower depicted on the attached site plan.
2. Any variance granted shall be the minimum that would make possible the reasonable use of the property for siting a communication tower, based on the minimum height deemed acceptable by an RF Engineer for expanding Cingular Wireless' service area.
3. Any variance granted should be conditioned upon certification by a structural engineer of the proposed tower's safe performance in the event of structural failure or collapse.
4. Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

Attachments:

Applicable Regulations
Decision on Appeal
Applications for Special Exception & Variances
Application for Appeal of BOA's Decision
Transmittal Letter
Propagation Maps
Project Description & Justification
Site Map
Property Appraiser Report
Recorded Denial Development Orders
Minutes of the October 27, 2003 BOA Meeting

Sec. 30.124 Special exceptions.

- (a) The Board of Adjustment may permit any of the following uses upon making findings of fact that the
- (1) Is consistent with the general zoning category and plan of A-1 Agriculture;
 - (2) Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area or neighborhood; and
 - (3) Is not highly intensive in nature;
 - (4) Is not incompatible with the concept of low-density, rural land use;
 - (5) Does not have an unduly adverse effect on existing traffic patterns, movements, and volumes ;
 - (6) Has access (where applicable) to urban services such as sewage, water, police, fire, schools, and related services; and
 - (7) Is consistent with the Seminole County Comprehensive
- (b) The Board of Adjustment, in granting any of the uses may place such restrictions and conditions thereon as said Board shall, in its sound discretion, deem necessary to protect the character of the area or neighborhood and the public health, safety, and welfare:
- (1) Cemeteries,
 - (2) Kennels including the commercial raising or breeding of
 - (3) Hospitals, sanitariums and convalescent homes, veterinary clinics and adult congregate living facilities and group homes when such facilities and homes are approved and licensed by the Florida State Department of Health and Rehabilitative Services.
 - (4) Public and private nursery schools, kindergartens, middle schools, high schools and
 - (5) Temporary asphalt plants for purpose of specific public road
 - (6)
 - (7) Public utility and service
 - (8) Fraternal clubs when chartered with the
 - (9) Country and golf clubs, fishing clubs, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, as determined by the Current Planning Manager.
 - (10) Privately owned and operated recreational facilities open to the paying public, such as, athletic fields, stadiums, racetracks, and speedways if, the use is located along a major roadway or has immediate accessibility thereto.
 - (11) Golf driving
 - (12) Riding stables, provided that no structure housing animals is located nearer than one hundred (100) feet from a property line.
 - (13) Airplane landing fields and helicopter ports with accessory facilities for private or public
 - (14) Commercial raising of swine (other than for family
 - (15) Sewage disposal plants, water plants, and sanitary landfill
 - (16) Off-street parking lots. When approved, said parking lots

- (A) Be provided with a durable, dust-free surface which is properly drained;
 - (B) Be adequately buffered from adjacent properties and roadways by a landscape
- (17) (A) Farmworker housing; either single family or multifamily dwellings, where land use is for bona fide agriculture uses; provided further, that such structures house only those persons, their immediate family or households, employed in carrying out such bona fide agricultural use. Mobile homes may be permitted in lieu of tenant dwellings, provided, however, that approval for mobile homes shall be limited to a time period not exceeding two (2) years after review and finding that the land is used for bona fide agricultural uses.
- (B) "Bona fide agriculture purpose," as used herein, shall be determined by reference to the following criteria:
- (i) Is the parcel or its adjacent lands being actually utilized in agricultural pursuits by the same owner?
 - (ii) Does the requested tenant dwelling or mobile home serve a purpose directly, and not indirectly, related to the agricultural laborers or employees and/or other direct purposes?
- (18) A mobile home may be permitted as a Special Exception on a lot or parcel of record subject to the following requirements:
- (A) Only one (1) single-family mobile home may be
 - (B) A mobile home placed on a lot or parcel shall bear the Florida Standards Seal or acceptable equivalent.
 - (C) An approved mobile home shall be subject to all applicable regulations of the zoning classification, i.e., setbacks, land uses.
 - (D) Where installation of a septic tank is proposed, an acceptable percolation and depth-of-water-table test shall be submitted at the time of application.
 - (E) If the proposed site is known to be flood prone, an acceptable plan shall be submitted at time of application which details steps to prevent hazard to health and property.
 - (F) An approved single-family mobile home shall be firmly anchored in accordance with all applicable codes and shall have skirting installed to screen the underside of the structure.
- (19) Retail nurseries where products sold are grown on site of
- (20) Slaughter of livestock and meat cutting and processing operations, with no retail
- (21) Adult congregate living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.
- (22) Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree
- (23) Communication
- (24) Disposal of tree cuttings or similar organic materials by burning which materials have been transported to the property.
- (25) Bed and Breakfast establishments when not located within a platted
- (c) A proposed master plan of development shall be submitted at time of application and approval shall be based upon and limited to the extent of said master plan.

(§ 3, Ord. No. 81-59, 9-1-81; § 1, Ord. No. 83-23, 7-26-83; § 11, Ord. No. 87-1, 2-10-87; § 5.104, LDC, through Supp 16; Part XIII, § 3, Ord. No. 92-5, 3-30-92; Part XX, § 1, Ord. No. 92-5, 3-30-92; Part XVIII, § 2, Ord. No. 93-1, 2-23-93; § 15, Ord. No. 94-15, 12-13-94; Ord. No. 96-5, § 3, 7-9-96; Ord. No. 97-18, §§ 14, 25, 5-13-97; Ord.

Sec. 30.1364. Performance standards.

(a) *Setbacks.*

- (1) **Communication tower** setbacks shall be measured from the outer extremity of the base of the **communication tower** to the property line of the parcel on which it is located.
- (2) **Communication towers** shall be located on parcels which comply with the minimum setback and lot size requirements of the zoning classification assigned to the property on which they are located.
- (3) For **towers** located on properties assigned the PUD or PCD zoning classification, the setback requirements for the parcel outlined in the PUD/PCD approval shall apply.
- (4) In cases where there are non-conforming residential uses on property which is not assigned a residential zoning classification, a reduction of fifty (50) percent of the side or rear yard setback distance opposite the non conforming residential use shall be permitted by the current planning manager unless the side or rear yard proposed for reduction is assigned a residential land use designation or zoning classification.

(b) *Minimum separation from off-site uses/designated areas.*

- (1) **Communication tower** separation shall be measured from the outer extremity of the base of the **tower** to the closest property line of the off-site use as specified in Table 1 below.
- (2) Separation requirements for **communication towers** shall comply with the minimum standards established in Table 1 below unless otherwise provided.
- (3) Reduced separation distances may be reduced by the current planning manager when written consent as set forth in a recordable instrument is obtained from all property owners within the applicable separation distance.
- (4) Separation distances may be decreased or increased by the board of adjustment in accordance with the procedural requirements for variances as set forth in this Code and the substantive determinations as set forth in Table 1 below, when considering whether to approve a special exception, if competent substantial evidence is presented demonstrating unique planning considerations and compatibility impacts.

TABLE 1

MINIMUM SEPARATION FROM OTHER USES

TABLE INSET:

Off-site Use	Separation Distance
Property assigned a single-family (includes modular homes and mobile homes used for living purposes), duplex, or multi-family residential zoning classification or future land use designation or with an existing residential use.	200 feet or 300% height of tower whichever is greater except when a variance is granted based upon findings that the aesthetic impacts of the tower is enhanced, that compatibility with abutting property owners is maintained, and the approval of the tower would be consistent with and further the provisions of Section 30.1362. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.
Property assigned a non-residential zoning classification or future land use designation or property with an existing non-residential use.	None. Only district setbacks apply.

(c) *Separation distances between **communication towers**.*

- (1) Separation distances between **communication towers** shall be and measured between the **communication tower** proposed for approval and those **towers** that are permitted or existing.
- (2) The separation distances shall be measured by drawing or following a straight line between the GPS coordinate of the center of the existing or permitted **communication tower** and the proposed GPS

coordinate of the center of the proposed **communication tower** as depicted on a site plan of the proposed **tower**.

- (3) The separation distances, listed in linear feet, shall be as set forth in Table 2

TABLE 2

SEPARATION DISTANCES BETWEEN **COMMUNICATION TOWERS**

TABLE INSET:

DESCRIPTION	EXISTING TOWERS				
	LATTICE	GUYED	MONOPOLE 75 FT IN HEIGHT OR GREATER	MONOPOLE LESS THAN 75 IN HEIGHT	CAMOUFLAGE
LATTICE	5,000	5,000	1,500	750	0
GUYED	5,000	5,000	1,500	750	0
MONOPOLE 75 FT IN HEIGHT OR GREATER	1,500	1,500	1,500	750	0
MONOPOLE LESS THAN 75 IN HEIGHT	750	750	750	750	0
CAMOUFLAGE	0	0	0	0	0

(4) A variance from the minimum separation distances between **communication towers** as set forth in Table 2 may be granted when two (2) or more **communication tower** owners or operators agree to co-locate their **communication** antennas on the same **communication tower** and upon findings being made that the aesthetic impacts of the **tower** is enhanced, that compatibility with abutting property owners is maintained, and the approval of the **tower** would be consistent with and further the provisions of section 30.1362. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.

(d) *Measurement of height.* Measurement of **communication tower** height shall include antenna, base pad and any and all other appurtenances and shall be measured from the finished grade of the parcel on which the **communication tower** is located.

(Ord. No. 96-5, § 29, 7-9-

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 13th day of January 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, reversing a decision of the Board of Adjustment to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE (Suburban Estates) future land use designation.

A. FINDINGS OF FACT

1. On November 24, 2003, the Board of Adjustment denied a special exception and associated variances from minimum distance separation for establishing a communication tower, as requested by Wireless Facilities, Cingular Wireless, LLC and Kevin Karr, on the property further described by the following legal description:

LEG SEC 02 TWP 20 S RGE 29 E W ½ OF S 2/3 OF N ¾ OF S ½ OF NW ¼ OF SE ¼

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.

3. On January 13, 2004, the Board of County Commissioners heard an appeal of this decision.

B. CONCLUSIONS OF LAW

The Board of County Commissioners finds that the subject special exception is in conformance with Sections 30.124 and 30.1364 of the Land Development Code of Seminole County, due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum.
2. The subject special exception meets all of the criteria in Section 30.124(b)(23), LDC, for granting special exceptions because:
 - a. The subject special exception and associated variances from minimum distance separation between the proposed tower and Suburban Estates properties would allow development that would be consistent with the character and trends of low-density, single-family residential development in the area.
 - b. The proposed use is consistent with the Vision 2020 Comprehensive Plan Future Land Use Element, which allows special exception uses, including churches, in the SE (Suburban Estates) Future Land Use Classification.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on January 13, 2004, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **OVERTURNED** and the special exception requested is granted.

DATED this 13th day of January 2004.

Board of County Commissioners
Seminole County, Florida

Daryl G. McLain, Chairman

**SPECIAL EXCEPTION
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: KEVIN KARR WIRELESS FACILITIES, INC. & CINGULAR WIRELESS LLC KARL SANDERS ESQ REPRESENTING

COMPLETE MAILING ADDRESS: 1101 N. LAKE DESTINY RD.
SUITE 108, MAITLAND, FL 32751

PHONE: WORK: 813-975-9809 HOME: _____ FAX: 813-615-0015

CELL PHONE: 727-480-4316 Email: Kevin.Karr@wfnet.com

PROPERTY OWNER OF RECORD: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.

SITE OF REQUEST: 5347 CARTER RD., LAKE MARY, FL 32746

REQUEST: UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF A 150'
CAMOUFLAGED "MONOPINE" MONOPOLE, SUPPORTING EQUIP. CABINETS

SOURCE OF WATER AND SEWER SERVICE: N/A

LEGAL DESCRIPTION OF PROPERTY: THE WEST 1/2 OF THE SOUTH 2/3 OF THE NORTH 3/4
OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN
SECTION 22, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA. SUBJECT
TO ROAD RIGHT-OF-WAY ON WEST FOR CARTER ROAD.

TAX PARCEL I.D. 02-20-29-300-030C-0000

GENERAL LOCATION (Directions): ADDRESS ON CARTER RD. LOCATED ON EAST
SIDE OF ROAD, APPROX 2/10 - 3/10 MILE SOUTH OF INTERSECTION OF CARTER RD.
AND MARKHAM WOODS RD.

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE

CURRENT USE OF PROPERTY: SINGLE FAMILY DWELLING

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Submit ten (10) site plans and one (1) reduced 11" X 17" copy of the site plan. A completed Concurrency Review Application. A letter of authorization from the property owner if applicant is not the owner and application fee.

SIGNATURE OF APPLICANT Kevin Karr DATE 9/12/03

FOR OFFICE USE ONLY	
FEE: _____ / _____ CC _____ / _____ DATE _____ ZONING DISTRICT: <u>A-1</u>	FURTHER DESCRIBED AS: _____ LOT SIZE: _____
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03-32000036</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____

PLANNER ERM

DISTRICT: _____

- Various application to accompany

FILE NO. BS 2003-026

MEETING DATE _____

EXHIBIT "A"

Trees

Trees



60-FOOT PINE TREE. HEAVY BRANCH COVERAGES (EXTRA LONG NEEDLES WITH CUSTOM COLORING TO MATCH SURROUNDING TREES)
115 BRANCHES COVERING 48-FOOT OF POLE. — SANTA ANA, CA

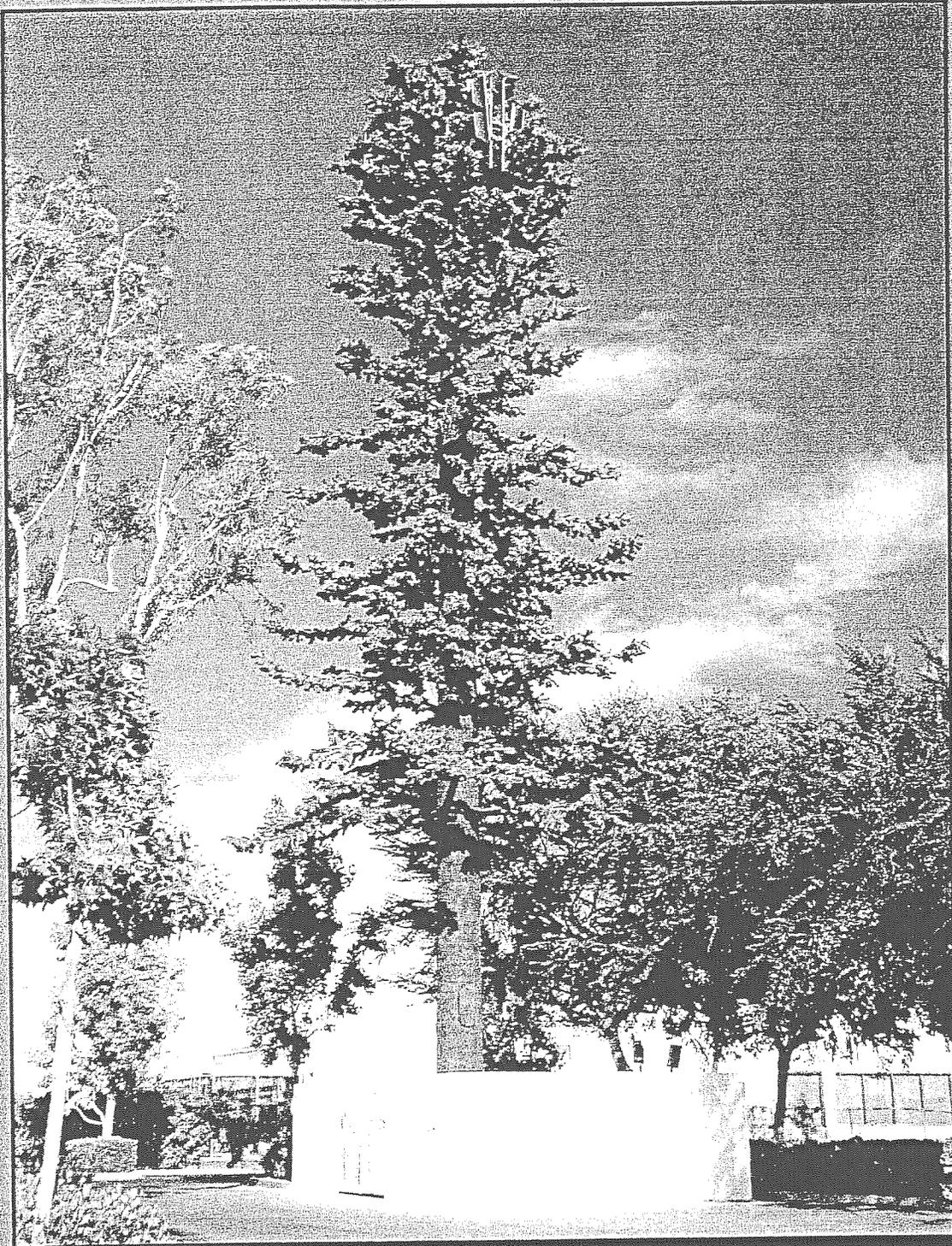
**CHAMBERLAIN
ENGINEERING**

(800) 479-4026

EXHIBIT "B"

Trees

Trees



65-FOOT PINE FULL BARK HEAVY/MEDIUM BRANCH COUNT. (102 BRANCHES COVERING 43-FEET).
STANDARD SIZE NEEDLES AND COLORS. — CHINO, CA

**CHAMBERLAIN
ENGINEERING**

(800) 479-4026

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: KEVIN KARR FOR KARL SANDERS ESQ. REPRESENTING
WIRELESS FACILITIES, INC. AND CINGULAR WIRELESS LLC
 COMPLETE MAILING ADDRESS: 1151 N. LAKE DESTINY RD.
SUITE 100, MAITLAND, FL 32751
 PHONE: WORK: 813-975-9809 HOME: _____ FAX: 813-615-0015
 CELL PHONE: 727-480-4316 Email: Kevin.Karr@wtinet.com
 PROPERTY OWNER OF RECORD: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.
 SITE OF REQUEST: 5347 CARTER RD., LAKE MARY, FL 32746
 STATEMENT OF HARDSHIP: SEE ATTACHMENT

REQUEST: VARIANCE FROM MINIMUM SEPARATION REQUIREMENT FROM OFF-SITE
USES FOR A COMMUNICATION TOWER THAT IS WITHIN 450' OF OFF-SITE RESIDENTIAL
FUTURE LAND USE DESIGNATION.
 LEGAL DESCRIPTION OF PROPERTY: THE WEST 1/2 OF THE SOUTH 7/8 OF THE NORTH 3/4 OF
THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 2,
TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA. SUBJECT TO
ROAD RIGHT-OF-WAY
 TAX PARCEL ID NO. 02-20-29-300-030C-D000

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE

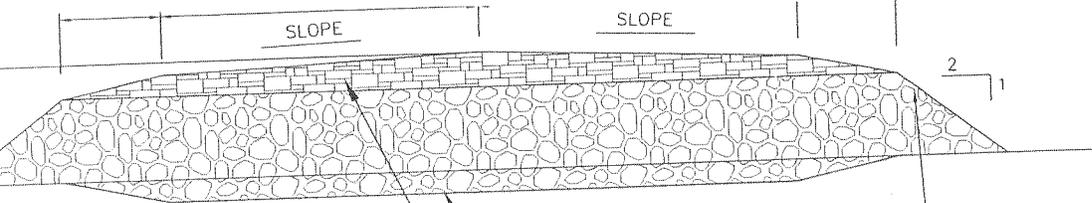
EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: Kevin Karr DATE: 9/12/03

FOR OFFICE USE ONLY	
FEE: _____	CK# _____ RECEIPT# _____ DATE _____ ZONING DISTRICT: _____
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03-30000156</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE _____ BCC DISTRICT ~~03-3000~~
 PLANNER EPM FILE NO. 13v2003-153
 MEETING DATE _____

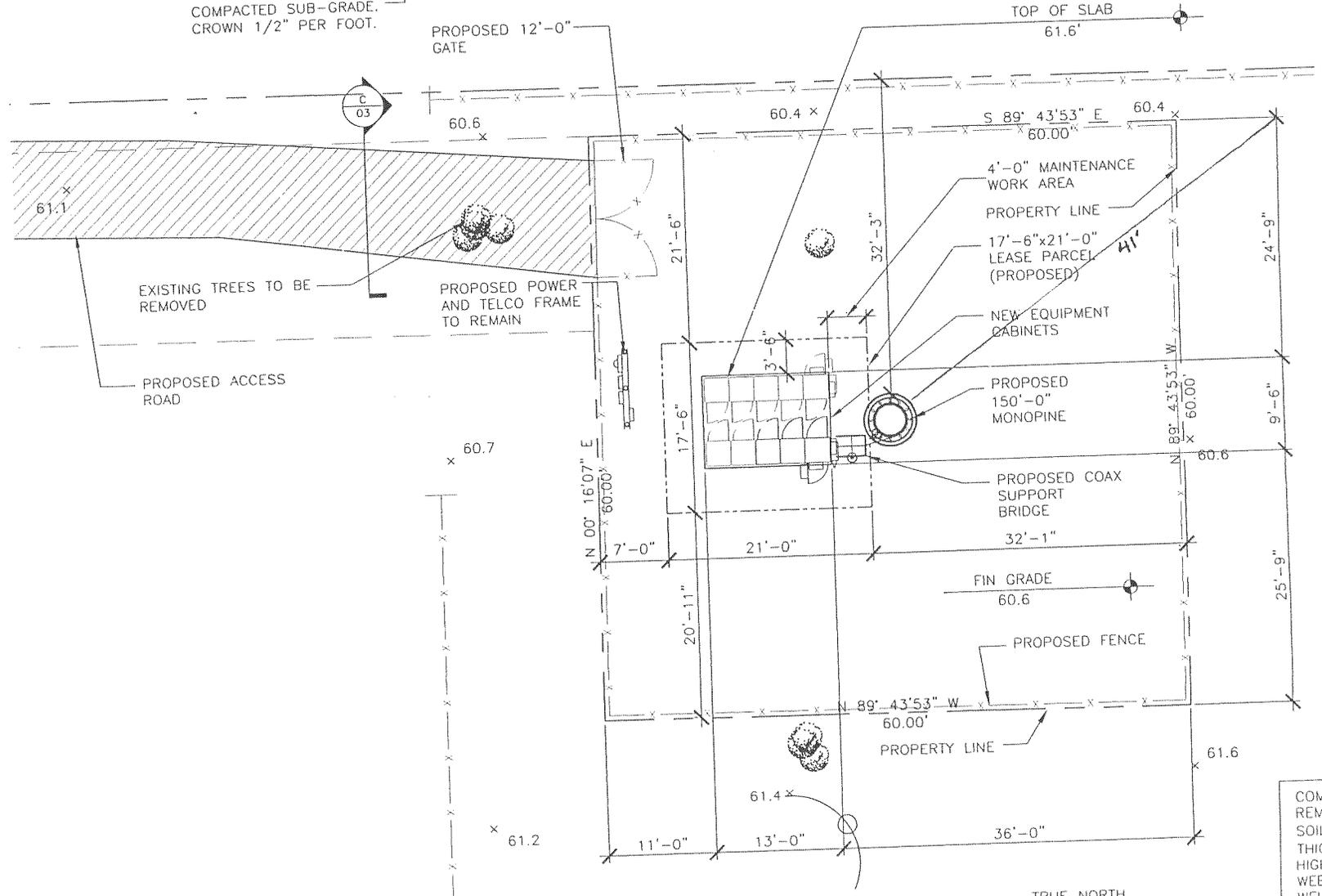


REMOVE 3" OF TOP SOIL UNDER FULL WIDTH OF EMBANKMENT PRIOR TO APPLICATION OF SUB-GRADE MATERIALS.

4" THK. COARSE GRADED AGGREGATE SURFACE COURSE, CRUSHED GRAVEL. APPLY TOP LAYER AFTER USE BY HEAVY CONSTRUCTION EQUIPMENT. CROWN 1/2" PER FOOT.

COMPACTED SUB-GRADE. CROWN 1/2" PER FOOT.

ACCESS ROAD DETAIL



COMPOUND PLAN

TRUE NORTH



COM
REM
SOIL
THIC
HIGH
WELL
WELL
FILL.

60' ACCESS / EGRESS EASEMENT

FIRST BAPTIST CHURCH PARCEL
02-20-29-300-0300-0000
ZONED A-1

CINGULAR WIRELESS
INGRESS/EGRESS AND
UTILITY EASEMENT

PROPOSED ACCESS ROAD
(83' LINEAR FT.)

EXISTING FENCE

PROPOSED 150'-0'
MONOPINE

PROPOSED CINGULAR
LEASE PARCEL

FIRST BAPTIST CHURCH PARCEL
02-20-29-300-030A-0000

60.5'

333.46'

N 00° 33' 41" W
PROPERTY LINE

PROPERTY LINE

N 89° 43' 53" W 648.77'

555'-7 1/2"
TO MONOPINE

87'-4"
TO MONOPINE

EXISTING SINGLE
FAMILY DWELLING

PROPOSED CINGULAR
CABINETS EQUIP.

EXIST. SATELLITE DISH

EXIST. 4.0' BARBED
WIRE FENCE (TYP)

MARKHAM WOODS CHURCH
PARCEL 02-20-29-300-030C-0000
ZONED A-1

294'-2"
TO MONOPINE

MARKHAM CHURCH
PARCEL
02-20-29-300-030B-0000

OVERHEAD WIRES
(TYPICAL)

EXIST. UTILITY POLE
AND TRANSFORMER

PROPERTY LINE
N 89° 53' 39" W 645.10'

ROBERT PITTS PARCEL
02-20-29-300-027A-0000

LANDY P. AND WANDA S. FOWLER
02-20-29-506-0000-0040

LAURA V. AND TITO RODRIGUEZ
02-20-29-506-0000-0030

PETER M. AND RUTH M. ZALEW;
02-20-29-506-0000-0030

FLOOD NOTE:
AFTER REVIEW OF FLOOD INSURANCE RATE MAP, COMMU
No. 12117C 0020 E, DATED APRIL 17, 199
CINGULAR WIRELESS LEASE PARCEL DEPICTED HER
ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500
FLOOD PLAIN).

SITE PLAN

SCALE: 1" = 30'-0" (FOR 22"x34" SIZE SHEET)
SCALE: 1" = 60'-0" (FOR 17"x11" SIZE SHEET)

TRUE NORTH



OCT 07 2003

PRINTED

CINGULAR WIRELESS

THROW-1
IGULAR

NT



2	10-07-03	RE-ISSUED FOR CONSTRUCTION
1	09-09-03	RE-ISSUED FOR CONSTRUCTION

DO NOT SCALE DRAWING. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADJUST CONSTRUCTION OF THE PROJECT AS NECESSARY.

SEMINOLE COUNTY, FLORIDA

APPLICATION FOR

CONCURRENCY REVIEW DEFERRAL AFFIDAVIT

(IN CONJUNCTION WITH APPLICATION FOR DEVELOPMENT ORDER)

- With Non-Binding "snapshot" of current levels of service (see page 2 for application fees).
- Without Non-Binding "snapshot" of current levels of service (no fee required).

- 1) **APPLICANT INFORMATION:**
 Name: WIRELESS FACILITIES TR. # WIRELESS LLC
 Mailing Address: 1101 N. LAKE DESTINY RD.
SUITE 100
MAITLAND, FL 32751
 Telephone No.: 813-975-9809
 Fax No.: 813-615-0415
- 2) **OWNER INFORMATION:**
 Name: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.
 Mailing Address: 5210 MARKHAM WOODS RD.
LAKE MARY, FL 32746
 Telephone No.: 407-333-2030
 Fax No.: 407-333-3202
- 3) **PROJECT INFORMATION:**
 Property address/location: 5347 CARTER RD.
LAKE MARY, FL 32746
- 4) **Tax parcel identification number(s)**
 of all property included in this
 proposal / request: 02-20-29-300-0300-0000
- 5) **PROJECT NAME:** WEST HEATHROW

6) I AM APPLYING FOR ONE (OR MORE) OF THE FOLLOWING FINAL DEVELOPMENT ORDER(S), [CHECK ALL THAT APPLY]:

- Development Plans
- PUD/PCD Final Master Plan
- SPECIAL EXCEPTION
- COMMERCIAL/Multi-Family Final Subdivision (Eng.) Plans/Plat
- Rezoning
- PRELIMINARY PLAT
- COMMERCIAL/Multi-Family Waiver to Plat

I HEREBY DECLARE AND AFFIRM THAT I WISH TO ELECT TO DEFER THE CONCURRENCY REVIEW THAT IS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, PER SEMINOLE COUNTY'S COMPREHENSIVE PLAN FOR THE ABOVE LISTED PROPERTY UNTIL A POINT AS LATE AS FINAL ENGINEERING OR SITE PLAN SUBMITTALS FOR THIS PROPOSED DEVELOPMENT PLAN, REZONING, FINAL PUD/PCD MASTER PLAN, PRELIMINARY PLAT, SPECIAL EXCEPTION, COMMERCIAL/MULTI-FAMILY (WAIVER TO) PLAT OR COMMERCIAL/MULTI-FAMILY FINAL SUBDIVISION PLANS/PLATS.

I FURTHER SPECIFICALLY ACKNOWLEDGE THAT ANY PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL BE REQUIRED TO UNDERGO CONCURRENCY REVIEW AND MEET ALL CONCURRENCY REQUIREMENTS IN THE FUTURE.

7) CERTIFICATION AND SIGNATURE

I hereby certify that the information contained herein is true and correct and that I am either the true and sole owner of the subject property, or am authorized to act on behalf of the true owner(s) in all regards on this matter, pursuant to proof and authorization submitted with the corresponding development application or attached hereto. I hereby represent that I have the lawful right and authority to file this Affidavit.

Applicant Signature: *[Signature]* Date: 9/12/03

NOTICE: PLEASE BE SURE TO FILL IN ALL BLANKS AND PROVIDE ALL INFORMATION (ATTACH ADDITIONAL SHEETS IF NECESSARY). INCOMPLETE/INADEQUATE INFORMATION WILL RESULT IN DELAY OF REVIEW. YOUR COOPERATION IS APPRECIATED.

Applicant must pay one of the following fees:		
RESIDENTIAL:		
1 - 50 units	\$ 25.00	
51 - 250 units	\$ 50.00	
250 - 500 units	\$ 75.00	
> - 501 units	\$100.00	
NON-RESIDENTIAL:		
Retail < 2,000 sq ft	\$ 50.00*	
Office < 20,000 sq ft	\$ 50.00*	
Industrial < 50,000 sq ft	\$ 50.00	
Warehouse < 50,000 sq ft	\$ 50.00	
(*Excluding small high traffic generators.)		
Retail 2,001 - 50,000 sq ft	\$ 75.00**	
Office 20,001 - 200,000 sq ft	\$ 75.00**	
Industrial 50,001 - 250,000 sq ft	\$ 75.00	
Warehouse 50,001 - 250,000 sq ft	\$ 75.00	
(**Inclusive of small high traffic generators.)		
Retail > 50,001 sq ft		\$100.00
Office > 200,001 sq ft		\$100.00
Industrial > 250,001 sq ft		\$100.00
Warehouse > 250,001 sq ft		\$100.00
MIXED OR UNSPECIFIED USES/SIZES:		
Covering immediately adjacent roads/area only		\$ 50.00
Covering up to a one (1) mile radius for roads		\$ 75.00
Covering roads for a radius > 1 mile		\$100.00

PLANNING AND DEVELOPMENT USE ONLY

- 8) Current Zoning: _____
- 9) Development Application (DRS) Identifying #: _____
- 10) Application for Development Order Specified in Question #7 determined to be complete:
Date: _____ Time: _____
- 11) One copy of Development Application and Supporting Submission is attached.
- 12) Development Application (if applicable) routed to begin Development Review and this Concurrency Application with required attachments including plans, routed to the attention of _____
_____ in Development Review.
Date: _____ By: _____
Time: _____ Receipt # _____

FOR DEVELOPMENT REVIEW USE ONLY

- 13) CONTROL NUMBER ASSIGNED: _____
- TRAFFIC ZONE: _____
- FUTURE LAND USE DESIGNATION: _____
- PLANS ATTACHED LEGAL DESCRIPTION ATTACHED TIS ATTACHED

Cingular Wireless Cell Sites in Seminole County

<u>Name</u>	<u>Address</u>	<u>Lat</u>	<u>Lon</u>	<u>Current / Proposed</u>
Chuluota	95 E 7th Street, Chuluota FL 32766	28-38-25.88	81-07-41.76	Current
Alafaya	186 Park Road, Oviedo FL 32765	28-37-10.2	81-12-23.5	Current
Oviedo	440 Alexandria Blvd, Oviedo FL 32765	28-39-13.0	81-12-05.0	Current
North Oviedo	908 W SR 434, Oviedo FL 32765	29-46-30.8	81-38-05.1	Current
Goldenrod	3570 Dike Road, Aloma FL 32792	28-38-20.5	81-16-57.7	Current
Lake Street	411 Shore Road, Winter Springs FL 32708	28-41-19.35	81-16-55.71	Current
Winter Springs	350 SR 419, Casselberry FL 32708	28-42-27.0	81-18-14.0	Current
Red Bug & 436	1131 Semoran Blvd, Casselberry FL 32707	28-38-25.73	81-19-25.43	Current
Lakemont	5487 Lake Howell Road, Winter Park FL 32792	28-37-22.5	81-19-31.0	Current
North Maitland	100 Second Street, Casselberry FL 32730	28-38-29.17	81-21-24.63	Current
Casselberry	140 Fernwood Blvd, Casselberry FL 32855	28-39-21.0	81-20-32.0	Current
North Street	1640 S CR 427, Altamonte Springs FL 32721	28-40-42.46	81-20-57.85	Current
Longwood	110 Mingo Trail, Longwood, FL 32750	28-41-49.0	81-21-27.0	Current
Altamonte Mall	601 E Altamonte Sr, Altamonte Springs, FL 32701	28-40-00.13	81-22-14.65	Current
Markham Woods	1649 EE Williamson Road, Longwood FL 32750	28-42-40.6	81-22-48.2	Current
Rolling Hills	135 W Pineview Street, Altamonte Springs FL 32714	28-40-49.85	81-23-25.26	Current
Altamonte	350 S Northlake Blvd, Altamonte Springs FL 32701	28-39-14.0	81-23-15.0	Current
Forest City	746 W SR 436, Altamonte Springs FL 32724	28-39-51.23	81-24-49.76	Current
Wekiva	930 Wekiva Springs Blvd, Longwood, FL 32779	28-42-05.0	81-25-05.0	Current
Lake Mary	40 Skyline Drive, Lake Mary FL 32746	28-44-03.5	81-21-55.8	Current
Hidden Lake	3825 S Orlando Drive, Sanford FL 32773	28-45-20.1	81-17-07.1	Current
Payola	935 Wallace Court, Lake Mary FL 32746	28-46-24.8	81-21-02.8	Current
Towne Center	1050 Rinehart Road, Sanford, FL 32771	28-47-43.69	81-20-34.49	Current
Sanford	3051 Narcissus Ave, Sanford FL 32771	28-48-55.0	81-18-17.0	Current
Sanford Mall	5405 Orange Blvd, Sanford FL 32771	28-49-07.7	81-21-40.2	Current
Central Sanford	411 W 14th Street, Sanford FL 32771	28-47-56.0	81-16-20.0	Current
Geneva	1460 W SR 46, Geneva FL 32732	28-45-01.0	81-08-00.0	Current
Midway	1681 Beardall Ave, Sanford FL 32771	28-47-54.0	81-13-13.0	Proposed
West Heathrow	5214 Markham Woods Rd, Lake Mary FL 32746	28-46-32.0	81-22-53.0	Proposed

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	MARRHAM WOODS PRESBYTERIAN CHURCH, INC.	WIRELESS FACILITIES, INC. (KEVIN KARR) AND GINGUARD WIRELESS LLC (KARL SANDERS)
ADDRESS ^{OR SITE}	5347 CARTER RD. LAKE MARY, FL 32746	1101 N. LAKE DESTINY RD., SUITE 110 MAITLAND, FL 32751
PHONE 1	407-333-2030	813-975-9809 DESK
PHONE 2		727-480-4316 MOBILE
E-MAIL		KEVIN.KARR@WFI.NET.COM

NATURE OF THE APPEAL SEE ATTACHED EXHIBIT A

BCC PUBLIC HEARING DATE JAN. 13, 2004

FOR OFFICE USE ONLY

PROCESSING:

FEE: _____ COMMISSION DISTRICT _____ FLU / ZONING _____

LOCATION FURTHER DESCRIBED AS _____

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

APPEAL OF BOARD OF ADJUSTMENT DECISION

Pursuant to the instructions from Staff, as well as the applicable Seminole County Land Development Regulations, Cingular Wireless filed two applications with the County for purposes of seeking approval to construct a “camouflage” design communications tower on a vacant parcel of land owned by the Markham Woods Presbyterian Church on Carter Road. The adjacent property to the north of the subject parcel is also owned by a church (Markham Woods Baptist Church), also has an agricultural zoning classification (A-1), and is also vacant. The adjacent property to the north of that parcel is the home of both the Markham Woods Baptist Church and two “flagpole” styled communication towers. Significantly, however, neither of those towers was required to seek either a special exception or a variance.

In their report on Cingular’s request for a tower on the Markham Woods Presbyterian Church parcel, Staff recommended APPROVAL of both the request for a Special Exception and the request for a Variance from the minimum separation requirements. The Board of Adjustment, however, by a 3-2 vote, denied Cingular’s request for a Special Exception based on a motion that the request “did not meet the minimum separation requirements.” In other words, the Board denied Cingular’s request for a Special Exception because it needed a Variance.

Cingular Wireless respectfully submits that its request for a camouflage tower at this location meets the applicable criteria for both a special exception and variance from the minimum separation requirements. The Board of Adjustment’s decision to the contrary was in error, as it reflects both a departure from the essential requirements of law and is not premised on competent substantial evidence in the record below.

September 12, 2003

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Re: Proposed Cingular Wireless Communication Facility
Proposed Site Name: West Heathrow
Proposed Site Address: 5347 Carter Rd., Lake Mary, FL 32746

Ladies and Gentlemen:

I respectfully submit this letter as an explanation of Cingular Wireless' need for a new telecommunications facility in Seminole County. As the system design engineer for Cingular Wireless responsible for Seminole County, I have performed a thorough analysis of the County and the interaction of Cingular's existing sites within the County. Cingular Wireless' current coverage in this area does not provide the quality and reliability we are seeking for our network. My study included field visits and computer analysis with sophisticated RF modeling that takes into account the following variables:

- (A) The physical characteristics of the frequencies allotted by the FCC to Cingular Wireless;
- (B) The allowable power outputs of those frequencies;
- (C) The Cingular Wireless equipment specifications;
- (D) The location of existing Cingular Wireless towers and other facilities;
- (E) The topography and building density of the area;
- (F) The optimum coverage with the minimum of new tower sites.

These factors were quantified and values extrapolated using RF modeling software to arrive at a design objective or "search ring area," relative to Cingular's existing adjacent cell sites. The proposed site, located at 5347 Carter Rd., will provide coverage enhancement needed on Markham Woods Road, and the surrounding area west of Heathrow to provide quality contiguous coverage into Sanford, Heathrow, and Lake Mary.

The two potential collocation sites within the search ring area lie to the north at the First Baptist Church property located at 5400 Markham Woods Rd. The two potential collocation opportunities were two stealth flag pole installations. The first is the 135' Voice Stream (now known as T-Mobile) flag pole. T-Mobile is at the top and Nextel is collocated at approximately the 120'-125' level. The next available height down on this pole would be 100'. This height has been rejected by Cingular as an unacceptable height to meet coverage goals, as well as Nextel being a potential interferer to Cingular. The second flag pole is approximately 90' in height and owned by Sprint who is at the top of the pole. The 70' available on this site was also rejected by Cingular as being too low in height. All of Cingular's engineering and testing for this proposed cell has been optimized around a 150' height.

As a radio frequency engineering expert, it is my professional opinion that there are no other facilities in the proper location and at the required height that will provide the coverage to meet our design requirements in providing quality levels of service to this area.

Cingular wireless currently has 27 existing cell sites in Seminole County (Site Locations attached), with 2 proposed sites currently planned to be built within the next year - West



Heathrow and Midway. Cingular Wireless is currently anticipating an approximate 20 % growth over the next 10 years. However, this is subject to change based on actual market growth, budget, design, or spectrum constraints.

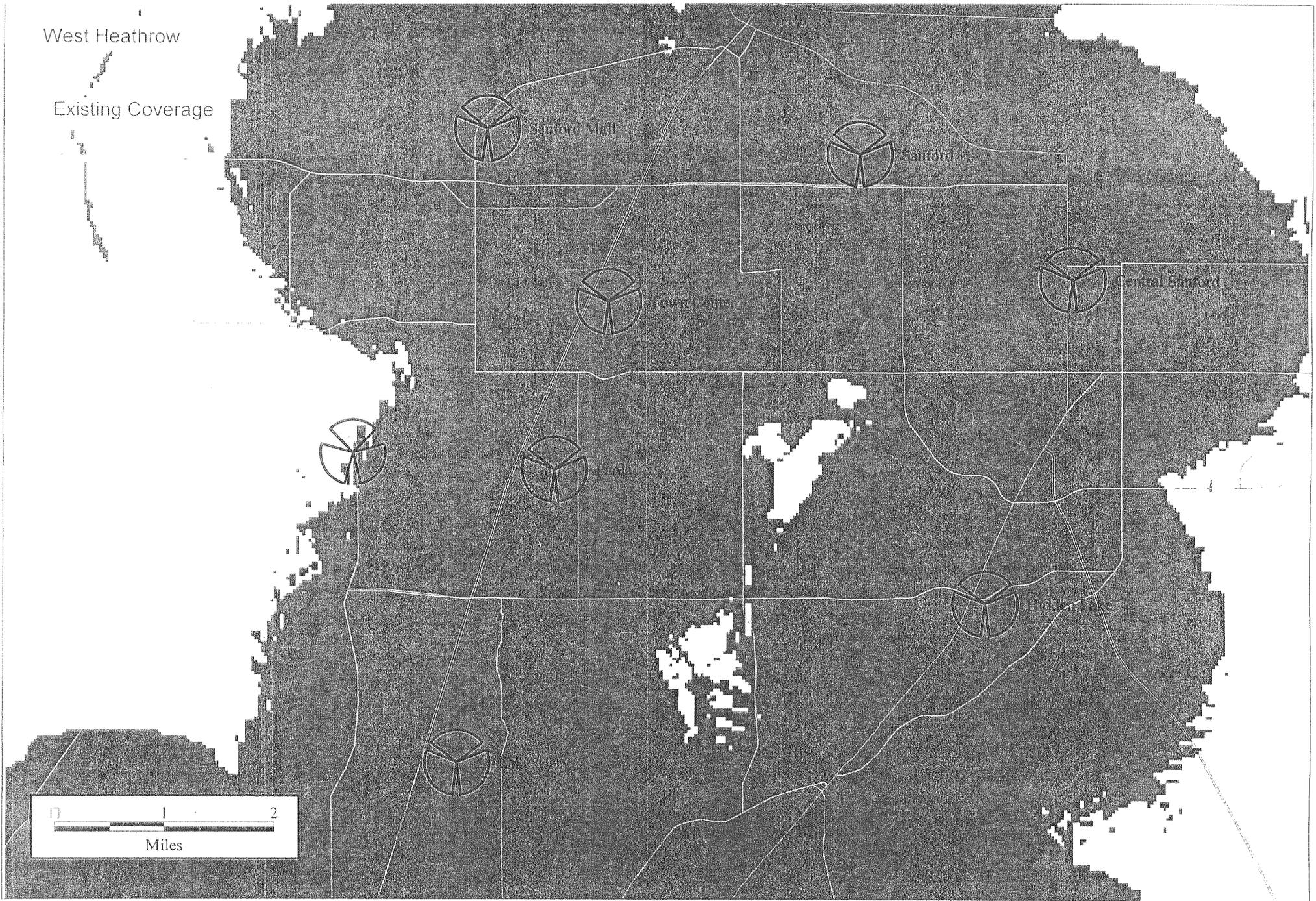
Sincerely,

A handwritten signature in black ink that reads "Craig O'Neill".

Craig O'Neill
R.F. Design Engineer
Cingular Wireless Inc

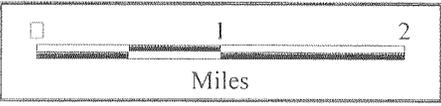
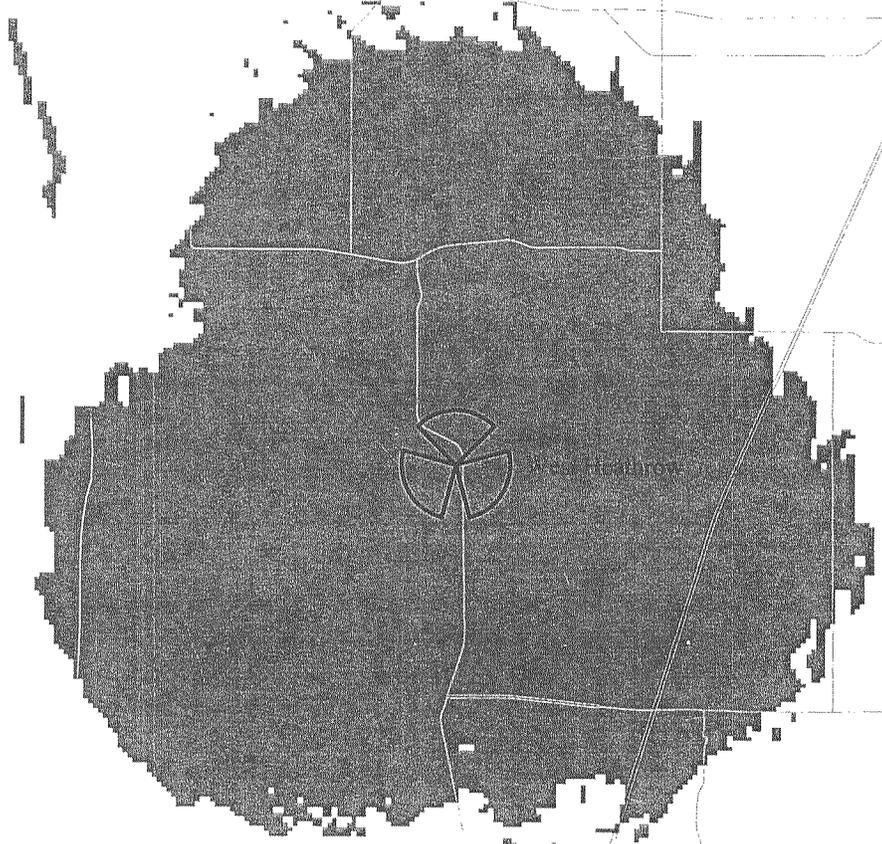
West Heathrow

Existing Coverage



West Heathrow

New Cell Coverage



West Heathrow

Proposed Coverage



Sanford Mall



Sanford



Town Center



Central Sanford



West Heathrow



Paola



Hidden Lake



St. Mary



CINGULAR WIRELESS LLC

Seeks

Special Exception Approval and a Variance

In

A-1, Agricultural (Zoning District)
Suburban Estates (Future Land Use)

For a Proposed
150' Camouflage Tower (Monopine)
Communication Service Facility

Site Name: West Heathrow
5347 Carter Rd., Lake Mary, FL 32746

TAX PARCEL ID # 02-20-29-300-030C-0000; 4.938 Acres +/- Not Platted

PROJECT DESCRIPTION AND JUSTIFICATION

INTRODUCTION

Cingular Wireless LLC, a subsidiary of BellSouth Wireless, Inc., a Federal Communications Commission (FCC) licensed operator of commercial mobile radio services in the State of Florida, submits this application to the Seminole County Board of Adjustments for Special Exception approval in the A-1 zoning classification in order to construct and operate an unmanned wireless communication service facility within the County. In addition, a variance to the separation requirements is sought under a separate variance application request. This project description and justification narrative describes the scope of the proposed project by providing specific information regarding the project location, zoning, specifications and required services.

PROJECT GOAL

Cingular's goal is to enhance the quality of wireless service coverage on Markham Woods Rd. and the surrounding area west of Heathrow, in addition to providing quality contiguous coverage into Sanford, Heathrow and the Lake Mary area. This goal will be accomplished in an environmentally sensitive manner, consistent with the policies and ordinances of Seminole County and that is why Cingular has proposed a "monopine" camouflage tower for this site location.

GENERAL PROJECT DESCRIPTION

The subject parcel is located at 5347 Carter Rd., Lake Mary, FL 32746. The parent tract consists of approximately 4.938 Acres and is zoned A-1, Agricultural with a Future Land Use Category of Suburban Estates. The parent tract is currently used as a single family dwelling. Cingular proposes to construct a 150' "Monopine" camouflage tower and place the supporting equipment cabinets on a concrete slab, within a fenced-in 60' x 60' lease compound.

Facility Specifications

Cingular's personal wireless service facility consists of three (3) equal "sectors" for three (3) panel antennas each, mounted to a support bracket at approximately 150' above ground level (AGL). The initial Cingular antenna installation will be two (2) panel antennas per sector, for a total of six panel antennas. The proposed 150' monopine camouflage tower is designed with the structural integrity to support two (2) future service providers at a lower height (*Please refer to the Tower Profile and please refer to color photos of monopine tower options*). The panel antennas will be approximately 51" high x 7" wide x 3" deep. The brackets and antennas will be painted to blend in with the monopine "branches" attached to the tower. Attached to each antenna will be coax cable that will run down the inside of the tower to the base, and across a cable-bridge into the Purcell equipment cabinet (*See Compound Drawing*).

The proposed facility will be used strictly as a wireless transmitting and receiving facility. The facility is completely self-operating and thus unmanned. Once the facility is operational, technicians from Cingular will visit the site approximately once or twice a month for routine maintenance purposes. In the event of a malfunction or emergency, more frequent visits will be required. Ingress/Egress to the facility is off of Carter Rd. over an unrestricted access easement to the site. Electrical power and telephone will be supplied from existing utility service providers – Progress Energy and Bell South respectively.

PROJECT JUSTIFICATION

Necessity and/or Desirability of Proposed Project

Cingular Wireless has strong customer demand for continued quality mobile radio telephone services in Seminole County and particularly in this geographic area of Lake Mary, Heathrow and Sanford. The Cingular Wireless radio frequency engineer assigned to this area has identified a pressing need for a wireless communication facility in the proposed site location of Seminole County to provide quality contiguous coverage into Sanford, Heathrow, Lake Mary and the surrounding area west of Heathrow, as well as enhanced coverage along Markham Woods Rd.

The proposed facility was selected after an intense investigation of the topographic characteristics of the area, frequency analysis, adjacent cell interconnection capabilities (meaning "seamless radio frequency hand-offs" from cell to cell), existing co-location opportunities within and without the radio frequency search ring, and most importantly land-use compatibility.

Siting Analysis

In the site selection process, the site acquisition person attempts to find any collocation opportunities within the search ring area or very close to it that satisfies the RF propagation and height requirements. This particular search ring area affords no collocation opportunities and therefore a "green field" or "raw land" site is sought within the search ring area.

There are several criteria taken under consideration when attempting to locate a site within the search ring area and it is always a compromise in meshing all them together in order to come up with an "ideal" site location. These are the general criteria a site acquisition person must address when finding an optimal site location:

1. Of primary consideration is compliance with local land use ordinances (Is the use even allowed in this zoning district);
2. Find a willing landlord with sufficient land to locate the site;
3. Find a mutually agreed upon site location on the property owner's property;
4. Find a mutually agreed upon ingress/egress to the proposed site;
5. Locate the site where reasonable telephone and electrical utility runs are present.

Alternative Sites Investigated: The two potential collocation sites within the search ring area lie to the north on First Baptist Church property located at 5400 Markham Woods Rd. The two potential collocation opportunities were two stealth flag pole installations. The first is the 135' Voice Stream (now known as T-Mobile) flag pole. T-Mobile is at the top and Nextel is collocated at approximately the 120'-125' level. The next available height down on this pole was rejected by Cingular RF as not an acceptable height. The second flag pole is approximately 90' in height and owned by Sprint who is at the top of the pole. This site was rejected by Cingular RF as being an unacceptable height.

Proposed Site Justification: Please see the letter from the Cingular RF engineer.

Additional Benefits:

1. The proposed camouflage monopine tower mitigates the visual impact on the area to the greatest extent possible by locating the site deep within the parent tract, taking advantage of the existing trees abutting the parent tract to the north.
2. The proposed tower height affords collocation opportunities for two more future communications providers (total of three), if technologically feasible for that future provider.

PUBLIC BENEFITS OF THE PROJECT – AN OVERVIEW

The Congress of the United States has found that wireless radio services serve the national interest, and directly or indirectly benefit all of its citizens. Through licensing agreements the Federal Communications Commission (FCC) has established the desirability and need for wireless telephone service to facilitate telephone conversations between mobile units and the existing telephone system. The wireless system is intended to function as an extension of the present telephone network, and is intended to provide quality service for the entire nation at a reasonable price. Cingular Wireless LLC, is mandated to provide mobile cellular radio service to

those service areas of Florida granted under their FCC license. Seminole County is one of those areas granted under their FCC license.

The wireless telephone system divides the service area into a grid system called "cells." Each cell has its own radio receiver and low-power transmitter. The size and location of each cell is based on the anticipated volume of telephone traffic in each cell area. From each cell calls are sent by radio to and from the mobile hand-held units, and then routed through the public telephone system to fixed (land-line) telephones or routed to other cells and on to other mobile units. A central "switch" routes all of the calls through the wireless system, facilitating the "seamless hand-offs" between cells as the hand-held mobile unit moves through the wireless service area.

Wireless telephone services play an important role in providing communications to individuals, the business community and to emergency service providers. In polls conducted over the past few years, it has been found that individuals purchase wireless services primarily for safety and security reasons. It makes them feel safer when traveling for business or pleasure. 9-1-1 wireless phone calls from individual customers (known as "Good Samaritans") are approaching 50,000 per day nationwide, and about 50 percent of wireless users have called authorities to report car trouble, medical emergencies, crimes, or drunk driving.

Business owners, managers and employees have commented on the increase in productivity and better use of their time. Just as the standard (land-line) telephone facilitated the growth of American business in the 20th Century, wireless communications has become an indispensable 21st Century tool of the modern business world.

Most importantly, wireless telephone services play an important role in providing vital communications to relief and emergency workers. Wireless communications were extensively used to provide life-saving communications during Hurricane Andrew and other natural disasters around the country. In addition, police patrol cars regularly use "mobile data terminals" giving them fast wireless access to key information for critical "on the spot" decision making.

REQUIRED FINDINGS

Granting special exception approval for Cingular's personal wireless service facility will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity of this cell site; nor will it be injurious to property, improvements or potential development in the vicinity. Once installed, the unmanned camouflaged cell site becomes a passive use.

CONCLUSION

The proposed site location satisfies Cingular's radio frequency requirements under its FCC license obligations to provide continued quality "mobile radio telephone service" to Seminole County. Under Seminole County's current ordinance the camouflage tower is considered to be the most unobtrusive to the community. Cingular Wireless has proposed such an installation to help mitigate the visual impact on the community.

As demonstrated by both the foregoing narrative and attached documentation, the Special Exception application submitted by Cingular Wireless meets or exceeds the applicable zoning regulations for siting a wireless communications facility in the A-1 zoning district. Therefore, Cingular respectfully requests approval of this application.

**APPLICATION FOR VARIANCE FROM MINIMUM SEPARATION
REQUIREMENTS FOR COMMUNICATION TOWERS**

I. IS A VARIANCE NEEDED?

Section 30.1364(b) of the Seminole County Zoning Code establishes minimum separation requirements from off-site uses for communication towers that are to be sited within 200 feet or 300% of the height of the tower (whichever is greater) from property that (1) has a residential zoning classification; (2) has a residential future land use designation; or (3) contains an existing residential use. The proposed camouflage tower at issue will be 150-feet tall. Thus, the applicant must seek a variance if the tower is located within 450 feet of the off-site uses listed above.

- A. Is there property within 450 feet of the tower that has a residential zoning classification?** No. The property has an agricultural zoning classification (A-1). Thus, no variance is needed from the minimum separation requirements.
- B. Is there property within 450 feet of the tower that contains an existing residential use?** Yes. The owner of the property (Markham Woods Presbyterian Church, Inc.) leases a single-family home that is located on-site. However, Section 30.1364(b)(3) provides that a "reduced separation distance may be approved by the current planning manager when written consent is obtained from all property owners within the applicable separation distance." By virtue of the fact that the property owner (Markham Woods Presbyterian Church) is the one seeking this variance, the County has "written consent" that "the property owner within the applicable separation distance" (Markham Woods Presbyterian Church) consents to the reduced separation distance. Additionally, there is a parcel just south of the subject property that contains another single family residence.
- C. Is there property within 450 feet of the tower that has a residential future land use designation?** Yes. The tower is located within 450 feet of another parcel that has a Suburban Estates land use classification. However, the applicant respectfully submits that it meets the requisite criteria (set forth in "Table 1" of Section 30.1364) for granting a variance from this minimum separation requirement.

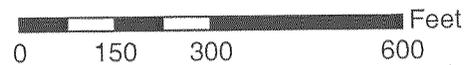
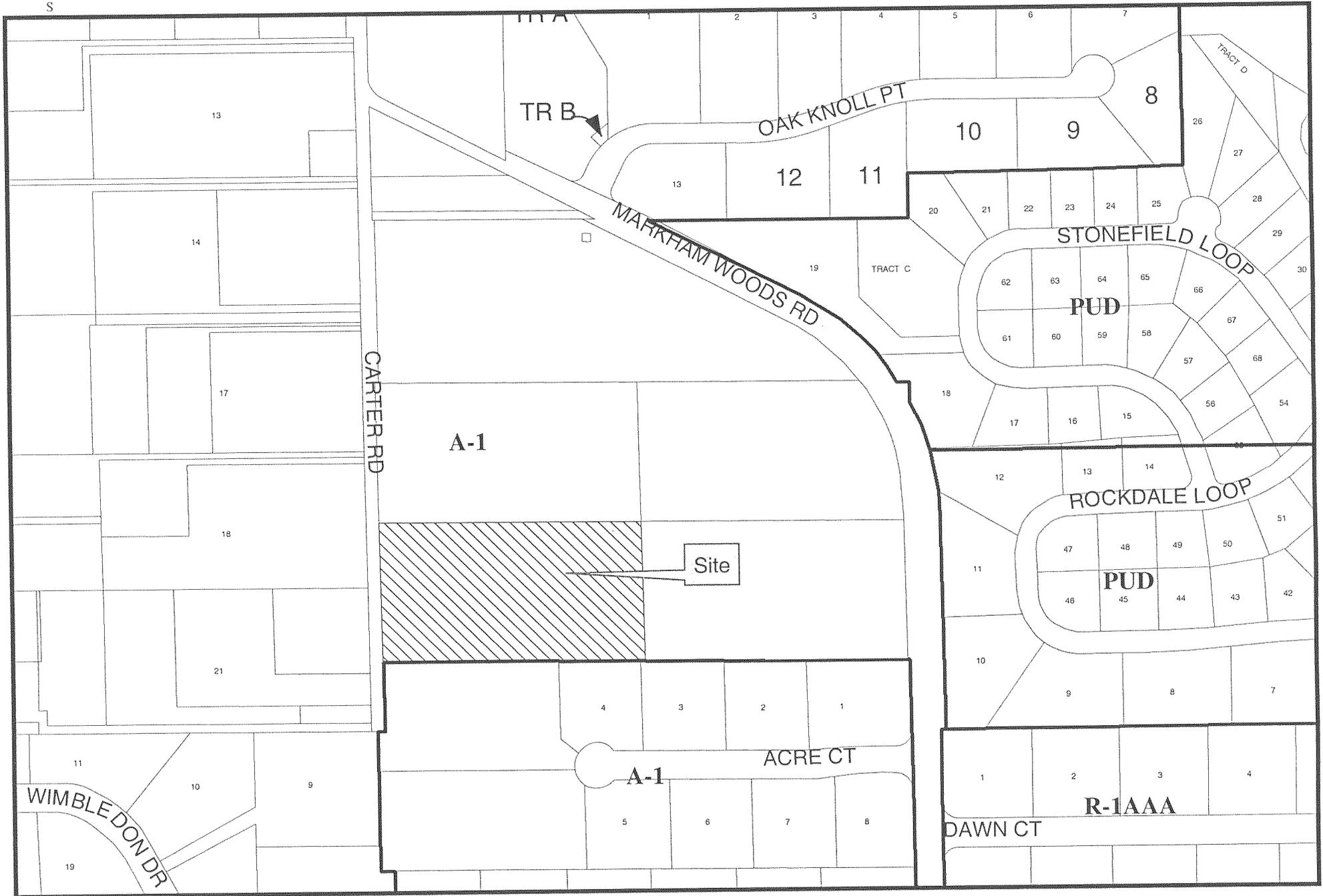
II. DOES THE APPLICANT MEET THE REQUIREMENTS FOR A VARIANCE?

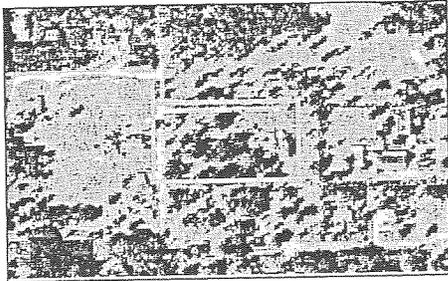
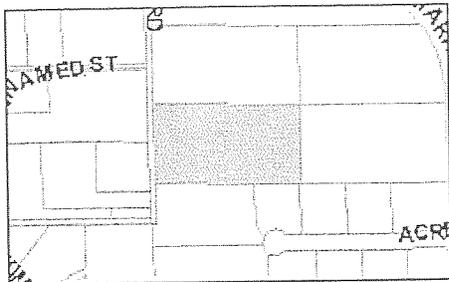
A variance from the minimum separation requirements for communication towers may be granted based upon findings that: (1) the aesthetic impacts of the tower is enhanced; (2) compatibility with abutting property owners is maintained; and (3) approval of the tower would be consistent with and further the provisions of Section 30.1362.

- A. **Have the "aesthetic impacts" of the tower been enhanced?** Yes. The proposal is for a "camouflage" tower, designed to resemble a pine tree, as opposed to a "traditional" communications tower.
- B. **Is compatibility with abutting property owners maintained?** Yes. The property to the north of the subject parcel has an agricultural zoning classification (A-1) and is currently vacant. The property is owned by a nearby church, which has two "flagpole" communication towers on its property. The property to the south of the subject parcel contains a single-family dwelling; however, the proposal is for a "camouflage" tower to resemble a pine tree, thereby blending in with the existing environment.
- C. **Would approval of the tower would be consistent with and further the provisions of Section 30.1362?** Yes. The primary purposes of Section 30.1362 are to (1) accommodate the growing need for communication; (2) encourage and direct the location of communication towers to the most appropriate locations . . . to provide for the needs of the communication industry, to provide for the needs of the public and to provide for the protection of private property rights; (3) protect residential areas and land uses from potential adverse impacts of communication towers when placed at inappropriate locations or permitted without adequate controls and regulation; (4) minimize the adverse visual impacts resulting from communication towers through design, siting, screening and innovative camouflaging techniques; and (5) avoid potential damage to adjacent properties through sound engineering and planning. The proposal for a camouflage "monopine" at the proposed location advances each of these objectives.



Kevin Karr 5347 Carter Road



 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																										
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 02-20-29-300-030C-0000 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CHURCH MARKHAM WOODS Exemptions: 36- CHURCH/RELIGIOUS</p> <p>Own/Addr: PRESBYTERIAN INC</p> <p>Address: 5210 MARKHAM WOODS RD</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 5347 CARTER RD LAKE MARY 32746</p> <p>Subdivision Name:</p> <p style="padding-left: 40px;">Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2003 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$106,913</p> <p>Depreciated EXFT Value: \$12,117</p> <p>Land Value (Market): \$175,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$294,030</p> <p>Assessed Value (SOH): \$294,030</p> <p>Exempt Value: \$63,892</p> <p>Taxable Value: \$230,138</p> <p style="text-align: center;">2003 Notice of Proposed Property Tax</p>																								
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2000</td> <td>03872</td> <td>0024</td> <td>\$425,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1978</td> <td>01186</td> <td>0086</td> <td>\$15,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01114</td> <td>1930</td> <td>\$12,500</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/2000	03872	0024	\$425,000	Improved	WARRANTY DEED	08/1978	01186	0086	\$15,500	Vacant	WARRANTY DEED	01/1977	01114	1930	\$12,500	Vacant	<p style="text-align: center;">2002 VALUE SUMMARY</p> <p>2002 Tax Bill Amount: \$2,676</p> <p>2002 Taxable Value: \$153,541</p>
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ACREAGE	0	0	5.000	35,000.00	\$175,000																					
BUILDING INFORMATION																										
Bld Num	Bld Type	Year Blt	Fixtures	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																		
1	SINGLE FAMILY	1979	6	3,168	1,582	CONC BLOCK	\$106,913	\$118,136																		
	Appendage / Sqft		OPEN PORCH FINISHED / 72																							
	Appendage / Sqft		BASE SEMI FINISHED / 624																							
	Appendage / Sqft		GARAGE FINISHED / 484																							
	Appendage / Sqft		ENCLOSED PORCH FINISHED / 46																							
	Appendage / Sqft		OPEN PORCH FINISHED / 360																							
EXTRA FEATURE																										
	Description	Year Blt	Units	EXFT Value	Est. Cost New																					
	POOL VINYL LINER	1980	392	\$3,332	\$7,840																					
	COOL DECK PATIO	1980	400	\$595	\$1,400																					
	ALUM GLASS PORCH	1987	360	\$3,024	\$5,040																					
	FIREPLACE	1987	1	\$900	\$1,500																					
	SCREEN ENCLOSURE	1988	2,344	\$2,346	\$4,688																					
	ALUM CARPORT NO FLOOR	1997	600	\$1,920	\$2,400																					

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

RETURN TO SANDY MCCANN

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 02 TWP 20S RGE 29E W 1/2 OF S 2/3 OF N 3/4 OF S 1/2 OF NW 1/4

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.
5210 MARKHAM WOODS ROAD
LAKE MARY, FL 32746

Project Name: CINGULAR WIRELESS COMUNICATION TOWER

Requested Development Approval:

- (1) SPECIAL EXCEPTION TO ESTABLISH A 150 FT TALL CAMOUFLAGE COMMUNICATION TOWER IN THE A-1 (AGRICULTURE DISTRICT).
(2) VARIANCES FROM 450 FEET TO 298.67 FEET; 450 FEET TO 294.17 FEET; 450 FEET TO 307.46 FEET; 450 FEET TO 353.5 FEET; 450 FEET TO 32.25 FEET; AND 450 FEET TO 41 FEET FOR THE MINIMUM SEPARATION DISTANCE REQUIRED BETWEEN A PROPOSED 150 FOOT TALL CAMOUFLAGE COMMUNICATION TOWER AND PROPERTIES ASSIGNED THE SE (SUBURBAN ESTATES) FUTURE LAND USE DESIGNATION.

The Development Approval sought is inconsistent with the Seminole County Comprehensive Plan and would adversely impact neighborhood character by allowing a communication tower that would not meet the minimum performance standards of the Land Development Code. The owners retain a reasonable use of their property.

The requested development approval is hereby denied.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 05093 PG 1828
FILE NUM 2003201619
RECORDED 11/10/2003 11:53:36 AM
RECORDING FEES 19.50
RECORDED BY J Eckenroth

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: [Signature]
DEPUTY CLERK

Done and Ordered on the date first written above.

By: Matthew West
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of October, 2003.

Karen Mathews
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

 Karen Mathews
My Commission DD144950
Expires August 26, 2006

FILE NUM 2003201619
OR BOOK 05093 PAGE 1829

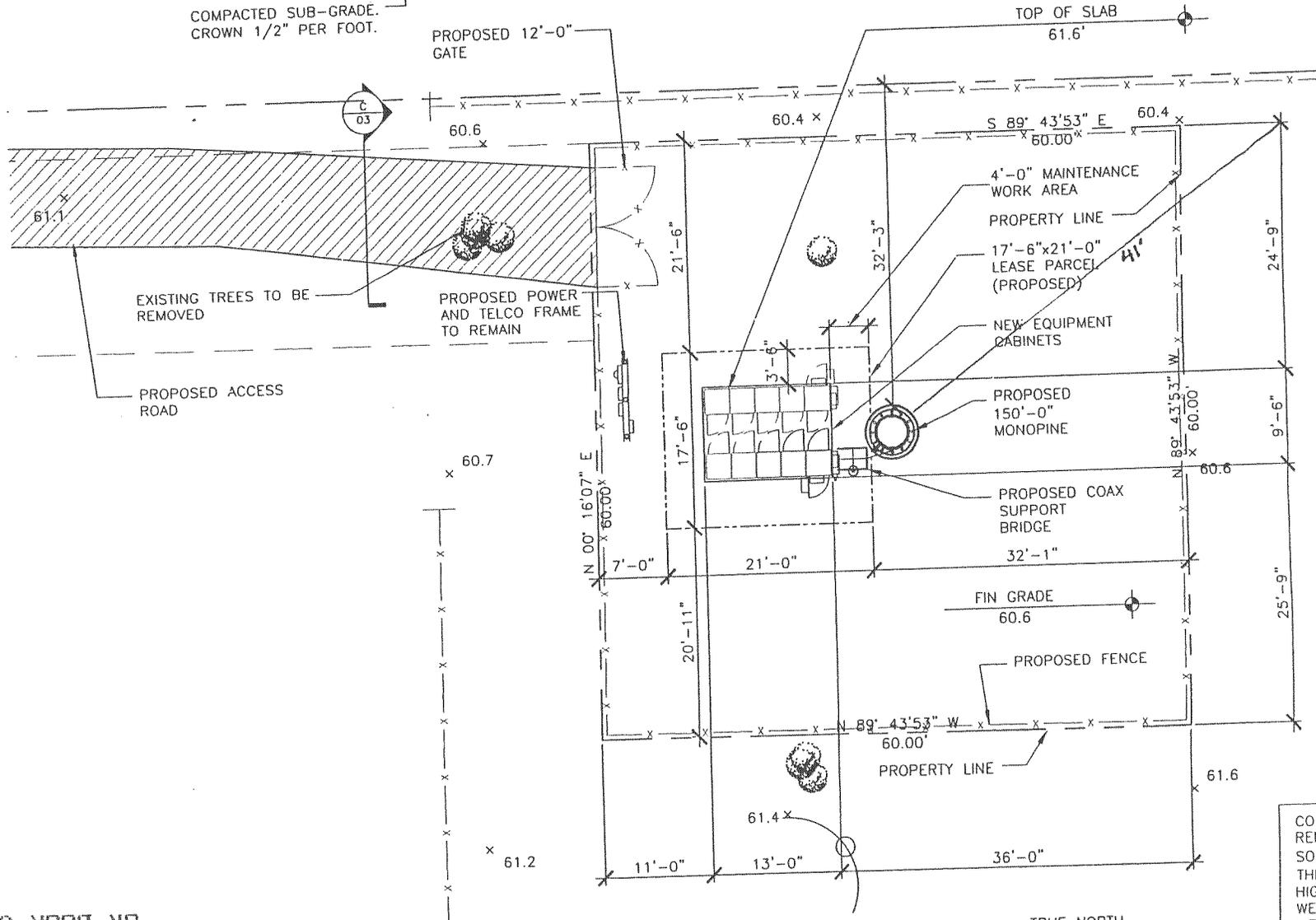
ESS ROAD DETAIL



REMOVE 3" OF TOP SOIL UNDER FULL WIDTH OF EMBANKMENT PRIOR TO APPLICATION OF SUB-GRADE MATERIALS.

4" THK. COARSE GRADED AGGREGATE SURFACE COURSE, CRUSHED GRAVEL. APPLY TOP LAYER AFTER USE BY HEAVY CONSTRUCTION EQUIPMENT. CROWN 1/2" PER FOOT.

COMPACTED SUB-GRADE. CROWN 1/2" PER FOOT.



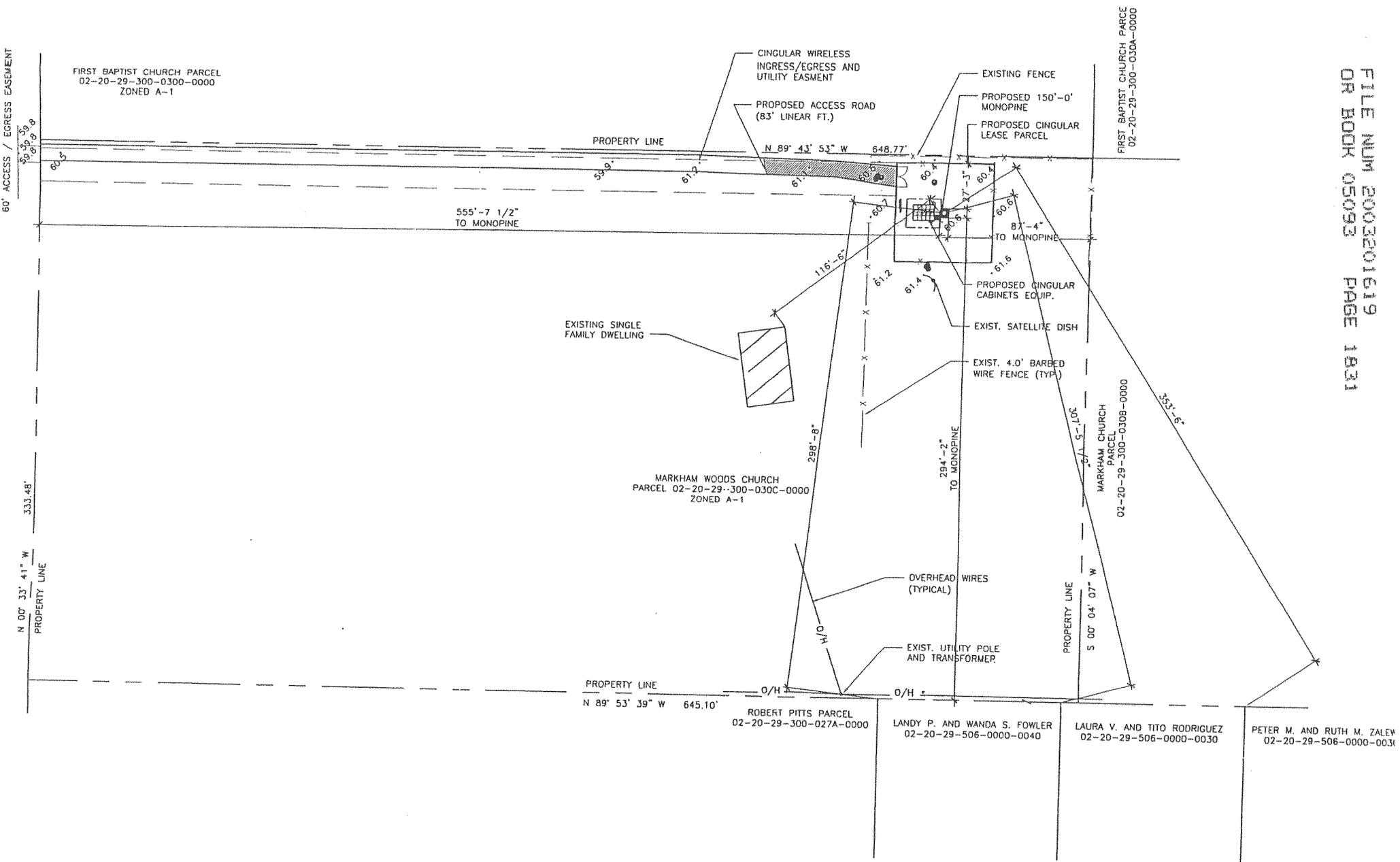
FILE NUM 2003201619 OR BOOK 05093 PAGE 1830

COMPOUND PLAN

TRUE NORTH



COM
REM
SOIL
THIC
HIGH
WEE
WELI
FILL.



FLOOD NOTE:
 AFTER REVIEW OF FLOOD INSURANCE RATE MAP, COMM
 No. 12117C 0020 E, DATED APRIL 17, 19
 CINGULAR WIRELESS LEASE PARCEL DEPICTED HEI
 ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 50
 FLOOD PLAIN).

SITE PLAN

TRUE NORTH



OCT 07 2003

SCALE: 1" = 30'-0" (FOR 22"x34" SIZE SHEET)
 SCALE: 1" = 60'-0" (FOR 17"x11" SIZE SHEET)

THROW-1
 CULAR

INT



2	10-07-03	RE-ISSUED FOR CONSTRUCTION			
1	09-09-03	RE-ISSUED FOR CONSTRUCTION			



CINGULAR WIRELESS

DO NOT SCALE GRANNICE. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE GROUND.

**Minutes for the Seminole County Board of Adjustment
MONDAY, OCTOBER 27, 2003
6:00 P.M.**

Members Present: Mike Hattaway, Wes Pennington, Dan Bushrui,
Alan Rozon and Dr. Lila Buchanan

Staff Present: Earnest McDonald, Principal Coordinator, Kathy Fall, Senior
Planner, J.V. Torregrosa, Planner, Patty Johnson, Senior Staff Assistant

The Chairman called the meeting to order at 6:00 P.M. Mr. Hattaway then reviewed the method by which the meeting would be conducted, rules for voting and appealing decisions.

Chairman Hattaway stated that item 12 would not be heard.

CONSENT ITEMS

VARIANCES:

1. **RIDGEWOOD STREET EAST** – Summerfield Homes, Inc., applicant; Request for rear yard setback variance from 30 feet to 20 feet for a proposed single-family home in the R-1AA (Single-Family Dwelling District); Located on the north side of Ridgewood Street East, approximately 320 feet west of the intersection of Ridgewood Street East and Virginia Avenue; (BV2003-150).
District 4 - Henley
Earnest McDonald, Principal Coordinator

2. **BEACH AVENUE** – Bonnie L. & Jaime L. Giroux, applicants; Request for minimum width at the building line variance from 150 feet to 110 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the east side of Beach Avenue, approximately 350 feet north of the intersection of Beach Avenue and Stanley Street; (BV2003-149).
District 4 – Henley
Earnest McDonald, Principal Coordinator

3. **SNOW HILL ROAD** – Joyce Jones, applicant; Request for width at building line variance from 150 feet to 104.3 feet for a proposed single-family home in the A-5 (Rural Zoning Classification District); Located on the northeast corner of the intersection of Butterfly Forest Road and Snow Hill Road; (BV2003-137).
District 2 – Morris
Francisco Torregrosa, Planner

8. **370 SCOOTER POINT** – Anthony St. George, applicant; Request for special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for two years; Located on the north side of Scooter Point, approximately 700 feet east of the intersection of Burnt Tree Way and Scooter Point; (BM2003-016).
District 5 – McLain
Francisco Torregrosa, Planner

21. **351 GOLFVIEW AVENUE** – Patton Wasson, applicant; Request for; (1) front yard setback variance from 50 feet to 16 feet for an existing residence; and (2) front yard setback variance from 50 feet to 29 feet for a proposed addition in the A-1 (Agriculture District); Located on the west side of Golfview Avenue approximately 475 feet southeast of the intersection of Snow Queen Drive and Golfview Avenue; (BV2003-136).
District 1 – Maloy
Francisco Torregrosa, Planner

Mr. Pennington made a motion to approve the Consent Agenda Items 1, 2, 3, 8 and 21.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

VARIANCES:

9. **1893 EASTBROOK BOULEVARD** – Audrey Fitzgerald, applicant; Request for a (north) side street setback variance from 25 feet to 4.8 feet for a proposed fence in the R-1A (Single-Family Dwelling District); Located at the southwest corner of the intersection of Australian Circle and Eastbrook Boulevard; (BV2003-161).
District 1 – Maloy
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval.

The applicant was not present.

Dr. Buchanan made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTION:

10. **1171 SANDY LANE – PACE / Richard M. Dunn (Brantley Hall, Inc.),** applicants; Request for special exception to expand an existing private school for children with learning disabilities in the A-1 (Agriculture District); Located on east side of Sandy Lane, approximately 0.1 mile south of the intersection of Sandy Lane and Sand Lake Road; (BS2003-021).
District 3 – Van Der Weide
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the application and stated that staff had not received a revised Site Plan. He further stated that staff had received in writing a request for continuance.

Mr. Pennington made a motion to continue item 10 until the November 24, 2003 meeting.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

PUBLIC HEARING ITEMS

Mobile Home Special Exceptions:

4. **5950 LAKE AVENUE – Valerie Long,** applicant; Request for special exception for the temporary placement of a mobile home in the A-1 (Agriculture District) for one year; Located on the west side of Lake Avenue, approximately 210 feet north of the intersection of Lake Avenue and Cadillac Street; (BM2003-015).
District 5 – McLain
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that the applicant had changed her request from permanent placement of a mobile home to temporary placement. Kathy further stated that the applicant would move the mobile home

once her home was built. Staff recommended approval in accordance with the Development Order presented with request.

Valerie Long stated her plans were to build a home at the beginning of the year. She further stated that she would like to put the mobile home toward the front of the lot and build her house behind the mobile home.

Mr. Rozon made a motion to approve the request in accordance with the terms of the Development Order.

Mr. Bushrui seconded the motion.

The motion was passed by unanimous consent (5-0).

5. **1290 BEE LANE** – Michelle Chalstrom, applicant; Request for special exception for the temporary placement of a recreational vehicle in the A-5 (Rural Zoning Classification District) for one year; Located on the west side of Bee Lane, approximately 700 feet south of the intersection of East Osceola Road and Bee Lane; (BM2003-019).
District 2 – Morris
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval for the 1 year temporary placement of the recreational vehicle. He further stated that staff had received letters of opposition today on the request.

Michelle Chalstrom stated that she planned to build a house on the property and needed to live in the mobile home until the house was built. She stated that she was told she could put the motor home on the property until she could build her house.

Tammy Lee spoke in opposition stating that when Michelle moved there she said she had a contract and was going to build a house; to date she had not done anything towards doing that. Tammy inquired about the septic? Tammy further stated that they have waited 5 months and nothing has happened, as far as a building permit for a home.

Tim Lee spoke in opposition stating that he wanted to know that something was going to happen as far as the building of the house.

Michelle Chalstrom stated that she had proof that a contract has been made. She gave the board a copy of the contract.

Mr. Rozon made a motion to approve the request for 6 months with the following conditions; applicant comes back in after 6 months to

demonstrate to the County that substantial progress has been made and applicant has to move the mobile home weekly to dump septic and replenish the water and provide documentation to County, or get permits to construct a well and septic drainfield.

Dr. Buchanan seconded the motion.

The motion passed by a 3-2 consent. Mr. Hattaway and Mr. Bushrui were in opposition.

- 6. 1700 BLUEFISH PLACE** – Joseph Sapp, applicant; Request for special exception for the permanent placement of an existing mobile home in the A-5 (Rural Zoning Classification District); Located on the north side of Bluefish Place, approximately 0.5 mile east of the intersection of Mullet Lake Park Road and Bluefish Place; (BM2003-017).
District 5 – McLain
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that the applicant would like to receive permanent status on an existing mobile home with a chronically ill family member. He further stated that staff's recommendation was for approval.

Joseph Sapp asked if his daughter could speak on his behalf. The daughter stated her name as Tammy Bebe. She further stated that her father had a liver transplant about 10 years ago and had been on 12 medications. He has severe memory lose and can't remember to take his medicine. If he doesn't take his medicine he will die. Tammy also stated she quit her job after 19 years to take care of her father and mother, and need the medical hardship for proximity to administer care for he father.

Mr. Rozon made a motion to approve the request for the life of the mobile home.

Mr. Pennington seconded the motion.

The motion passed with 4-1 consent. Mr. Hattaway was in opposition.

- 7. 1700 BLUEFISH PLACE** – Joseph Sapp, applicant; Request for special exception for the permanent placement of a mobile home for a chronically ill relative in the A-5 (Rural Zoning Classification District); Located on the north side of Bluefish Place, approximately 0.5 mile east of the intersection of Mullet Lake Park Road and Bluefish Place; (BM2003-018).
District 5 – McLain
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff's recommendation was for approval.

Tammy Bebe the applicant daughter stated that she has a husband and two children and would like to live in her own mobile home on the property to care for her father and mother.

Mr. Rozon made a motion to approve the request with the condition that the applicant is required to bring in a letter from the doctor within 60 days on the doctor letterhead.

Mr. Pennington seconded the motion.

The motion was passed by unanimous consent (5-0).

Variances:

11. **1213 WAVERLY WAY** – Chad M. Dunbar, applicant; Request for (1) (north) rear yard setback variance from 30 feet to 15 feet; and (2) (west) side yard setback variance from 10 feet to 7 feet for a proposed detached garage in the R-1AA (Single-Family Dwelling District); Located on the west side of Waverly Way, approximately 300 feet north of the intersection of Waverly Way and Windsor Avenue; (BV2003-151).
District 4 – Henley
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Chad Dunbar stated that he was looking to put a detached garage on the back left corner of the property. He also stated that he has trees in the back and the only place to put the structure, without cutting down any of the trees, would be in the proposed location. He further stated that he had letters from neighbors in support of his request.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

12. **100 WILD FERN DRIVE** - Herbert A. Piper, applicant; Request for side street setback variance from 25 feet to 22.5 feet for a proposed addition to a single-family home in the PUD (Planned Unit Development District);

Located immediately north of the intersection of Wild Fern Drive and Red Bug Lane; (BV2003-145)
District 3 - Van Der Weide
Earnest McDonald, Principal Coordinator

This item was approved by an Administrative Variance.

- 13. 116 BRIAR PATCH** – Gary D. & Sharon J. Pudlewski, applicants; Request for (south) side street setback variance from 25 feet to 5 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located at the northwest corner of Briar Patch and Clover Lane; (BV2003-135).
District 4 – Henley
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request unless the applicant can demonstrate a hardship.

Gary Pudlewski stated that he felt the hardship is the fact that he has two front yards to contend with, and most neighbors have one. He further stated that some neighbors have fences within two feet of the side walk.

Dr Buchanan made a motion to approve the request based upon the statement from Seminole County Engineering Dept.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 14. 3816 GREYSTONE LEGEND PLACE** - Pedro M. Martinez, applicant; Request for fence height variance from 6.6 feet to 9 feet in the R-1AA (Single-Family Dwelling District); Located on the west side of Greystone Legend Place, approximately 0.1 miles north of the intersection of Greystone Legend Place and McCulloch Road; (BV2003-138).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff recommended approval of no more than 8 feet for the variance on the height of the fence.

Pedro Martinez stated he was trying to obtain a certain privacy for the swimming pool. He also stated that he noticed the yard dropped when he put in the pool. He further stated that he would like the fence on the south side of the house to be the same height.

Dr Buchanan made a motion to approve the request not to exceed 9 feet.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

15. **2765 RICHMOND AVENUE** – James McLaughlin, applicant; Request for rear yard setback variance from 30 feet to 10 feet for a proposed accessory building in the A-1 (Agriculture District); Located on the east side of Richmond Avenue, approximately 0.2 miles north of the intersection of Richmond Avenue and Moore's Station Road; (BV2003-152).
District 5 – McLain
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

James McLaughlin stated he was requesting the variance to put up a shed for his camper. He also stated that he had a letter from his neighbor, in agreement with the proposed shed.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

16. **1219 LAS CRUCES DRIVE** – Nikki Bellamy-Sims, applicant; Request for rear yard setback variance from 25 feet to 20 feet for a proposed addition in the PUD (Planned Unit Development District); Located on the south side of Las Cruces Drive, approximately 400 feet south of the intersection of Las Cruces Drive and Rising Sun Boulevard; (BV2003-144).
District 2 – Morris
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the variance because it did not meet the six criteria for granting a variance.

Nikki Bellamy-Sims stated that her family had expanded and it needed more bedrooms. She also stated that the size of the bedrooms, without the variance, would be too small. She further stated that if they were going to do the addition

the rooms would need to be a reasonable size, and they also needed more closet space.

Mr. Pennington made a motion to approve the request per the Development Order.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

- 17. 2800 EGRET'S LANDING DRIVE** – Mary Jevitt, applicant; Request for rear yard setback variance from 20 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the south side of Egret's Landing Drive, approximately 350 feet east of the intersection of Egret's Landing Drive and Old Lake Mary Road; (BV2003-148).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Mary Jevitt stated that she would like to close in the open slab out back. She also stated that the conservation area behind her had become a swamp. She further stated that the screen room would protect her from infestation and the western sun. She presented a letter from her homeowners association and signatures of approval from neighbors.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent. (5-0).

- 18. 3173 EGRET'S LANDING DRIVE** – Carl Vano, applicant; Request for rear yard setback variance from 20 feet to 17.5 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the south side of Egrets Landing Drive, approximately 200 feet south of the intersection of Egret's Landing Drive and Snow Owl Court; (BV2003-146).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Jeff Neff stated he would represent the applicant, Carl Vano who was out of town. He said that the house was on a pie shaped lot and the Vanos wanted to cover the slab.

Mr. Rozon made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

19. **2660 CAHILL WAY** – Pedro Colon, applicant; Request for rear yard setback variance from 20 feet to 8.4 feet for an existing covered screen room in the PUD (Planned Unit Development District); Located on the west side of Cahill Way, approximately 350 feet south of the intersection of Cahill Way and Brightview Drive; (BV2003-142).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Pedro Colon stated that he requested the variance because he paid a contractor to build the screen room and take care of everything needed for the job. He stated that he found out from his neighbor that a permit was not issued for the job. He further stated he tried to contact the contractor, who had since moved and could not be reached. He went to the building Dept. of Seminole County and was told to apply for a variance.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

20. **2775 E. OSCEOLA ROAD** – Bruce Patti, applicant; Request for side yard setback variance from 50 feet to 5 feet for an existing horse stable in the A-5 (Rural Zoning Classification District); Located on the north side of E. Osceola Road approximately 900 feet west of the intersection of Osceola Bluff Lane and E. Osceola Road; (BV2003-140).

District 5 – McLain

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended the Board deny the variance, unless the applicant could demonstrate a hardship. If the Board should decide to grant the variance it would only apply to the existing stable.

Bruce Patti stated that he has children and grandchildren and would eventually like to put a house on the other side of the property. He also stated he would like to keep the existing stable where it is.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTIONS:

- 22. 5347 CARTER ROAD** – Wireless Facilities, Inc., Cingular Wireless, LLC., & Kevin Karr, applicants; (1) Request for special exception for the establishment of a 150 foot tall camouflage communication tower in the A-1 (Agriculture District); (2) Request for variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distances required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE (Suburban Estates) Future Land Use designation; Located on the east side of Carter Road, approximately 0.2 mile south of the intersection of Carter Road and Markham Woods Road; (BS2003-026) & (BV2003-153).
District 5 – McLain
Earnest McDonald, Principal Coordinator

(THIS ITEM ALSO INCLUDES A REQUEST FOR VARIANCES)

Earnest McDonald introduced the location of the application and stated that staff had examined the definition of a Camouflage Tower as defined by the Land Development Code. Given the character of the forested area where the tower would be built, staff does not believe a monopine in excess of 50 feet would successfully merge, blend or conform in appearance with existing surroundings. For this reason, staff would like to modify recommended condition number 2 to use a flagpole instead of the proposed monopine tree system. Staff believes this treatment would be more pleasing to surrounding development and reduce the potential for visual impact. He also stated that given the 450 feet separation distance required between the proposed tower location and abutting Suburban Estates properties to the north and south the variances would be necessary to

ensure reasonable use of the property as the location for a communication tower. He further stated that staff recommends approval of the special exception, subject to the recommended conditions in the staff report if the applicant could demonstrate that more than 125 feet is required to make reasonable use of the property for establishing a communication tower. Otherwise, staff recommends the Board deny the request, in light of the existing 120 – 125 ft collocation option available on the existing 135 feet tower to the north. He stated that the Board should make separate motions on the special exception and variance items.

Carl Sanders, with the Law Firm of Edwin Cowen spoke on behalf of Wireless Facilities, Inc. He stated that he was a little taken back by some of staff comments because they were not in the report. He stated that if it was the pleasure of the Board, or staff for that matter, for Cingular Wireless to propose a monopine at this site, Cingular would agree to comply. He stated that camouflage can be defined two different ways. "The issue is will it be something that you can see? Yes. Will it be something that is immediately recognizable as a tower? No. That is why we are purposing this tower". He stated we have Engineers here tonight who will be happy to explain the reason to you. He further stated he felt that they did meet the criteria stated in the Zoning Code.

Paul Fowler spoke in opposition stating he spend some time on the internet and found evidence on Safety issues. He further stated that one of the articles was on RF Radiation, which may cause cancer. His chief concern is for his family and other families.

Seminole County Attorney, Arnold Schneider stated he need to advise the Board that there is an Act in Congress that prohibits the board from taking in consideration the information on RF Radiation. He Further stated that 40-79 State Code, Section 332 or 337 is the Federal Status passed by Congress.

Wanda Fowler stated that since the health issue could not be considered, it is a eyesore and she didn't want it in her back yard.

Dimitrios Kioukis stated that he would like for the lifestyle in the Markham Woods area to remain.

Cynthia Jackson stated she bought her house in that area because of the isolation and the country setting. She stated that in the Heathrow area there is some land that has not been developed why not put the tower their.

Dr. Buchanan made a motion to approve the special exception of a 150 foot monopine camouflage tower with heavy branches and bark, designed to put as many branches as technologically feasible and the structural integrity is maintained.

Mr. Pennington seconded the motion.

Mr. Bushrui, Mr. Hattaway and Mr. Rozon were in opposition.

Motion died.

Mr. Rozon made a motion to deny the request based on the setbacks in the Land Development Code.

Mr. Bushrui seconded the motion.

Motion passed with a (3-2) consent.

- 23. 3348 WEST STATE ROAD 426** – Saint Albans Church / Edward Longstreth, applicants; Request for special exception to establish a day care facility as an accessory use to an existing church in the A-1 (Agriculture District); Located at the northeast corner of the intersection of West State Road 426 and Mystic Lake Drive; (BS2003-025).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval, based upon its compliance with the Land Development Code criteria.

Edward Longstreth stated he agreed with staff recommendation.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 24. 950 LAKE MARION DRIVE** – Lili-Ann Hackett-Ralph, applicant; Request for special exception for the conversion of a detached garage into a guest cottage in the R-1AA (Single-Family Dwelling District); Located on the west side of Lake Marion Drive, approximately 200 feet north of the intersection of Freymark Street and Lake Marion Drive; (BS2003-024).
District 4 – Henley
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval. He also stated that staff received e-mail in opposition of the request.