

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
November 14, 2013**

The Lake County Board of Adjustment met on November 14, 2013 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

**Board Members Present:**

Donald Schreiner, Chairman  
Catherine Hanson, Vice-Chairman  
Craig Covington  
Phyllis Luck  
Marie Wuenschel

**Board Members Absent:**

Lloyd M. Atkins, Jr.

**Staff Present:**

Anita Greiner, Chief Planner, Planning & Community Design Division  
Jennifer Cotch, Senior Planner, Planning & Community Design Division  
Erin Hartigan, Assistant County Attorney  
Donna R. Bohrer, Public Hearing Associate, Planning & Community Design Division

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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<b><u>CASE NO.</u></b>	<b><u>OWNER/ APPLICANT</u></b>	<b><u>AGENDA NO.</u></b>
<b><u>Consideration of Minutes</u></b>	October 10, 2013	
<b><u>Opening Remarks</u></b>		
<b><u>Consent Agenda:</u></b>		
BOA #17-13-5	Sheila McDowell/Cuozzo Design Group, Inc.	1
<b><u>Regular Agenda:</u></b>		
<b><u>Closing Remarks</u></b>		
<b><u>Adjournment</u></b>		

**Opening Remarks**

Anta Greiner, Chief Planner, noted that members of the public wished to address the Board regarding the case currently on the consent agenda.

**Minutes**

**MOTION by Phyllis Luck, SECONDED by Catherine Hanson to APPROVE the October 10, 2013 Board of Adjustment Public Hearing Minutes, as submitted.**

**FOR: Schreiner, Luck, Hanson, Wuenschel, Covington**

**ABSENT: Atkins**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**Regular Agenda**

**BOA# 17-13-5**

**OWNERS/APPLICANTS: Cuozzo Design Group/  
Shelia McDowell, et al**

Chairman Schreiner noted the only issue within the jurisdiction of the Board of Adjustment was the applicant's request regarding tower setbacks. He said the Board cannot consider issues such as property values or those related to health.

Erin Hartigan, Assistant County Attorney, explained that the Federal Telecommunications Act of 1996 prohibits local governments from regulating the placement, construction or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Any decisions based on those issues could be overturned.

Jennifer Cotch, Senior Planner, Planning and Community Design, explained the applicant is requesting a variance from the Land Development Regulations (LDRs) requiring communication towers be located in the center of the parent parcel. The applicant is proposing a 150 foot tall tower on Micro Racetrack Road in Fruitland Park. The LDRs require towers to be centered within the parent parcel, and located 400% of the tower height from any residence and at least 100 feet from property lines. The applicant is requesting that the tower be located further to the west than the east; allowing it to meet the LDRs regarding the distance from residences. Ms. Cotch further explained that the applicant will be required to obtain a Conditional Use Permit (CUP), should the variance be granted. Staff is recommending approval.

There were no questions for staff.

Don Cuzzo, Cuzzo Design Group, said there has been an increase in telecommunication usage. In order to successfully place a tower they must have a willing land owner, and favorable land use and zoning. He noted that Lake County's regulations were very stringent. He agreed that separation distance is the most important; he explained that they will protect as many as trees possible, and felt the variance will serve to protect the health and safety of the county.

**Public Comment**

Maxine Pew said she was very concerned about possible health impacts on her family members, and asked if there were any guarantees regarding possible future health issues.

Chairman Schreiner said he understood her concerns, but noted the Board could not consider that issue. He explained how staff reviews each application. In this case the Board can only consider whether or not the tower must be centered on the parent parcel.

Maurice Allen Sr. said he was a community member and concerned about the way they were notified, adding that the signs had been removed. He thought two properties had been combined to allow this tower.

Ms. Cotch explained that in addition to the legal ad in the local paper, everyone within 350 feet was notified by US mail, and signs were posted.

Phyllis Luck asked when the notices were mailed.

Ms. Cotch clarified that the application was received October 1, 2013, the notices were mailed 3 weeks ago and signs were posted on October 23, 2013. She noted that staff met all County notification requirements and explained that there are no procedures to check if signs are removed.

Chairman Schreiner explained to Mr. Allen, that the County had followed their regulations.

Abraham Allen Jr., said he was concerned about health issues. He noted that, in the past, federal rules have been slow to respond to health questions such as with tobacco. He said this issue has divided their neighborhood. He commented about who would benefit from this tower and said not everything should be about money. He felt the residents opinions should have been taken into consideration.

Orea Williams, a social worker with Cornerstone Hospice, presented a petition of local residents opposed to this request, as well as photographs proving the sign had been removed. She noted that there was no communication with residents prior to the meeting. She was concerned with unhealthy radiation from cell towers. She said they were not against someone's financial gain, but they wanted the tower located farther from residences.

Okcha Suji Kang said she owns land in the area on which she would like to build. She had just received notification on the day of the meeting. She said she was against the tower, was concerned about health issues and some of her land being taken for someone else's purpose.

There was discussion that her property is adjacent to the right-of-way.

Ms. Cotch explained that Emery Drive is an easement, which includes land from both the north and south. This easement has addresses attached to it, but it is not a County-maintained easement.

There was discussion relating to how construction will impact the already congested traffic level on Micro Race Track Road.

Cleo Stafford said he lives on Micro Racetrack Road. He discussed the concerns about health issues, and added that a microwave produces more radiation than residents will get from the tower.

Catherine Hanson addressed the application, the concerns over possible health issues and said the variance request does meet the intent of the Code.

**MOTION by Craig Covington, SECONDED by Catherine Hanson, to APPROVE BOA# 17-13-5, Cuozzo Design Group/Shelia McDowell with conditions as set forth by staff.**

Ms. Wunschel asked about the notification issue. Ms. Cotch said mailing addresses were taken from the property appraiser's website. Mr. Covington noted there would be no encroachment on anyone else's property. Ms. Luck asked questions about County notification and Ms. Greiner said the County notifies residents by mailing notification cards, posting signs and placing legal ads.

Ms. Cotch noted there would be no encroachment on adjacent properties. The tower will be about 165' from the north and south boundary. The closest the tower will be to the east property line is 178' and it will be 487' from the easement.

**FOR: Schreiner, Luck, Hanson, Covington**

**ABSENT: Atkins**

**AGAINST: Wuenschel**

**MOTION CARRIED: 4-0**

Ms. Greiner introduced new planner, Michelle Janiszewski.

**Adjournment**

There being no further business, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,



Donna Bohrer  
Public Hearing Associate

  
~~Donald Schreiner~~ Catherine C. Hanson  
Chairman