



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, December 11, 2024 9:00 a.m. – Room 119

Charlotte County Administration Center

18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Blair McVety, Chair
Steve Vieira, Vice-Chair
Nichole Beyer, Secretary
Turner Rouse
Andrew Filieo

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Kimlyn Walker, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent - Recorder

I. Call to Order

Chair McVety called the December 11, 2024, meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present. Andrew Filieo was absent.

IV. Swearing In of Those Giving Testimony

Kimberly Sargent swore in all persons who wished to provide testimony.

V. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney Walker and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VI. Approval of Minutes

ACTION: A motion was presented by Mr. Rouse and seconded by Mr. Vieira to approve the minutes of November 13, 2024, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VII. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the December 11, 2024, Board of Zoning Appeals meeting none were submitted.

VIII. New Business

The following petitions were advertised on November 26, 2024: SE-24-023, and SE-24-024.

SE-24-023

Tower Engineering Professionals, Inc., representative for Anthemnet, Inc., and Robert Corrigan, are requesting a special exception to allow a 199-foot-tall communications tower, in the Residential Estate-1 (RE-1) zoning district. The property is located at 25350 Zemel Road, in Punta Gorda, and is described as Parcel P22-1, located in Section 20, Township 24 South, Range 23 East. A full legal description is available on file. The Parcel ID for subject property is 422320400011.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Mr. Vieira said to Mr. Cullinan you said that the zoning was RE1 can you tell me what the total acreage is for the property.

Mr. Cullinan said 8.32 acres.

Mr. Vieira said the project that we are discussing how many units are allowed on this property.

Mr. Cullinan said as of right now none it is still RE1, and they have a discussion.

Applicant Presentation

Gerri Nelson, representative for the applicant, Anthemnet, Inc. Ms. Nelson said they agree with the findings of the staff report. We further agree to abide by the conditions of approval if stated in the report.

Chair McVety said Mr. Vieira wanted to know how long the lease was for.

Ms. Nelson said that is proprietary information and can get that to you. I don't know it at this point, if it's necessary I will get it.

Chair McVety opened the meeting to Public Comments.

Public Input

Dr. Mary Ellen Kiss, speaking on behalf of the Burnt Store corridor coalition. Ms. Kiss said this particular application was brought to our attention actually late on Monday. After much discussion with a number of the people from both Burnt Store Village and from Burnt Store Colony. We disagree actually with the staff recommendation to move forward with this application. We do not dispute that we need to have appropriate levels of communication. However, we do believe that there needs to be better analysis of why this tower is not being put at the mile and a half site. Clustering of communication towers is not an abnormal thing to do. So, we already have one tower a mile and a half away. Why not use the property that is already occupied by a tower for the new and additional tower and discusses all about it and how it will affect the areas surrounding it.

Helen Housh and Terry Housh, from Burnt Store Colony. Mrs. Housh said that we are here along with the people here that are representing residents of Burnt Store Colony. This is a retirement community on the corner of Burnt Store Road and Zemel Road. We are not opposed to any towers being built we understand that it's necessary for all the new homes being built. That way everyone can have the service needed. The placement of it is totally, it is literally in our back yard. It is on the other side of our fence. There are acres upon acres of vacant land on Zemel Road that have cows on them, which is where the other tower is. I don't know why they can't find another place to put this, the animals won't care. Looking at a tower two miles down the road is totally different than looking at a two-hundred-foot

tower that is right outside of your front door. Mr. Housh said where we live at, we see eagles, all kinds of Florida beautiful birds, all this stuff, we see wildlife. If that tower gets put up that is going to hurt that, along with the view, we are already suffering from the hurricanes with the land value, a record number of houses for sale that people are not buying and health concerns. We don't have no problem with it, we understand that the tower needs to be built. Talks about Zemel Road all the way to the dump and they can make it look pretty for the people to see. Mentions about putting it two miles down the road and put it in the pine trees so it looks good.

Linda Anstice, also live at Burnt Store Colony, lives two doors down from back wall. Ms. Anstice said my concern one is that the gentleman said it's one-hundred and nine feet from Burnt Store Colony. Is that enough footage, I thought that it's supposed to be, did he say three times how tall the tower is. What kind of footage is between the homes and that. The other question is that I have, is I didn't hear anything as far as any kind of health risks go. I have already been fighting lung problems down here and how is that going to affect us physically. Third, the esthetics of selling out properties and having a tower right outside my back door. How is that going to affect us. The other thing is I do live right there by the woods and when these animals are disrupted. The dump is right across the street, so they already have live boar over there that come over and other nice critters.

There being no further requests to speak for or against the petition, Mrs. Beyer moved to close the public comments, seconded by Mr. Rouse. The public comments was closed with a unanimous vote.

Mr. Cullinan said you will need to reopen the public comment if you are going to allow her to speak.

Mr. Rouse motioned to reopen the public comment, seconded by **Mr. Vieira**. **The motion was passed with a unanimous vote.**

Dawn Banton, I also live at Burnt Store Colony. Ms. Banton said just like all the other neighbors in my community. I am opposing the tower, simply because of land value. Ms. Banton said and what it's going to do to our wildlife. As Terry and Helen already stated, we've got homes that we are trying to sell in our community since the hurricane, and they are not selling. Our property values are going to decrease not only in our community but in the community at the village. There is plenty of property that this tower could go and still serve the public. I am definitely opposed to this tower.

There being no further requests to speak for or against the petition, Mrs. Beyer moved to close the public comments, seconded by Mr. Rouse. The public comments was closed with a unanimous vote.

Chair McVety said to Ms. Walker with the opening statement would you read the part that says they would have to have expert witness. Ms. Walker then reads the section to the patrons without the microphone. Chair McVety explains to the patrons that they would need an expert witness and why.

Mr. Cullinan speaks to address a couple of the speaker's comments, regarding potential health impacts, federal law precludes that from being taken into consideration when making your determination. With respect to the wildlife, the location, the area and explains this with the people.

Mr. Vieira said I do have a question during your narrative earlier, you had said that there were approximately nine thousand density units. Are those approved units now or are they conglomerative of all the units that might be available in that area.

Mr. Cullinan said they are the numbers of the projects already approved in that general area. Talks about the density may not have been transferred on as they transfer it on in phases. Those units have been approved through the approval of the planned development.

Rebuttal

Ms. Gerri Nelson said I appreciate your concerns and I don't know where you are coming from. I like to address a couple of the issues. One is the health issue, which we don't have an expert witness. I do have studies that show that the tower and a hundred feet away from the tower. The radiation and the frequencies do not harm people. I have been around towers all my life and I am still here. As far as the property values, we have studies that show, and I can present these if you would like. To show that some people like to live by towers, they like to have that cell phone that works. They certainly like it in an emergency when we have hurricanes, and they need to have communications. Then there are people that don't like them. We have studies that show either way, there is nothing that shows totally decreases your property value. I also have a study that shows there is no effect on the wildlife any more than the effects on you. To put the tower up it is what it is, no birds are going to fly into it. There is not going to be any activity there once the tower is built, except for periodic maintenance. It is not going to change the wildlife with the small compound that we have, isn't going to take away their habitat.

Chair McVety said do you know what percent of people use cell phones over house lines.

Ms. Gerri Nelson said I do not have a study, but very few people have land lines, mostly everybody uses cell phones. No, I do not have a study that shows that.

Shaun Cullinan presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Rouse said if it was approved today, how long would it be before it was actually in the air.

Mr. Cullinan said that would be a question for the applicant, a discussion takes place along with the applicant joining in and Mr. Vieira.

ACTION: A motion was presented by Steve Vieira and seconded by Nichole Beyer that Petition SE-24-023 be APPROVED based on the Community Development Staff Report dated December 4, 2024, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with seven conditions recommended by staff.

Motion was approved with a unanimous vote with the following seven conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 199-foot-tall communications tower generally as proposed in the application and as shown on the Site Plan labeled Exhibit L and extends only to the land included in the site plan and legal description as submitted with this application. The Site Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower, including the lightning rod, shall not exceed 199 feet.
3. The communications tower shall be of monopole design. Exterior antennae shall be permitted.

4. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
5. A minimum of a Type D landscape buffer with an eight-foot-tall opaque fence or wall is required around the perimeter of the equipment compound.
6. This Special Exception is granted for a term of five (5) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
7. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-24-024

Alpha-Omega Communications, LLC, representative for Charlotte County Board of County Commissioners and Charlotte County Sheriff's Office, is requesting a special exception to allow a 70-foot-tall emergency communications tower, in the Residential Estate-1 (RE-1) zoning district. The property is located at 3110 Loveland Boulevard, in Port Charlotte, and is described as a portion of Parcel P1, located in Sections 19 & 20, Township 40 South, Range 23 East. A full legal description is available on file. The Parcel ID for subject property is 402319100001.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Applicant Presentation

Jim Eatrises, representative for the applicant, and the project manager. Mr. Eatrises said the only thing that I would add to our application is that the tower will be no more than seventy feet tall above ground level. But there will be a one-half inch diameter by four-foot little lightning rod on the top. That is shown on the plans.

Mr. Rouse asks how tall the lightning rod is.

Mr. Eastrises said one half inch in diameter and four-feet tall and it is in the plans.

Chair McVety opened the meeting to Public Comments.

Public Input

JT Proponick said I live in a neighborhood very close to the proposed site for the tower. Mr. Proponick said my only concern is possible harm from radiation.

Chair McVety said we cannot talk about that.

Mr. Cullinan said federal law prohibits the references or discussion related to radiation or detrimental health effects.

Mr. Proponick continues to speak on his health concerns and **Chair McVety** explains we can't talk about this.

Unknown speaker said have a question concerning the tower itself. It is just going to be the tower is anything later on going to be added to it as far as other antennas. I just don't want a tower that is seventy feet tall and has a whole bunch of other antennas over time added to it.

Mr. Cullinan said nothing would preclude them from coming in to modify the special exception and going through this process again. They would have to come here.

Asst. Co. Atty. Kimlyn Walker said did he give his name for the record.

Unknown speaker said my name is **Walter Stowarski**.

David King, I am a resident in the area on the map. **Mr. King** said just two questions, one is are their specifications on what kind of noise this would emit or any light that will be emitted from it.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mrs. Beyer. The public comments was closed with a unanimous vote.

Rebuttal

Mr. Proponick said with regard to the last question regarding noise and light. There will be no noise from this tower, all it has are the antennas and cables going into the building. There is no electrical power out at the tower, there will be no lights on the tower. Given that it is under two-hundred feet there are no lights required on the top. With regard to the health comments from just an educational standpoint. What I can say with my years of experience in terms of radio frequency, design and engineering. He explains the electro magnetic radiation not ionizing radiation like plutonium or e-rays. It is electromagnetic, it's in our environment all the time. In addition of our electrical systems in our houses, put off electro magnetic radiation. Our Wi-Fi systems in our homes put it off, the cell phone that we put up to our head. He explains the information regarding the tower and all that applies to it.

Shaun Cullinan presented the recommended conditions for the petition.

Asst. Cty. Atty. Kimlyn Walker said I would make a recommendation for the board just for clarification on number two. To add in an additional four feet for the lightning rod just to cover the height. Because number two does say will not exceed seventy feet.

Board Member Comments and Questions

Mr. Vieira said Shaun I do have a question for you. I wanted to wait until you were finished with your recommendations. Item number six the tower shall be the exclusive use for Charlotte County Sheriff's Office and other government agencies. Would other essential services providers be allowed to co-locate on that tower. He mentioned like Charlotte County Utilities and Charlotte Harbor Water Association that have an essential bearing on the community.

Mr. Cullinan said possibly we would not preclude that; it does state that would be for the property owner to decide if they wanted to allow those other governmental agencies to co-locate on it. The intent was more for the emergency side of it, but if there was a need for those other public service type uses or governmental uses. The way that the condition is written that it would be other governmental agencies would be allowed to.

ACTION: A motion was presented by Turner Rouse and seconded by Steve Vieira that Petition SE-24-024 be APPROVED based on the Community Development Staff Report dated December 4, 2024, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with eight conditions recommended by staff along with the clarification and suggestion by the County Attorney that we approve this for a height of 74 feet to include the lightning rod.

Motion was approved with a unanimous vote with the following eight conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 74-foot-tall emergency communications tower generally as proposed in the application and as shown on the Site Plans and extends only to the land included in the site plan and legal description as submitted with this application. The Site Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower shall not exceed 74 feet.
3. The communications tower shall be of monopole design. Exterior antennae shall be permitted.
4. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
5. An eight-foot-tall fence or wall shall be required around the perimeter of the equipment compound.
6. The tower shall be for the exclusive use of Charlotte County Sheriff's Office and other government agencies. Commercial communications providers shall not collocate on the emergency communications tower.
7. This Special Exception is granted for a term of five (5) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
8. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

V. **Public Comments** –
None

VI. **Staff Comments** –
Mr. Cullinan said Mr. Rouse thank you for your service to us, you will be missed. Happy holidays, Merry Christmas and Happy New Year and see you next year.

VII. **Member Comments** –
None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, January 8, 2024 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:05 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder
/kas



Blair McVety, Chair

Approval Date: _____

1-8-25