

INDIAN RIVER COUNTY
1801 27TH STREET, VERO BEACH FL, 3296000

REQUEST FOR APPEAL BY AFFECTED PARTY

APPEAL OF:

- Decisions of the Community Development Director or Designee; AND
- Actions/Decisions of the Planning and Zoning Commission (PZC)

FEES:

- I.00 Appeal of Site Plan Project Action/Decision:
Appeal by affected party: \$900.00
- II. Appeal of Staff Determination: \$800.00

Project name & number Allenbaugh Appeal - 6390 77th St Tower Restricted Area [98030058-86943]

OWNER: (PLEASE PRINT)

Vertical BridgeLANDCO, LLC00
NAME
750 Park of Commerce Drive, Suite 20000
ADDRESS
Boca Raton, FL 33487
CITY STATE00 ZIP
561-948-636700
PHONE

EMAIL

CONTACT PERSON

SIGNATURE OF OWNER
(or attach letter of authorization)

APPLICANT: (PLEASE PRINT)

Jacob & Elizabeth Allenbaugh
NAME
7760 66th Av00
ADDRESS
Vero Beach, FL 3296700
CITY STATE00 ZIP
321-591-6310
PHONE
23hondas@gmail.com00
EMAIL
Jacob Allenbaugh
CONTACT PERSON

SIGNATURE OF APPLICANT

Site Address (If Applicable): 6390 77th St (31-39-32-00000-5000-00018.1)

1. What is being appealed? (See attached letter)
- _____
- _____
- _____
- _____
- _____

INDIAN RIVER COUNTY
1801 27TH STREET, VERO BEACH FL, 32960

2.aa Reason(s) for the appeal (See attached letter) _____

3.aa What staff (or P&ZC) error(s) is alleged? (See attached letter)aa _____

4.aa What land development regulation (LDR) provision(s) have allegedly been improperly interpreted or applied 971.44(g) tower fall radius restrictionaa _____

5.aa What LDRs and/or Comprehensive Plan goals, objectives, policies support your position?aa _____

NOTE: Supplemental or additional information may be attached. If such information is being attached, please list here what is being attached:

- 1.aa Proposed site plan sketchaa
- 2.aa Non-conforming structure mapaa
- 3.aa Staff report
- 4.aa PowerPointaa

OFFICE USE ONLY:aa

FEE PAID: _____aa

DATE RECEIVED:aa _____ DATEaACCEPTED: _____

ATTACHMENT 4

Request for Appeal by Affected Party

Applicant:

Jacob & Elizabeth Allenbaugh

7760 66th Ave

Vero Beach FL 32967

321-591-6310

23hondas@gmail.com

Site Address: 6390 77th St Vero Beach FL 32967

1. **What is being appealed?** The Community Development Department's decision to not permit a residential structure be built on 6390 77th St.
2. **Reason(s) for the appeal.** We would like to buy the property from Vertical Bridge LLC, the current owner. Then build a home, barn, and graze animals as well as potentially subdivide the land so one of our siblings can build a home and live close by. See attached basic site plan proposal.
3. **What staff (or P&ZC) error(s) is alleged?** The Community Development Department states they will not grant permission to build a residential structure on this property due to the presence of a 500' tall FM tower as the section 971.44 (g) of the LDR specifies a fall radius of 3x the height of the tower. This section was created after the FM tower was built. The Community Development Department is stating that no residential structures can be built on this property due to the new fall radius specified in 971.44 (g) but surrounding properties are considered grandfathered, and have built structures since the new section was written. Staff indicated that future structures on surrounding properties will be conforming as well, despite all said structures being inside the 1500' fall radius. Examples of these structures are indicated in red on the map attached.

The Community Development Department has engineering on file showing a 200' designed fall radius and a 550' actual fall radius. See attached staff report, page 6 for the engineering on file.

4. Attached is a Power Point showing towers owned by Vertical Bridge that have structures built after and near towers that are similar to the subject tower. In their experience with counties across the country, regulations like 971.44 (g) are written to control the construction of new towers in order to protect surrounding property owners from the risk, property devalue, etc a new tower may impose. The tower on slide two is of most interest as it is in Boca and very similar in height.

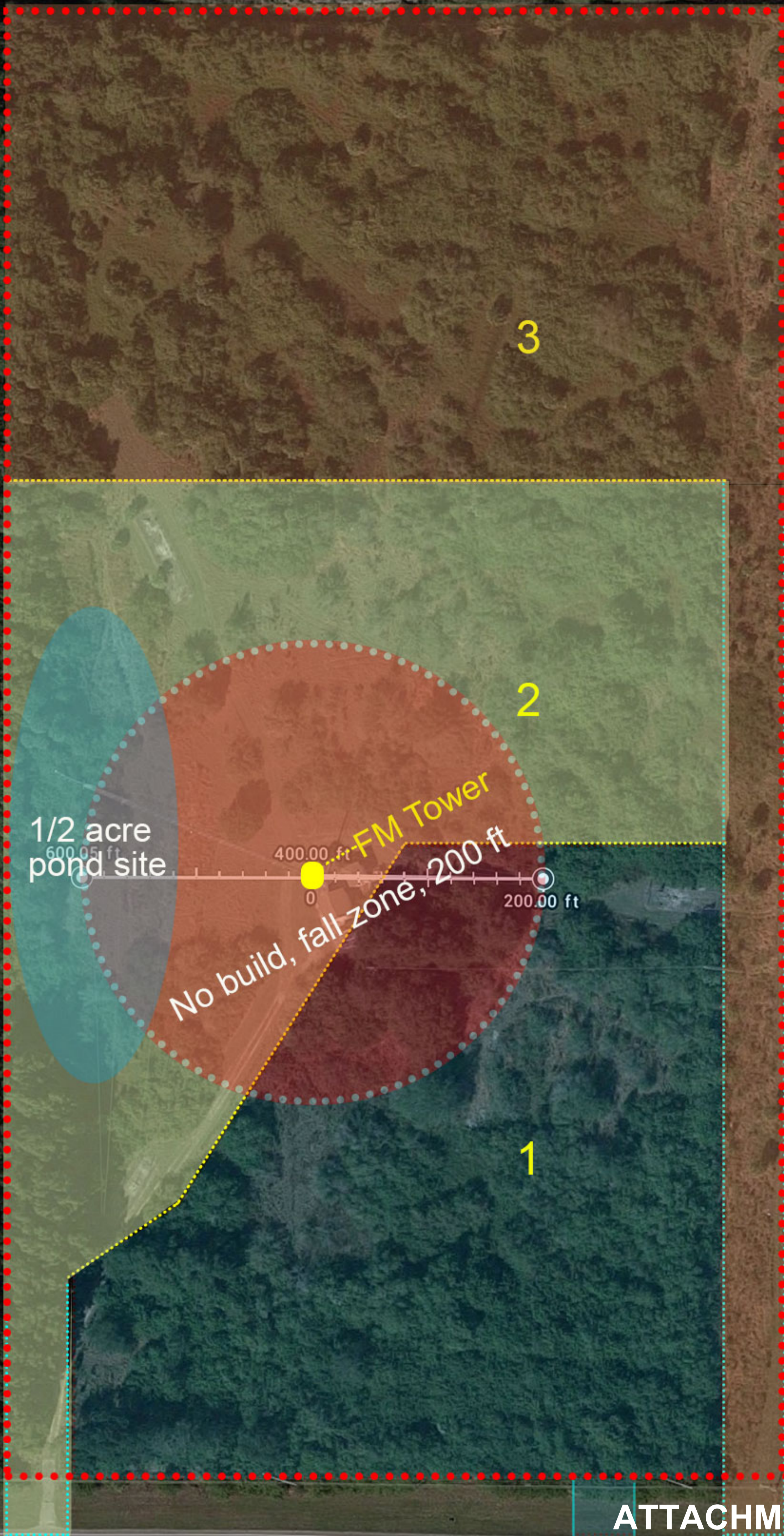
We are asking that the interpretation of section 971.44 (g) be reconsidered and consistently applied. In other words, if all of the surrounding properties are considered non-conforming and being treated as grandfathered, allow 6390 to be grandfathered as well using the engineered fall radius or one that does not exceed the closest property line. This would regulate all existing and future residential structures be built at the same distance or greater away from the tower. Please allow us to purchase and develop the property in accordance to its' zoning and the LDR. As stated earlier, it seems that 971.44 (g) was originally written to regulate the construction of new towers, not homes.

Attachments:

Proposed site plan
Non-conforming structure map
Staff report
Power Point

We sincerely appreciate your consideration.

Jacob & Elizabeth



Countryside Citrus

Lakeside Fellowship Church

Hobart Soccer Complex

Humane Society of Vero Beach &...

7760 66th Avenue

Engineered fall radius



ATTACHMENT 4

66th Ave

505

66th Ave

77th St

77th St

77th St

77th St

Cambria Ct

Mesetta Way

Fieldstone Ranch Square

Mesetta Way

Fieldstone Ranch Square

505

Clear Channel Owned Site

BTA: Dayton-Springfield, OH

FCC Number: 1015863

Site Info

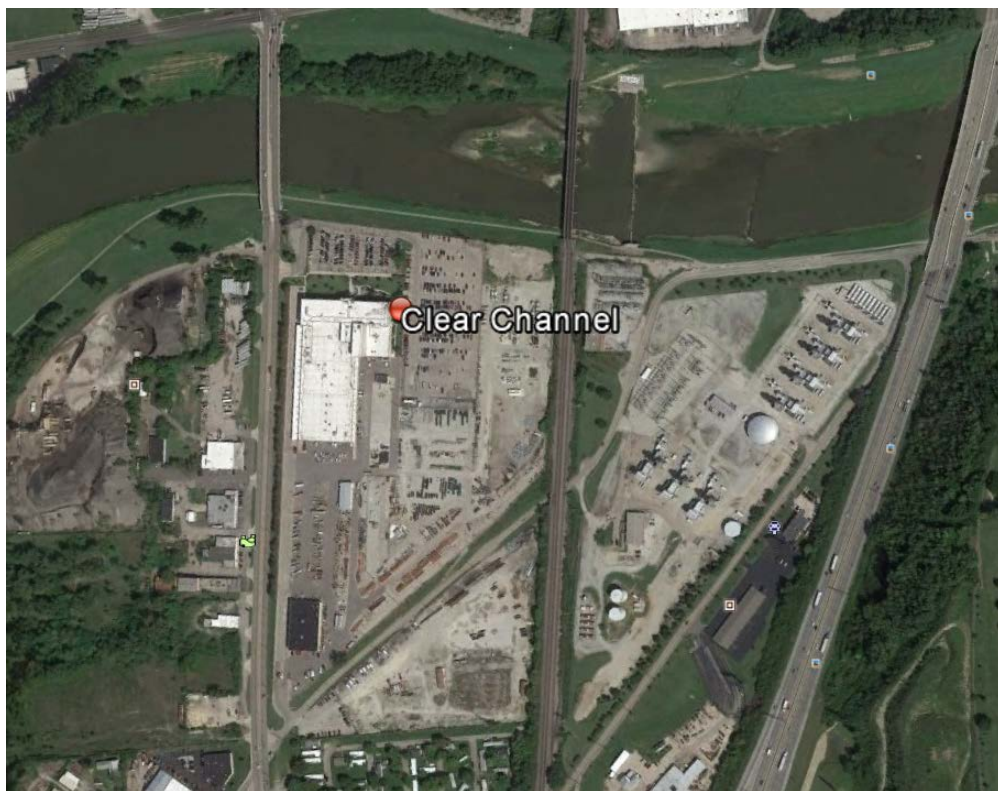
Tower Type: SST

Tower Height: 403'

Address: 2100 Dryden Rd, Dayton, OH 45439

Coordinates: 39.729230, -84.214525

This tower is located in the middle of a crowded parking lot adjacent to an office building.



Other Developed Tower Sites

BTA: Boca Raton, Florida

FCC Number: 1022485

Site Info

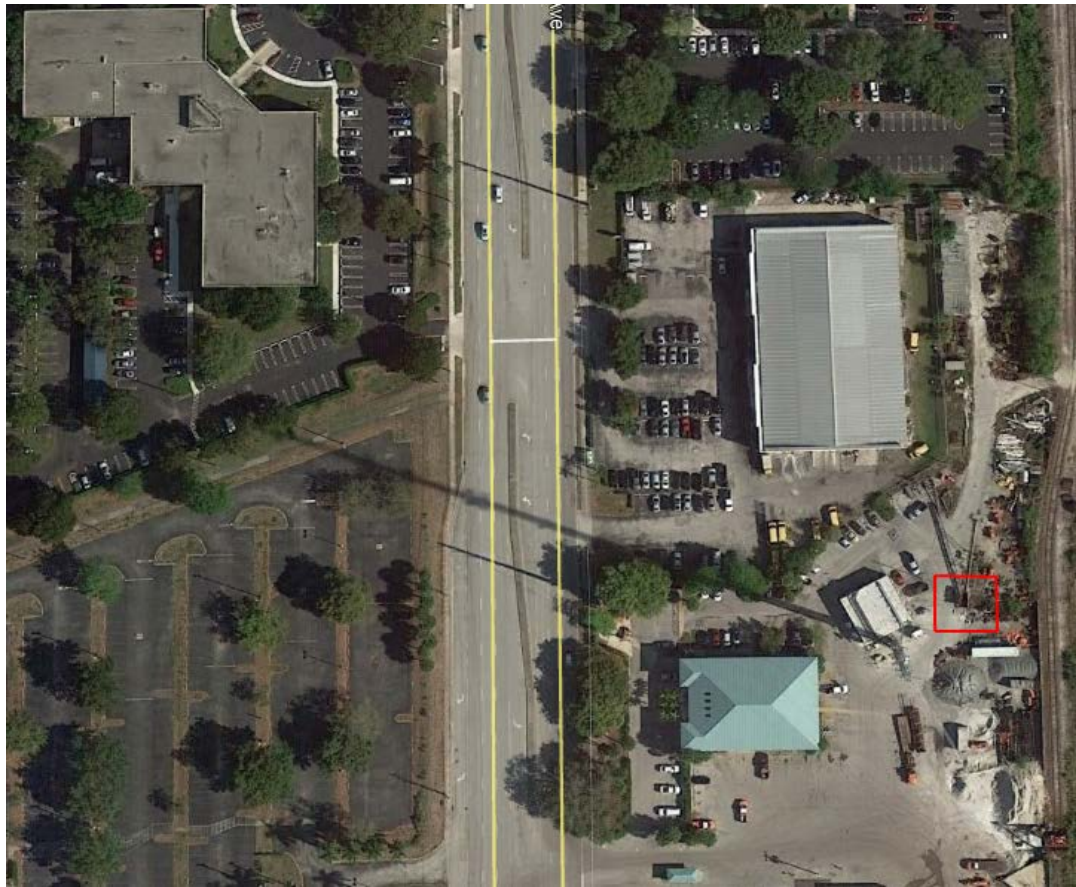
Tower Type: Guyed

Tower Height: 445'

Address: 2101 South Congress Ave, Boca Raton FL 33445

Coordinates: 26.4340, -80.0918

445 Ft broadcast tower located in the middle of office park approximately 90 feet from 2 office buildings in Boca Raton Florida.



Clear Channel Owned Site

BTA: Easton, PA

FCC Number: 1026589

Site Info

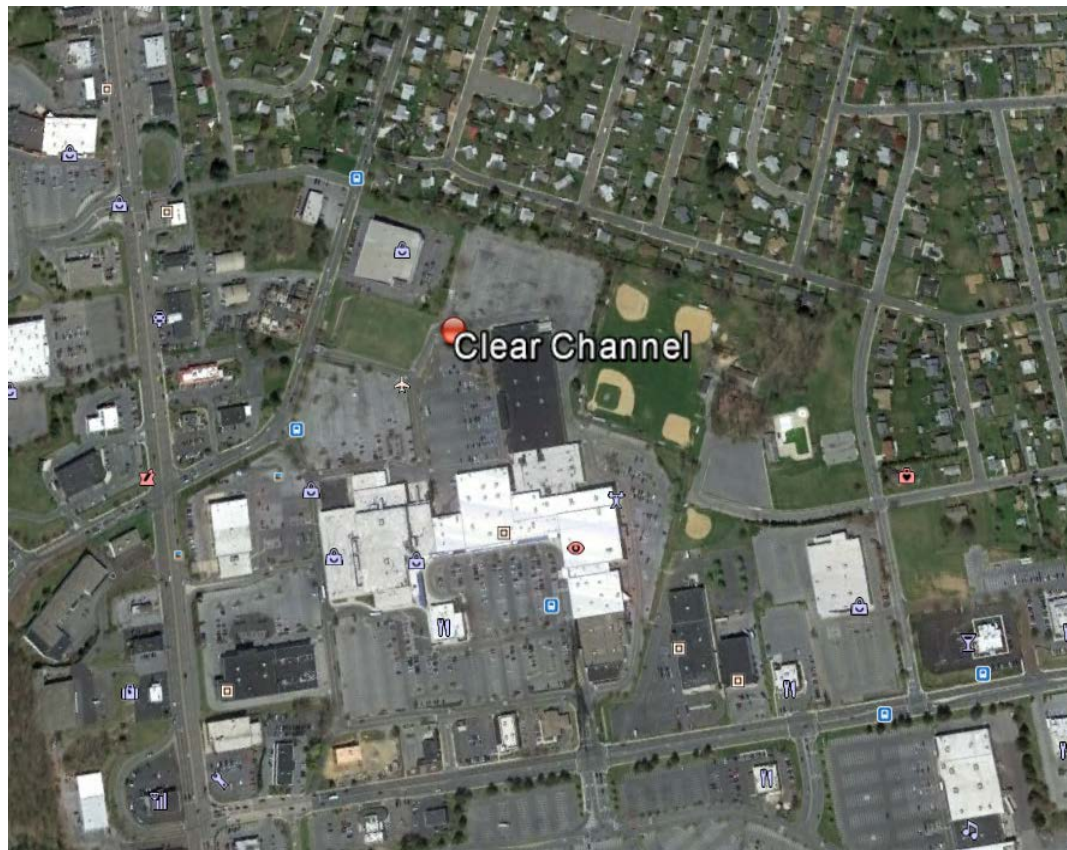
Tower Type: SST

Tower Height: 192'

Address: 1183 Mickley Rd, Whitehall, PA 18052

Coordinates: 40.636937, -75.484089

There are two other towers in this parking lot with the same height. These AM towers are located inside a shopping center.



Other Developed Tower Sites

BTA: Phoenix, Arizona

FCC Number: 1001095

Site Info

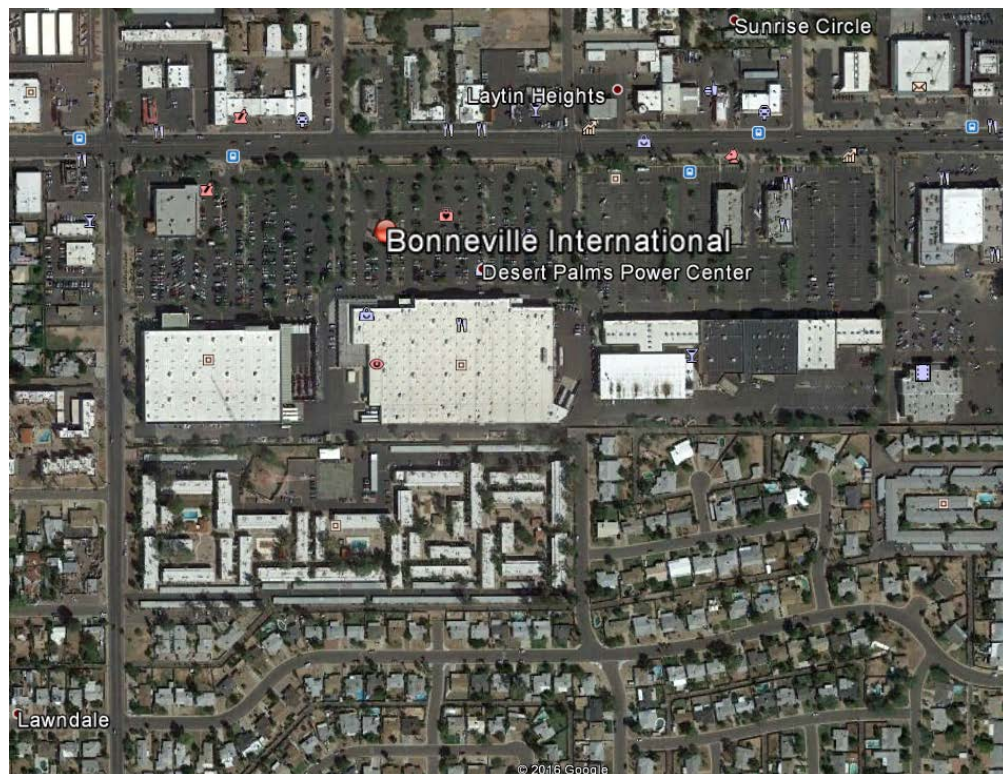
Tower Type: SST

Tower Height: 304'

Address: 3659 E Thomas Rd, Phoenix, AZ 85008

Coordinates: 33.479748, -112.001596

Two Bonneville International towers located in the middle of a Walmart/Home Depot shopping center parking lot.



Other Developed Tower Sites

BTA: Los Angeles, CA

FCC Number: 1015480

Site Info

Tower Type: Guyed Tower

Tower Height: 482'

Address: 385 S 6, Los Angeles, CA 91746

Coordinates: 34.032845, -117.984392

These 5 AM Univision guyed towers are all the same height, and they are all built inside the office buildings protruding through the roof.

