

Hon. Jeff Shrum

City of Ocala Board of Adjustment
Ocala City Hall,
110 SE Watula Avenue, 2nd Floor
Ocala, FL 34471

Dear City officials,

15 August, 2025

My name is Myron Loss, and I am the President and Legal Representative for Encouragement Ministries, Corp, a non-profit organization in Florida, and a 501(3)c organization with the IRS. I am also an 80-year-old, 13-year resident of Ocala, an US Air force veteran who has flown over 200 combat missions in Vietnam, and a retired missionary who has served over 35 years in South America.

Our Non-profit has applied for and obtained a low-power FM radio license from the FCC, effective the 23rd of January of this year. We were approved for a 100 ft tower with 4 bay antenna and an Effective Radiated Power of 100 watts at 100 ft (27 meters) altitude. This physical arrangement enabled us to get a required second-channel FCC waiver for interference from a station in Crystal River. A lower tower height may invalidate that waiver.

On 21 February, 2025, we officially applied to the City of Ocala for a permit to install our Rohn 25g 99 ft tower at the property of the First Freewill Baptist Church at 2206 NE 24th St in Ocala. Rohn is the industry leader in structural towers since the 1940s and has a stellar reputation. Later, we were contacted by the Planning Commission saying that we had to try to locate our antenna on any existing towers within ½ mile of our location.

I had tried many times last year to contact the American Tower Company that has a cell tower about 500 yards from our property. After meeting with the planning Commission, I began an all-out campaign to contact them through phone, email, text messages and messages on their web-page. After about a month of attempts, I was finally able to make contact with a Tiffany Yu, who said she was responsible for tower rentals. She asked her sales department what it would entail for us to locate our antenna on their tower.

The answer said that we would need to pay \$2400/month rent plus the cost of any equipment needed to broadcast our signal, and also to send and receive it from our studio to the tower.

This cost would mean the death-knell for our small, non-profit radio station. We are only beginning and our small amount of support so far comes from our listeners and supporters.

Our radio station is bi-lingual: we broadcast in Spanish from 1 am until 12:30 pm, and in English from 12:30 pm until 1 am. It is only the second Spanish language radio station that I am aware of in Ocala. Our message is non-sectarian Christian, with the purpose of giving listeners hope, courage, joy and peace as we point them to Jesus. It consists mostly of top-quality classic and contemporary Christian music interspersed with short Bible texts, and short devotional and testimonial programs.

We applied for a Variance to the Code on June 17th and were told that we had submitted all of the necessary papers and information at that time. We also confirmed with two staff members of the Growth Management Department that everything was in order and that you would meet to consider this request on August 18th at 5:30. On Tuesday, we were informed that we had to change our request to a Special Exception, and that therefore the meeting would not take place until September. So, that is the reason for changing our request.

We believe that our radio and its programming is very positive and good for our community. We want to help people make it through the day with a positive attitude, and urge them to live with kindness and love. Our radio is also streaming around the world, and our announcements promote the City of Ocala as the Horse Capitol of the World.

Through careful study of the City ordinances, we are convinced that our request passes the test for a Special Exemption to the need to locate our antenna on the cell-phone tower near us and for the tower to be located in a semi-residential zone. The code makes provision for these exceptions with your approval.

- Our tower meets all the requirements for safety of the public and surrounding properties.
- Our radio serves the public interest of the City of Ocala and its inhabitants.
- We have been licensed by the FCC for this wireless FM station at this location and with the specified tower height.
- There will be no problems of ingress, egress, off-street parking, interference with any of the city services, change in utility hookups, aesthetic beauty since the property is surrounded by tall trees, and the tower will be only slightly above them, the tower will be well at the

back, there is no additional proposed/needed lighting, There will still be plenty of yard and open space on the 3.03 acres, There should be no economic effect whatsoever on any of the surrounding properties, and this is not an historic section of Ocala.

- Our property is a commercial property surrounded by other commercial and government properties. The only private residences are at the front of our property and were once part of it. They will not be affected by the proposed tower.

For these reasons, we request a Special Exception of the code that says we must locate on the tower that is near us.

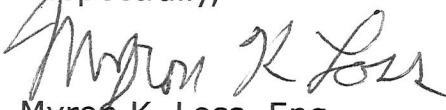
Our tower will meet all of the other requirements of the Code and will not endanger the public since it is completely located on the church property, and should it fail for whatever reason (category 4 or 5 hurricane?), it will not affect adjoining properties.

All our construction is signed and sealed by a structural engineer registered in Florida. I am also an engineer and know without a shadow of doubt that the construction is safe.

We have every intention to doing what is needed to obtain this approval because we believe it is a just cause.

On behalf of Encouragement Ministries, the First Freewill Baptist Church (partner with us, and owner of the land and studio), and our community, I request that you grant us the necessary permission to erect our 99 ft tower.

Respectfully,



Myron K. Loss, Eng.

President

Encouragement Ministries, Corp.

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Relevant articles in the Code

Sec. 122-1041. - Generally.

(a)

The **purpose and intent** of this division is to regulate the placement, construction and modification of towers and antennas **in order to protect the health, safety and welfare of the public**, while **at the same time not prohibiting the provision of wireless telecommunications services or unreasonably interfering with the development of the competitive telecommunications business.**

(b)

This division shall include the following regulations and requirements that will: **protect the health, safety, and welfare of the public**; protect residential areas and other land uses from potential adverse impact of antennas and towers; minimize adverse visual impact of antennas and towers through careful design, siting, and landscaping; promote and encourage shared use (co-location) of towers and antenna support structures **as a primary option** rather than construction of additional single-use towers; avoid potential damage to property caused by antennas and towers by **ensuring such structures are soundly and carefully designed, constructed, modified and maintained**; and **ensure that antennas and towers are compatible with surrounding land uses.**

Sec. 122-1043. - Location.

(a)

A new tower shall be permitted as a principal or accessory use:

(2)

In residential zoning districts, **only upon receipt of a special exception from the board of adjustment** and upon meeting the following requirements (in addition to those required for a special exception in other circumstances):

a.

There are no available sites in non-residential zoning districts, or available towers or antenna support structures, within a one-half mile radius of the proposed tower; and

b.

Denying a permit for the proposed tower would prohibit or have the effect of prohibiting the provision of "personal wireless service," as defined in the Telecommunications Act.

Sec. 122-1044. - Height limitations.

(a)

New towers are subject to the following height limitations:

In residential zoning districts, a tower shall not exceed 125 feet in height.

(b)

Modified towers in residential districts shall not exceed 125 feet in height.

(c)

Tower height shall be measured from grade and shall include: the tower structure itself; the base pad; and any antenna attached thereto which extends over the top of the tower structure itself, except an antenna which extends over the top of the tower structure by no more than 20 feet shall not be included.

Sec. 122-1045. - Permits.

(a)

No person shall construct a new tower, modify a tower, or add an antenna to a tower or an antenna support structure; without first obtaining a permit pursuant to this section. Such permit shall be in addition to any other permits (e.g. building permits) which may be required by this Code for the activity.

(c)

Applications for permits:

(1)

For the construction of new towers or modifications of towers shall be subject to approval as part of the building and site plan review process; if,

however, a tower already complies with the requirements of this division, site plan review of a modification of the tower may be waived by the building official; and

(d)

An applicant requesting a permit to construct a new tower shall include the following:

(1)

The name and address of the owner of the property and of the provider;

(2)

A legal description and street address of the property;

(3)

A site plan (ten copies) drawn to scale. The building official shall provide a checklist of items required for the site plan. The site plan shall also include criteria consistent with the requirements of this division;

(4)

The height of the proposed tower;

(5)

The names, addresses and telephone numbers of all owners, including government entities, and the location, of other towers or usable antenna support structures within a one-half mile radius of the proposed tower;

(6)

Written documentation demonstrating that the applicant made diligent efforts to co-locate on towers or on usable antenna support structures owned by other persons, including governmental entities, located within a one-half mile radius of the proposed tower;

(7)

A description of the tower with technical reasons for its design;

(8)

Written, technical evidence from an engineer that the proposed structure meets the structural requirements set forth in this division. The applicant shall submit the necessary building plans to the building official;

(10)

Payment of an application fee of \$500.00 for the permit, as well as all other fees and charges assessed by the city (e.g. fees for building permits, site plan review, etc.). The applicant shall pay any reasonable additional costs incurred by the city in processing the application including, without limitation, compensation for engineers (including radio frequency engineers) or other technical consultants retained by the city; and

Sec. 122-1047. - Setbacks.

(a)

All new towers shall be setback from adjacent uses on the same property and from all property lines of the parcel as follows:

(2)

In residential and commercial districts, the tower shall be set back the greater of: the minimum setback requirements of the applicable zoning district as set forth in this chapter; or a distance of one foot for every five feet in height of the proposed tower.

(3)

In addition to the above requirements:

a.

Towers shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parcel; and

b.

Structural support devices such as peripheral anchors, guy wires or other supporting devices shall be located no closer than ten feet from any property line of the parcel.

(b)

Setbacks from property lines shall be measured from the base of the tower to property or right of way line. Setbacks from structures shall be measured from the base of the tower to the base of the structure.

Sec. 122-1048. - Structural requirements; inspections.

(a)

All antennas and towers must be **designed and certified by an engineer to be structurally sound** and, at minimum, in conformance with the adopted city building and electrical codes, and any other reasonable standards deemed necessary by the building official.

(b)

Upon completion of work authorized by a permit issued pursuant to this division (i.e. construction or modification of a tower, or installation of an antenna), **the provider must provide certification from an engineer that the work was done pursuant to the permit, and in conformance with the requirements of subsection (a) of this section.**

Sec. 122-1049. - Maintenance.

(a)

Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b)

Providers shall install and maintain towers, antennas, wires, cables, fixtures and other equipment in compliance with the requirements of adopted city building and electrical codes and any other reasonable standards deemed necessary by the building official, and **in such manner that will not interfere with the use of other property.**

(c)

All towers, antennas and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(d)

All maintenance or construction on towers, antennas and antenna support structures shall be performed by licensed maintenance and construction personnel.

(e)

All towers shall maintain compliance with current radio frequency emission standards of the FCC or any superseding city, state or federal regulations.



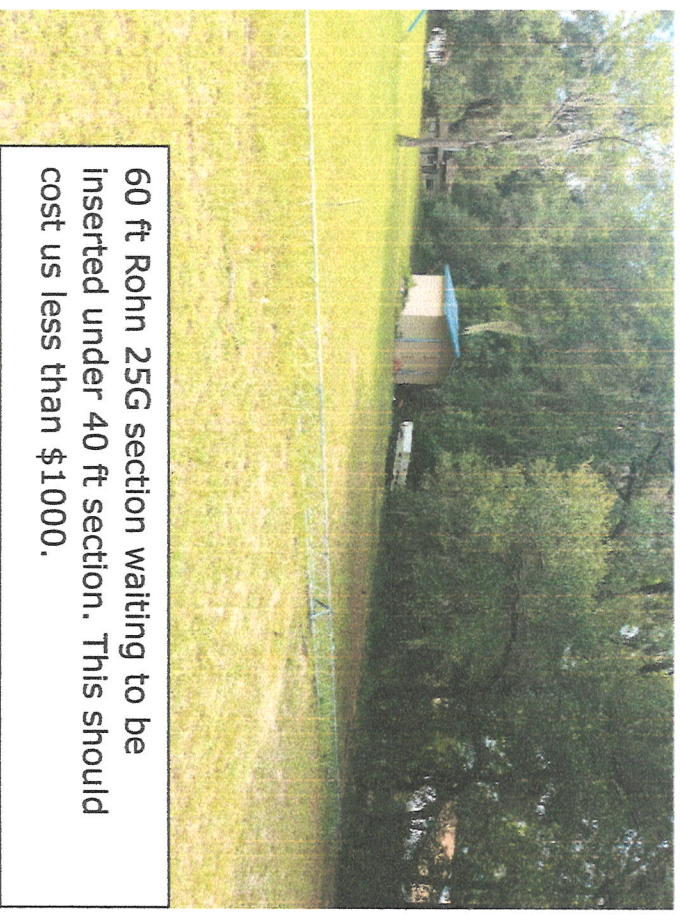
View from near 24th St. Tower will be surrounded by tall trees.



View of 40 ft tower with antenna, and pastoral house with radio studio



Google view from NE 24th St.



60 ft Rohn 25G section waiting to be inserted under 40 ft section. This should cost us less than \$1000.

