



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: March 12, 2020

Case No. and Project Name: VAR-20-07-1, Gulfstream Towers, LLC Property

Applicant: Gulfstream Towers, LLC.

Owner: William K. Cox and Jill L. Cox

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), to allow a 199-foot monopole tower not to be centered within the boundaries of the subject parent parcel.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 19.94 +/- acres

Location: East of Bay Lake Road (County Road No. 565), in the Groveland area.

Alternate Key No.: 3829322

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Green Swamp Area of Critical State Concern

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Vacant	Vacant Large Agriculture Tract of Land
South	Green Swamp Rural Conservation	Agriculture (A)	Vacant	Vacant Large Agriculture Tract of Land
East	Green Swamp Rural Conservation	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Green Swamp Rural Conservation	Agriculture (A)	Street	Bay Lake Road (CR 565), Adjoining Vacant Large Agriculture Tracts of Land with Wetlands

### Summary of Request.

The subject 19.94 +/- acre parcel is identified by Alternate Key Number 3829322. The parcel is zoned Agriculture (A), is part of the Green Swamp Rural Conservation Future Land Use Category (FLUC), and located within the Green Swamp Area of Critical State Concern. The subject parcel is currently developed with a wood deck.

The Applicant seeks approval to allow a 199-foot monopole tower not to be centered within the boundaries of the parent parcel. The proposed monopole tower is proposed to be setback at two-hundred eighty (280) feet from the northern property line; approximately three-hundred sixty-one (360.9) feet from the southern property line; and six-hundred seventy-eight (678) feet from the eastern and western property lines. Attachment B, illustrates the location of the proposed tower not centered within the boundaries of the parent parcel (red lines), and illustrates the proposed tower centered within the boundaries of the parent parcel (teal lines). Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), requires towers to be centered within the boundaries of the parent parcel using Global Position System coordinates for the center of the tower, and maintain a minimum setback of one-hundred (100) feet from the property lines. However, the tower is not able to be centered on the parent parcel due to the fifty (50) foot wetland setback.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

### Staff Analysis.

**LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.**

**1. The purpose of the Land Development Regulation will be or has been achieved by other means.**

*"The tower location still meets the 100' minimum setback from property line (280") and is located in a heavily wooded area."*

The **intent of the Code**, LDR Section 3.13.00, *Wireless Antennas, Towers, and Equipment Facilities*, is to adapt to the growing need for wireless communication antennas and towers by being able to act upon requests to place, construct and modify any Wireless Communications Antenna and/or Tower within a reasonable amount of time; to reasonably accommodate amateur Communications, and to represent the minimum practicable Regulation thereof; to Protect existing Land Uses from potential adverse visual impacts through sound planning, careful review of applications, proper permitting and adherence to appropriate Regulations; to allow for Wireless Communications competition following the adoption of the Federal Telecommunications Act of 1996; and to preserve and enhance radio communications throughout Lake County in times of emergencies that threaten the life, safety and welfare of Lake County residents, businesses and properties to include the establishment of easements, covenants and agreements necessary to address issues, such as fiber-optic cabling, associated with the provisions of emergency communication(s).

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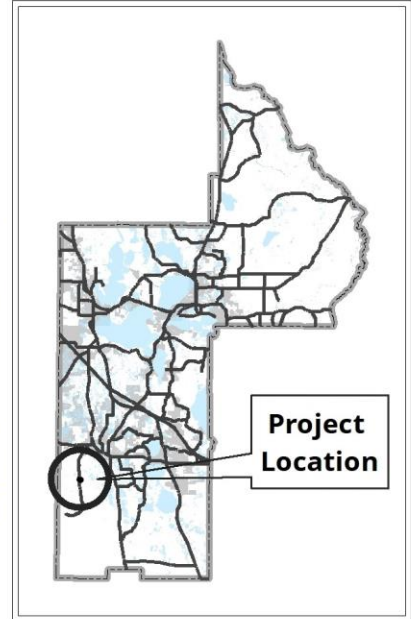
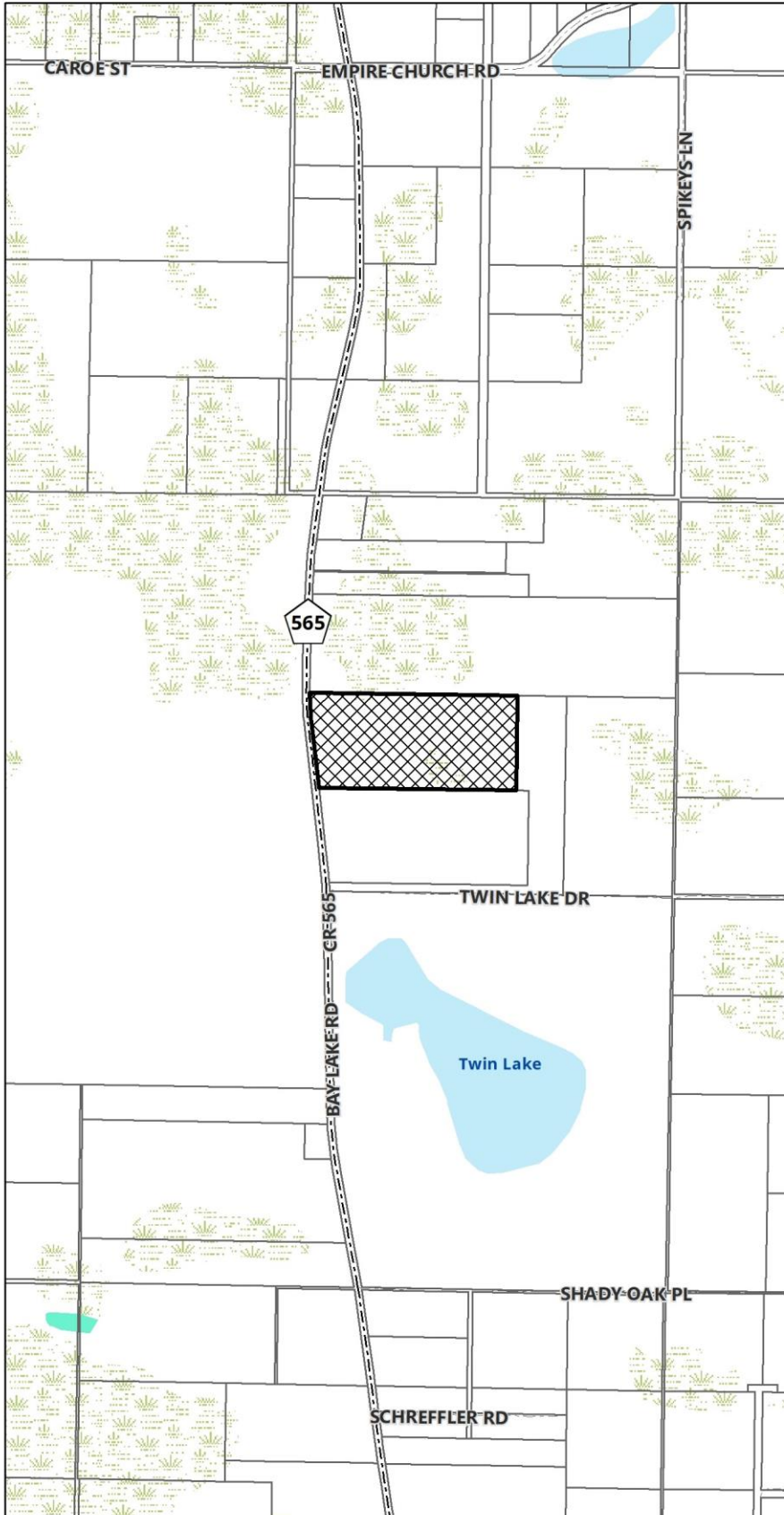
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. The proposed tower is unable to meet the setbacks as specified in LDR Section 3.13.09(B)(1) due to the wetland area, and required fifty (5) foot wetland setback.

*"There is an existing wetland on the subject property which requires a 50' setback and pushes our tower project site 40' north of center. The property is 640' wide."*

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# Map of Subject Property



Attachment A, Concept Plan.

**TOWERS**  
127 W. FAIRBANKS AVENUE,  
BOX #469  
WINTER PARK, FL 32789

PROJECT INFORMATION:  
FL186-GROVELAND CR565  
BAY LAKE ROAD  
GROVELAND, FL 34736  
LAKE COUNTY

CURRENT ISSUE DATE:  
NOVEMBER 2019

ISSUED FOR:  
CONSTRUCTION DRAWINGS

REV. DATE: DESCRIPTION:

SEAL:  
NO. 12027  
STATE OF FLORIDA  
PROF. ENGINEER  
11-12-2019

PLANS PREPARED BY:  
**Kimley-Horn**  
© 2019 KIMLEY-HORN AND ASSOCIATES, INC.  
1920 WEKIVA WAY, SUITE 200  
WEST PALM BEACH, FLORIDA 33411  
(561) 845-0665  
FIBC: CA00000696

PROVIDER:

DRAWN BY: CHK. APV.:

GD	LF	MM
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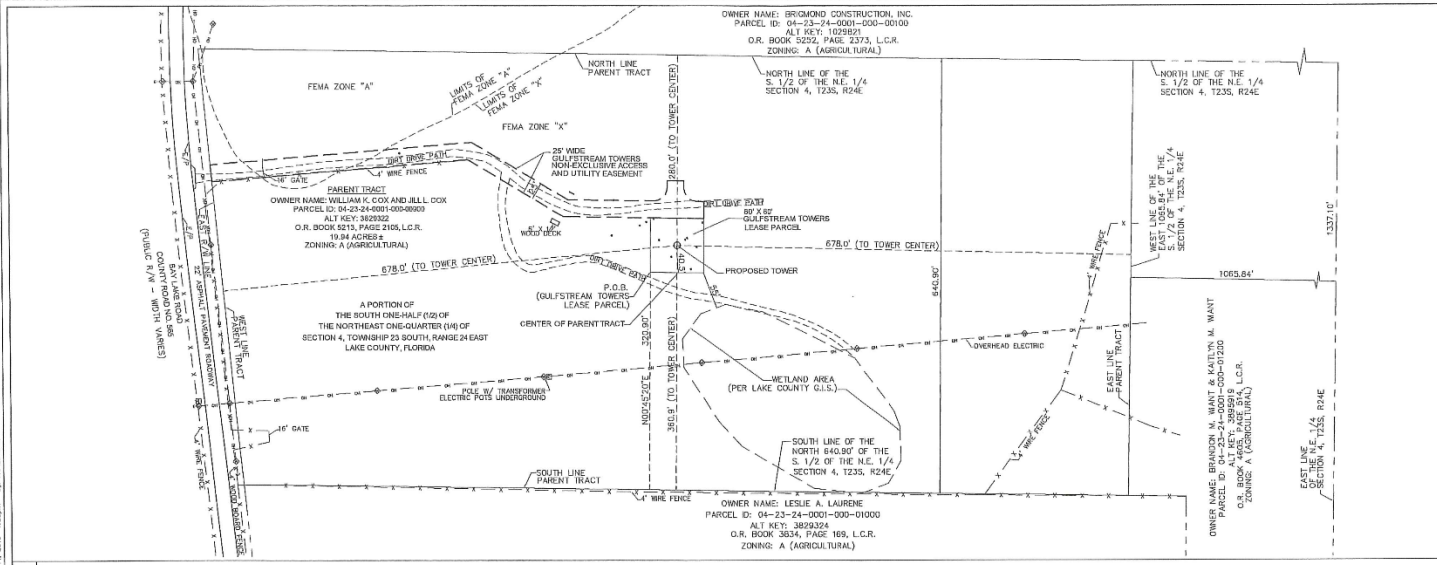
LICENSURE:

KENY K. MARAH	PE 71455
CHELSEA M. MARAH	PE 84300
MARIA VICTORIA MARTIN	PE 72397

SHEET TITLE:  
PARENT TRACT DETAIL  
& TOWER ELEVATION

SHEET NUMBER: REVISION:  
**C-1**

KHA Job #: 140601006



PARENT TRACT DETAIL (SEE SURVEY)  
1. SITE PLAN BASED ON SURVEY PROVIDED BY WSP CONSULTANTS, INC. SURVEYING & MAPPING.

**PROJECT DESCRIPTION**  
THIS PROJECT IS FOR THE CONSTRUCTION OF AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF THE INSTALLATION OF A 199' MONOPOLE TOWER AND FUTURE WIRELESS BASE STATION EQUIPMENT IN ORDER TO PROVIDE RADIO TRANSMISSION SERVICES FOR PERSONAL COMMUNICATIONS AS WELL AS EMERGENCY 911 SERVICE. PROJECT SIZE IS 6,400 SF COMPOUND.

**COORDINATES, (CENTER OF 199' MONOPOLE TOWER)**  
LAT: 28°31'02.180" N (NAD 83/2011)  
LONG: 81°34'38.638" W (NAD 83/2011)  
ELEVATION: 101.8 ± NAVD 88 (PER SURVEY)  
FOLIO NUMBERS: 04-03-24-0001-000-00900

**PARENT TRACT SITE DATA:**  
SITE AREA: 868,589 ± SF = 19.84 ± AC  
LEASE PARCEL AREA: 5,400 ± SF = 0.147 ± AC  
ZONING: A  
LAND USE: VACANT RESIDENTIAL  
FUTURE LAND USE: RURAL CONSERVATION

**UTILITIES**  
THIS PROJECT WILL REQUIRE POWER AND TELEPHONE SERVICE ONLY. NO WET UTILITIES OR GARBAGE COLLECTION WILL BE NEEDED TO SUPPORT THIS PROJECT.

**HANDICAP ACCESS**  
THIS FACILITIES IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS IS NOT REQUIRED.

**PROJECT DENSITY**  
THERE ARE NO RESIDENTIAL UNITS FOR THIS PROJECT. PROJECT DENSITY IS N/A.

**LANDSCAPING REQUIREMENTS**  
PERIMETER LANDSCAPING AROUND COMPOUND TO BE IN COMPLIANCE WITH LAKE COUNTY CODE.

**IMPERVIOUS COVERAGE**  
PROPOSED IMPERVIOUS SURFACE COVERAGE IS EQUAL TO FUTURE BUILDING (CARRIER CONCRETE SLABS/SHELTERS = 1200 SF (4 CARRIER WITH 15'X20' CONCRETE SLABS) AND TOWER FOOTPRINT (50 SF)  
TOTAL IMPERVIOUS AREA: 1250 SF

This document, together with the concepts and designs presented herein, is an integral part of the proposal for the project and shall be read in conjunction with the other documents and specifications for the project and shall be read in conjunction with the other documents and specifications for the project and shall be read in conjunction with the other documents and specifications for the project.

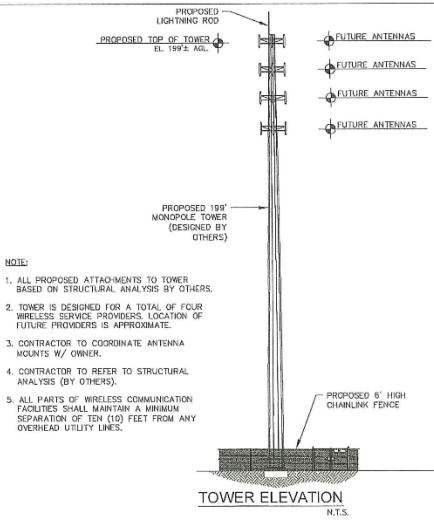
PARENT TRACT LINE	DISTANCE TO TOWER CENTER
NORTH	282.0'
EAST	678.0'
SOUTH	678.0'
WEST	678.0'

TOWER SETBACK DIMENSIONS SHOWN HEREON ARE MEASURED PERPENDICULAR TO PARENT TRACT BOUNDARY LINES FROM TOWER CENTER

ZONING:	SUBJECT SITE:	A
NORTH:	A	
EAST:	A	
SOUTH:	A	

- NOTES:**
- FCC REQUIRES SIGNS TO BE PROVIDED AND INSTALLED AS NECESSARY.
  - EQUIPMENT IS UNMANNED AND EXEMPT FROM H/C ACCESS UNDER FL STATUTE SEC. 533.503 AND SEC. 41.2 OF THE ABACG.
  - "HIGH VOLTAGE-DANGER" SIGN INSTALLED ON GATE AND SIGN SHALL NOT EXCEED 1 SF IN AREA.
  - 6" WOOD CHAIN LINK FENCE AND LOCKED ENTRY GATE.
  - WATER AND SEWER SERVICES ARE NOT REQUIRED AT THIS SITE.

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRN	FIRM ZONE	BASE FLOOD ELEVATION
120421	0545	E	12/18/2012	X	NOT APPLICABLE NOT PUBLISHED



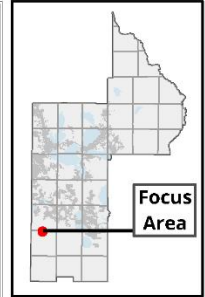
# Attachment B, Location of Proposed Tower.



VAR-20-07-1  
Gulfstream Towers - Cox Property



1 inch = 500 feet



Allow 199 Foot Monopole  
Communications Facility

**Tower Coordinates:  
(Center)**

X - 363,596.56

Y - 1521848.67

Lat - 28 31 01.87 N

Long - 081 54 39.69

**Tower Coordinates:  
(Adjusted)**

X - 363,600.974

Y - 1,521,779.438

Lat - 28 31 01.180 N

Long - 081 54 39.638



**Final Development Order  
VAR-20-07-1  
Gulfstream Towers, LLC**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gulfstream Towers, LLC (the “Applicant”) requested a variance, on behalf of William K. Cox and Jill L. Cox (the “Owners”), to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), to allow the proposed 199-foot monopole tower not centered within the boundaries of the subject parcel; and

**WHEREAS**, the subject property consists of 19.94 +/- acres and is located at 31707 Orange Street, in the unincorporated Sorrento area of Lake County, Florida, in Section 04, Township 23 South, Range 24 East, having Alternate Key Number 3829322 and is more particularly described below as:

The North 640.90’ of the South 1/2 of the Northeast 1/4 of Section 4, Township 23 South, Range 24 East, Lake County, Florida, lying Easterly of Bay Lake Road (County Road No. 565) Less the East 1065.84’.

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on March 12, 2020; and

**WHEREAS**, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on March 12, 2020, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-20-07-1 to allow a proposed 199-foot monopole tower not to be centered within the boundaries of the parent parcel.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 12th day of March, 2020.**

**EFFECTIVE March 12, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Lloyd Atkins, Chairman or  
James Argento**

**State of Florida  
County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online  
notarization, this 12th day of March, 2020, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

\_\_\_\_\_  
**Notary Signature  
(SEAL)**