



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: May 14, 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 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 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 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).

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

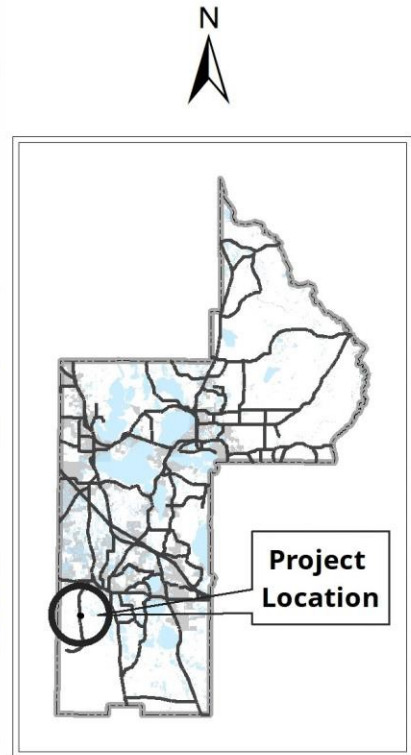
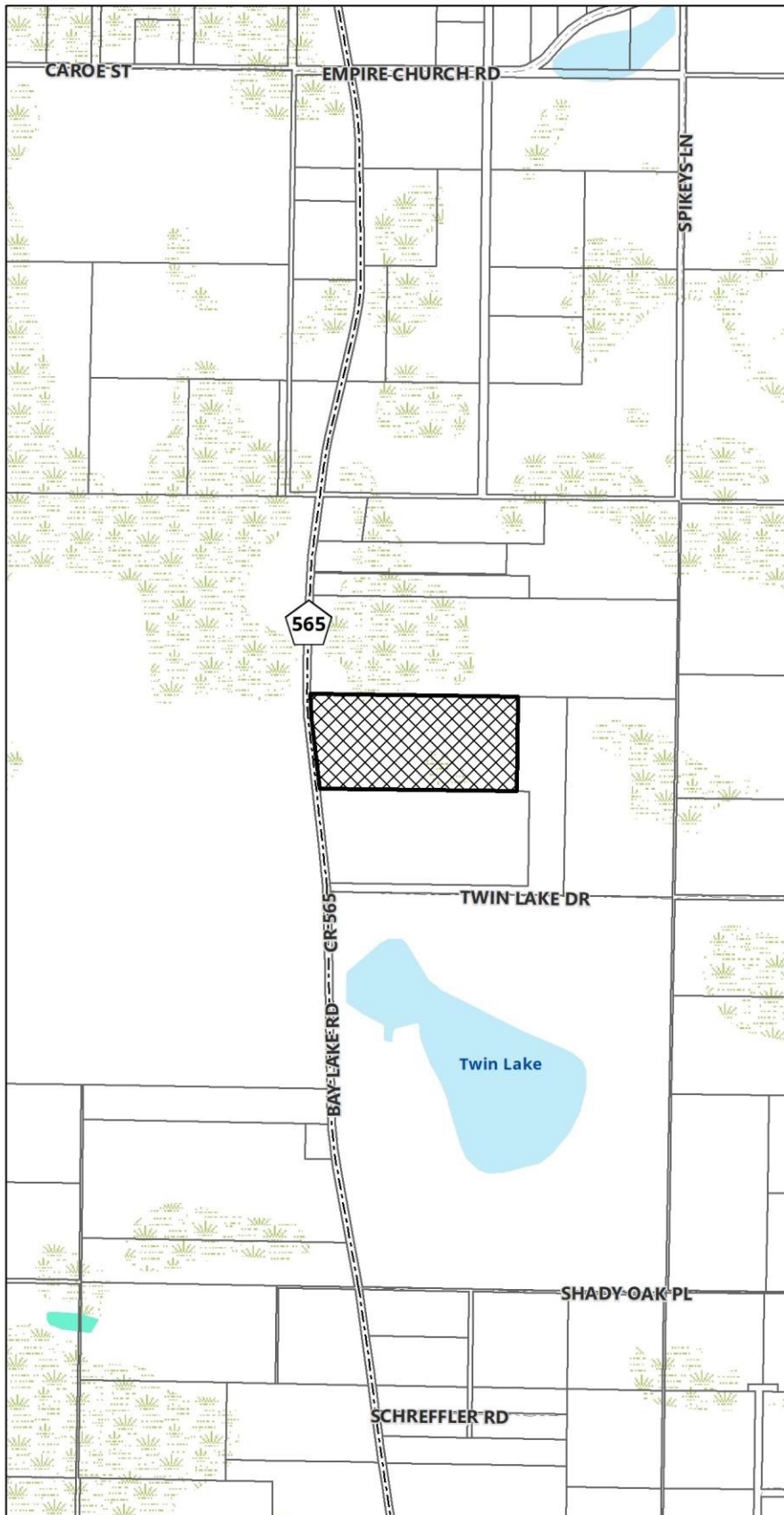
- 2 The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.

"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



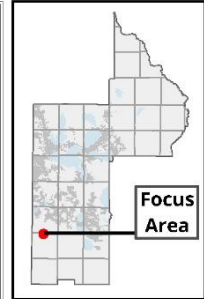
Attachment B, Location of Proposed Tower.



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
FL 186 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 generally located east of Bay Lake Road (CR 565), 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 May 14, 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 May 14, 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 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 14th day of May, 2020.

EFFECTIVE May 14, 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 _____ day of _____, 2020, by _____
_____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature
(SEAL)