



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-41-5, FL 171 Gulfstream Towers, LLC Property

Applicant: Gulfstream Towers, LLC.

Owner: Winifred J. Sharp and Joel H. Sharp, Jr.

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

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 106.2 +/- acres

Location: 44311 West Road, Altoona, FL 32702

Alternate Key No.: 1201098

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva Ocala Rural Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Street, Residential	Cross Country Boulevard Adjoining Single-Family Dwelling Units
South	Conservation	Agriculture (A)	Street, Vacant	Lake Dorr Road Adjoining Ocala National Forest
East	Rural	Agriculture (A)	Residential, Street	Single-Family Dwelling Units Adjoining West Road
West	Rural	Agriculture (A)	Vacant	Agriculture Vacant Tracts of Lands

### Summary of Request.

The Applicant has submitted a variance request to LDR Section 3.13.09(B)(1), to allow a 199-foot monopole tower to not be centered within the boundaries of the subject parent parcel (Attachment "A").

The subject 106.2 +/- acre parcel is identified by Alternate Key Number 1201098, zoned Agriculture (A), designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan and located within the Wekiva Ocala Rural Protection Area. Pursuant to the property record card, the subject parcel is currently developed with a single-family dwelling unit, carports, utility building and barn. LDR Section 3.13.09(B)(1) requires that the tower be centered within the boundaries of the property recognized as the parent parcel using Global Position System coordinates. 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).

As part of the Owners' proof that the LDR would create a substantial hardship or would violate principles of fairness statement, he provided a statement indicating that the purpose of not centering the tower on the parent parcel is to mitigate the impacts of a communications tower by placing the tower near the existing wooded areas, adjacent to the Ocala National Forest and further from properties developed with single-family residential uses.

### 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 mean 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, 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 which 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).

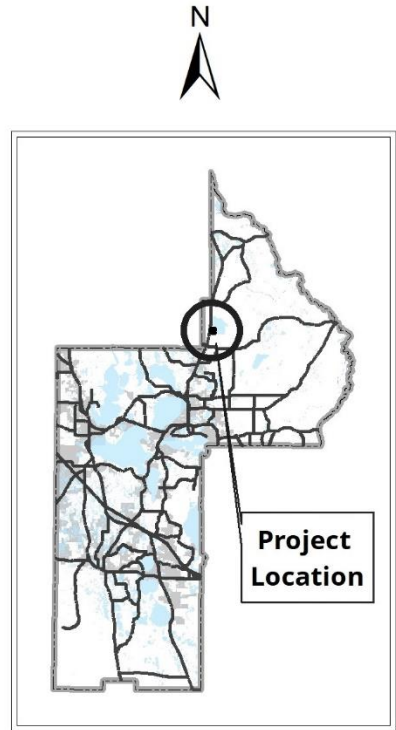
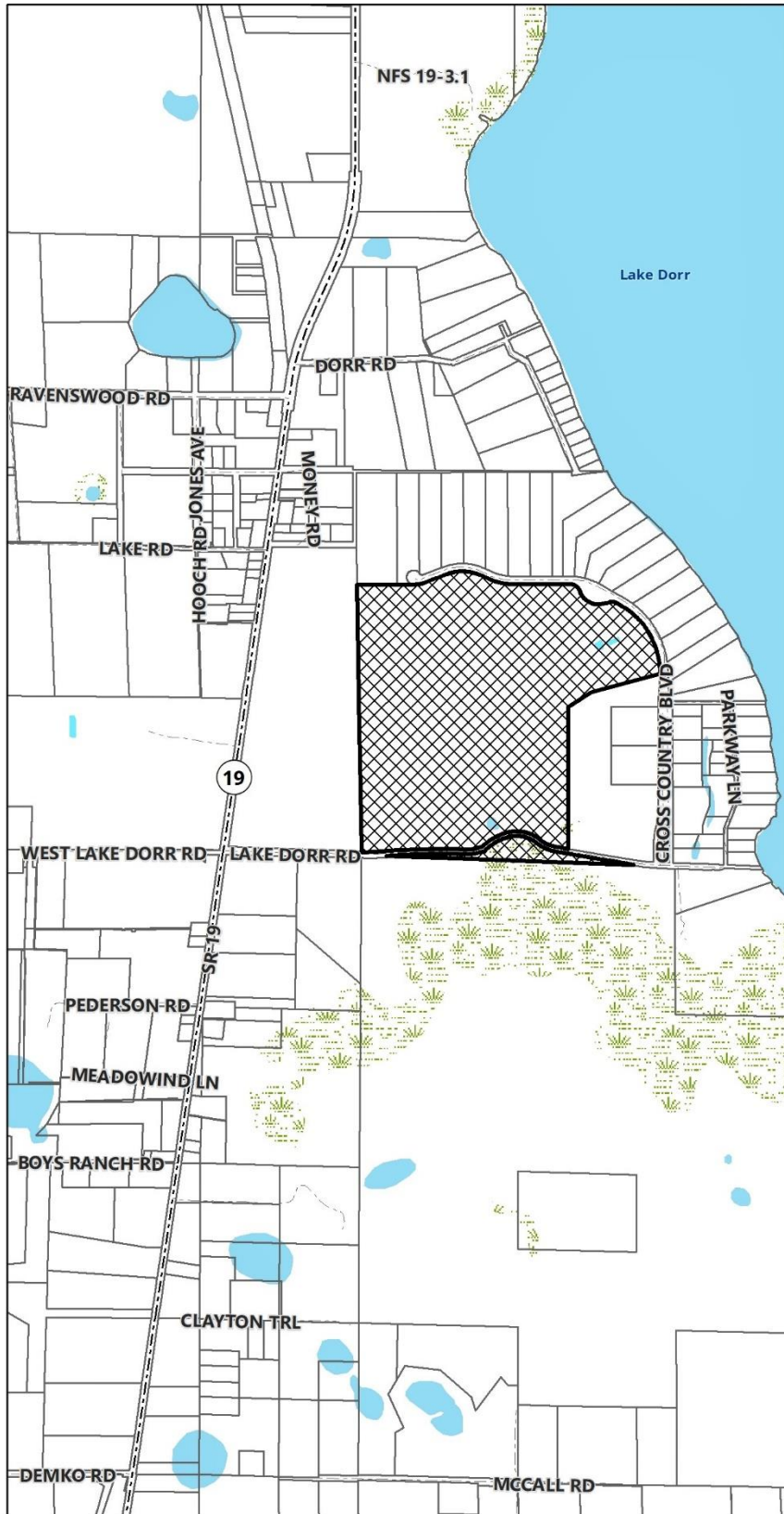
*"The intent of LDR 3.13.09.B is to mitigate the impact of communications towers on adjacent properties by centering the tower within the parent tract, away from the property boundaries. This variance will further mitigate the towers impact on surrounding properties by placing it in a wooded area, adjacent to an also heavily wooded Ocala National Forest parcel with natural wetland buffer."*

#### **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.**

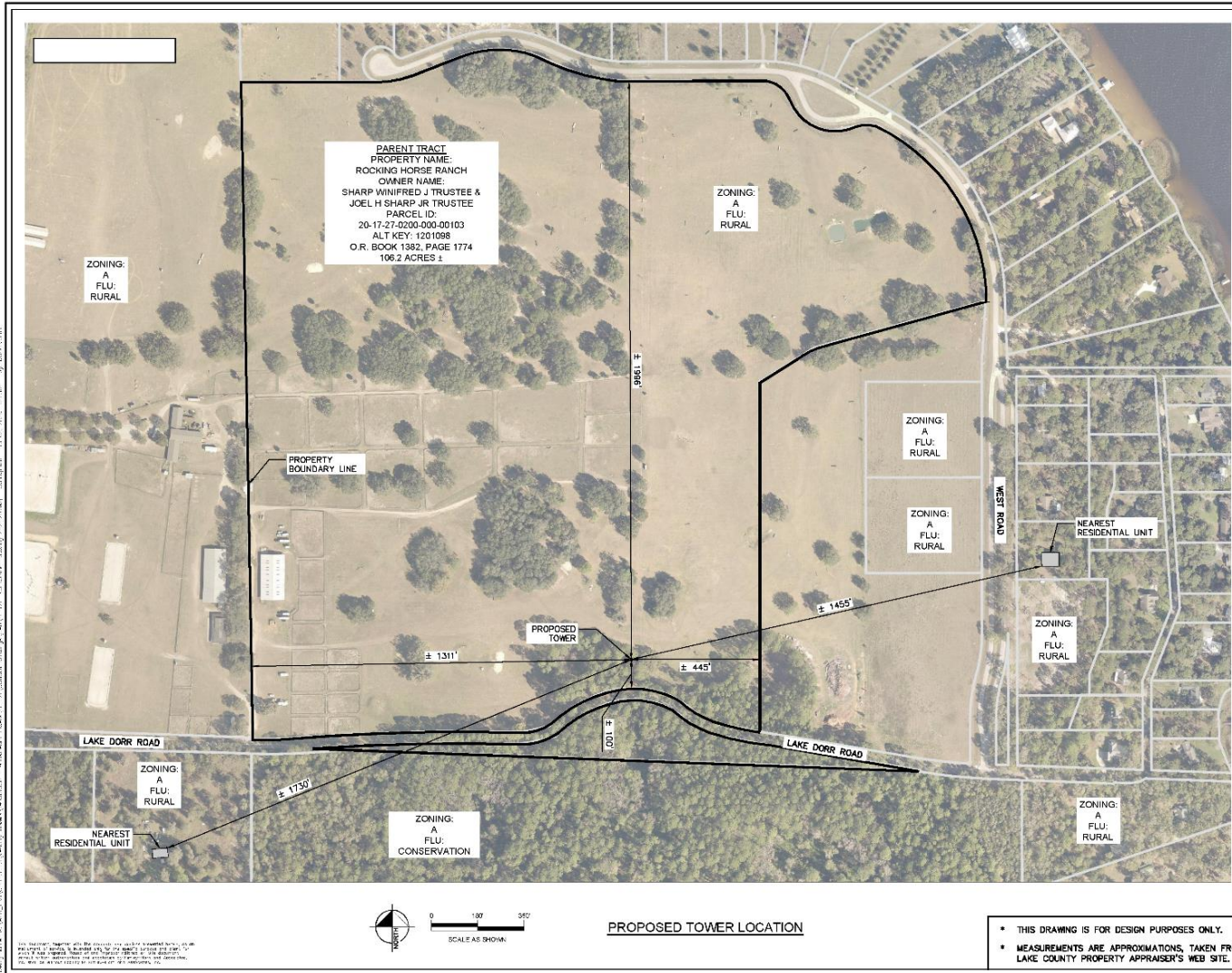
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

*"We selected a very large parcel to place the tower on in an effort to mitigate the visual impact of the tower on local residents. This parcel (Rocking Horse Stables) is used primarily as an equestrian center for both local horse schooling and top national competitions. In order to mitigate on both the equestrian center and the local residences we are proposing to place the tower in the southeast corner of the property, in a wooded area, adjacent to a heavily wooded Ocala National Forest parcel with wetland buffer."*

# Map of Subject Property



# Attachment "A" – Concept Plan



<b>GULFSTREAM TOWERS</b> 127 W. FAIRBANKS AVENUE, BOX #469 WINTER PARK, FL 32789	
PROJECT INFORMATION:	
FL 171 19315 LAKE DORR ROAD ALTOONA, FL 32702 LAKE COUNTY, FL	
CURRENT ISSUE DATE:	
JULY 2020	
ISSUED FOR:	
CONCEPTUAL	
REV. DATE:	DESCRIPTION:
SEAL:	
PLANS PREPARED BY:	
<b>Kimley-Horn</b> KIMLEY-HORN AND ASSOCIATES, INC. 1820 BAYVIEW BLVD., SUITE 200 WEST PALM BEACH, FLORIDA 33411 (561) 815-0565 FIBC REGISTRY NO. 690	
PROVIDER:	
DRAWN BY:	CHK.:
PLG	MVM
LICENSURE:	
KEVIN K. MARRAS PE 71455	
CHELSEA M. MARRAS PE 64300	
MARA VICTORIA MARTIN PE 72367	
SHEET TITLE:	
CONCEPTUAL DRAWING	
SHEET NUMBER:	REVISION:
1	
KHA Job #:	
140601009	



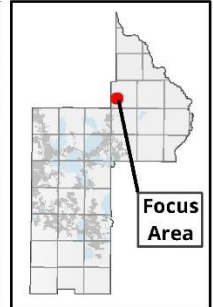
# Attachment "B" – Location of Proposed Tower



VAR-20-41-5  
Gulfstream Towers - FL171 Property



1 inch = 700 feet



Allow 199 Foot Monopole  
Setback Adjustment

**Tower Coordinates:**  
(Center) ●  
X - 452631.7918  
Y - 1694206.4030  
Lat 28.9927639  
Long -081.6366677

**Tower Coordinates:**  
(Adjusted) ●  
X - 452932.432  
Y - 1693278.817  
Lat 28.9902175  
Long -081.6357117

**Final Development Order**  
**VAR-20-41-5**  
**FL 171 Gulfstream Towers, LLC Property**

**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 Winifred J. Sharp and Joel H. Sharp (the “Owners”), to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), to allow the proposed 199-foot monopole tower to not be centered within the boundaries of the subject parcel; and

**WHEREAS**, the subject property consists of 106.2 +/- acres and is generally located east of Bay Lake Road (CR 565), in the unincorporated Sorrento area of Lake County, Florida, in Section 20, Township 17 South, Range 27 East, having Alternate Key Number 1201098, and is more particularly described below:

Attachment “A” — Legal Description

**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 October 8, 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 October 8, 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-20-41-5, to allow a proposed 199-foot monopole tower to not be centered within the boundaries of the parent parcel, conditioned upon the placement of the monopole tower in the location proposed on the conceptual drawing dated July 2020 submitted by the Applicant with the variance application.

**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 8th day of October, 2020.**

**EFFECTIVE October 8, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**James Argento, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 8th day of October, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**

## **Exhibit "A" – Legal Description (Pg. 1 of 2)**

**Lots 1 to 14, inclusive, and Lots 17 to 20, inclusive, according to the map showing the holdings of J. M. Thomas in Pittman, Florida, recorded in Plat Book 5, page 38, Public Records of Lake County, Florida.**

**AND**

**All that part of Block "F" and "M", according to the plat of Pittman, Florida, filed February 21, 1884, in the Public Records of Orange County, Florida, lying East of the Easterly line of the right of way State Road No. 19; (being more particularly described as that part of the West 1/2 of the Southwest 1/4 of Section 20, Township 17 South, Range 27 East, lying East of the Easterly line of the right of way of State Road No. 19.**

**AND**

**Lots 4 and 5, according to the map showing the holdings of J. M. Thomas in Ravenswood, recorded in Plat Book 5, page 38, Public Records of Lake County, Florida.**

**TOGETHER with the following vacated and closed streets and roads, all according to the map showing the holdings of J. M. Thomas in Pittman, Florida, recorded in Plat Book 5, page 38, Public Records of Lake County, Florida, or on the plat of Pittman, filed February 21, 1884 in the Public Records of Orange County, Florida, to wit:**

**Pittman Avenue from Highway 19 to the Shores of Lake Dorr;**

**Boulevard Avenue from Highway 19 to the West boundary of West Road;**

**Louisville Avenue from Highway 19 to the West boundary of West Road;**

**South half of Lake Avenue from Highway 19 to the shoreline of Lake Dorr;**

**North half of Lake Avenue, running from the centerline of Kentucky Avenue to the shoreline of Lake Dorr;**

**The South half of Thomas Avenue lying east of Kentucky Avenue and running to the shores of Lake Dorr;**

**Money Street lying North of County Road 5-8676 and South of Lake Avenue;**

**That portion of Kentucky Avenue lying North of County Road 5-8676 and South of Lake Avenue;**

**The East half of Kentucky Avenue lying North of Lake Avenue and South of the centerline of Thomas Avenue;**

**The North half of North Road;**

**SUBJECT TO: Road right of way for Dorr Road (County Road C-8676).**

**LESS AND EXCEPT:**

**From the Southwest corner of Lot 3, Thomas Holdings Subdivision in the North 1/2 of Section 20, Township 17 South, Range 27 East, Lake County, Florida, run East 828.10 feet to the Point of Beginning; thence continue East 182.75 feet to an iron pipe; thence South 83°19'19" West, 257.97 feet to a concrete monument; thence North 30.00 feet to a concrete monument; thence East 73.47 feet to the Point of Beginning.**



## Exhibit "A" – Legal Description Continued (Pg. 2 of 2)

ALSO KNOWN AS:

A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 17 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 4" ROUND CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SAID SECTION 20 RUN SOUTH 87°52'00" EAST ALONG THE SOUTH LINE OF SECTION 20, 2618.02 FEET TO A 1" PIPE AT THE SOUTH 1/4 CORNER OF SAID SECTION 20; THENCE NORTH 0°04'56" EAST 30.02 FEET TO A 5/8" ROD AND CAP PLS 3351 AND THE POINT OF BEGINNING; THENCE NORTH 87°52'00" WEST, PARALLEL TO THE SOUTH LINE OF SECTION 20, AND ALONG THE NORTH LINE OF A ROAD AS SHOWN ON PLAT BOOK 5, PAGE 38 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, 2428.44 FEET TO A 5/8" ROD AND CAP PLS 3351 AT AN INTERSECTION WITH THE EASTERLY MAINTAINED R.O.W. LINE OF STATE ROAD NO. 19; THENCE NORTH 8°27'16" EAST, ALONG SAID EASTERLY MAINTAINED R.O.W. LINE, 2567.05 FEET TO A 5/8" ROD AND CAP PLS 3351 AT AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 20 AS PRESENTLY MONUMENTED; THENCE SOUTH 89°54'20" EAST, ALONG SAID MONUMENTED LINE, 711.70 FEET TO A FOUND 4" X 4" CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, SAID MONUMENT ALSO BEING THE SOUTHWEST CORNER OF LOT 4, ON A PLAT OF THE HOLDING'S OF J.M. THOMAS IN RAVENSWOOD, AND IN BLOCKS G, H, I, J, K, L OF MAP OF PITTMAN, AS RECORDED IN PLAT BOOK 5, PAGE 38 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 0°46'33" WEST, 634.53 FEET TO A FOUND 1" X 1" IRON BAR AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 89°55'21" EAST, ALONG THE NORTH LINE OF LOT 4, 1090.15 FEET TO A FOUND 1" X 1" IRON BAR AT THE NORTHEAST CORNER OF LOT 4 (ALSO BEING THE NORTHWEST CORNER OF LOT 5); THENCE NORTH 89°55'21" EAST, ALONG THE NORTH LINE OF LOT 5, 753.63 FEET TO A 4" ROUND CONCRETE MONUMENT RLS 1571; THENCE SOUTH 0°05'04" EAST, 29.96 FEET TO A 4" ROUND CONCRETE MONUMENT RLS 1571; THENCE NORTH 83°13'46" EAST, 257.61 FEET TO A 1" PIPE AT THE APPROXIMATE SHORELINE OF LAKE DORR AND A POINT DESIGNATED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 87°51'06" EAST, ALONG THE NORTH LINE OF A ROAD AS SHOWN ON SAID PLAT BOOK 5, PAGE 38, 1320.86 FEET TO A 4" X 4" CONCRETE MONUMENT AT AN INTERSECTION WITH THE CENTERLINE OF WEST ROAD ACCORDING TO PLAT BOOK 12, PAGE 50 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 0°00'59" EAST, 1370.99 FEET ALONG SAID CENTERLINE TO A 4" X 4" CONCRETE MONUMENT AT AN INTERSECTION WITH THE CENTERLINE OF NORTH ROAD ACCORDING TO SAID PLAT BOOK 12, PAGE 50; THENCE SOUTH 89°55'01" EAST, ALONG SAID CENTERLINE, 790.00 FEET TO A 5/8" ROD AND CAP P.L.S. 3351; THENCE CONTINUE SOUTH 89°55'01" EAST, 15 FEET MORE OR LESS TO THE SHORE LINE OF LAKE DORR; THENCE NORTHWESTERLY ALONG THE SHORE LINE OF LAKE DORR TO POINT "A" AND THE END OF THIS DESCRIPTION.