



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: February 11, 2021

Case No. and Project Name: VAR-20-73-5, Sharp Property

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

Applicant: Gulfstream Towers, LLC – Mike Burkhead

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), to allow a 195-foot tall, camouflaged (flagpole) tower to not be centered within the boundaries of the subject parent parcel.

Case Manager: Heather N. Cronney, Planner

Subject Property Information

Size: 54.25 +/- acres

Location: 44200 State Road 19, in the Altoona area

Alternate Key No.: 1372321

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva-Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Street, Agriculture	Money Road, Adjoined by Vacant Agriculture Property
South	Rural	Agriculture (A)	Street, Residential	Lake Dorr Road, Adjoined by Single-Family Dwelling Units
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit and Barn
West	Rural	Agriculture (A)	Residential	State Road 19, Walker Ranch Road, and Single Family Dwelling Units

Summary of Request.

The subject 54.25 +/- acre parcel is identified by Alternate Key Number 1372321. The parcel is zoned Agriculture (A) and is part of the Rural Future Land Use Category (FLUC). The subject parcel is developed with two (2) single-family dwelling units, an unfinished carport/pole shed, and three (3) barns. The parcel is generally located along the north side of Lake Dorr Road, the east side of State Road 19, and west of Lake Dorr, in the Altoona area.

The Applicant is seeking to construct a camouflaged, flagpole communication tower on the northwest corner of the subject property, adjacent to a heavily wooded area. Land Development Regulations (LDR) Section 3.13.09.B requires that a communication tower must be centered within the parent parcel boundaries. As such, the Applicant is requesting a variance to this provision to accommodate his development plans. The concept plan is included as Attachment "A".

The variance application was sent to the Public Works Department for review. The Department of Public Works reviewed the variance application and has no objections to the request.

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.

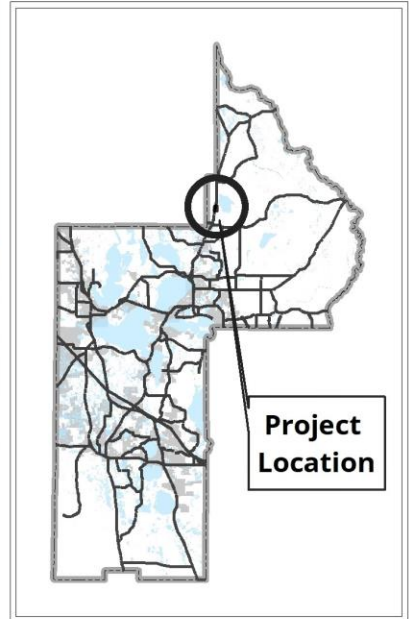
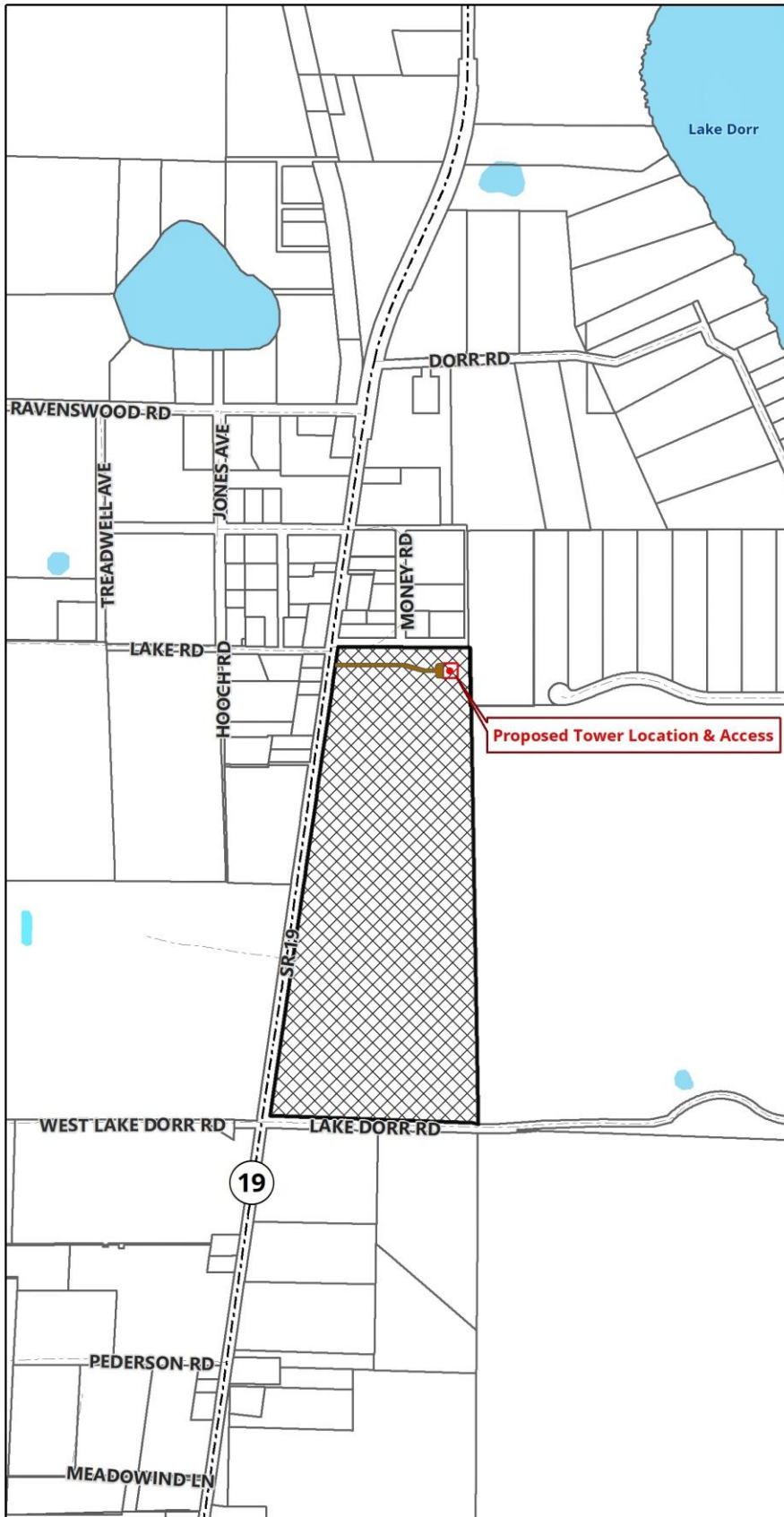
1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the Code, LDR Section 3.13.00, 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 communication towers on adjacent properties by centering the tower within the parent tract, away from the property boundaries. This variance will further mitigate the towers [sic] impact on surrounding properties by placing a camouflaged (flagpole) tower adjacent to 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.

The Applicant provided the following statement as proof of a substantial hardship: *"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 the impact on both the equestrian center and the local residences we are proposing to place a camouflaged (flagpole) tower in the northwest corner of the subject property adjacent to a heavily wooded area."*

Map of Subject Property



Attachment "A" – Concept Plan

FORESITE
group

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Lakeland, FL 33801
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SEAL:

PROJECT:

**FL171
ALTOONA**

LOCATED AT:
STATE RD 19
(ADDRESS TO BE ASSIGNED)
ALTOONA, FL 32702

DEVELOPER:

GULFSTREAM TOWERS, LLC

127 W. FAIRBANKS AVE., #400
WINTER PARK, FLORIDA 32789
(407) 817-0167

CONTACT: **MR. MICHAEL BURKHEAD**

REVISIONS DATE

REVISIONS	DATE

ISSUED FOR: REVIEW

PROJECT MANAGER: ADR

DRAWING BY: RCS

JURISDICTION: LAKE COUNTY, FLORIDA

DATE: 12/15/20

TITLE:

CONCEPTUAL PLAN

SHEET NUMBER: C-1

JOB/FILE NUMBER: FL171



NOTES:
1. THIS DRAWING IS FOR DESIGN PURPOSES ONLY
2. MEASUREMENTS SHOWN ARE BASED ON DISTANCE FROM A 10' DIAMETER TOWER CAISSON BASE TO NEAREST PROPERTY LINE. FOR DISTANCES TO THE CENTER OF THE TOWER, ADD 5'.

**Final Development Order
VAR-20-73-5
Sharp 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”), on behalf of Winifred J. Sharp and Joel H. Sharp, Jr. (“the Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), to allow a 195-foot tall, camouflaged (flagpole) tower to not be centered within the boundaries of the subject parent parcel; and

WHEREAS, the subject property consists of 54.25 +/- acres, is located at 44200 State Road 19, in the unincorporated Altoona area of Lake County, Florida, in Section 20, Township 17, Range 27, having Alternate Key Number 1372321, and more particularly described in **Exhibit “A” – Legal Description**; and

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 February 11, 2021; 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 February 11, 2021, 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-20-73-5, to allow a camouflaged (flagpole) tower to not be centered within the boundaries of the subject 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 11th day of February, 2021.
EFFECTIVE February 11, 2021.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

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 11th day of February, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Exhibit "A" – Legal Description (Page 1 of 3)

SITUATED IN THE COUNTY OF LAKE, STATE OF FLORIDA, DESCRIBED AS FOLLOWS:
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;

Exhibit "A" – Legal Description (Page 2 of 3)

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.

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,

Exhibit "A" – Legal Description (Page 3 of 3)

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.

TAX ID: 1917270100-00F-00000

BEING THE SAME PROPERTY CONVEYED TO WINIFRED J. SHARP AND JOEL H. SHARP, JR., AS TRUSTEES, GRANTEE, FROM BOSTON SAFE DEPOSIT AND TRUST COMPANY, AS TRUSTEE OF THE STONE LAKE TRUST, DATED DECEMBER 28, 1954, GRANTOR, BY DEED RECORDED 08/28/1995, IN BOOK 1382, PAGE 1774 OF THE COUNTY RECORDS.