



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: November 10, 2022

Case No. and Project Name: VAR-22-21-2, Clermont Baptist Property

Applicant: Coral Towers, LLC

Owner: Clermont Baptist Church, Inc.

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1) to allow for a proposed monopole tower to not be centrally-located on the parent parcel; and to LDR Section 15.02.04(J) to allow for a proposed un-camouflaged monopole cell tower to exceed 140-feet in height.

Case Manager: Jacob Geisler, Planner

Subject Property Information

Size: 16.12 +/- gross acres (400-square foot lease area)

Location: 16115 Old Highway 50, in the unincorporated Clermont area.

Alternate Key No.: 1029031, 3798781, 3798636, and 3456084

Future Land Use: Urban Low Density

Current Zoning District: Community Facility District (CFD) – Ordinance #2012-19

Flood Zones: “A” and “X”

Joint Planning Area/ ISBA: Clermont Joint Planning Area (JPA)

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Turnpike	Adjacent to FL-91 (Florida Turnpike)
South	Urban Low	Planned Unit Development (PUD)	Conservation and Stormwater	Platted Tracts for Environmental Conservation and Stormwater purposes within Arrowhead Subdivision, adjacent to Old US Highway 50
East	Urban Low	Community Facility District (CFD)	Vacant Institutional	Vacant parcel zoned CFD by Ordinance #2017-4 (Florida Islamic Center)
West	Urban Low	Agriculture (A)	Residential and Vacant	Single-Family Dwelling Unit and Vacant Parcel with Wetlands

Summary of Request

The subject properties, identified by Alternate Key Numbers 1029031, 3798781, 3798636, and 3456084, contain a cumulative 16.12 +/- gross acres, are zoned Community Facility District (CFD) in accordance with Ordinance #2012-19, and are designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject properties are located north of Old US Highway 50 and southwest of the Florida Turnpike, in the unincorporated Clermont area of Lake County. The property identified by Alternate Key #3456084 is currently developed with a commercial church use. The remaining parcels are vacant and undeveloped.

The applicant has submitted a variance request to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1), which requires that new cell towers are centrally located within the boundaries of the parent parcel. The Plot Plan (Attachment "A") depicts the proposed 175' square-foot tower compound with setbacks of 191'-5" on the North, 611'-4" on the South, 283'-3" on the East, and 469'-6" on the West.

The subject parcel is located within the Clermont JPA; therefore, variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont has requested that the applicant expand the variance request to include LDR Section 15.02.04(J) which requires that newly installed cell tower support structures shall be camouflaged, and that support structures and attached antennas shall not exceed 140-feet in height. The applicant has requested a maximum height of 175'-feet for the proposed un-camouflaged monopole tower.

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 3.13.09(B)(1), is to ensure that potential impacts to surrounding properties are minimized, and to localize any outfall to the subject property in the event that the tower supports fail.

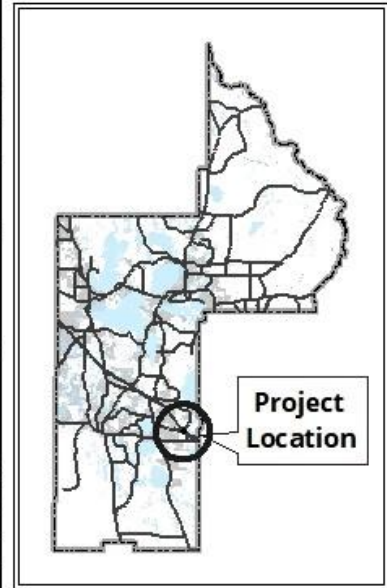
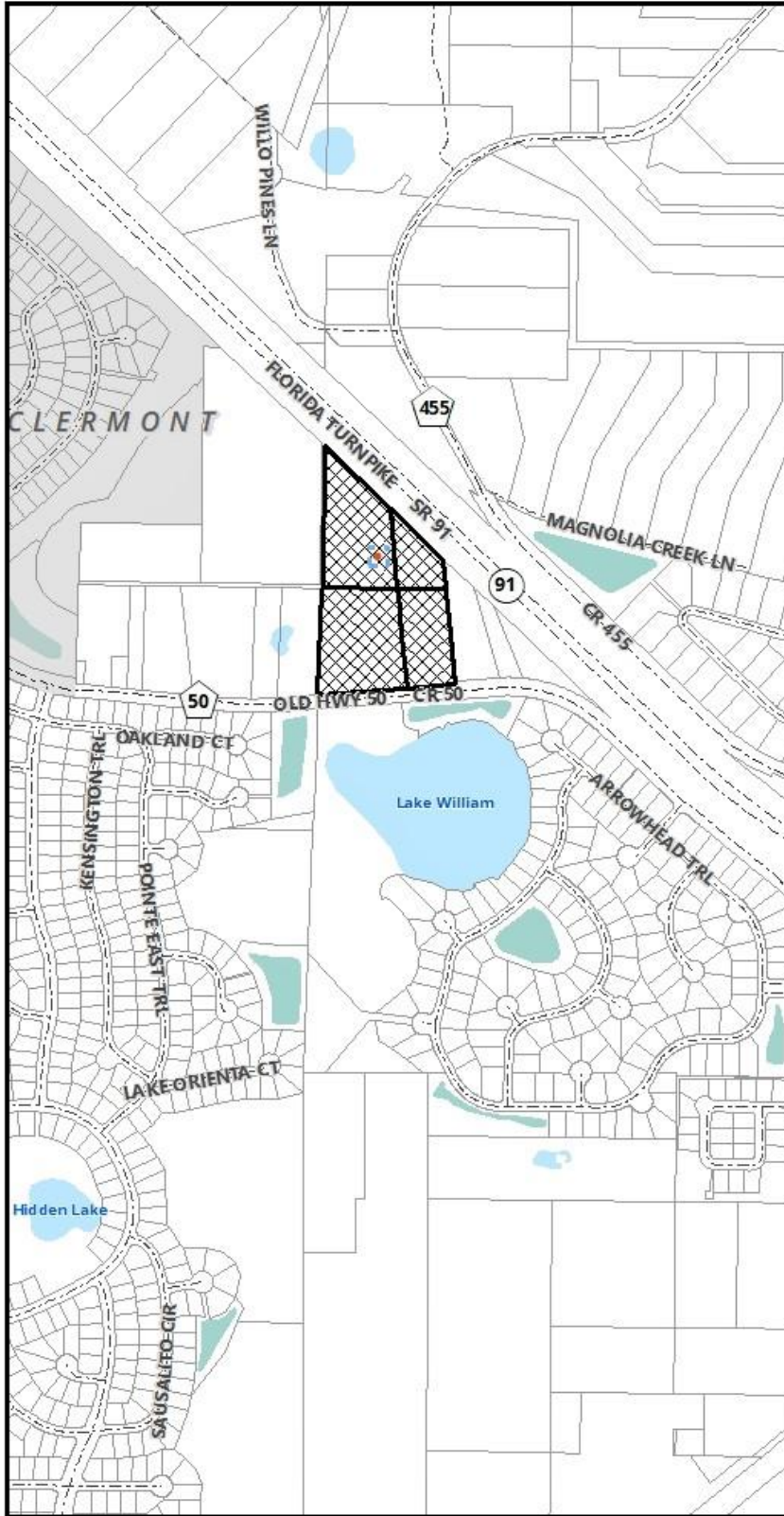
The Intent of the Code, LDR Section 15.02.00 is to foster intergovernmental cooperation between the County and City, and resolve incompatibilities and conflicts between the Land Development Codes of each. LDR Chapter 15.02.00 applies solely to properties located within the City of Clermont JPA.

The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Coral [the applicant] has sited the Monopole as close to the center of the Parent Parcel as possible. The variance is requested to avoid wetlands on the parcel."*

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 two following statements, *"There are no other available candidates in the ring possessing sufficient open space to support the Monopole";* and *"Based upon Rae Chidlow's guidance, a separate variance will not be needed from the city through a variance from the County's Code at Section 15.02.04 (J) (JPA Code). An analysis of the JPA Code and the variance factors for the request are contained in the letter, below the response to Staff Comments. Please also see the enclosed email from Rae Chidlow dated 06/04/22."*

Map of Subject Property



Aerial Map



VAR-22-21-2
Clermont Baptist Church (Tower Lease Area) Property



Communications Tower
Location & Residential
Separation Adjustment

- Legend
- Lake Apopka Basin Overlay
 - Lease Area (100'x100')
 - Tower Location

**Final Development Order
VAR-22-21-2
Clermont Baptist Church**

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

WHEREAS, Coral Towers LLC c/o Mattaniah S. Jahn, P. A. (the “Applicant”), on behalf of Clermont Baptist Church, Inc. (the “Owner”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.13.09(B)(1) to allow for a proposed monopole tower to not be centrally-located on the parent parcel; and to LDR Section 15.02.04(J) to allow for a proposed un-camouflaged monopole cell tower to exceed 140-feet in height; and

WHEREAS, the subject property consists of 16.12 +/- gross acres and is located at 16115 Old U.S. Highway 50, in the unincorporated Clermont area, in Sections 14, 23 and 09, Township 22, Range 26, having Alternate Key Numbers 1029031, 3798781, 3798636, and 3456084 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 (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on November 10, 2022; 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 the 10th of November 2022, 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-22-21-2 to allow for a proposed monopole tower to not be centrally-located on the parent parcel; and to LDR Section 15.02.04(J) to allow for a proposed un-camouflaged monopole cell tower to exceed 140-feet in height, with the following conditions:

1. The monopole tower will be located no closer than 191’-5” on the North, 611’-4” on the South, 283’-3” on the East, and 469’-6” on the West.
2. The monopole tower is not to exceed 175-feet in height.

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 10th day of November 2022.

EFFECTIVE November 10, 2022.

**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 10th day of November 2022, 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

Parcel 1:

BEG AT SW COR OF SEC, RUN N 00DEG 26MIN 15SEC W 779.22 FT TO S'LY R/W LINE OF SUNSHINE STATE PARKWAY, S 47DEG 22MIN 04SEC E ALONG SAID S'LY R/W LINE A DIST OF 504.42 FT, S 05DEG 26MIN 42SEC E TO S LINE OF SEC, W ALONG SAID S LINE OF SEC TO POB ORB 1904 PG 1567

And

Parcel 2: FROM SW COR OF SEC RUN N 00DEG 26MIN 15SEC W ALONG W'LY LINE OF SEC A DIST OF 779.22 FT TO S'LY R/W LINE OF SUNSHINE STATE PARKWAY, S 47DEG 22MIN 04SEC E ALONG S'LY R/W LINE A DIST OF 504.42 FT FOR POB, CONT S 47DEG 22MIN 04SEC E 392.15 FT, S 05DEG 26MIN 42SEC E TO S LINE OF SEC & PT A, RETURN TO POB, RUN S 05DEG 26MIN 42SEC E TO S LINE OF SEC, E ALONG SAID S LINE OF SEC TO PT A ORB 1904 PG 1567

And

Parcel 3: LAKE HIGHLANDS 23-22-26 THAT PART OF TRACT 8 DESCRIBED AS FOLLOWS: FROM SW COR OF SEC 14-22-26 RUN N 00DEG 26MIN 15SEC W ALONG W BOUNDARY LINE OF SEC A DIST OF 779.22 FT TO S'LY R/W LINE OF SUNSHINE STATE PARKWAY, S 47DEG 22MIN 04SEC E ALONG S'LY R/W LINE 504.42 FT, S 05DEG 26MIN 42SEC E 977.17 FT TO N'LY R/W LINE OF SR 438 & POB, RUN S 84DEG 33MIN 18SEC W ALONG SAID N'LY R/W LINE A DIST OF 473.30 FT TO A POINT ON W'LY BOUNDARY LINE OF TRACT 8, N 01DEG 18MIN 41SEC E ALONG SAID W'LY BOUNDARY LINE OF TRACT 8 TO N LINE OF TRACT 8, E ALONG SAID N LINE OF TRACT 8 TO A POINT THAT IS N 05DEG 26MIN 42SEC W OF POB, RUN S 05DEG 26MIN 42SEC E TO POB PB 4 PG 11 ORB 1904 PG 1567

And

Parcel 4: LAKE HIGHLANDS 23-22-26 THAT PART OF TRACTS 7 & 8 DESCRIBED AS FOLLOWS: FROM SW COR OF SEC 14-22-26 RUN N 00DEG 26MIN 15SEC W ALONG W'LY BOUNDARY OF SAID SEC A DIST OF 779.22 FT TO S'LY R/W LINE OF SUNSHINE STATE PARKWAY, S 47DEG 22MIN 04SEC E ALONG SAID S'LY R/W LINE A DIST OF 896.57 FT, S 05DEG 26MIN 42SEC E TO N LINE OF SEC 23-22-26 TO POB, CONT S 05DEG 26MIN 42SEC E TO N'LY R/W LINE OF SR 438, S 84DEG 33MIN 18SEC W ALONG SAID N'LY R/W LINE A DIST OF 262.01 FT, N 05DEG 26MIN 42SEC W TO N LINE OF SEC 23-22-26, E ALONG SAID N LINE OF SEC 23 TO POB PB 4 PG 11 ORB 1904 PG 1567