



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3
Public Hearing Date: August 7, 2024
Case No. and Project Name: PZ2024-049, Fire Station 110 Tower
Applicant: Michelle Wilkinson
Owner: Lake County Board of County Commissioners
Requested Action: Variance to Land Development Regulation (LDR) Sections 3.13.09(B)(1), 3.13.09(B)(2), and 3.13.09(B)(4) to (1) allow a public safety communications tower to not be centered within the boundaries of the subject parcel, (2) to allow the communications tower to be located less than the required 100-foot set back from the property line, and (3) to allow the lattice type communications tower to be located less than the required 1320-foot setback from any single-family or duplex residential unit.
Case Manager: James Frye, Planner I

Subject Property Information

Size: 0.95 +/- acre
Location: 6234 County Road 561, Clermont
Alternate Key No.: 2945168
Future Land Use: Public Service Facility and Infrastructure (Attachment "A")
Current Zoning District: Community Facility District by Ordinance #68-88 (Attachment "B")
Flood Zone: "X"
Joint Planning Area/ ISBA: N/A
Overlay Districts: Green Swamp Area of Critical State Concern (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Right-of-Way, Vacant	Vacant Parcels with Wetlands Present, North of CR 561
South	Green Swamp Rural Conservation	Agriculture (A)	Residential	Single Family Dwelling Unit with Agriculture Exemption; Plant Nursery
East	Green Swamp Rural Conservation	Agriculture (A)	Residential	Single-Family Dwelling Unit and Single-Family Dwelling Unit with Agriculture Exemption
West	Green Swamp Rural Conservation	Agriculture (A)	Right-of-Way, Vacant	Large Vacant Lot with Agriculture Exemption West of CR 561

Summary of Request.

The subject 0.95 +/- acre parcel is identified by Alternate Key Number 2945168. The parcel is zoned Community Facility District (CFD) by Ordinance #68-88 in accordance with Lake County's Land Development Regulations (LDR), is designated with a Public Safety Facility and Infrastructure Future Land Use Category (FLUC) by Ordinance 2014-39 and located within the Green Swamp Area of Critical State Concern. The subject parcel is currently developed with Lake County Fire Station #110.

The Applicant seeks approval to the following:

Land Development Regulation (LDR) Section	Variance Request
LDR Section 3.13.09(B)(1)	To allow the communications tower to not be centered within the boundaries of the subject parcel.
LDR Section 3.13.09(B)(2)	To allow the communications tower to be less than the required 100-foot set back from the property line.
LDR Section 3.13.09(B)(4)	To allow the lattice type communications tower to be located less than the required 1320-foot setback from any single-family or duplex residential unit.

The Concept Plan (Attachment "D") depicts the tower compound area, proposed public safety communications tower, proposed equipment shelter, proposed generator and proposed above ground fuel tank. Attachment "D" illustrates the location of the proposed tower not centered within the boundaries of the parent parcel. 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 shape of the property and existing fire station.

On March 22, 2024, the variance application was sent to the Public Works Department and the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. The Chief Fire Plans Examiner and Public Works Department did not identify any comments to the request.

The variance application was sent to the Florida Department of Commerce (Florida Commerce) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. Florida Commerce did not provide comments.

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 Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *“This tower will be used in times of emergencies and threats to the life, safety, and welfare of Lake County residents, businesses, and properties, and is a necessary provision of emergency communications. The variance requests are needed to assist with public safety communications.”*

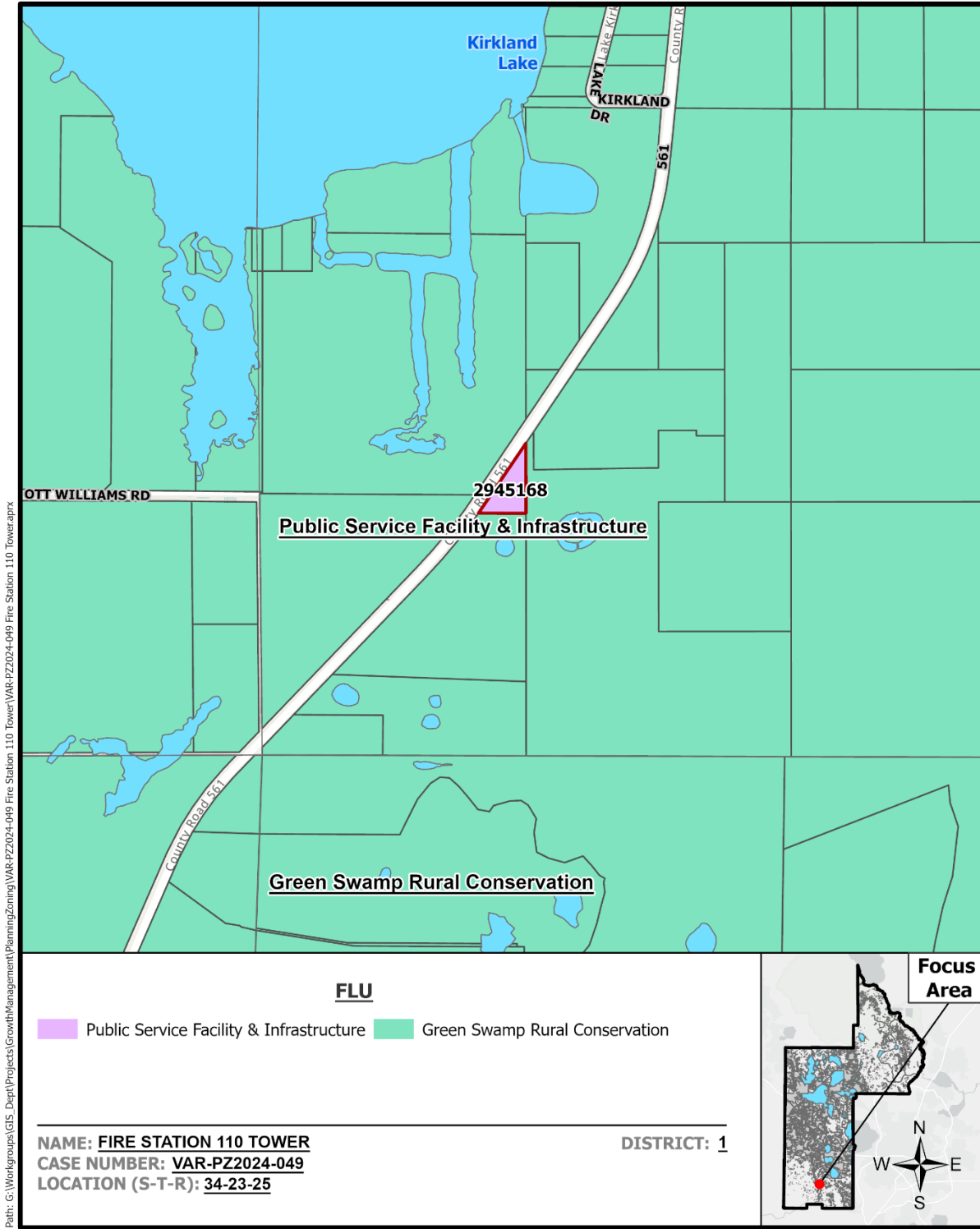
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting

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, *"The objective of the proposed tower is to provide future public and civic service needs to the community. To accommodate the community and public safety service needs the application seeks waivers to the tower standards. The irregular shape of the property and existing fire station restrict the location of the proposed communication tower."*

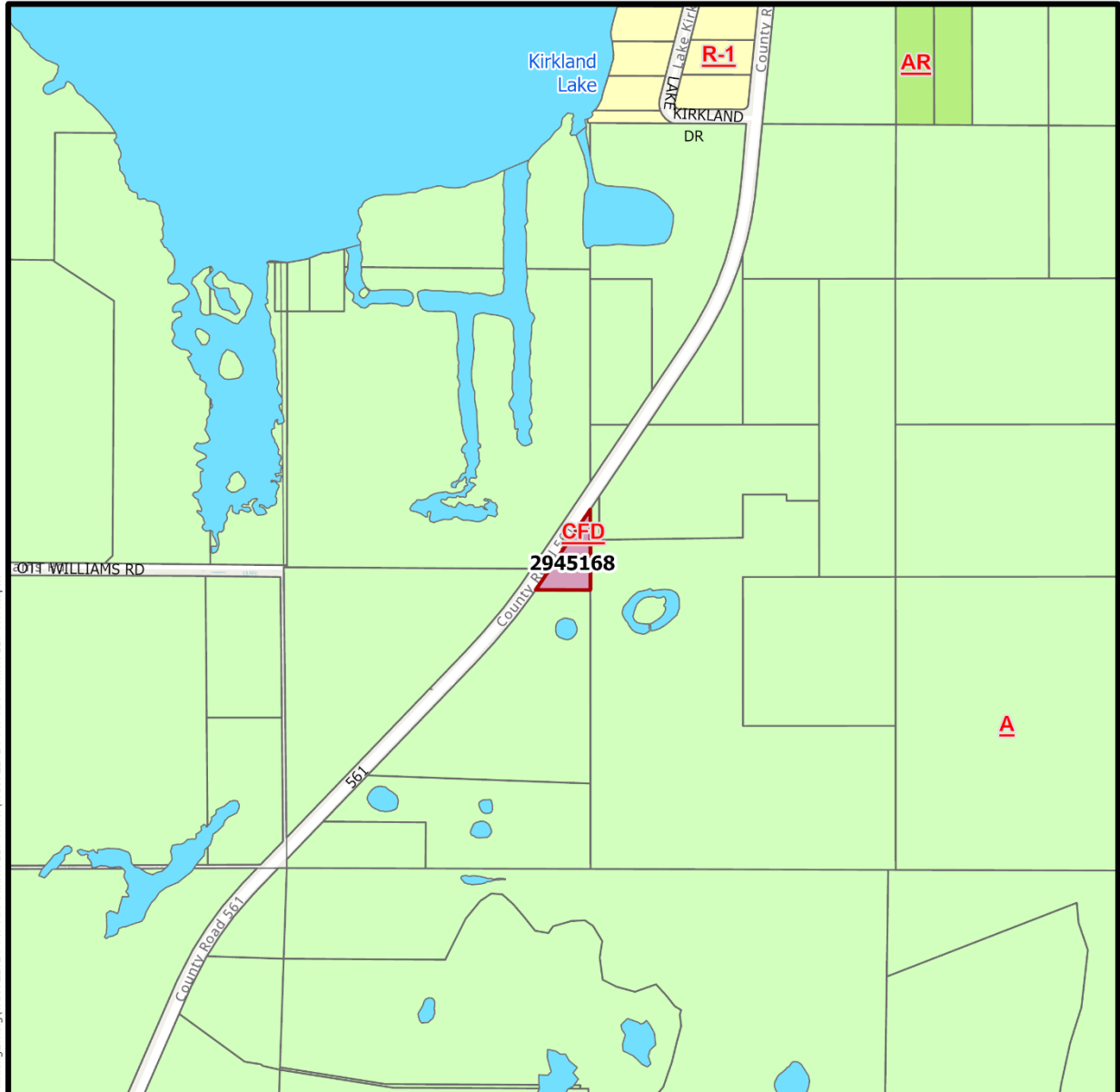
Attachment "A" – Future Land Use Map of Subject Property

CURRENT FUTURE LAND USE



Attachment "B" – Zoning Map of Subject Property

CURRENT ZONING



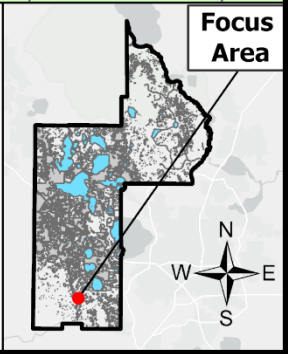
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5/8/2024

Zoning

- A
- AR
- R-1
- CFD

DISTRICT: 1

NAME: FIRE STATION 110 TOWER
CASE NUMBER: VAR-PZ2024-049
LOCATION (S-T-R): 34-23-25



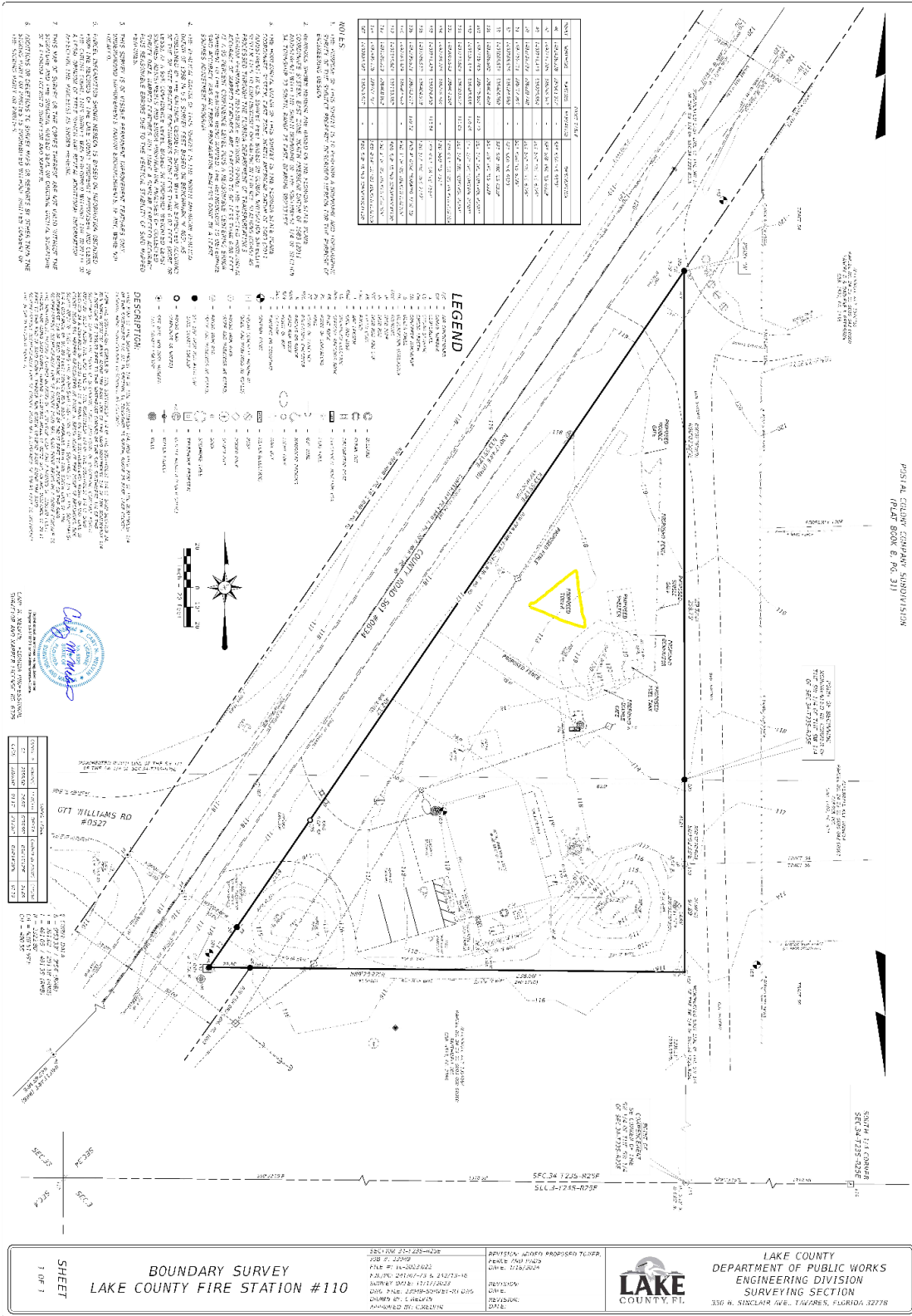
Attachment "C" – Overlay Districts of Subject Property



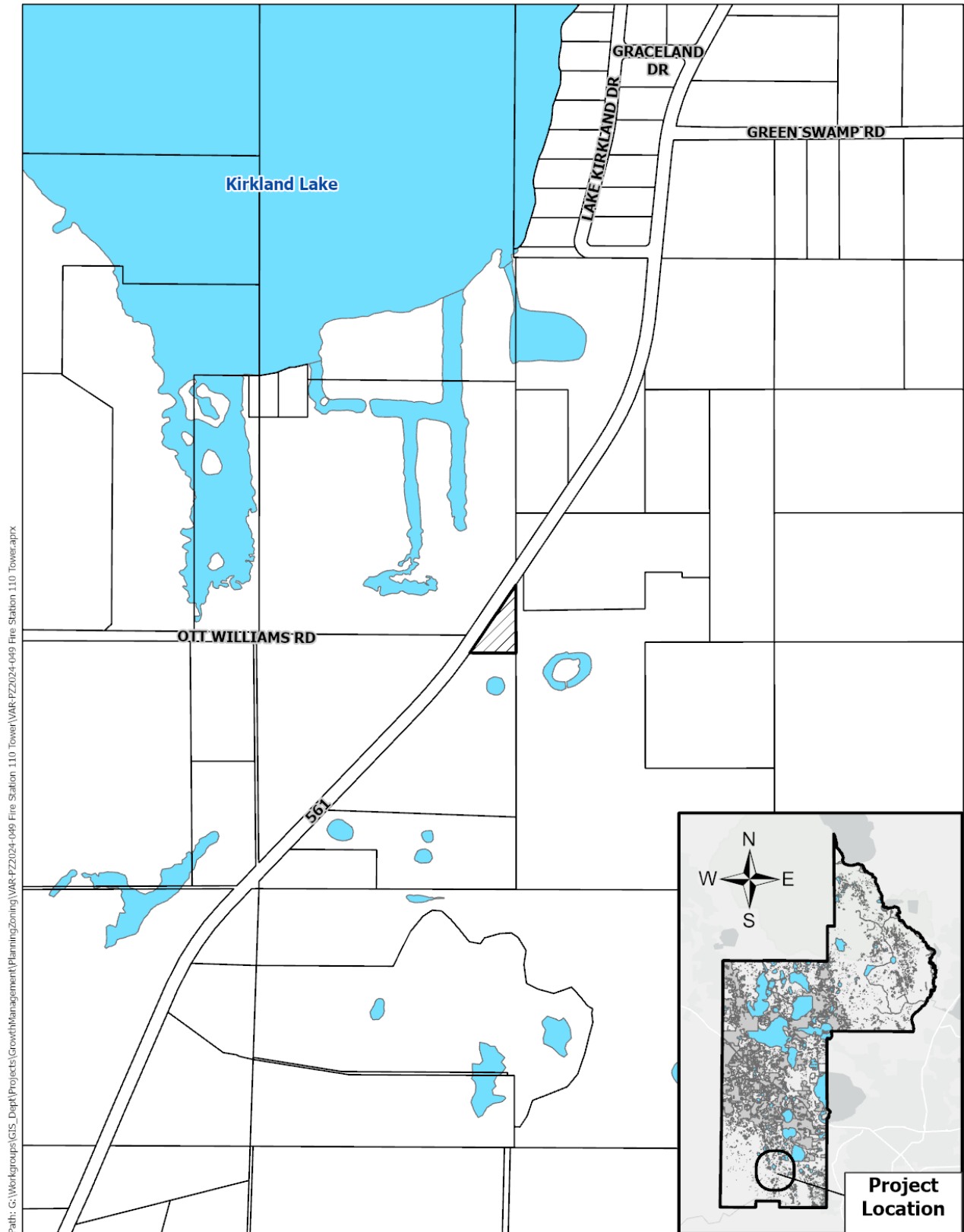
VAR-PZ2024-049
Fire Station 110 Tower



Survey



Map of Subject Property



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4/9/2024

Aerial Map of Subject Property



VAR-PZ2024-049
Fire Station 110 Tower



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5/8/2024

Final Development Order

WHEREAS, Michelle Wilkinson (the “Applicant”) on behalf of Lake County Board of County Commissioners (the “Owner”) requested a variance to the Lake County Code, Land Development Regulation (LDR) Sections 3.13.09(B)(1), 3.13.09(B)(2), and 3.13.09(B)(4) to (1) allow a public safety communications tower to not be centered within the boundaries of the subject parcel, (2) to allow the communications tower to be located less than the required 100-foot set back from the property line, and (3) to allow the lattice type communications tower to be located less than the required 1320-foot setback from any single-family or duplex residential unit; and

WHEREAS, the subject property consists of 0.95 +/- acres, located at 6234 County Road 561, in the Clermont area of unincorporated Lake County, Florida, in Section 34, Township 23 South, Range 25 East, having Alternate Key Number 2945168, and more particularly described in **Exhibit “A” – Legal Description**; and

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on August 7, 2024; 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.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variance Granted: A variance to Sections 3.13.09(B)(1), 3.13.09(B)(2), and 3.13.09(B)(4) to (1) allow a public safety communications tower to not be centered within the boundaries of the subject parcel, (2) to allow the communications tower to be located less than the required 100-foot set back from the property line, and (3) to allow the lattice type communications tower to be located less than the required 1320-foot setback from any single-family or duplex residential unit.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 7th day of August 2024, by Bea L. Meeks, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Exhibit "A" – Legal Description

That part of the Southwest 1/4 of the Southwest 1/4, and that part of the Northwest 1/4 of the Southwest 1/4, all in Section 34, Township 23 South, Range 25 East, Lake County, Florida, more particularly described as follows:

From the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 34, run North $00^{\circ}37'26''$ West along the East line of the said Southwest 1/4 of the Southwest 1/4 a distance of 1306.33 feet to the Northeast corner of the said Southwest 1/4 of the Southwest 1/4 and the point of beginning. From said point of beginning, continue North $00^{\circ}37'26''$ West along the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 34 a distance of 259.03 feet to a point on the Southeasterly right-of-way line of County Road 561 hereby designated as Point A. Begin again at the point of beginning, run South $00^{\circ}37'26''$ East along the aforesaid East line of the Southwest 1/4 of the Southwest 1/4 a distance of 97.89 feet; thence run West, parallel with the South line of the Southwest 1/4 of said Section 34, a distance of 240.17 feet to a point on the said Southeasterly right-of-way line of County Road 561, said point being on a curve concave to the Northwest, having a chord bearing of N $34^{\circ}14'29''$ East and a radius of 2355.80 feet; thence run along said curve, having a central angle of $02^{\circ}12'57''$, an arc distance of 91.11 feet to the end of said curve; thence run North $33^{\circ}18'26''$ East along the said Southeasterly right-of-way line of County Road 561 a distance of 336.93 feet to intersect the aforementioned Point A.