



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: August 7, 2024

Case No. and Project Name: PZ2023-85 Piper Property

Owner/Applicant: Charles Piper II

Owner/Applicant: Anthemnet, Inc.

Requested Action: Variance to Land Development Regulations (LDR) Section 3.13.09.B.1 to allow a 180-foot monopine telecommunications tower on the southeast portion of the subject parcel and not centered within the boundaries of the subject parcel.

Case Manager: Christopher Boyce, Compliance & Monitoring Specialist

### Subject Property Information

Size: 46.51 +/- acres

Location: 17712 County Road 33, in the unincorporated Mascotte area

Alternate Key No.: 1038766

Future Land Use: Rural Transition (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zone: "A" and "X"

ISBA: South Lake Interlocal Service Boundary Agreement

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture	Residential	Large Tracts of Agriculture Land with agricultural exemption
South	Rural Transition	Agriculture	Residential	Large Tract of Agriculture Land with wetlands
East	City of Mascotte	City of Mascotte	City of Mascotte	City of Mascotte
West	Rural Transition	Agriculture	Residential	Large Tract of Agriculture Land with wetlands

## Summary of Request.

The subject 46.41 +/- acres, identified as Alternate Key Number 1038766, is zoned Agriculture (A), is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is generally located east of State Road 33 and west of Pablo Island Drive, in the unincorporated Mascotte area of Lake County. Based on the Survey (Attachment "C"), the subject parcel is developed with warehouse and a sales trailer. GIS aerial maps indicate that the subject parcel lies within a flood-prone area and wetlands exist on site.

The Applicant has requested a variance to Land Development Regulations (LDR) Section 3.13.09.B.1. to allow the construction of a 180-foot monopine telecommunications tower on the southeast portion of the property but not centered as required by the LDR within the boundaries of the subject parcel. LDR Section 3.13.09.B.1 requires that towers be centered within the boundaries of the Property recognized as the parent parcel on the official zoning map. The GIS aerial map and Concept Plan (Attachment "X") indicates that the parcel contains wetlands and the wetlands may prevent the tower from being centered within the boundaries of the subject parcel.

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 Public Works Department and the Chief Fire Plans Examiner did not identify any comments or objections to the request.

The subject property is located within the South Lake Interlocal Service Boundary Agreement (ISBA), which is a multi-party agreement among the City of Groveland, the City of Clermont, Town of Howey-in-the-Hills, City of Leesburg, City of Mascotte, City of Minneola, and Lake County. The property lies within the ISBA boundary established for the City of Mascotte. The variance request was provided to the City of Mascotte for review, and the City of Mascotte had the following comments: *The City of Mascotte [has] found it to not meet the provisions of City of Mascotte LDC Article X - Telecommunications, Section 10.8(O)(6) and Sec 10.14 if this variance is provided. That being said, the spirit of the need for the tower is understood and will only affect County residents if it receives the Variance. It would be appreciated if provisions related to pre-construction activities of the City of Mascotte's [Article X – Telecommunications](#) could be included as a condition of approval ([Sec 10.8\(O\)](#), [10.19](#))*.

### 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 3.01.01, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended to allow development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. The intent of Section 13.13.00 LDR, *Wireless Antennas, Towers, and Equipment Facilities*, is to protect existing land uses from the potential adverse visual impacts through sound planning, careful review of applications, proper permitting and adherence to appropriate regulations.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *The subject property is currently used as an*

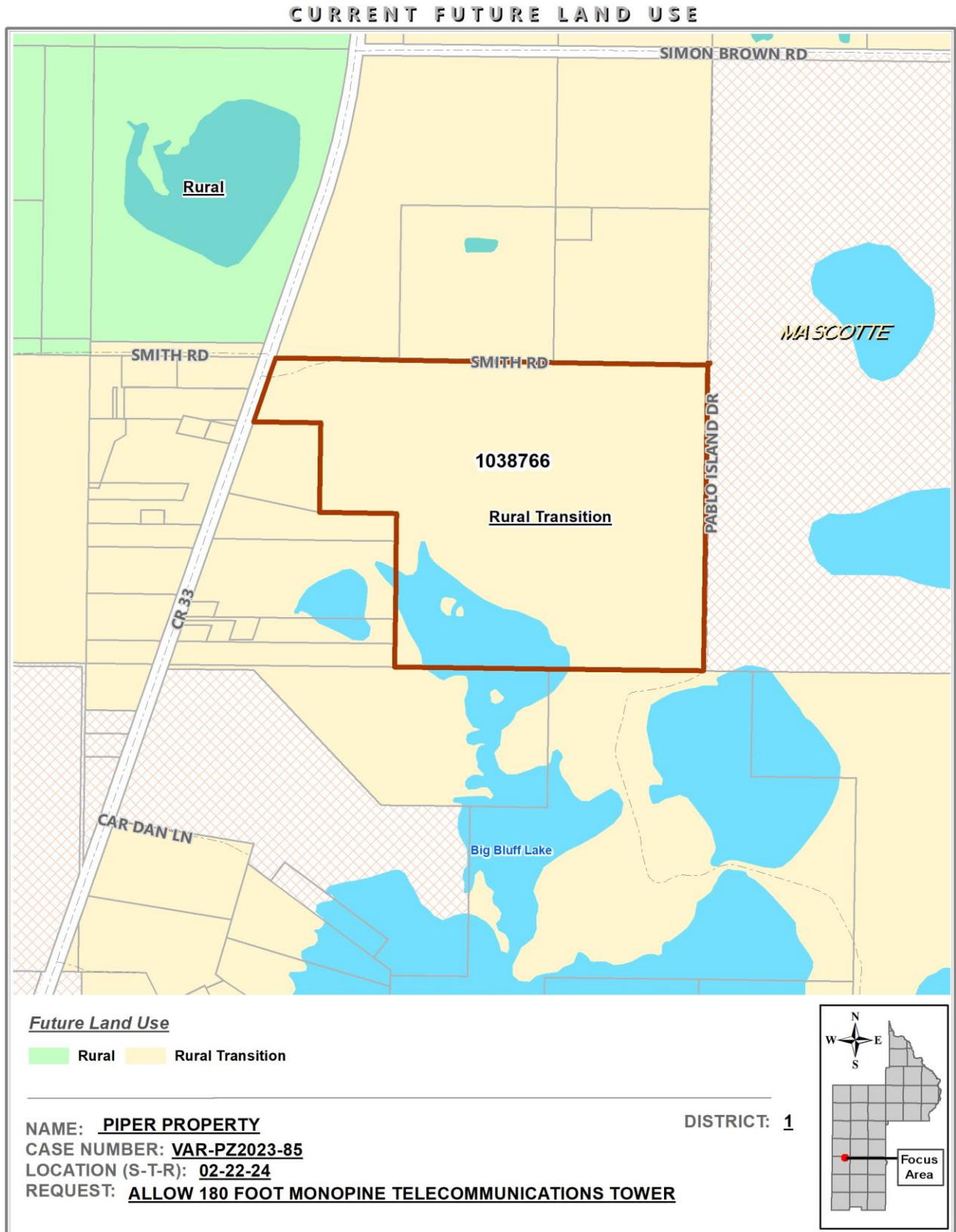
*office and storage/warehouse on the western portion of the parcel with a cattle pasture on the eastern portion of the parcel. In order to reduce visual impact to neighboring properties and to leave the eastern portion undisturbed, Anthemnet is proposing the site the tower toward the southeastern area of the existing developed portion of the property, situated close to an access drive and buffered by existing vegetation.*

*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. However, this variance will further mitigate the tower's impact on surrounding properties by placing the tower on the subject property closer to an existing wooded/wetland buffer area. Anthemnet meets all other required setbacks per Section 3.13.09 and 3.0205.”*

- 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.**

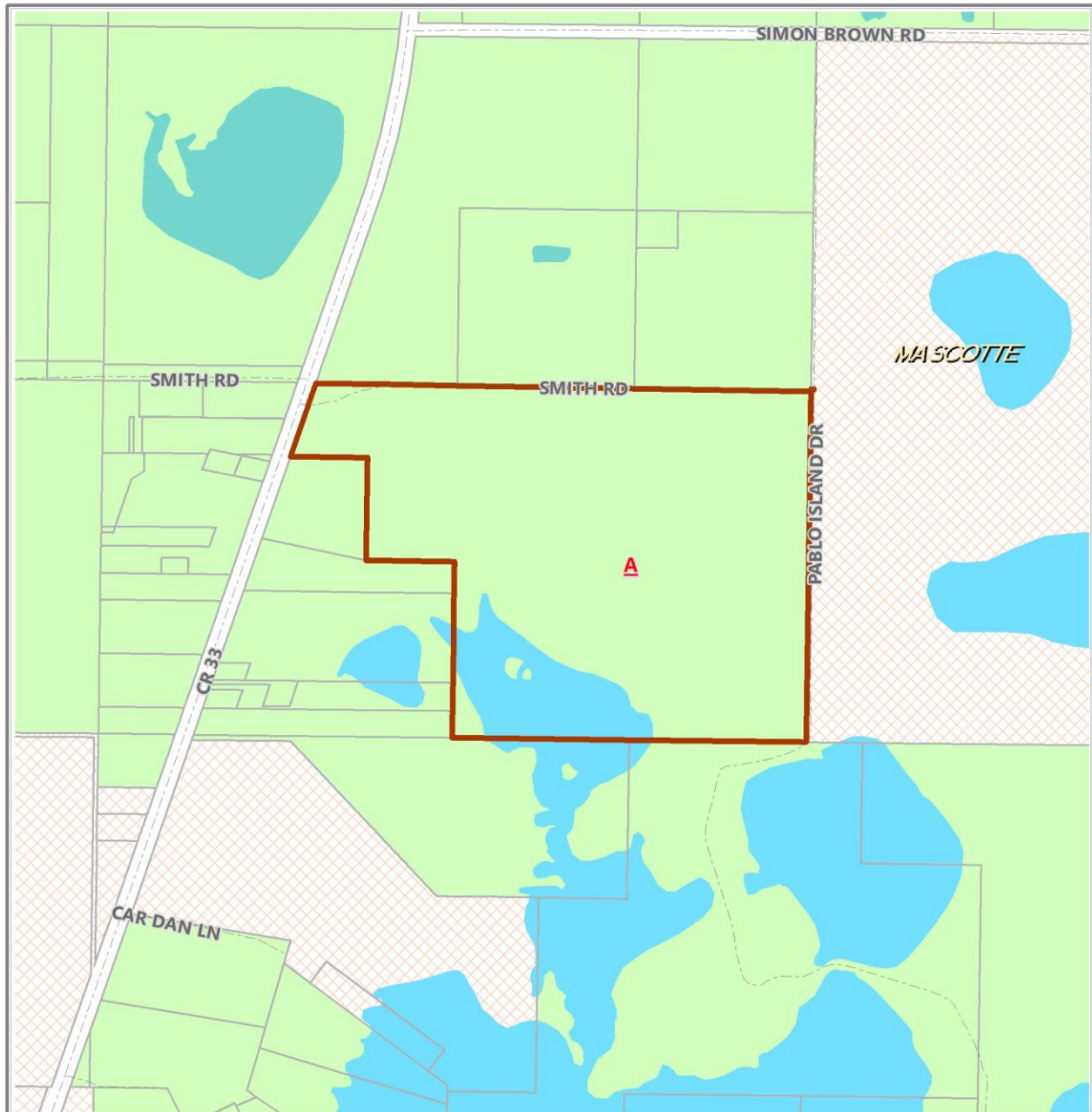
*The Applicant provided the following statement, “Anthemnet is requesting to construct 180-foot monopine-type communications tower with Verizon Wireless as the proposed anchor tenant, and the collocation for three additional wireless carriers. The location selected by Anthemnet has been driven by the search area provided by the anchor tenant for this tower, Verizon, who requires a minimum height of 180’ to provide in-building coverage and sufficient capacity to meet the needs of the area. The siting of a tower as general public service and emergency service use (including E911) shall strengthen the wireless service to the area and support the health, welfare and safety of the community.*

# Attachment "A" - Future Land Use Map



# Attachment "B" – Zoning Map

## CURRENT ZONING



**Zoning Legend**

■ A

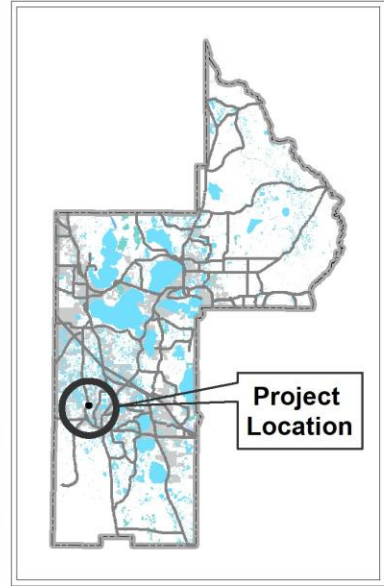
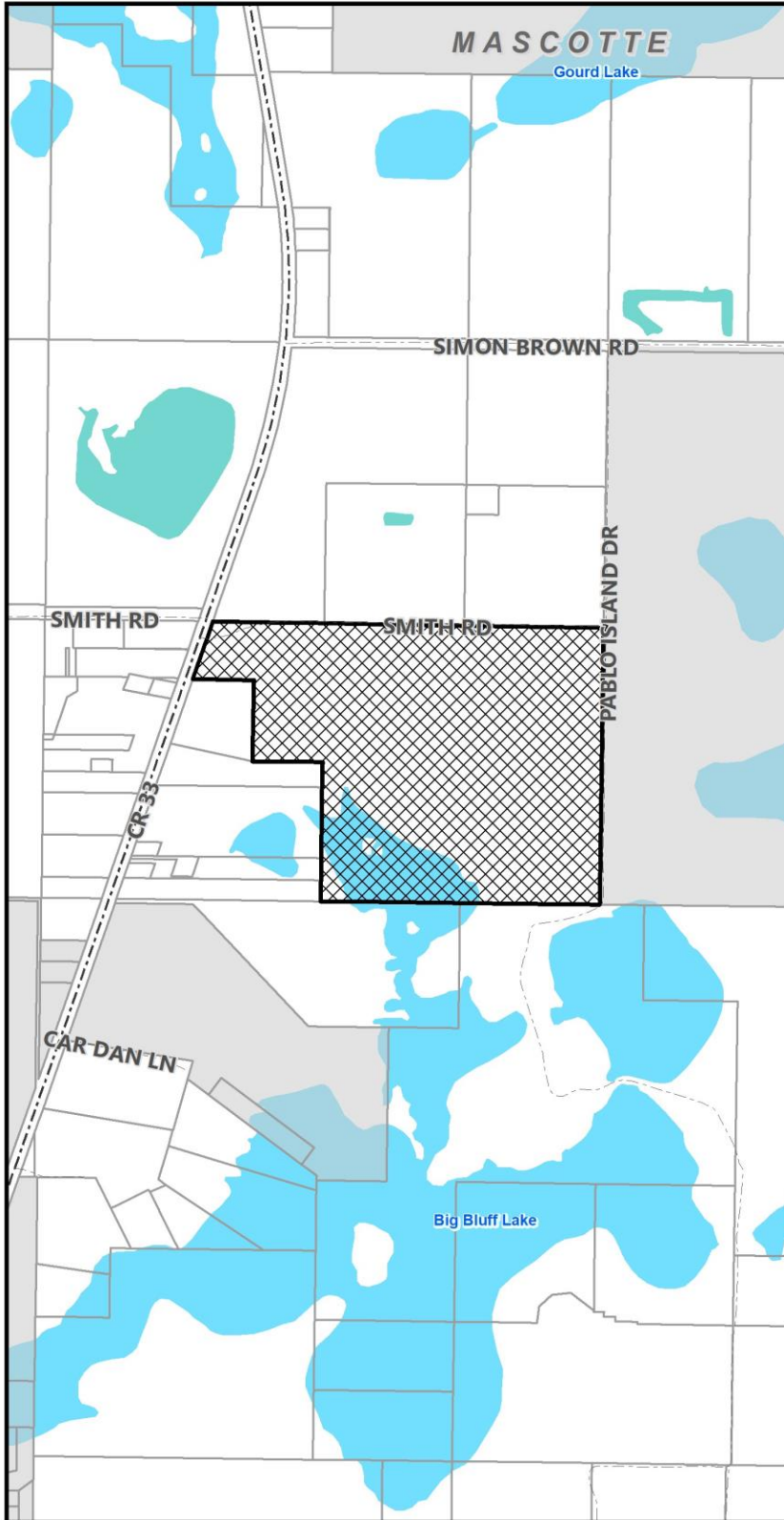
NAME: **PIPER PROPERTY**  
CASE NUMBER: **VAR-PZ2023-85**  
LOCATION (S-T-R): **02-22-24**  
REQUEST: **ALLOW 180 FOOT MONOPINE TELECOMMUNICATIONS TOWER**

DISTRICT: **1**





# Map of Subject Property



# Aerial Map of Subject Property



VAR-PZ2023-85  
Piper Property



Allow 180 Foot Monopine  
Telecommunications Tower





## Final Development Order

**WHEREAS**, Anthemnet, Inc. (the "Applicant") requested a variance to Land Development Regulations (LDR) Section 3.13.09.B.1. to allow 180-foot monopine telecommunications tower on the northwest portion of the property in lieu of being centered within the boundaries of the property as required by the Land Development Regulations; and

**WHEREAS**, the subject property consists of 46.51 +/- acres, located at 17712 County Road 33, in the unincorporated Mascotte area, in Section 02, Township 22, Range 24, having Alternate Key Number 1038766, 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 duly advertised public hearing.

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

**Variance Granted:** A variance to Section 3.13.09.B.1., Land Development Regulations, to allow a 180-foot monopine telecommunications tower on the southeast portion of the property in lieu of being centered within the boundaries of the property is hereby **granted**

**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, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

**(SEAL)**

\_\_\_\_\_  
**Notary Signature**

## EXHIBIT "A" – Legal Description (Page 1 of 2)

### PARCEL 1 (FEE SIMPLE ESTATE)

#### LOT PARCEL A

A PORTION OF THE NW 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE RUN SOUTH 00 DEGREES 49 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 FOR A DISTANCE OF 1326.73 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 27 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 993.87 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 47 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 662.77 FEET; THENCE NORTH 89 DEGREES 25 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 328.67 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 662.58 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 328.67 FEET TO THE POINT OF BEGINNING.

#### LOT PARCEL B

A PORTION OF THE NW 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE RUN SOUTH 00 DEGREES 49 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 FOR A DISTANCE OF 1326.73 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 27 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 665.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 47 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 662.97 FEET; THENCE NORTH 89 DEGREES 25 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 328.57 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 662.77 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 328.57 FEET TO THE POINT OF BEGINNING.

#### LOT PARCEL C

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4; AND THAT PART OF THE NORTH 275 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, LYING EAST OF THE EASTERLY LINE OF THE RIGHT OF WAY OF STATE ROAD NO. 33; ALL IN SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

#### LOT PARCEL D

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; LESS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE RUN SOUTH 00 DEGREES 49 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 FOR A DISTANCE OF 1326.73 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 27 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 665.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 47 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 662.97 FEET; THENCE NORTH 89 DEGREES 25 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 657.24 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 662.58 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 657.24 FEET TO THE POINT OF BEGINNING.

#### PARCEL 2 (NON-EXCLUSIVE EASEMENT ESTATE)

TOGETHER WITH AND SUBJECT TO 50 FOOT EASEMENT FOR INGRESS/ EGRESS, UTILITY AND DRAINAGE DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE RUN SOUTH 00 DEGREES 49 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 FOR A DISTANCE OF 1326.73 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 27 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 515.29 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 47 MINUTES 36 SECONDS FOR A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 1349.48 FEET TO THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 19 DEGREES 13 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 52.78 FEET THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE RUN SOUTH 89 DEGREES 27 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 1332.75 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION IS ALSO DESCRIBED AS  
A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:  
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN SOUTH 00°49'26" WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1326.83 FEET TO NORTHEAST CORNER OF THE SOUTH HALF OF SAID NORTHWEST QUARTER AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°49'26"

## EXHIBIT "A" – Legal Description (Page 2 of 2)

WEST ALONG SAID EAST LINE FOR A DISTANCE OF 1326.83 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN NORTH 89°23'09" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1321.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN NORTH 00°47'28" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR A DISTANCE OF 662.76 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN NORTH 89°25'59" WEST ALONG THE SOUTH LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR A DISTANCE OF 330.53 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN NORTH 00°46'59" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR A DISTANCE OF 387.48 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 275.00' OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE RUN NORTH 89°27'01" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 286.74 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD #33 ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION MAP, SECTION 11020; THENCE RUN NORTH 19°14'02" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 290.30 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER; THENCE RUN SOUTH 89°27'01" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 1847.97 FEET TO THE POINT OF BEGINNING.

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.