



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5
 Public Hearing Date: November 6, 2024
 Case No. and Project Name: PZ2024-193 Charitable Ministry Support, Inc Property
 Applicant: Diana Holder, Authorized Agent
 Owner: Charitable Ministry Support, Inc
 Requested Action: Variance to Land Development Regulations (LDR) Section 3.13.13(A) that requires Type "A" Landscape Buffer to be installed on the outside of fences or walls surrounding the Communications Tower.
 Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 2.37 +/- acres
 Location: 20580 Sugarloaf Mountain Road, in the unincorporated Clermont area
 Alternate Key No.: 2948230
 Future Land Use: Rural Future Land Use Category (FLUC) (Attachment "A")
 Current Zoning District: Community Facility District (CFD) (Attachment "B")
 Flood Zone: "X"
 Joint Planning Area (JPA) / ISBA: Minneola Interlocal Service Boundary Agreement (ISBA) (Attachment "C")
 Overlay Districts: Yalaha – Lake Apopka Rural Protection Area (RPA); and Lake Apopka Basin Overy District (Attachment "D"); and Economic Overlay District (Attachment "E").

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture District (A)	Residential	Single-Family Residence
South	Rural	Agriculture District (A)	Right-Of-Way, Residential	Vacant Residential Parcel South of Sugarloaf Mountain Road

Direction	Future Land Use	Zoning	Existing Use	Comments
East	Rural	Agriculture District (A)	Residential	Vacant Residential with Agricultural Exemption
West	Rural	Agriculture Residential District (AR)	Residential	Single-Family Residence

- Summary of Analysis -

The subject property, identified as Alternate Key Number 2948230, contains 2.37 +/- acres, is zoned Community Facility District (CFD), is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within the Yalaha-Lake Apopka RPA, Economic Overlay District, and Lake Apopka Basin Overlay District. The subject property is located at 20580 Sugarloaf Mountain Road in the unincorporated Clermont area of Lake County. The Plot Plan (Attachment “F”) indicates that the subject parcel is developed with an existing tower and associated equipment, to be removed and replaced.

The Applicant has requested a variance to LDR Section 3.13.13(A) to, in lieu of the required Type “A” Landscape Buffer. LDR Section 3.13.13(A), requires that the visual impact of a communications tower Shall be mitigated for nearby viewers through landscaping at the base of the Communications tower and ancillary structures.

The subject property is located within the City of Minneola Interlocal Service Boundary Area (ISBA) (Attachment “C”). The variance request was provided to the City of Minneola for review for a determination of consistency with their regulations. The City of Minneola had no objections to the request as long as the nearby property owners are comfortable with it.

The subject parcel is located within the Yalaha-Lake Apopka (RPA) (Attachment “D”). The intent of Lake County Comprehensive Plan Objective I-5.4 is intended to preserve rural density, character, and lifestyle compatibility with the Yalaha community, to protect the ecological integrity of public and private lands associated with the Lake Apopka Basin and North Shore Restoration Area, and to provide for hydrologic and ecologic connectivity to the Harris Chain of Lakes. The request is consistent with the Lake County Comprehensive Plan.

The subject parcel is located within the Lake Apopka Basin Overlay District (Attachment “D”). The intent of Lake County Comprehensive Plan Objective I-6.3 is intended to preserve and protect the Lake Apopka Basin as a natural resource of regional significance. The request will not contribute to the degradation of natural resources of the Lake Apopka Basin and is consistent with the Lake County Comprehensive Plan.

The subject parcel is located within the Economic Overlay District (Attachment “E”). The intent of Lake County Comprehensive Plan Objective I-6.5 is intended to establish development standards for industrial, manufacturing, and office development uses within the Economic Overlay District and require that all property developed under to utilize planned unit development or other planned district zoning to ensure that, if necessary, conditions can be placed on the proposed development to mitigate off-site impacts to the maximum extent possible. The request does not propose industrial, manufacturing, or office development, and therefore this objective does not apply to the proposed variance.

On August 26, 2024, the variance application was sent to the Public Works Department and the Chief Fire Plans Examiner to review for a determination of consistency with their regulations. Neither the Chief Fire Plans Examiner, nor the Public Works Department, had any comments.

Should the Board of Adjustments approve this variance request, the applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

– 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 3.13.13, is to adapt to the growing need for wireless communication antennas and tower; reasonably accommodate amateur communication; protect existing land uses from potential adverse visual impacts; allow for wireless communication competition; 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 property; and accomplish this goal through careful design, Siting, Landscape Screening and the encouragement of innovative camouflaging techniques.

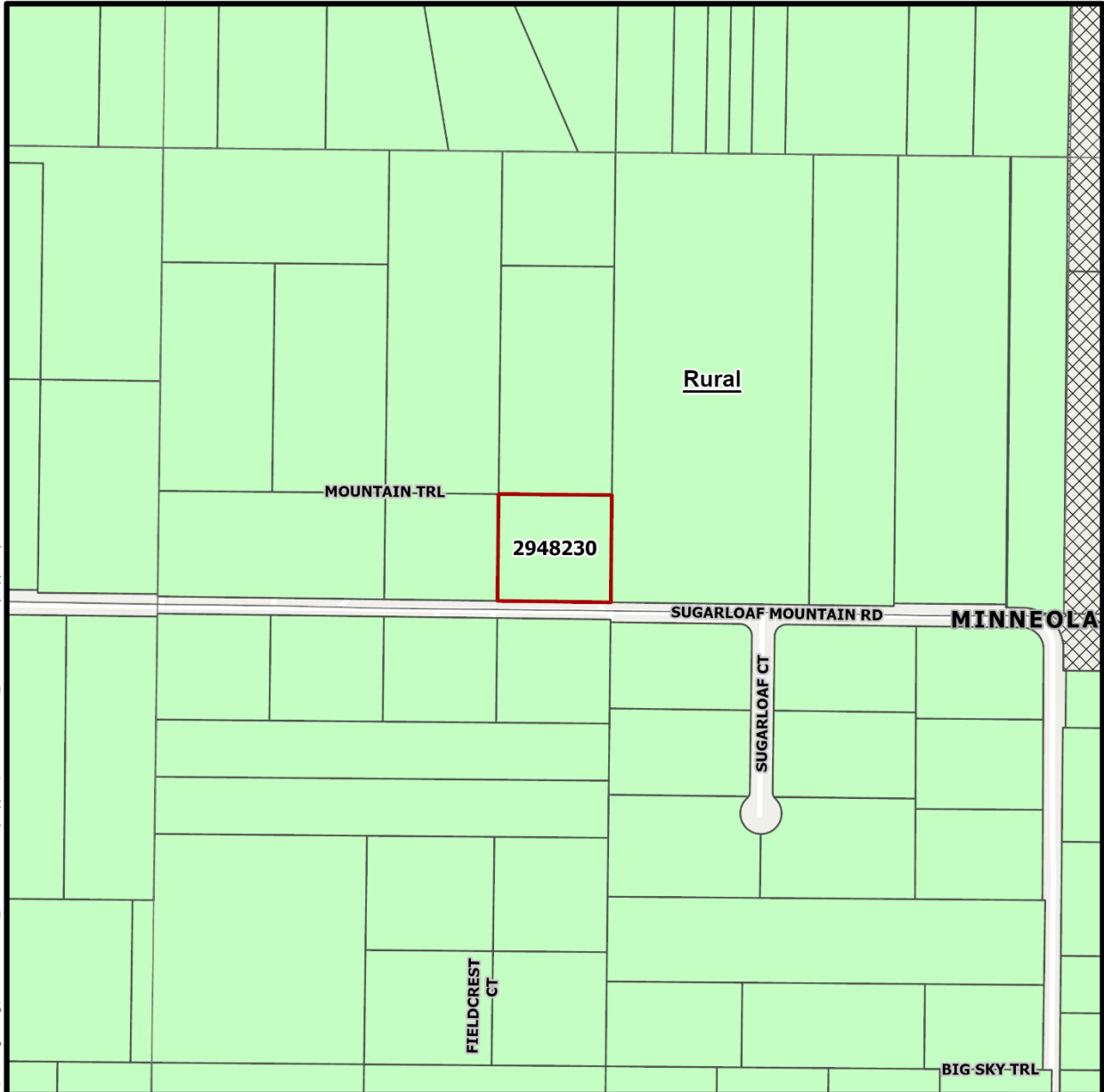
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“The LDR Regulation has never been achieved, as the existing tower has never had landscaping around its perimeter, therefore we are requesting that the landscaping requirement be waived.”*

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 existing broad cast tower has existed for 5 decades with no landscaping. The new tower will sit 20’ north of the existing tower and there will be little visibility of the bottom of the tower from the neighboring homes. Installing landscaping would pose a financial hardship for the property owner as it would die off quickly because there is no easy access for watering purposes to maintain it, leaving him to purchase new landscaping, (which will also die) and/or face fines for not maintaining it.”*

Attachment "A" – Future Land Use Map

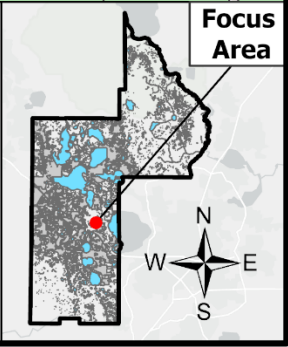
CURRENT FUTURE LAND USE



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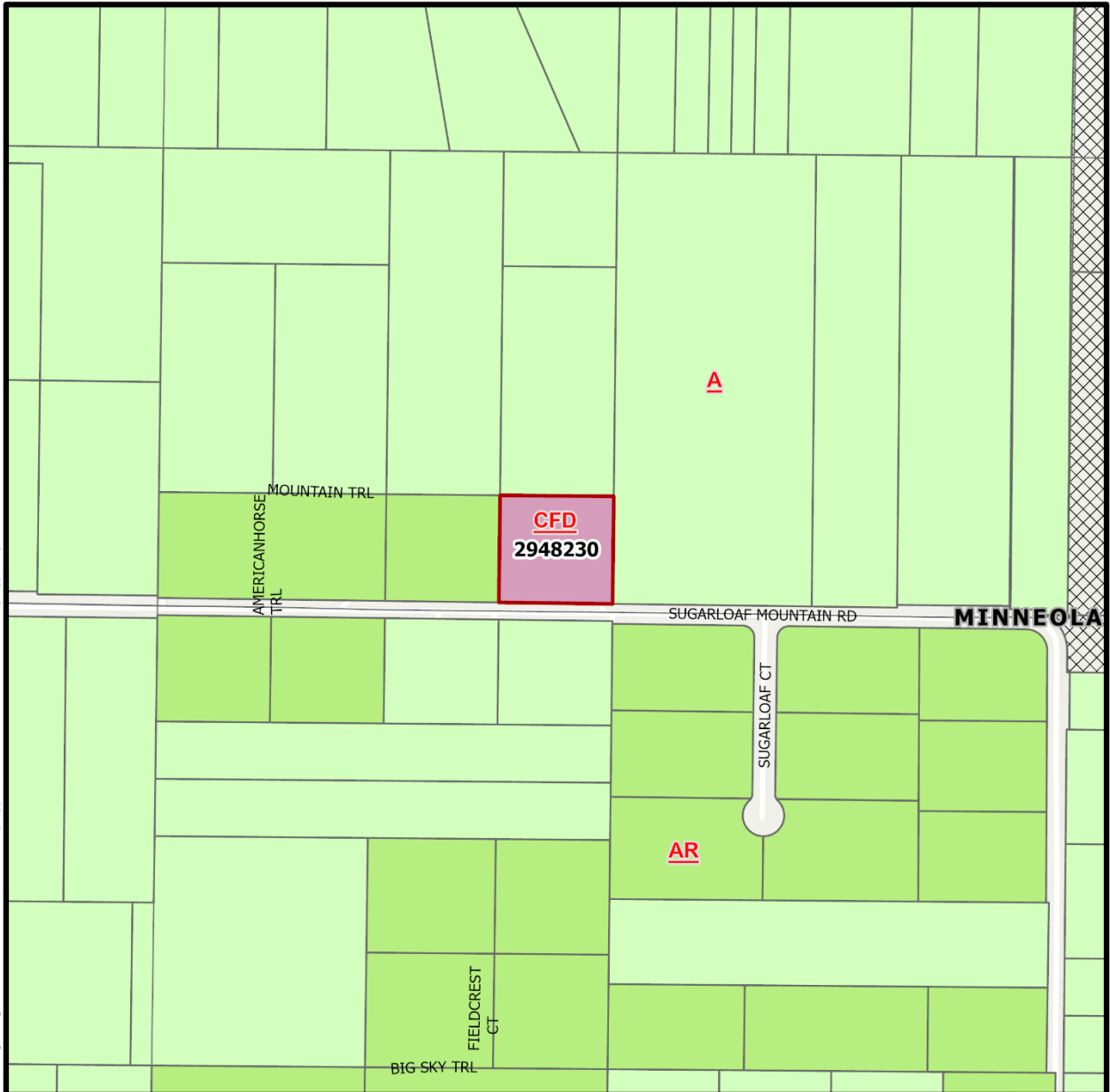
FLU
Rural

NAME: CHARITABLE MINISTRY SUPPORT, INC **DISTRICT:** 3
CASE NUMBER: VAR-PZ2024-193
LOCATION (S-T-R): 20-21-26
REQUEST: TO WAIVE ALL LANDSCAPING REQUIREMENTS, IN LIEU OF THE TYPE A BUFFER REQUIRED TO BE INSTALLED ON THE OUTSIDE OF FENCES OR WALLS SURROUNDING A COMMUNICATIONS TOWER.



Attachment "B" – Zoning Map

CURRENT ZONING



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Zoning

A AR CFD

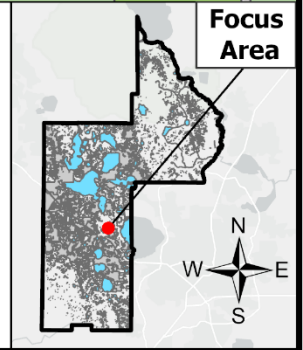
NAME: CHARITABLE MINISTRY SUPPORT, INC

DISTRICT: 3

CASE NUMBER: VAR-PZ2024-193

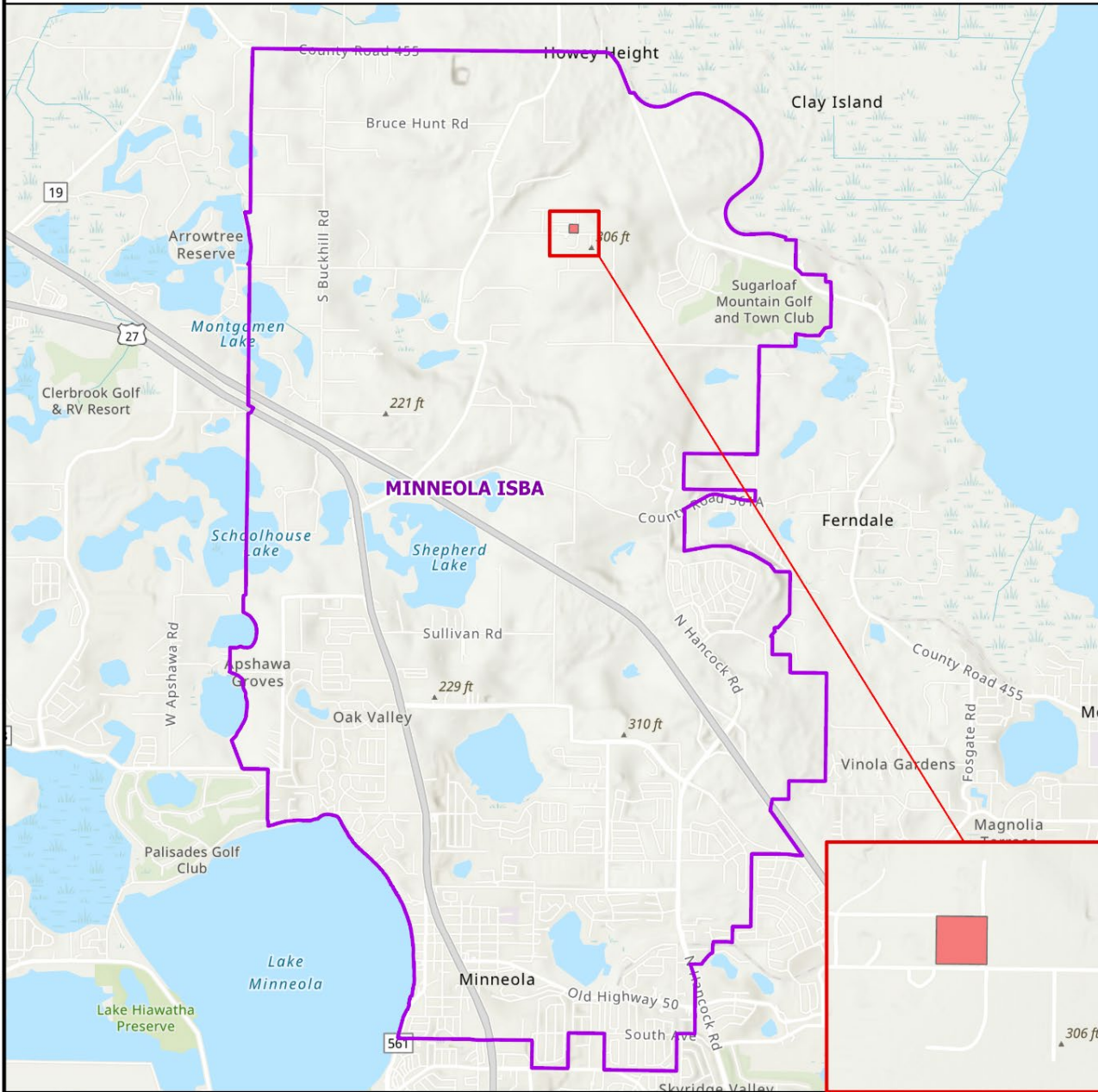
LOCATION (S-T-R): 20-21-26

REQUEST: TO WAIVE ALL LANDSCAPING REQUIREMENTS, IN LIEU OF THE TYPE A BUFFER REQUIRED TO BE INSTALLED ON THE OUTSIDE OF FENCES OR WALLS SURROUNDING A COMMUNICATIONS TOWER.

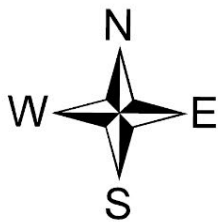


Attachment "C" – Minneola ISBA Map

VAR-PZ2024-193 Minneola ISBA



1 inch equals 5,000 feet



Legend

- Subject Property
- ISBA

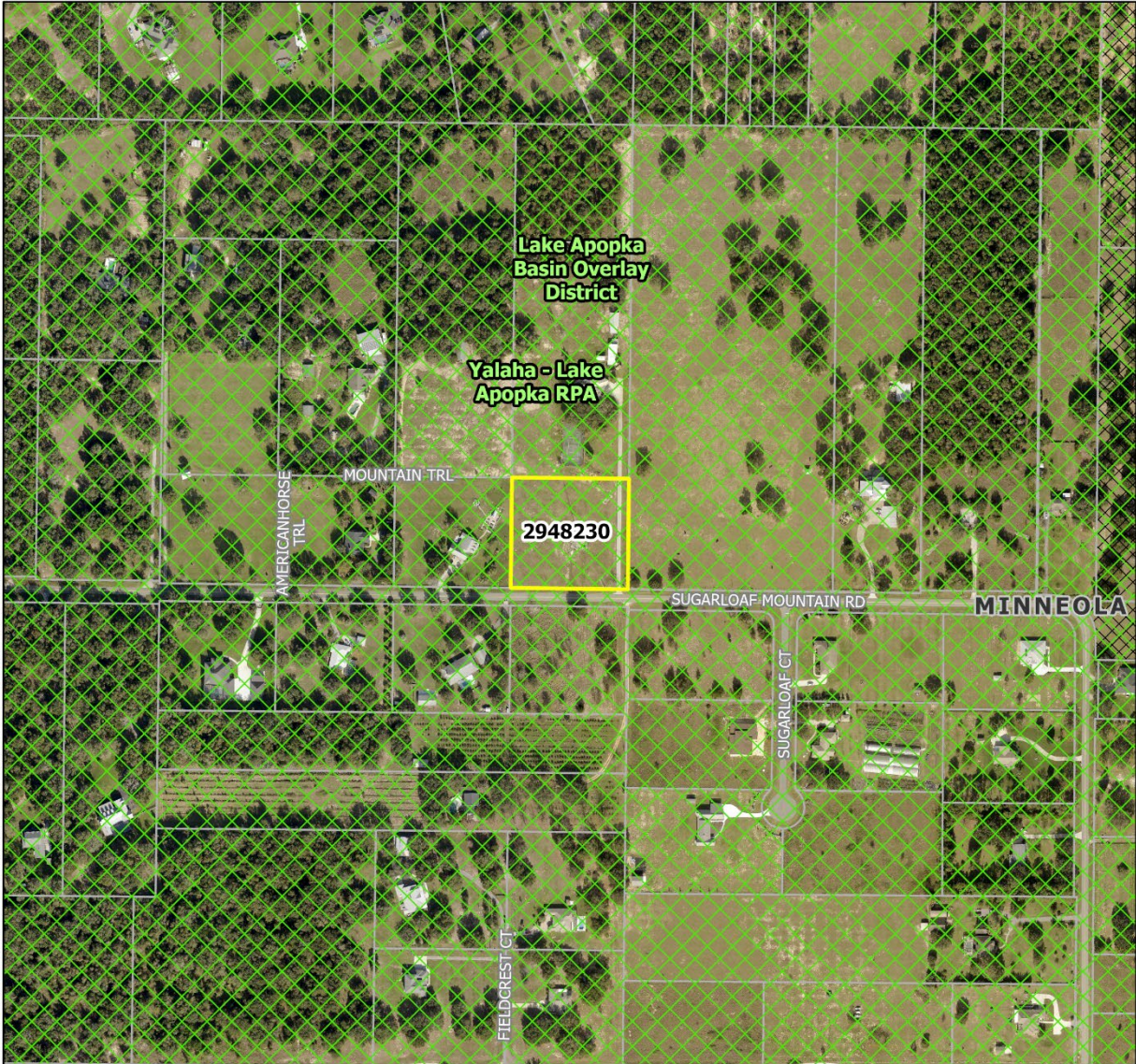


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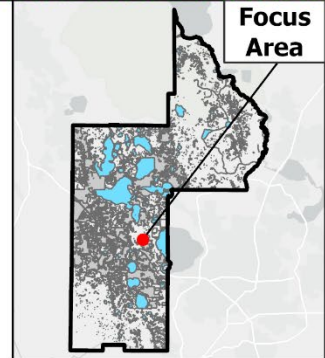
Attachment "D" – Overlay Districts Map

VAR-PZ2024-193 Charitable Ministry Support, Inc



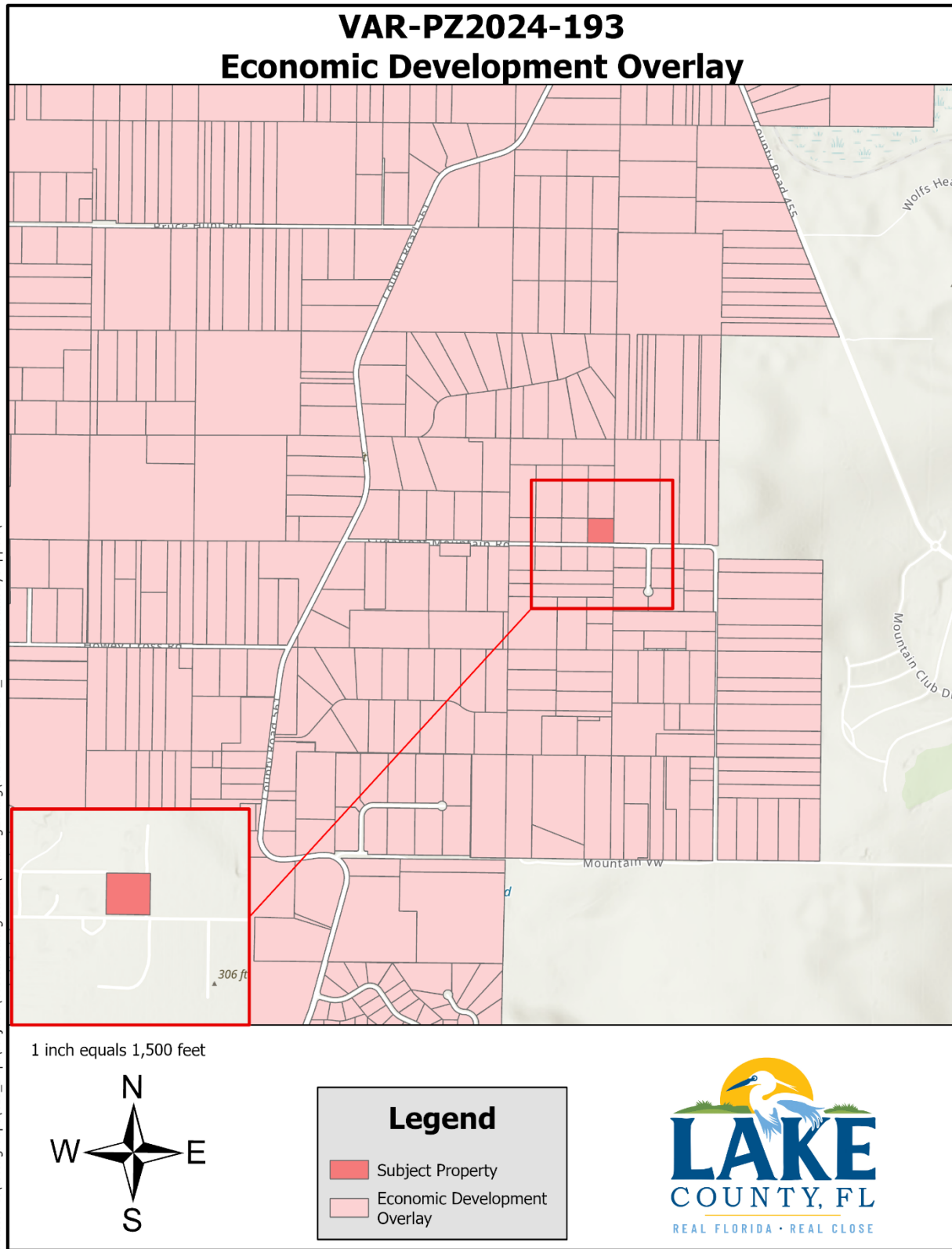
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To waive all landscaping requirements, in lieu of the Type A Buffer required to be installed on the outside of fences or walls surrounding a Communications Tower.

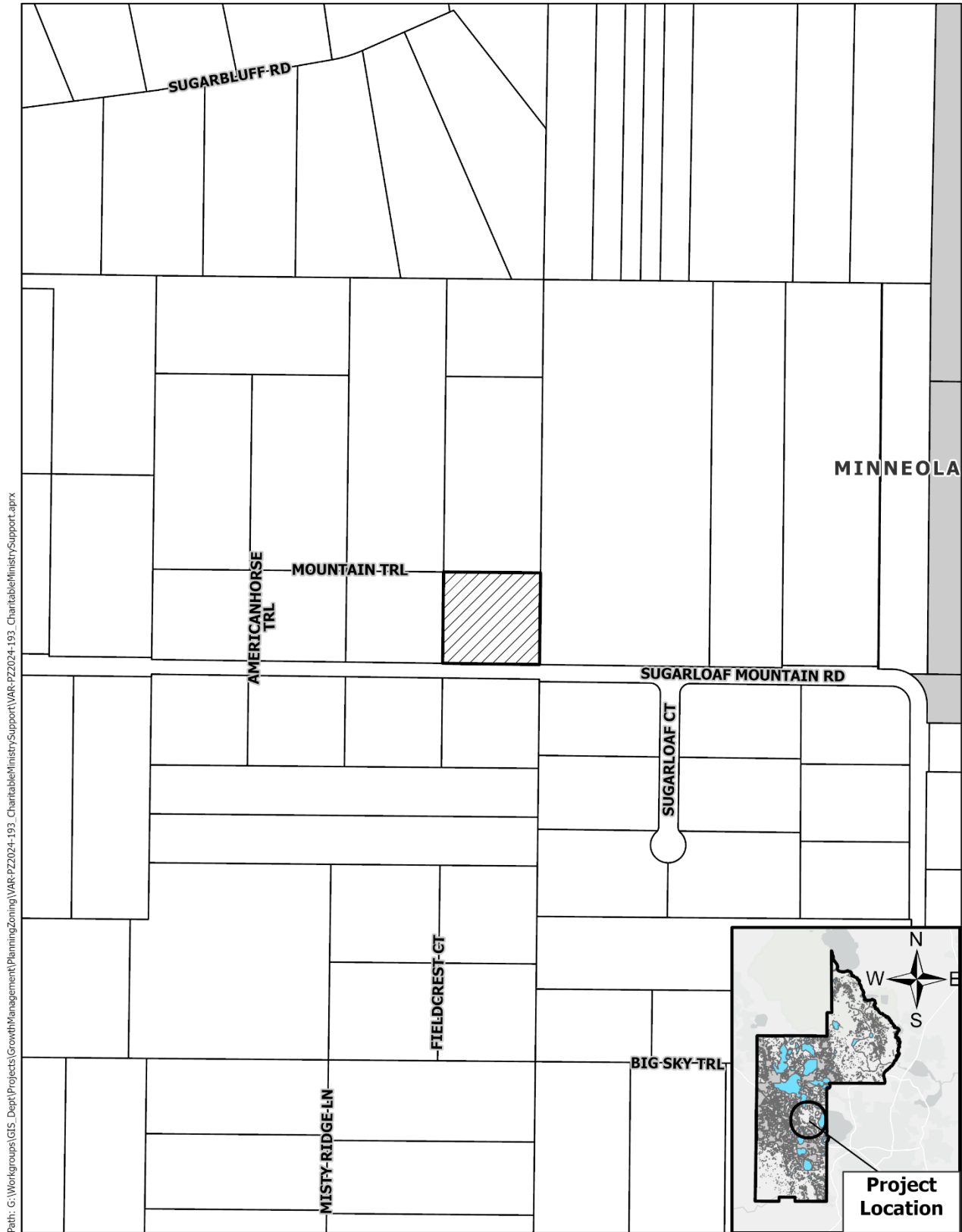


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Attachment "E" – Economic Overlay District Map

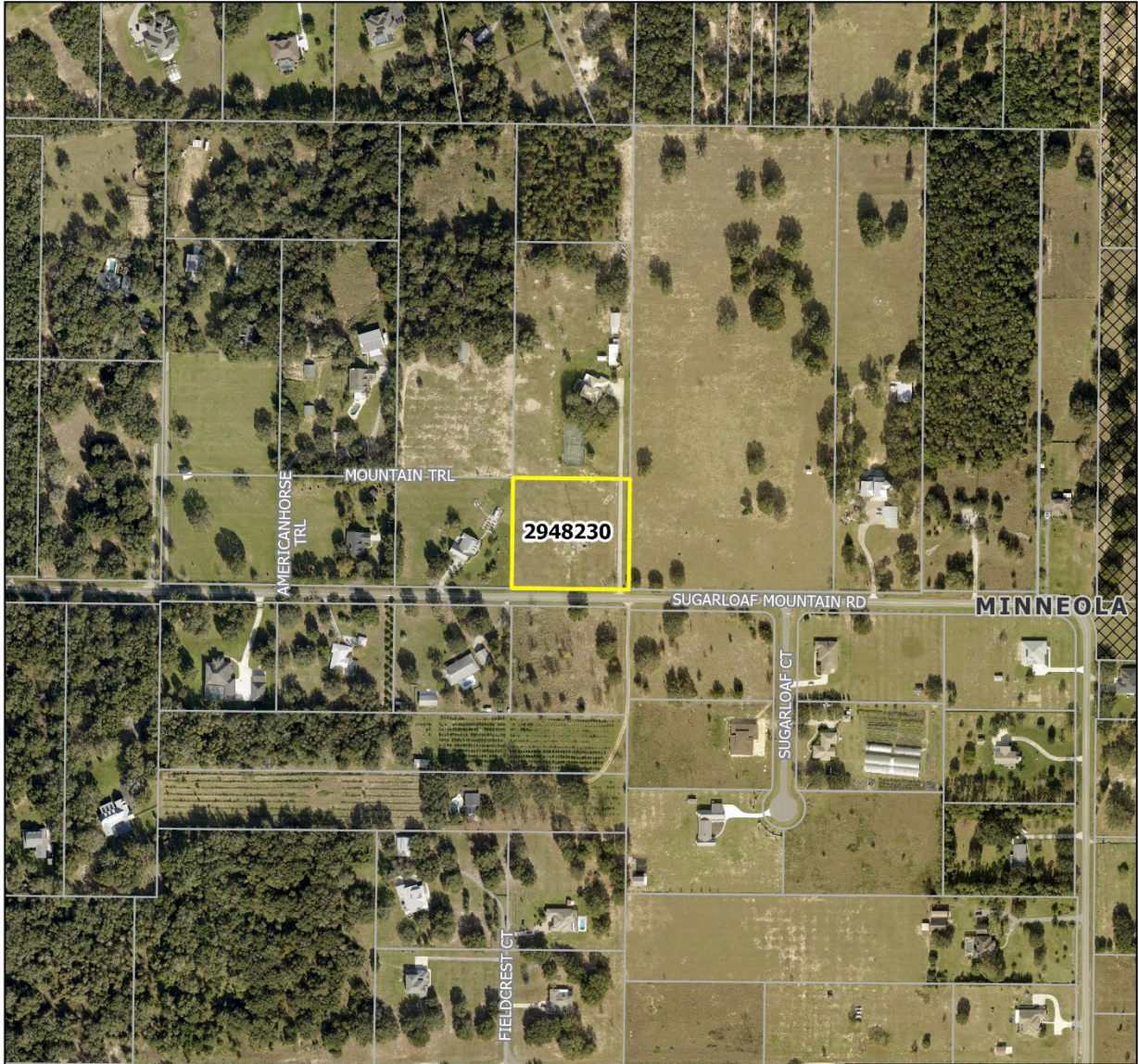


Map of Subject Property



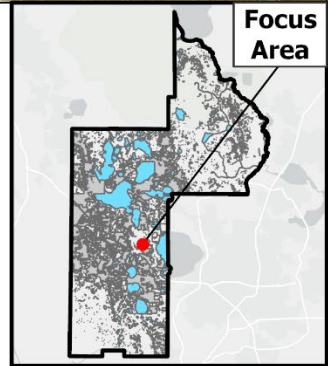
Aerial Map of Subject Property

VAR-PZ2024-193
Charitable Ministry Support, Inc



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To waive all landscaping requirements, in lieu of the Type A Buffer required to be installed on the outside of fences or walls surrounding a Communications Tower.



9/17/2024

Final Development Order

WHEREAS, Diana Holder (the “Applicant”) on behalf of Charitable Ministry Support, Inc. (the “Owner”) requested a variance to Land Development Regulations (LDR) Section 3.13.13(A), which requires Type “A” Buffer to be installed on the outside of fences or walls surrounding the Communications Tower; and

WHEREAS, the subject property consists of 2.37 +/- acres, is located at 20580 Sugarloaf Mountain Road, in the unincorporated Clermont area of Lake County, in Section 20, Township 21 South, Range 26 East, having Alternate Key Number 2948230, and more particularly described as:

The Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4, Section 20, Township 21 South, Range 26 East, Lake County, Florida, less the South 25 feet for right-of-way.

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 November 6, 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 Land Development Regulations (LDR) Section 3.13.13(A), which requires Type “A” Landscape Buffer to be installed on the outside of fences or walls surrounding the Communications Tower.

**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 6th day of November 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

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.