

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

June 3, 2025

The following is a public hearing on an appeal before the Board of County Commissioners on June 3, 2025, at 2:00 p.m.

APPLICANT/APPELLANT: MARY SOLIK FOR GULFSTREAM TOWERS LLC

CASE #: SE-25-02-144

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:
1) Special Exception to allow the construction of a 140 ft. high camouflaged monopine communication tower.
2) Variance to allow a distance separation of 145 ft. from a single- family residential unit in lieu of 700 ft.

LOCATION: 3820 Yothers Rd., Apopka, Florida 32712, south side of Yothers Rd., west of S.R. 429, east of W. Orange Blossom Trl., north of Windward Hills Blvd.

LOT SIZE: +/- 1.93 acres

ZONING: A-1

DISTRICT: #2

PROPERTIES NOTIFIED: 109

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria for each the Special Exception and Variance, and the reasons for a recommendation for approval. Staff noted that no comments were received in favor of the request, and thirty-six (36) comments were received in opposition to the request.

The applicant was present and agreed with staff presentation. The applicant provided further information regarding the FAA permitting process, and the aesthetic criteria established by the code for camouflaging.

There was no one in attendance to speak in favor of the request. There was one person who spoke in opposition to the request, citing concerns over the visibility from their subdivision and the height of the tower.

The BZA discussed the camouflaging and noted that the tower was still highly visible and that the camouflaging did not allow it to blend in with the area as it is primarily surrounded by subdivisions. The BZA went through the six (6) criteria, discussing how while some are met, that

the proposed tower is not similar and compatible with the area, and based on the photo simulations the impact to surrounding properties was not minimized.

BZA HEARING DECISION:

A motion was made by John Drago, seconded by Thomas Moses, and carried to recommend DENIAL of the Special Exception request in that the Board finds it does not meet the requirements governing Special Exceptions as spelled out in Orange County Code Section

38-78, and that the granting of the Special Exception does adversely affect general public interest; and, DENIAL of the Variance request in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson).



Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Mary Solik for Gulfstream Towers LLC

Address: 121 S Orange Ave STE 1500 Orlando, FL 32801

Email: msolik@dotysoliklaw.com Phone #: (407) 367-7868

BZA Case # and Applicant: SE-25-02-144

Date of BZA Hearing: 04/03/2025

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

Gulfstream appeals the BZA determination that the Proposed Tower was not camouflaged and the recommendation of denial of the Special Exception and variance. Gulfstream relies upon the Staff Report and the Hlimes and Goff notarized written consents. The Staff report contains the photo simulation of the Proposed Monopine Tower located on Agriculturally zoned property in Rural FLU and sets forth the application's compliance with all code requirements.

Signature of Appellant Mary D Solik

Date: 4/9/25

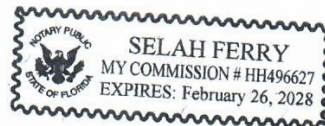
STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 9th day of April, 2025, by Mary Solik who is personally known to me or who has produced identification and who did/did not take an oath. as

Selah Ferry
Notary Public Signature

Notary Stamp:



NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.

CONSENT TO REDUCED SEPARATON DISTANCE

Pursuant to Section 38-1427(d)(2), Land Development Code of Orange County, Florida, we, James C. Goff and Deborah A. Goff, husband and wife, Owners of the real property located in Orange County, Florida, having a Tax Parcel ID No: 36-20-27-0000-00-003, hereby give written consent to Orange County to the reduced separation distance required in Section 38-1427(d)(2) from 350' to 149'.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seal this 10th day of December, 2024.

Signed, sealed, and delivered in
the presence of:

Mike Burkhead
Print Name: Mike Burkhead

Robert L Schmidt
Print Name: ROBERT L SCHMIDT

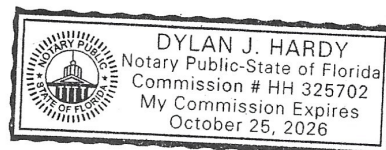
James C. Goff
James C. Goff

Deborah A. Goff
Deborah A. Goff

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of December, 2024, by James C. Goff and Deborah A. Goff, husband and wife, who are personally known to me or who have produced FL DRIVER LIC as identification.

[Signature]
NOTARY PUBLIC
My Commission expires: OCT 25, 26


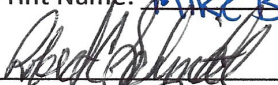


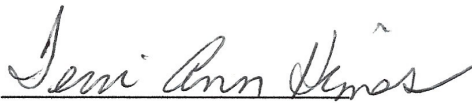
CONSENT TO REDUCED SEPARATON DISTANCE

Pursuant to Section 38-1427(d)(2), Land Development Code of Orange County, Florida, I, Terri Ann Himes, Owner of the real property located in Orange County, Florida, having a Tax Parcel ID No: 36-20-27-0000-00-096, hereby gives written consent to Orange County to the reduced separation distance required in Section 38-1427(d)(2) from 350' to 284'.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seal this 16TH day of December, 2024.

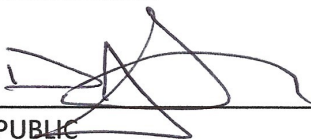
Signed, sealed, and delivered in
the presence of:

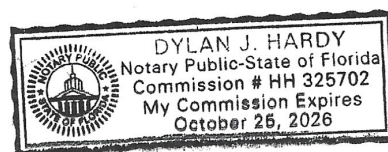
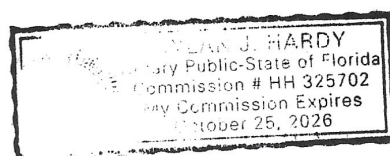

Print Name: MIKE BURKHEAD

Print Name: ROBERT SCHMIDT


Terri Ann Himes

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16TH day of December, 2024, by Terri Ann Himes, who is personally known to me or who has produced FLORIDA ID as identification.


NOTARY PUBLIC
My Commission expires: OCT 25, 2026



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 03, 2025**

Commission District: **#2**

Case #: **SE-25-02-144**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MARY SOLIK FOR GULFSTREAM TOWERS LLC

OWNER(s): DEBORAH GOFF, JAMES GOFF

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:
1) Special Exception to allow the construction of a 140 ft. high camouflaged monopine communication tower.
2) Variance to allow a distance separation of 145 ft. from a single- family residential unit in lieu of 700 ft.

PROPERTY LOCATION: 3820 Yothers Rd., Apopka, Florida 32712, south side of Yothers Rd., west of S.R. 429, east of W. Orange Blossom Trl., north of Windward Hills Blvd.

PARCEL ID: 36-20-27-0000-00-065

LOT SIZE: +/- 1.93 acres

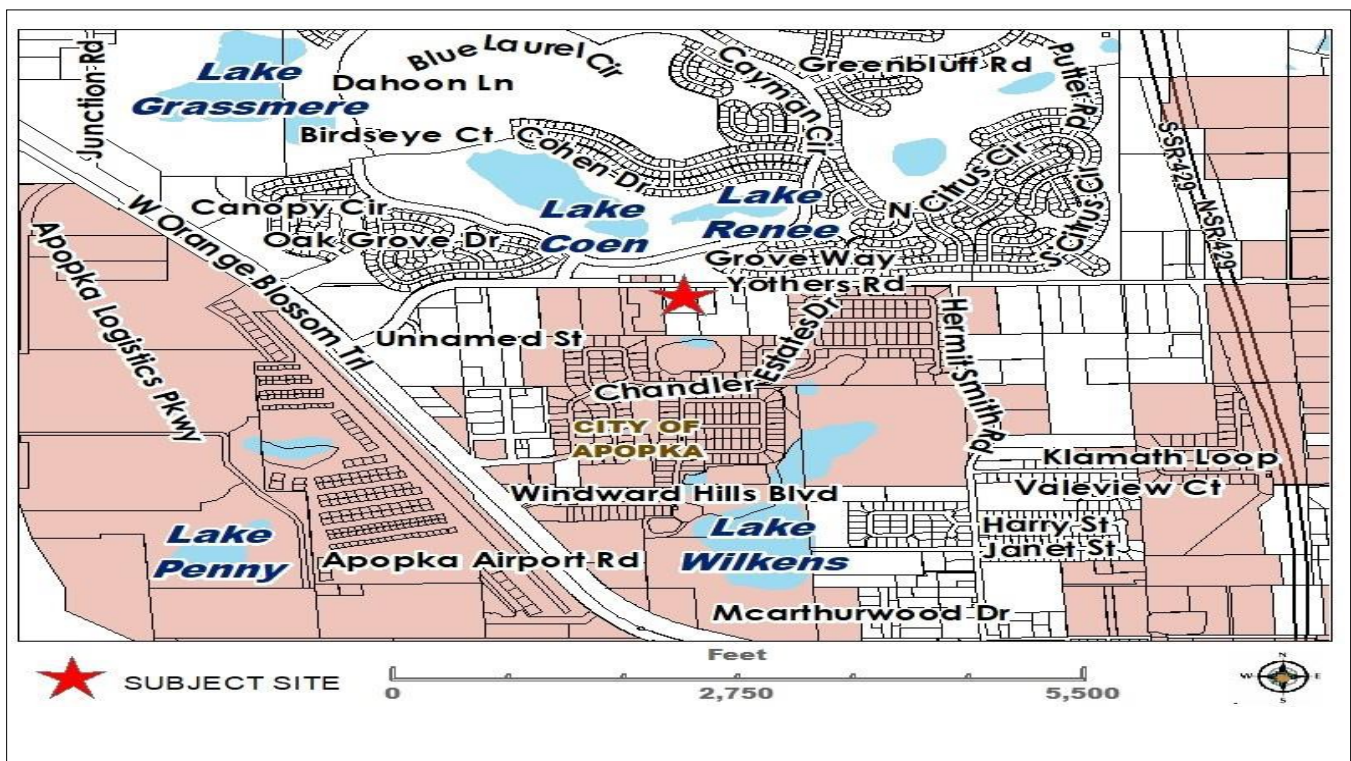
NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 109

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	Zellwood Station PD	A-1	A-1	City of Apopka
Future Land Use	Rural	Low Density Residential	Rural	Rural	City of Apopka
Current Use	Agricultural Grazing Pasture	Vacant	Single-Family Residential	Single-Family Residential	Agricultural Nursery

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, nurseries and greenhouses, as well as mobile homes and single-family homes on larger lots. A monopole communications tower is permitted by right or by Special Exception in the A-1 zoning district, depending on whether or not it meets a variety of requirements. The future land use is Rural (R), which is consistent with the A-1 zoning district.

The subject property is 1.93 acres in size, is a conforming lot, and is currently utilized as a grazing pasture. Florida Statute 604.50 states lands used for bona fide agricultural purposes are exempt from the Florida Building Code and any county or municipal code. The property has an active agricultural classification for the grazing pasture use, therefore, the grazing pasture use and any associated structures are subject to this statute.

The subject request is to erect a 140 ft. high camouflaged monopine communication tower, designed for multiple carriers and colocation opportunities, within a 90 ft. by 40 ft. leased compound facility at the south end of the property. No buildings, specimen trees, or heritage trees will be removed for installation.

Orange County Code Section 38-1427 provides performances standards for communication towers, including but not limited to, separation from off-site uses and distance separation between communication towers. Additional conditions related to permitted towers and those requiring a Special Exception are found in Section 38-79, conditions 32 and 143. Condition 32 allows a communication tower by-right in agriculturally and residentially zoned lands not located within a Rural Settlement. Condition 143 allows a monopole up to 170 ft. in height by right if there is co-location and distance separations are met, otherwise a Special Exception is required. Although it is being designed for colocation opportunities, the proposed tower will have no colocation at the time of installation, and therefore the applicant is requesting a Special Exception. In addition to this, the off-site distance separation requirements are not met, which would also require a Special Exception.

The proposed monopole tower complies with the required performance standards pertaining to setbacks, landscaping for the tower and the distance separation from the nearest tower. It is 1.49 miles (7,867 ft.) from the nearest existing monopole communication tower where a minimum of 2,500 ft. is required. However, the tower is proposed to be located 145 ft. from the nearest off-property residential use or district, located at 3792 Yothers Rd., where a minimum of 700 ft. is required, prompting the need for the Variance request. In addition to this residence, which is owned by the same owners of the subject site, there are three (3) other residences

located along Yothers Rd. that the proposed tower would not meet the distance separation from.

Proposed off-site Distance Separation

Address	Use	Proposed Distance
3800 Yothers Rd.	Single-family residential	284 ft.
3835 Yothers Rd.	Single-family residential	359 ft.
3996 Yothers Rd.	Single-family residential	422 ft.

Section 38-1427(d)(2)(c) allows the Zoning Manager to reduce the distance separations when notarized written consent is obtained from those affected property owners within the applicable separation distance. The owners of the single-family residence located at 3792 Yothers Rd. provided a letter of consent for the proposed communication tower to be located within 149 ft. of their residence. This distance of 149 ft. is also noted in the applicant’s cover letter; however, the plans identify a closer distance of 145 ft. which is what was advertised. Letters of consent from the owners of the other three (3) properties have not been received, therefore, the Variance request is required for the distance separation.

Section 38-1427(n)(6) allows for the distance separation to be reduced by half by the BZA when it is determined that the camouflaging agent is compatible with the surrounding area. The BZA’s support of the proposed camouflaging agent would reduce the required residential distance separation from 700 ft. to 350 ft., thereby eliminating the need for the request for all but two residences.

On Thursday, February 20, 2025, a Community Meeting was held at Wolf Lake Middle School. The meeting was attended by the applicant and County staff. There was no public attendance for the Community Meeting.

A second Community Meeting will be held on Wednesday, March 26, 2025, at Wolf Lake Middle School. Information regarding this meeting will be provided at the BZA public hearing.

The request was routed to all reviewing divisions and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Communication Tower Development Standards

	Code Requirement	Proposed
Max Height:	170 ft. by right, greater via Special Exception	140 ft.
Front (Yothers Rd.):	35 ft.	262.5 ft. (North)
Rear:	50 ft.	70 ft. (South)
Side:	10 ft.	126 ft. (West) 126 ft. (East)

Communication Tower Distance Separation Standards

	Code Requirement	Proposed
Tower Separation:	2,500 ft.	1.49 miles (7,867 ft.)
Residential Use Separation:	700 ft. 350 ft. (if camouflaging is approved by BZA)	145 ft. (Variance)

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Special Exception criteria are met. The request meets all the criteria. Therefore, staff is recommending approval of the Special Exception request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. The request meets all the criteria. Therefore, staff is recommending approval of the Variance request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA FOR COMMUNICATION TOWERS

This request has been assessed based upon the six Special Exception criteria as set forth in Section 30-43(2) as well as the two additional criteria as set forth in Section 1427(n)(7) and as such staff recommends approval of the request.

Consistent with the Comprehensive Plan

MET – The provision of telecommunication towers as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

MET – The new communication tower will be located at the rear portion of the property and is camouflaged to blend in with the surrounding trees. It will be similar and compatible with the surrounding uses in the area since the proposed tower location is on a portion of the site that will minimize adjacent visual impacts.

Shall not act as a detrimental intrusion into a surrounding area

MET – The proposed communication tower will be surrounded by the existing agricultural uses and single-family residences and will not negatively impact the surrounding area since the tower is camouflaged to blend in with the surrounding trees. The closest residence is the home of the subject site's owners and therefore should be located at an adequate distance to minimize visual impacts and as such will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

MET (with Variance approval) – As proposed the tower will not comply with the minimum distance separation from a single- family residential unit. However, with the approval of the requested Variance, as recommended by staff, the proposed communication tower will meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat production

MET – The proposed monopole tower will not generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing nurseries in the surrounding area.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

MET – The applicant has provided a landscape plan which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

Aesthetic Impact. View of a tower that is not camouflaged. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed.

MET – The tower is proposed to be camouflaged as a pine tree and located 145 feet from the nearest residential use or district and over 1.49 miles from the nearest communication tower. Furthermore, as affirmed by the visuals provided by the photo simulation, the tower location relative to the proximity of the closest residences, will have a limited aesthetic impact.

Compatibility. The degree to which the proposed tower is designed and located is compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate.

MET – The proposed tower will be placed and designed to mitigate the overall aesthetic impact of a tower as the tower will be camouflaged to provide compatibility with the surrounding vegetation.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The special condition and circumstances specific to the subject site is the lack of other opportunities to locate a tower on the proposed property without the need for a Variance.

Not Self-Created

MET – The request is not self-created since the applicant is not responsible for the location, size and configuration of property adjacent to residences.

No Special Privilege Conferred

MET – Granting the Variance as requested will not confer special privilege since the use is permitted by right within the A-1 zoning district.

Deprivation of Rights

MET – Without the requested Variance, the owner would be deprived of the ability to erect a communication tower on the site in an appropriate location to minimize adjacent visual impacts.

Minimum Possible Variance

MET – The requested Variance is the minimum possible to allow the installation of a maximum 140 ft. high tower while meeting all other performance standards for the district.

Purpose and Intent

MET – Approval of the requested Variances will be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed will not be detrimental to the area, as affirmed by the visuals provided by the photo simulation.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and tower specifications dated February 5, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. The communication tower shall be designed and constructed to accommodate at least one (1) other service provider.
6. A notarized letter acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider shall be provided at the time of permitting.
7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

C: Mary D. Solik, Esq.
121 S. Orange Ave., Suite 1500
Orlando, FL 32801



December 11, 2024

VIA email: BZA@ocfl.net

Orange County Zoning Division
201 South Rosalind Ave., 1st Floor
Orlando, FL 32801

RE: Gulfstream Towers Special Exception Application
FL252 Zellwood SE

To Whom it May Concern:

This firm represents Gulfstream Towers, LLC, the applicant for the referenced Special Exception application. Submitted in support of the application are the following materials:

- Completed Application Form
- Agent Authorization Form
- Project Expenditure Report
- Relationship Disclosure Form
- Special Exception Criteria Analysis
- Property Survey
- Site Plan
- Project Narrative
- Consents to Reduced Setback
- Photo Simulation
- Camouflaged Facilities Analysis
- Determination of Feasibility
- Search Ring Package
- Affidavit of Mike Burkhead RE: Construction, Collocation, and Existing Facilities

Please advise if any additional information is required.

Very truly yours,

Mary D. Solik, Esq.

CC: Michael Burkhead

GULFSTREAM TOWERS, LLC: FL252 ZELLWOOD SE

Project Narrative

Gulfstream Towers, LLC proposes the construction of a 140' Telecommunications Facility (135' Monopine Tower with a 5' Lightning Rod) on property located at 3820 Yothers Road, Apopka, FL 32832. The 1.93 acre parent parcel is owned by James C. And Deborah A. Goff. The parent tract is currently pasture with a small barn. Mr. & Mrs. Goff also own the 5.16 acres of land to the east of the subject property which includes their homestead. The property has a FLU designation of Rural and is zoned A-1. Telecommunications Towers are permitted as a Special Exception use in A-1 zoning.

The Site plan submitted with the applications demonstrates that the Proposed Telecommunications Tower meets all performance criteria for telecommunications towers set forth in Section 38-1427, Orange County LDC. More specifically the following criteria are met:

- The Proposed Tower meets the Zoning District setbacks.
- The Proposed Tower meets the tower to tower separation requirements. The closest offsite tower is a 190' Monopole Tower requiring a 2,500 foot separation. The tower is located _1.49 miles from the Proposed Tower, far exceeding the separation requirement.
- The standard setback from residential structures for a 140' tower is 700'. The Proposed Tower has been designed as camouflage structure, a Monopine, which qualifies it for a 50% setback reduction from any offsite residential structure. The Proposed Tower is 149' from the closest residential structure which is the Goff homestead to the east. The Goffs have signed a Notarized Consent to the Reduced Separation requirement.
- No tower lighting is proposed.
- Code compliant landscaping is proposed for the base of the Proposed Tower.
- The Proposed Tower will be designed to accommodate 4 users.
- The Proposed Tower has been located so as to eliminate any specimen or heritage tree removal.

SPECIAL EXCEPTION CRITERIA

1. The use shall be consistent with the Comprehensive Policy Plan.

The Proposed Telecommunications Tower as an approved Special Exception use is consistent with the Comprehensive Policy Plan.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The immediately surrounding development is sparsely developed and primarily rural.

3. The use shall not act as a detrimental intrusion into a surrounding area.

The Proposed Tower will not be a detrimental intrusion into the surrounding. It will provide expanded wireless service and will enhance public safety with expanded E911 service.

4. The use shall meet the performance standards of the district in which the use is permitted.

All performance criteria set forth in Section 38-1427 Communication towers have been met.

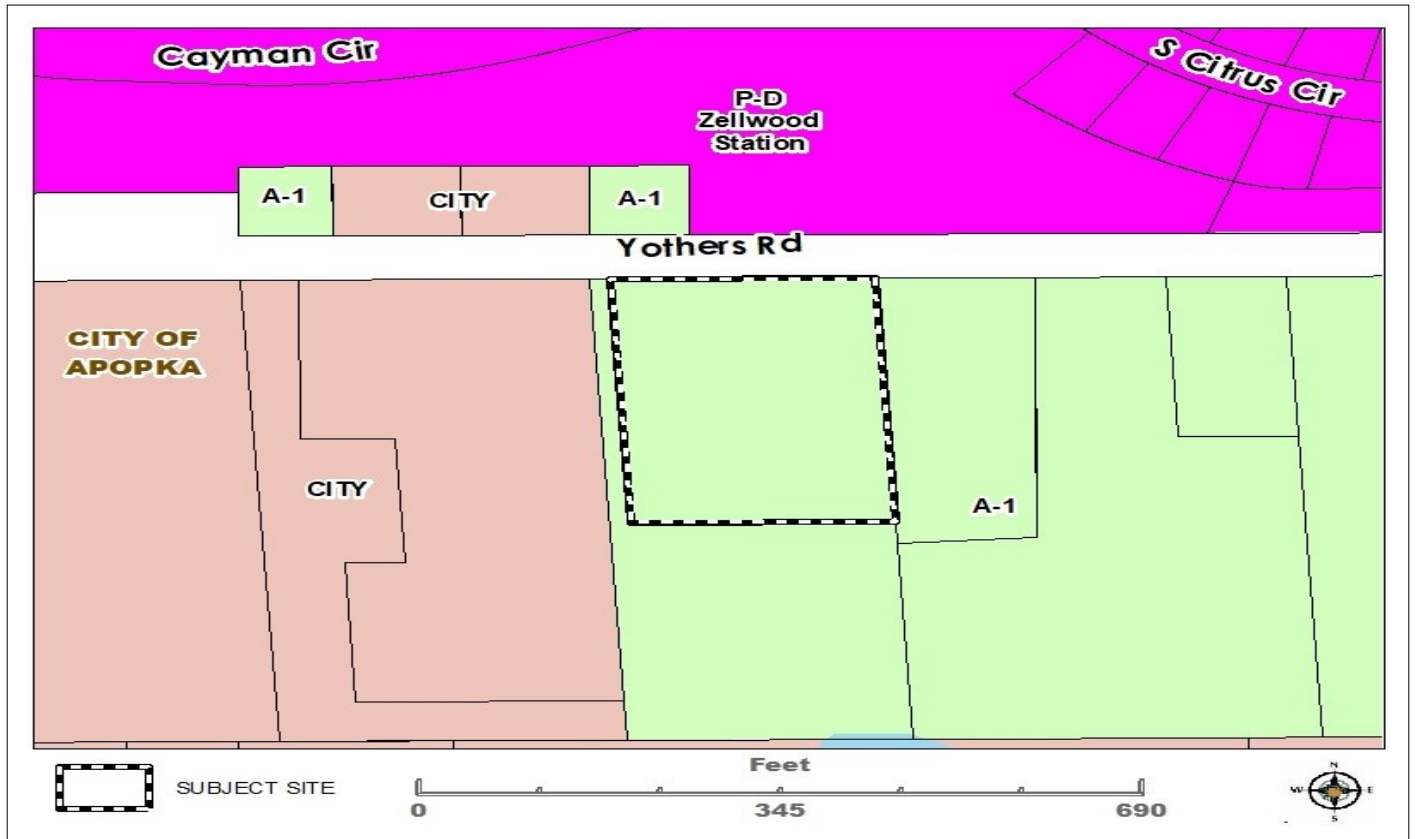
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The Proposed Telecommunications Tower does not create any noise, vibration, dust, odor, glare or heat.

6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Landscaping consistent with Section 38-1427(d)(11) is provided on Site Plan.

ZONING MAP

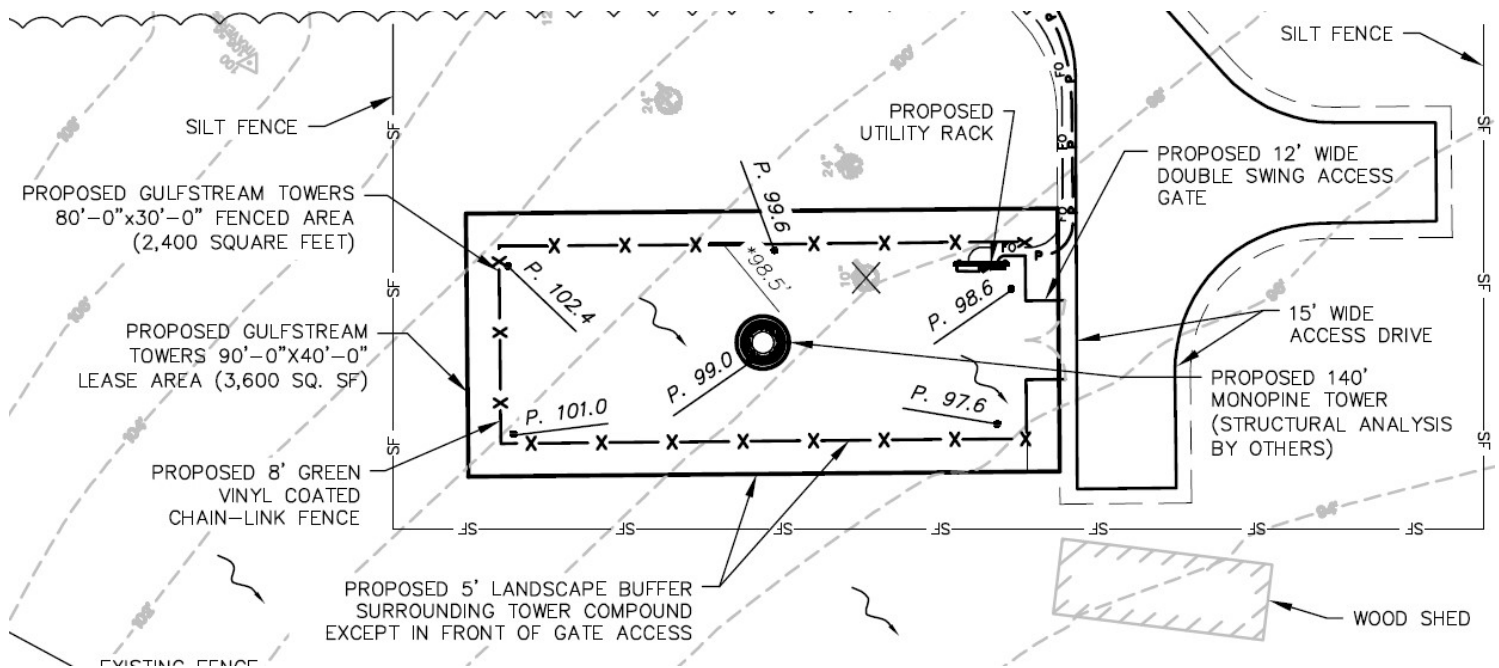


AERIAL MAP

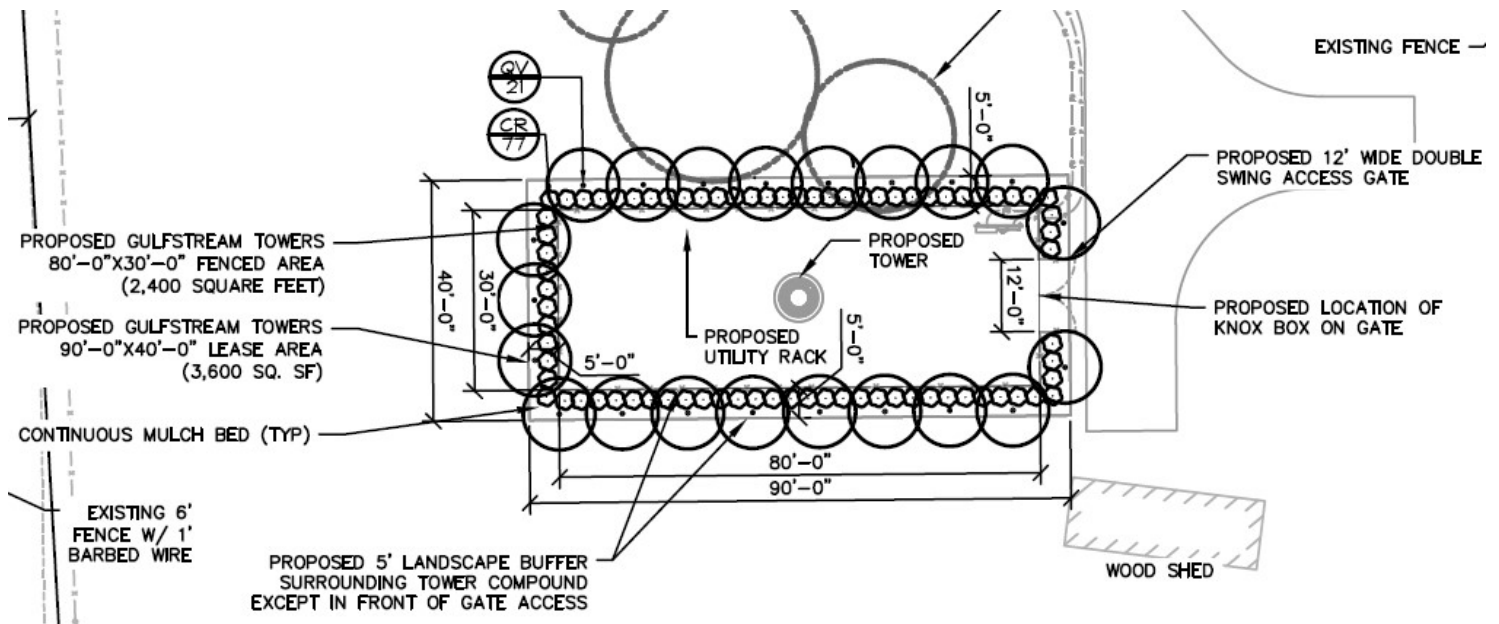




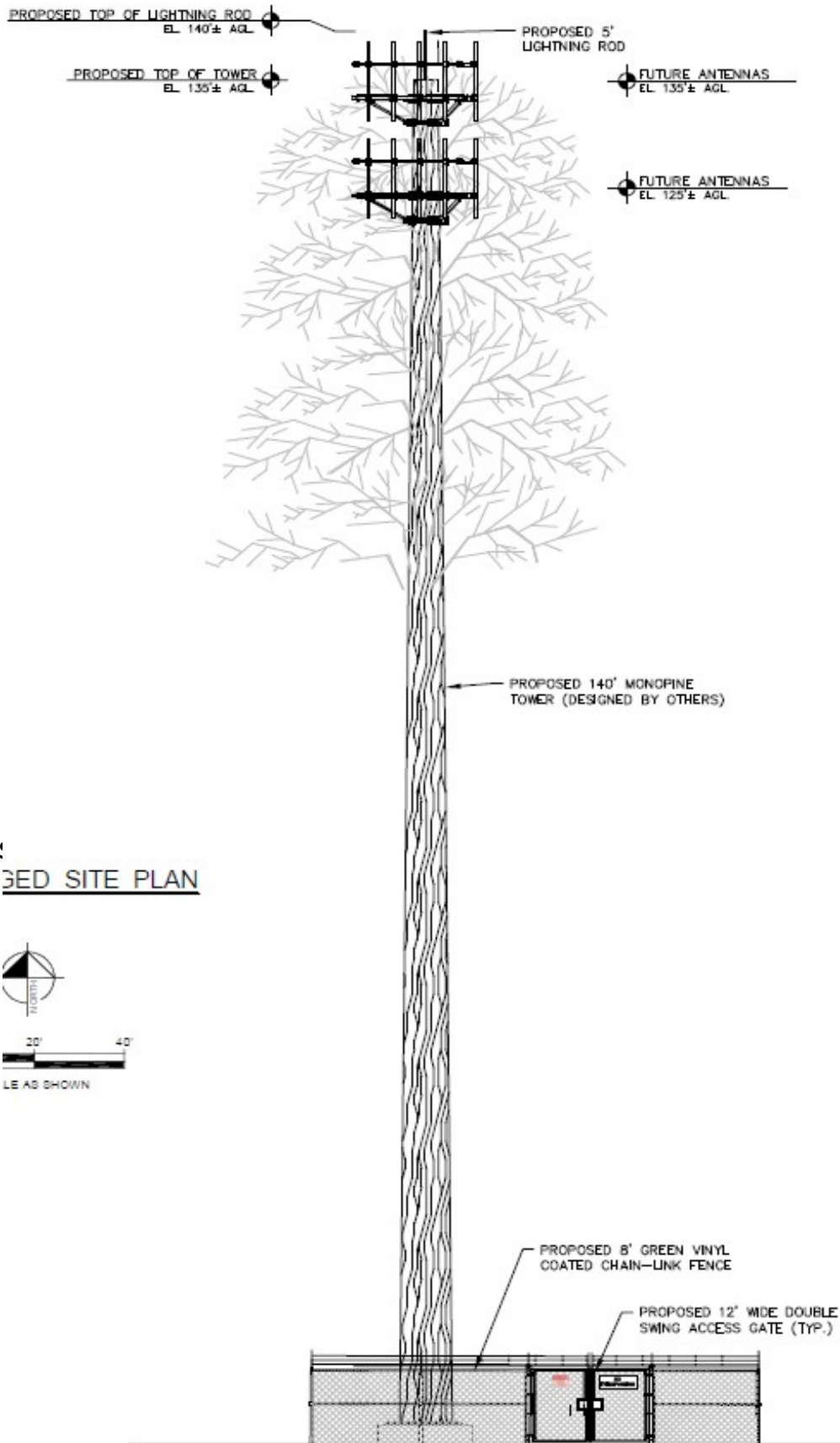
TOWER LOCATION LAYOUT



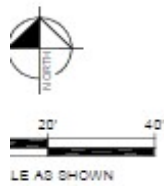
TOWER LEASE AREA LANDSCAPE PLAN



TOWER ELEVATION



PROPOSED SITE PLAN



BASED ON SURVEY PROVIDED BY
TING, INC. SURVEYORS & MAPPERS.

TOWER ELEVATION
N.T.S.



Photo simulation legend



View 1 facing west from the intersection of Yothers Rd. and Jeffmar Blvd.



View 2 facing southwest from the intersection of Chandler Estates Dr. and Jeffmar Blvd.



View 3 facing northwest from the intersection of Chandler Estates Dr. and Statham Dr.



View 4 facing north from Windward Hills Blvd.



View 5 facing northeast from Chandler Estates Dr.



View 6 facing east from Yothers Rd. No view of the proposed tower

SITE PHOTOS



Front of property facing south from Yothers Rd. towards proposed tower location



Facing north at rear property line towards proposed tower location, Yothers Rd. in background



Facing south towards neighboring residence 284 ft. from the proposed tower location



Facing northwest towards neighboring residence 359 ft. from the proposed tower location



Facing west towards neighboring residence 422 ft. from the proposed tower location