

Orange County Zoning Division

SE-25-02-144

**APPLICANT/APPELLANT:
MARY SOLIK FOR GULFSTREAM
TOWERS LLC**

June 3, 2025



Background

APPLICANT:	Mary Solik
CASE:	SE-25-02-144
ZONING:	A-1 (Agricultural District)
FUTURE LAND USE:	R (Rural)
ADDRESS:	3820 Yothers Rd., Apopka, FL 32712
LOCATION:	South side of Yothers Rd., west of S.R. 429, east of W. Orange Blossom Trl., and north of Windward Hills Blvd.
TRACT SIZE:	+/- 1.93 acres
DISTRICT:	2



Background

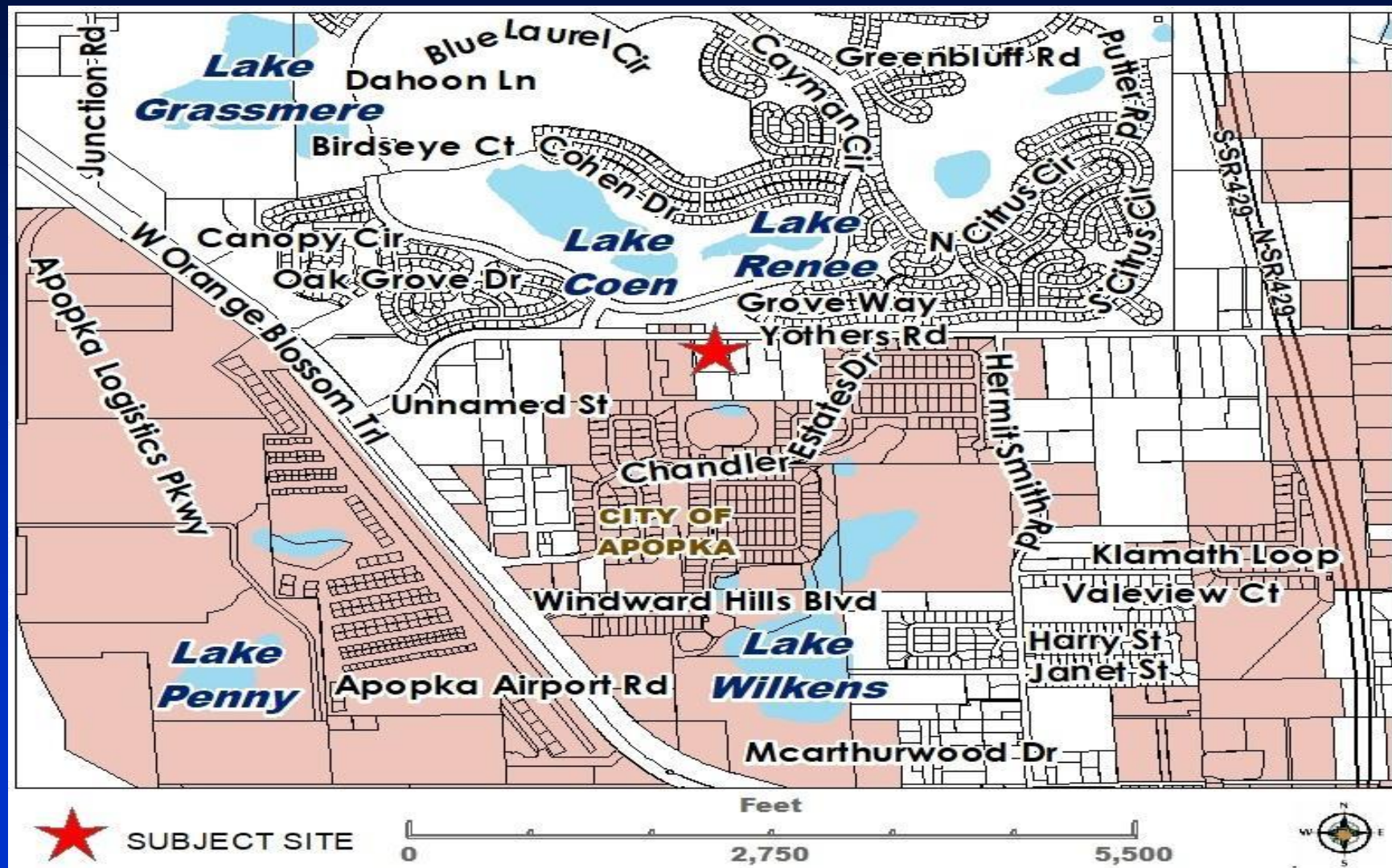
REQUEST:

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 residential distance separation of 145 ft. in lieu of 700 ft.



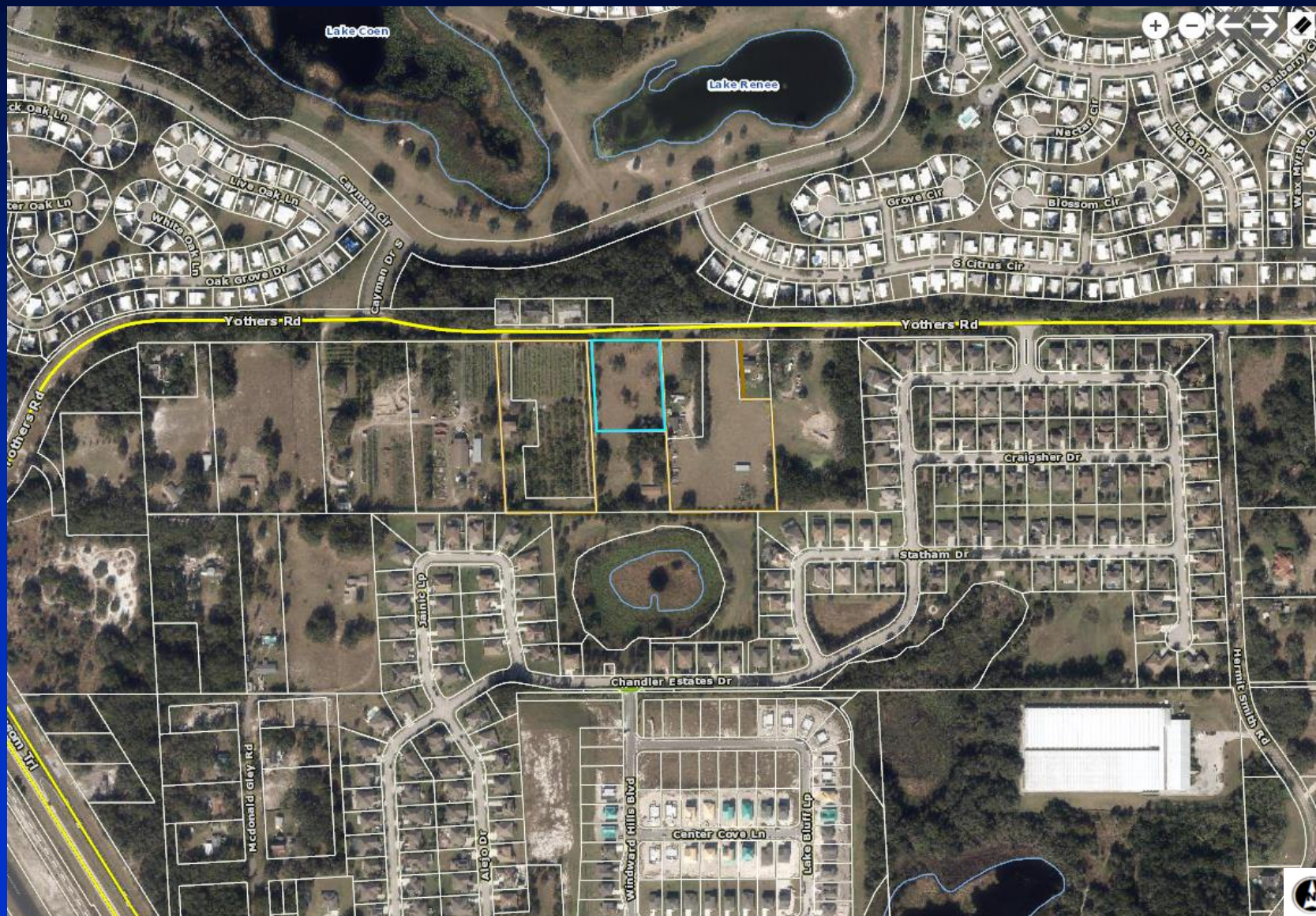
Location Map





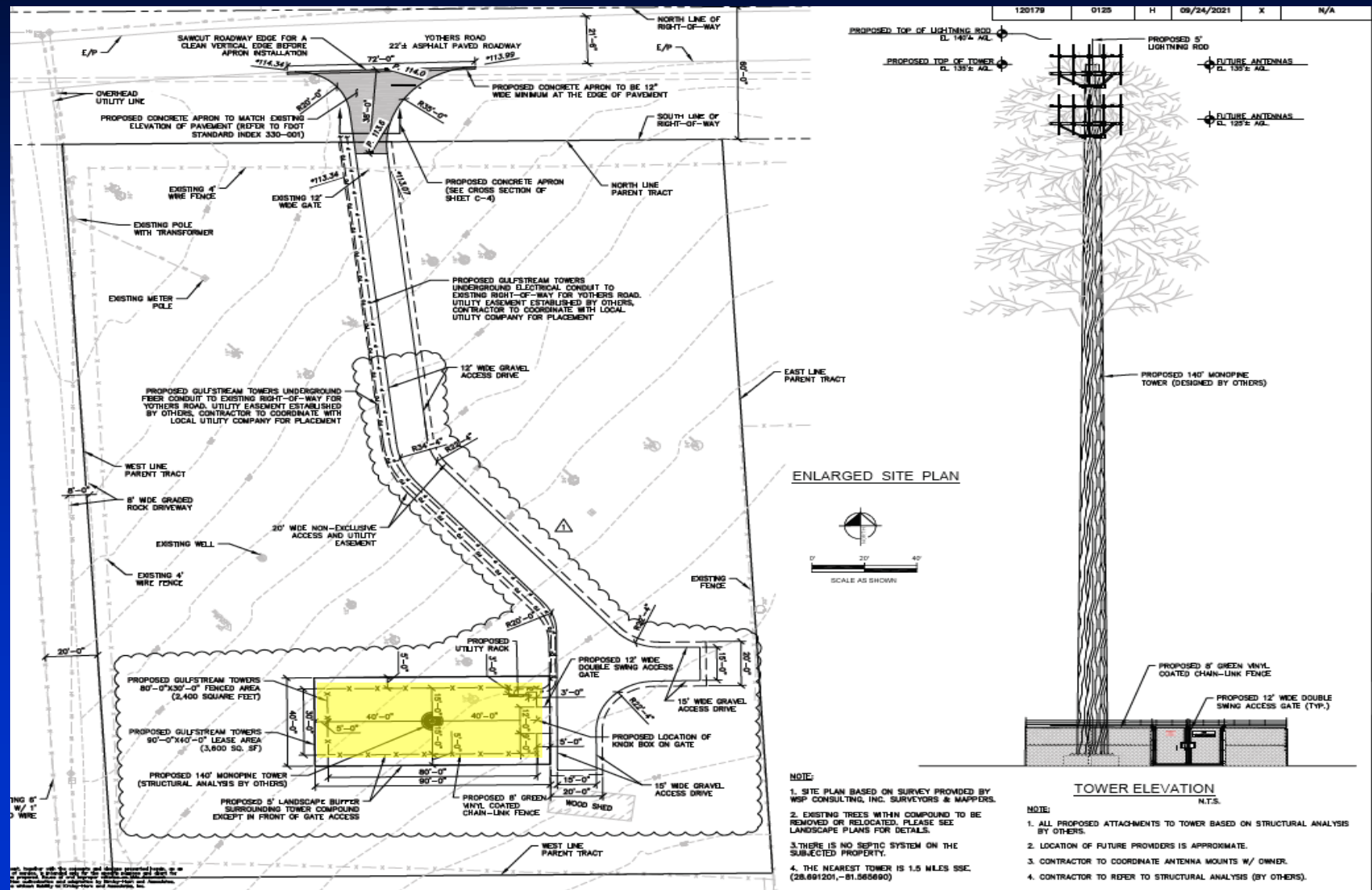


Aerial Map – Broader View





Site Plan & Tower Elevation



Tower Landscape Plan

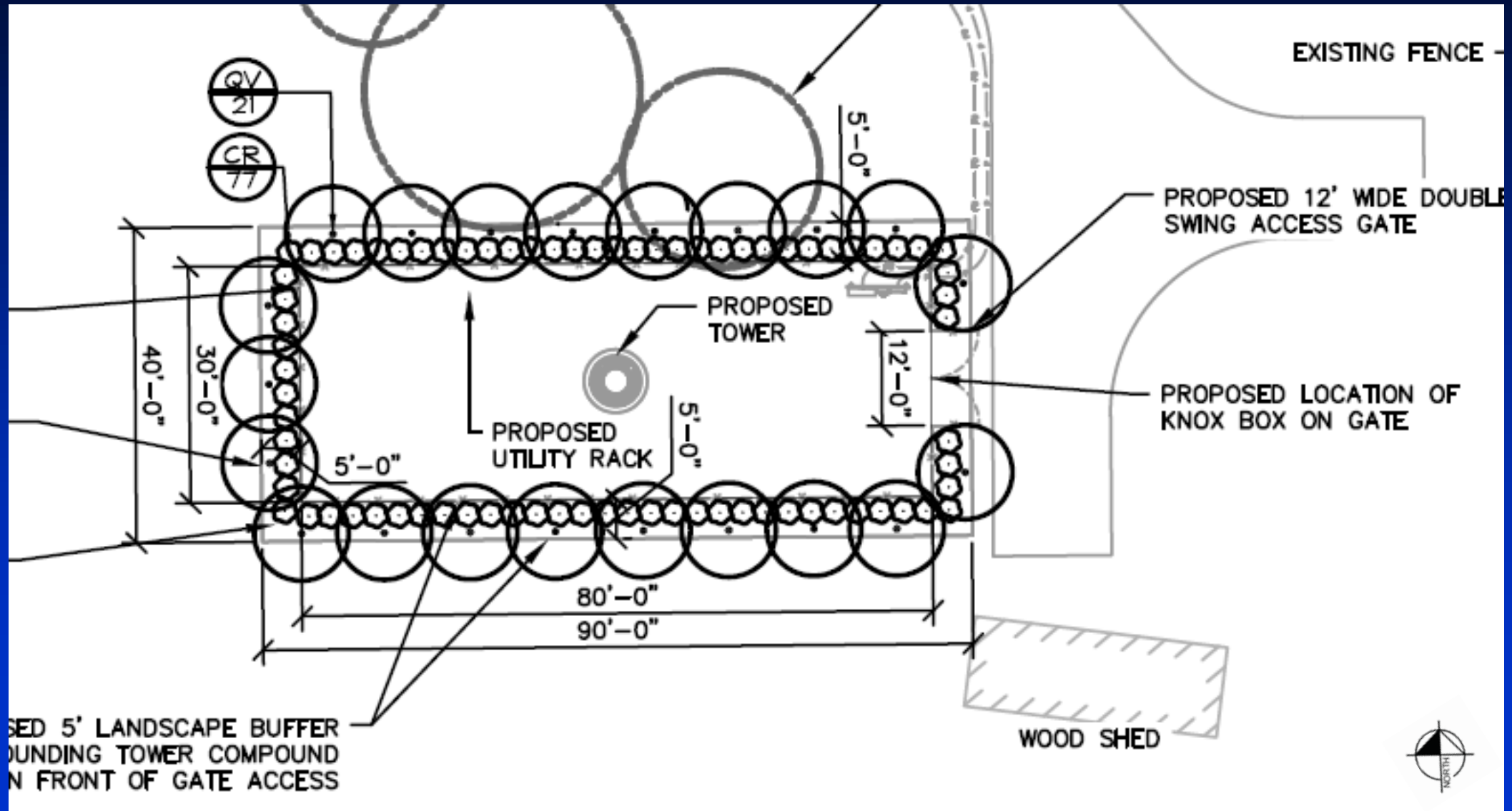






Photo Simulation #1

Facing west from intersection of Yothers Rd. & Jeffmar Blvd.





Photo Simulation #2

Facing SW from Chandler Estates Dr. and Jeffmar Blvd.





Photo Simulation #3

Facing NW from Chandler Estates Dr. and Statham Dr.





Photo Simulation #4

View facing north from Windward Hills Blvd.

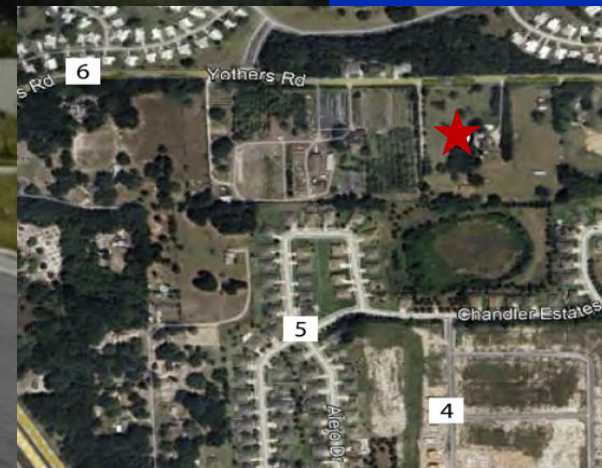




Photo Simulation #5

View facing northeast from Chandler Estates Dr.

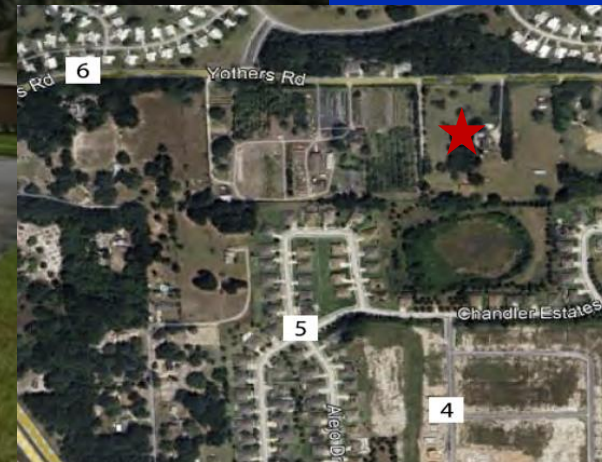




Photo Simulation #6

View facing east from Yothers Rd. (monopine not visible)





Site Photograph

Property front facing south from Yothers Rd.





Site Photograph

From proposed tower location facing east



February 19, 2025 12:17 PM



Site Photograph

From proposed tower location facing south



February 19, 2025 12:16 PM



Site Photograph

From subject site looking northwest towards residential



February 19, 2025 12:03 PM



Staff Findings and Analysis

- Current use is as grazing pasture
- Proposed is a 140 ft. tall monopine communication tower
 - Designed for multiple carriers
- Communication towers under 170 ft. in height or less are permitted by right in A-1 if:
 - A recorded memorandum of lease evidencing co-location is submitted with the application and,
 - The distance separation from off-site uses is met; and
 - The distance separation between communication towers is met.
- Special Exception required since a recorded memorandum of lease has not been provided and the off-site distance separation for single-family residential units is not met
- Meets distance separation requirements to nearest tower



Staff Findings and Analysis

—Sec. 38-1427 Exhibit B - COMMUNICATION TOWER SEPARATION FROM

Proposed Tower Types	Single-Family or Duplex Residential Units
Monopole between 80 ft. – 140 ft.	400 ft. or 500% of tower height, whichever is greater

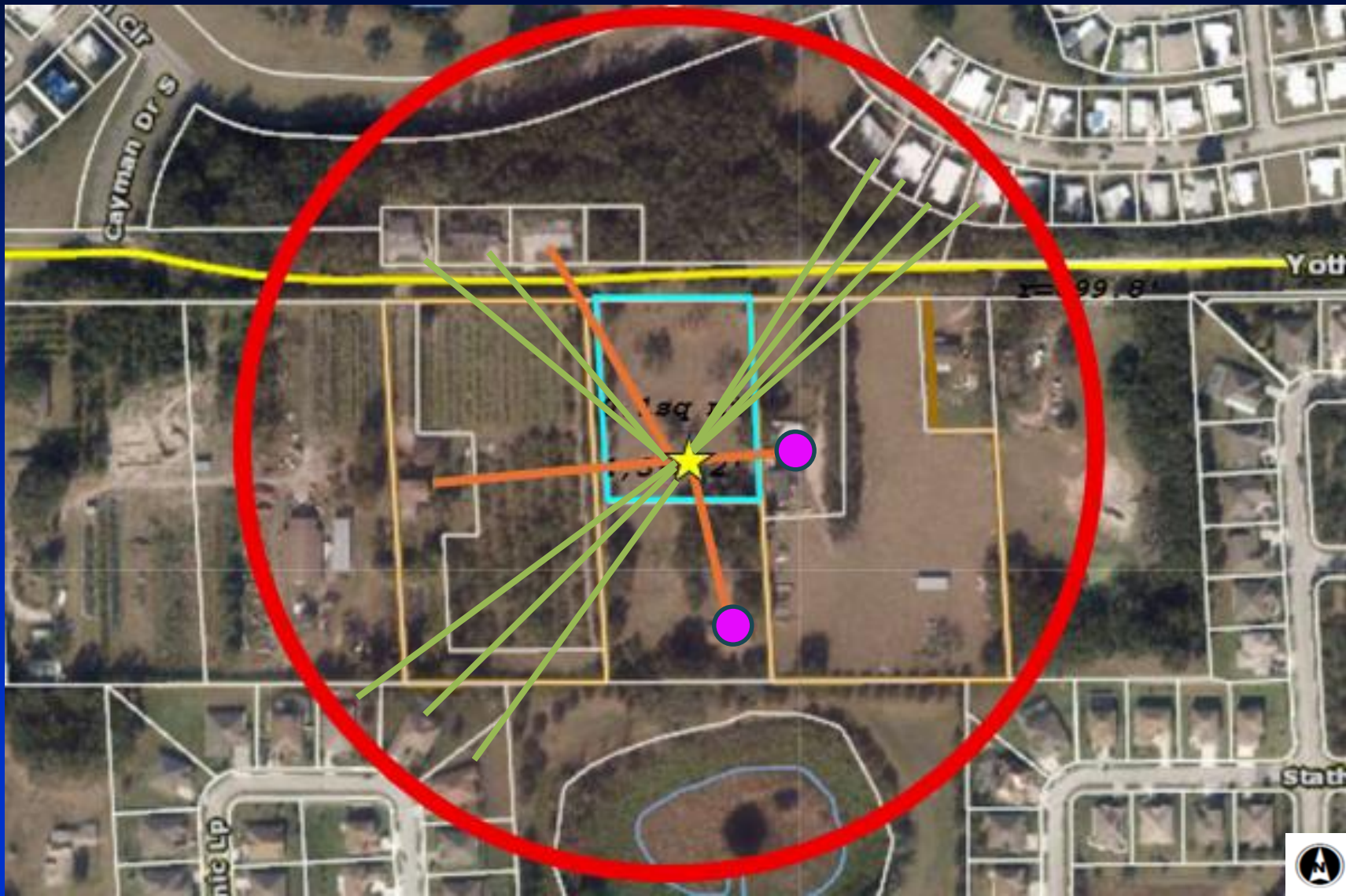
- Minimum separation of 700 ft. required from the tower to off-site residential
 - Nearest single-family residence is located 145 ft. away (Variance #2)
 - 12 other single-family units within the 700 ft. distance



Staff Findings and Analysis

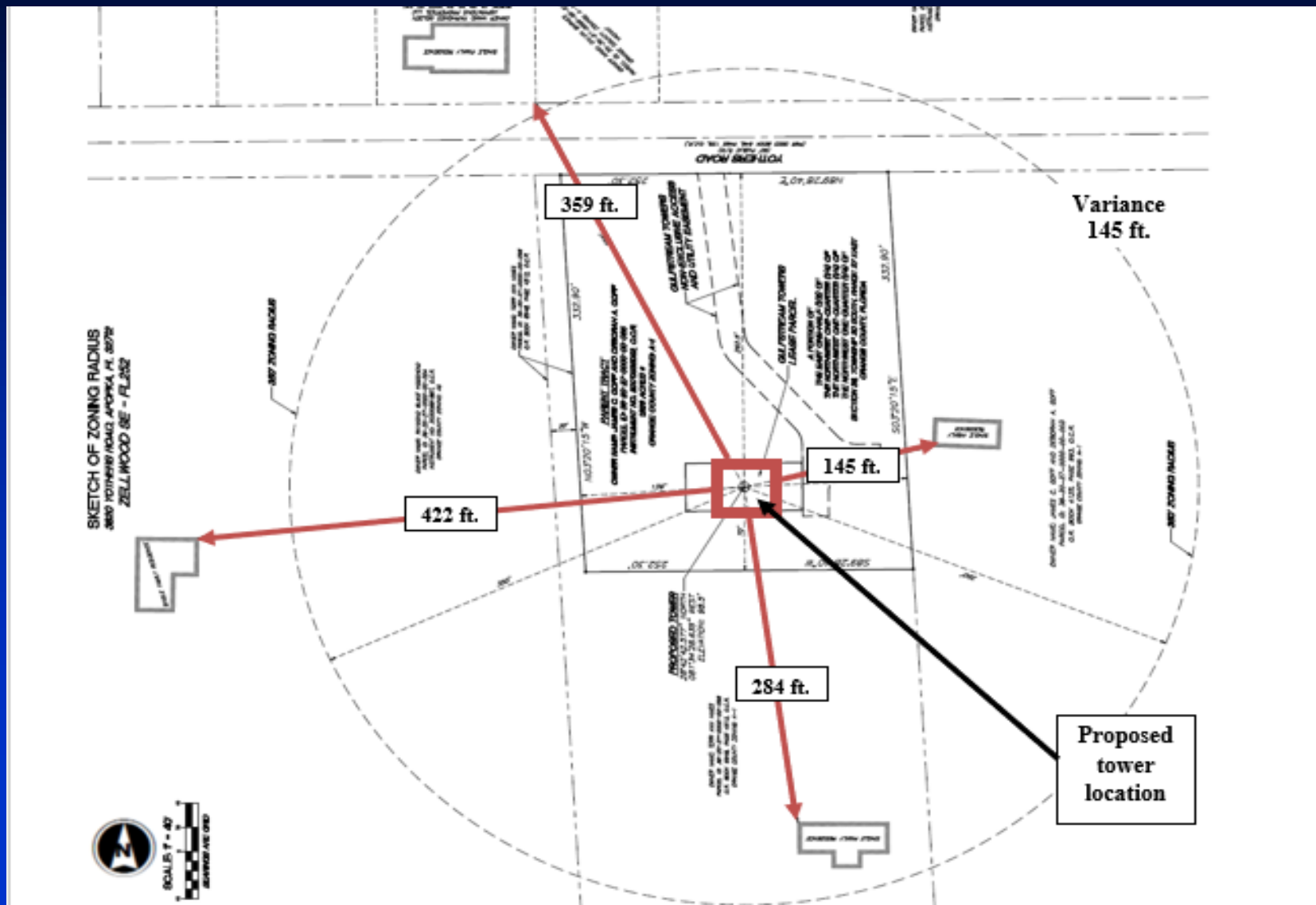
- Proposing camouflaging agent which would reduce the distance separation requirement to 350 ft.
- Separation distances may be reduced by the zoning manager when notarized written consent is obtained from those affected property owners within the applicable separation distance.
 - There are 2 residences within the reduced 350 ft. distance
 - 1 owned by same property owners as subject property
 - Both owners provided notarized written consent to the reduction

Residential Distance Separation – 700 ft. buffer





Residential Distance Separation (350 ft. buffer)





Staff Recommendation

- Staff recommended approval of the special exception as the tower is proposed to be camouflaged, eliminating the aesthetic impact and minimizing any intrusion into the area.
- Staff recommended approval of the variance, as the most impacted neighbors provided letters of support, which allows for reduced distance separations, and the visuals provided by the photo simulation affirm it will be a minimal impact to the area.



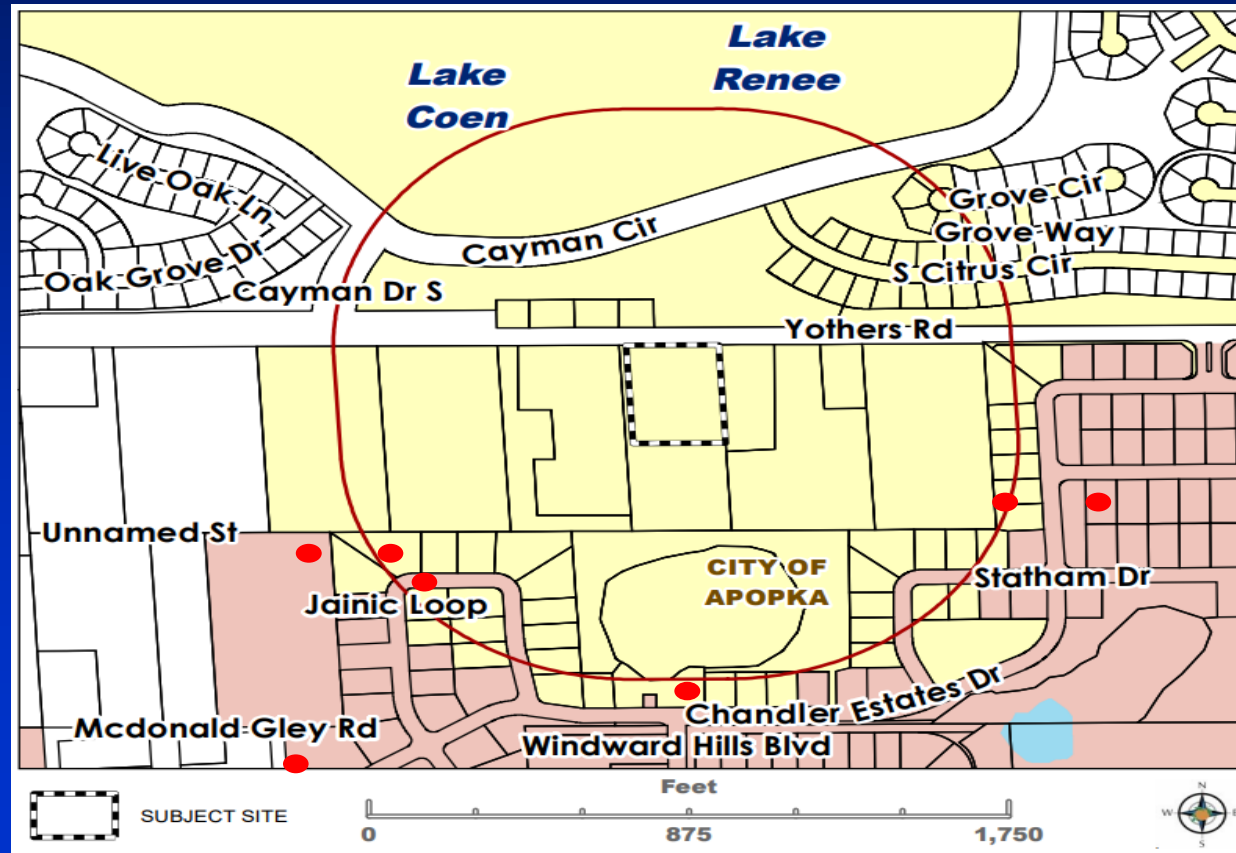
Public Feedback

- **2 Community meetings**
 - February 20, 2025 at Wolf Lake Middle School; no attendees
 - March 26, 2025 at Wolf Lake Middle School; 4 attendees
- **Attendees were nearby property owners to the south**
- **Questions about the proposal, potential impacts on property values and wildlife in the area, and what carriers are proposed.**



Public Feedback

- Staff mailed a total of 109 notices to adjacent property owners within an 800 ft. radius
 - Staff received no correspondence in favor of this request
 - Staff received 23 correspondences in opposition of this request; 16 unmapped





Special Exception Criteria

Section 38-78, Orange County Code

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

- 1. The use shall be consistent with the Comprehensive Plan**
- 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development**
- 3. The use shall not act as a detrimental intrusion into a surrounding area**
- 4. The use shall meet the performance standards of the district in which the use is permitted**
- 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**
- 6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted**



Special Exception Criteria

Section 38-78, Orange County Code

Additional Criteria for Communication Towers set forth in Section 38-1427(n)(7), in reviewing any request for a Special Exception, the following criteria shall be met:

- 7. Aesthetic impact.** This means 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 by the applicant.
- 8. Compatibility.** This means the degree to which a tower is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate. The tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact of a tower. A camouflage agent shall be designed to be compatible with the surrounding land uses and the environment.



Variance Criteria

Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privilege Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

- The BZA cited concerns related to intrusion into the area, compatibility with the surrounding development, and the aesthetic impact to the area and determined 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. The BZA recommended denial of the special exception and variance.



Ballon Test Photos Locations





Balloon Test Photo #1

Facing SW - Chandler Estates Dr. & Jeffmar Blvd. intersection






Balloon Test Photo #2

Facing NW from Craigsher Dr.





Balloon Test Photo #4

Facing NW from Statham Dr.





Balloon Test Photo #5

Facing NW – Chandler Estates Dr. & Statham Dr. intersection





Balloon Test Photo #6

Facing N from Windward Hills Blvd.





Balloon Test Photo #8

Facing NE from Janic Loop





Proposed 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.



Proposed Conditions of Approval

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 new 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.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions

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