



**BOARD OF COUNTY COMMISSIONERS • COLUMBIA COUNTY**

November 19, 2021

VIA ELECTRONIC MAIL

Kendal Lotze  
City Switch II-A, LLC  
1900 Century Place NE, Suite 320  
Atlanta, GA 30345

Re: Special Exception 0631 – Otter Bay Communication Tower  
Board of Adjustment Determination Letter

Dear Mr. Lotze,

At the November 16, 2021 Board of Adjustment (“Board”) hearing, the Board approved your application for a Special Exception for an essential service communications tower, as permitted in Section 4.2.34 of the County’s Land Development Regulations (“LDRs”) in accordance with Section 12.2 of the County’s LDRs. Per Section 12.1.1 of the County’s LDRs, there is a thirty (30) day appeal period for all Special Exceptions. If no appeal is filed within thirty (30) days, the decision of the Board shall become final, subject to the condition. No permits shall be issued until the thirty (30) day appeal period has expired.

Attached for your records is a copy of Resolution BA SE 0631.

If you have any questions, please do not hesitate to contact me at [bstubbs@columbiacountyfla.com](mailto:bstubbs@columbiacountyfla.com) or (386) 754-7119.

Sincerely,

**Brandon  
M. Stubbs**

Digitally signed by  
Brandon M. Stubbs  
Date: 2021.11.19  
09:54:36 -05'00'

Brandon M. Stubbs  
Community Development Coordinator  
Land Development Regulation Admin.

Cc: Jeff Wright – Henderson, Franklin, Starnes, & Holt, P.,A.

BOARD MEETS THE FIRST THURSDAY AT 5:30 P.M.  
AND THIRD THURSDAY AT 5:30 P.M.

## **RESOLUTION NO. BA SE 0631**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF COLUMBIA COUNTY, FLORIDA, GRANTING A SPECIAL EXCEPTION WITH APPROPRIATE CONDITIONS AND SAFEGUARDS AS AUTHORIZED UNDER SECTION 4.2.34 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR A WIRELESS COMMUNICATIONS FACILITY AS AN ESSENTIAL SERVICE WITHIN THE AGRICULTURE-3 ("A-3") ZONE DISTRICT ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF COLUMBIA COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Columbia County Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Board of Adjustment of Columbia County, Florida, hereinafter referred to as the Board of Adjustment, to grant, to grant with appropriate conditions and safeguards or to deny special exceptions as authorized under Section 3.2 of the Land Development Regulations;

WHEREAS, a petition for a special exception, as described below, has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of Adjustment held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said petition for a special exception, as described below;

WHEREAS, the Board of Adjustment has found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant with appropriate conditions and safeguards or to deny said petition for a special exception, as described below;

WHEREAS, the Board of Adjustment has determined and found that the granting with appropriate conditions and safeguards of said petition for special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of Adjustment has determined and found that the special exception is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the Board of Adjustment has determined and found that:

- (a) The proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;
- (b) The proposed use is compatible with the established land use pattern;
- (c) The proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- (d) The proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (e) The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- (f) The proposed use will not create a drainage problem;
- (g) The proposed use will not seriously reduce light and air to adjacent areas;
- (h) The proposed use will not adversely affect property values in the adjacent areas;

- (i) The proposed use will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- (j) The proposed use is not out of scale with the needs of the neighborhood or the community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF COLUMBIA COUNTY, FLORIDA, THAT:

Section 1. Pursuant to a petition SE 0631, a petition by Kendal Lotze, agent for Clyde F. Varnes, owner, to request a special exception be granted as provided for in Section 4.2.34 of the Land Development Regulations to allow for a wireless communication facility as an essential service within the Agriculture-3 ("A-3") Zone District. The special exception has been filed in accordance with a site plan dated March 31, 2021 and submitted as part of a petition dated March 31, 2021, to be located on property described, as follows:

A part of the SE ¼ of the SW ¼ of Section 12, Township 3 South, Range 17 East, Columbia County, Florida. Being more particularly described as follows: Begin at NW Corner of the SE ¼ of the SW ¼ of said Section 12, and run thence N. 87°03'54"E. along the north line of the SE ¼ of the SW ¼, a distance of 141.15 feet to the west right-of-way line of NE Clyde Varnes Road (A 60-foot County Maintained Public Right-of-Way); Thence S.01°25'42"W. along the west right-of-way line of NE Clyde Varnes Road, a distance of 499 feet, more or less; Thence S.87°29'36"W. a distance of 128 feet, more or less, to the west line of the SE ¼ of the SW ¼; Thence N.01°30'54"E. along the west line of the SE ¼ of the SW ¼, a distance of 494.64 feet to the Point of Beginning.

Containing 1.53 acres, more or less.

A Portion of Tax Parcel Number 12-3s-17-04927-000

Section 2. A site plan, as described above, is herewith incorporated into this resolution by reference, shall govern the development and use of the above described property. Any deviation from the site plan shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.


Section 4. If the use of land approved by this special exception ceases for any reason for a period of more than six (6) consecutive months, this resolution shall be thereby revoked and of no force and effect.

Section 5. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 6. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED, in special session with a quorum present and voting, by the Board of Adjustment this 16<sup>th</sup> day of November 2021.

Attest:

  
Brandon M. Stubbs, Secretary to the  
Board of Adjustment

BOARD OF ADJUSTMENT OF  
COLUMBIA COUNTY, FLORIDA  
  
Teena Ruffo, Acting Chair