

**REPORT OF THE PLANNING DEPARTMENT**

**APPLICATION WAIVER OF MINIMUM REQUIRED SETBACKS**

**FEBRUARY 3, 2026**

***Location:*** 9238 Garden Street

***Real Estate Number:*** 002893-0000

***Waiver Request:***

- 1.) Reduce the minimum setback requirements for a Track II Camouflaged Wireless Communication Tower and a residential parcel line from 150 feet to 137 feet on the western boundary.
- 2.) Reduce the minimum setback requirements for a Track II Camouflaged Wireless Communication Tower and a residential parcel line from 150 feet to 143 feet on the southern boundary.

***Current Zoning District:*** Agriculture (AGR)

***Current Land Use Category:*** AGR (AGR)

***Planning District:*** Northwest, District 5

***Council District:*** District 12

***Applicant/Agent:*** Steve Diebenow, Esq.  
Driver, McAfee, Hawthorne and Diebenow, PLLC  
1 Independent Drive, Suite 1200  
Jacksonville, Florida. 32202

***Tower Owner:*** NexTower Development Group II, LLC  
905 NW 56<sup>th</sup> Terrace, Suite A  
Gainesville, Florida. 32605

***Land Owner:*** Dinsmore Baptist Church Inc.  
9238 Garden Street  
Jacksonville, Florida 32219

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Waiver of Minimum Setback Requirements 2026-0021 (WMS-25-01) seeks to

reduce the minimum setback requirements for a 150 foot Track II Camouflaged (Pine Tree) Wireless Communication Tower and a residential parcel line from 150 feet to 137 on the western property boundary and 150 feet to 143 feet on the southern property boundary. The companion application for the proposed Camouflaged Wireless Communications Tower is CTW-25-01. The subject site is a 5.1 acre agricultural lot that is currently developed with a Single family dwelling. The applicant is proposing to construct the tower on the southern portion of the site as far back from the right of way as possible while meeting as many of the setbacks as possible. Surrounding the proposed tower site are large single family agricultural properties to the south and west, and an RLD-90 Zoned Subdivision to the east. The proposed tower will meet the minimum setback requirement from the subdivision to the east of the site, but in order to do so request the waiver on the western boundary.

### **WAIVER AND VARIANCE CRITERIA**

The TRC may grant a waiver from the minimum setback and separation requirements of this Subpart A, a variance from the maximum height requirements for Low Impact/Stealth Towers, a variance from the maximum height and projections requirements for side-mount and rooftop antennas, or a variance from the other maximum height requirements in this Subpart A, only upon proof that there are no less intrusive means for siting the tower or antenna to meet the coverage needs of a Wireless Communications Service Provider.

### **STANDARDS, CRITERIA AND FINDINGS**

***(1) Does the location of existing uses, structures or other features on or adjacent to the property create a need for the waiver or variance?***

Yes. The site is neighbored by a single-family subdivision to the east. The proposed tower will be a 145-foot-tall pine tree tower with a 5-foot lighting rod at the top bringing the tower total to 150 feet. The applicant chose to meet the minimum 150-foot required setback on the eastern side to ensure minimal impact on the subdivision. Due to this, the towers' location caused the setback on the western agricultural property to be 137 feet. The southern boundary reduction was requested to ensure the tower was pushed back as reasonably far back from the right of way as possible, which caused the southern setback to be reduced by 7 feet. The proposed tower is designed and certified that if it were to break the maximum fall radius would be 100 feet. This ensures that the proposed setbacks will still be substantial in the event of a fall.

***(2) Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 656, Part 15, Subpart A (Wireless Communication Facilities)?***

No. The request is not based on the reducing the cost of developing the site, but rather to ensure minimal impacts on the neighboring residential subdivision and the view from the Right-of-Way.

***(3) Is the proposed waiver or variance the minimum necessary to address the need for the request?***

Yes. The proposed waivers are the minimum necessary to address the safety needs of the subject site.

***(4) Will the proposed waiver or variance reflect, to the greatest extent reasonably practicable, the physical character, massing, scale and architecture of the surrounding land uses?***

Yes. The tower location does meet the physical character, massing, scale and architecture of the surrounding Land Uses. The area is residential and agricultural in nature. The proposed camouflaged design of a Pine Tree would keep in standard with the both of these characters.

***(5) Will the proposed waiver or variance have a significant detrimental impact on adjacent property values?***

No. Staff finds that the proposed setback reduction will not have a significant Impact on the adjacent property values.

***(6) Will the proposed waiver or variance be compatible with the existing contiguous uses or zoning, as well as the general character and aesthetics of the neighborhood or area, considering:***

*The design and height of the tower or antenna?*

Yes. The proposed 150-foot Camouflaged Pine Tree Tower is located within a Agricultural and Residential area. The proposed design will conform to the character of these areas better than a standard monopole design.

*The mitigating effect of any existing or proposed landscaping, fencing or other structures in the area?*

Yes. The applicant is not requesting any Landscaping, Fencing or other request. The proposed tower will conform to the Part 15 Requirements of the code which will ensure it meets the mitigating affects as required.

*The proximity of the tower to existing or proposed buildings or other structures, and similar factors?*

Yes. The closest existing structure to the site is approximately 145 feet away, on the western neighboring parcel. This is approximately the same distance as the overall height of the tower, without the lightning rod. As aforementioned the tower is designed and certified to have a maximum 100 foot fall radius, which ensures that this structure is not in danger from the tower.

***(7) Would the strict application of the requirements of this section constitute a substantial hardship to the applicant, which hardship is not self-created or self-imposed?***

Yes. The subject site is a large agricultural property in an area that T-Mobile has recognized is underserved for service. While the proposed location on the property is a self-imposed hardship

given the property's width in that area, the location of the tower itself in the area is necessary. The applicant could have placed the tower in a location where the setbacks were even on both sides of the lot, which would have required a request of a 6.5 foot setback reduction on both the western and eastern boundaries. However, they chose to meet the minimum requirement on the subdivision side to ensure as minimal impact as possible.

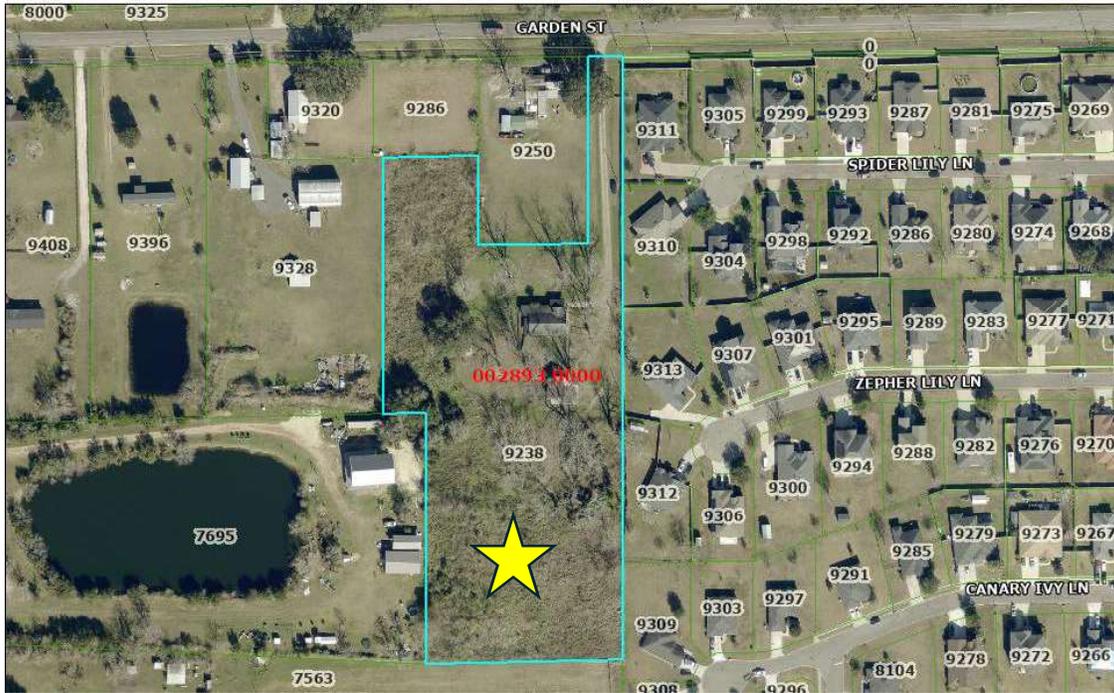
**SUPPLEMENTARY INFORMATION**

A signed sign posting affidavit was submitted on **January 14, 2025** by the applicant, the required Notice of Public Hearing sign **was** posted.

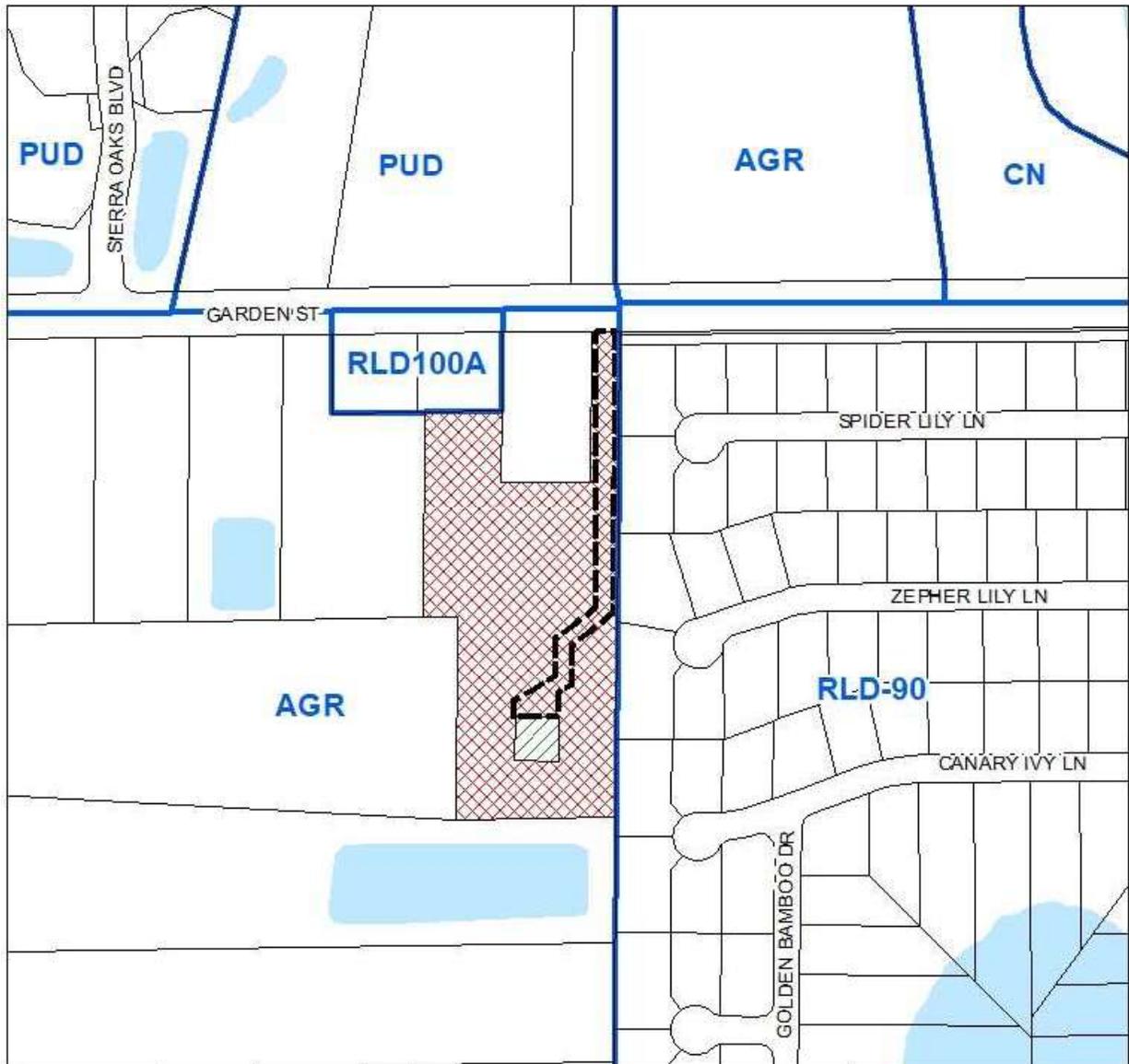


**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning Department that Application for Waiver of Minimum Separation Requirements **WMS-25-01** be **APPROVED**.



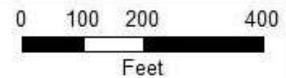
Aerial View with proposed Tower Location



REQUEST SOUGHT:

**REDUCE REQUIRED  
SETBACKS/SEPARATION  
FROM 150' TO 137' (WEST  
BOUNDARY) AND 143'  
(SOUTH BOUNDARY)**

LOCATION MAP:



COUNCIL DISTRICT:

**12**

TRACKING NUMBER

**WMS-25-01**

**EXHIBIT 2  
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Legal Map