

Response to Jim Willard Appeal

Commissioner Moore,

I'm representing both the current landowner and the contract purchaser/applicant (the Central Florida Hindu Church) re: it's appeal of a denial by the BZA of a Special Exception to allow a Hindu Temple to be constructed on Hempel Ave. in Gotha.

Although the site is in Dist. 1, it's going to attract a crowd and may have County wide impacts. If the Hindu's can't put a temple on this site it will be hard to see where else they can go in Orange County without similar unfounded or misguided concerns being raised.

Attached is a copy of the appeal Justification Statement as well as a location and vicinity map.

I think Zoning staff and the BZA members took the easy way out in denying the Special Exception on the grounds that the temple was not "similar and compatible" with the surrounding area and its size was a "detrimental intrusion". This finding was in error and ignored the uncontested showing that the temple's impacts were minimal – and likely less than comparable residential development. Further, staff and the opposing residents relied heavily on the rural settlement designation and the need to "preserve the rural historic character of Gotha".

There is virtually nothing rural about Gotha and hasn't been for years. Nor is "historic" a standard for development. Gotha is known for Gotha Middle School, Woodlawn Cemetery and high end residential development with slightly larger lots than most subdivisions. There's not a farm or citrus grove to be found. The last Gotha orange grove turned into a subdivision 15 years ago directly across the street from this site. Further, this site backs up to SR 408, adjoins another church use to the north and is on the far northern edge of the rural settlement. This is actually the perfect place for a religious institution.

I'd like to meet with you before the BCC hearing on Sept. 26. 30 min. max. I've got good bullet points to provide to you and historical aerial photos that are persuasive. Also, there will be a large number of Temple members at the hearing. Their use of the site will be significantly less intense than a similar sized Christian church – no school, no sports programs and no commercial daycare. Their site plan is exceptionally attractive and since their only service is on Saturdays, their traffic impacts are minimal.

I can be available for a meeting with you any of the following days:
Sept. 5, 6, 7, 8, 11, 19, 20, 21, 22 or 25.

“There is virtually nothing rural about Gotha and hasn't been for years.”

Gotha Is Home to Multiple Horse Barns and Farms

Extra Features

Description	Date Built	Units
XHS3 - Horse Stable 3	12/31/2016	3360 Square Feet



9304 MORTON JONES RD, GOTHA, FL 34734 9/4/2015 8:07 AM



282233310005505 08/31/2009

Description
AB2 - Accessory Building 2
XHS2 - Horse Stable 2

Date Built
12/01/2006
12/01/2006



9420 MORTON JONES RD, GOTHA, FL 34734 3/21/2017 9:27 AM



282233310009502 09/13/2006



10030 PARK RIDGE GOTHA RD, UN-INCORPORATED, FL 34786 3/14/2023 9:04 AM

Description
XBN3 - Barn With 4 Sides 3

Date Built
09/08/2021

Units
2160 Square Feet

Property Use
6600 - Ag Misc Orchard



9544 GOTHA RD, UN-INCORPORATED, FL 34786 6/27/2023 9:40 AM



282233000000139 04/13/2006

Land

Land Use Code	Zoning	Land Units
6600 - Ag Misc Orchard	R-CE	1.49 ACRE(S)
0130 - Sfr - Lake Front	R-CE	1 ACRE(S)
9500 - Pvt Submerged	R-CE	7.29 ACRE(S)

Buildings

Land

Land Use Code	Zoning	Land Units
6999 - Ag Waste	A-1	2.05 ACRE(S)
5400 - Ag Timberland	A-1	6.78 ACRE(S)
9520 - Pvt Lake	A-1	0.82 ACRE(S)

Property Name
9717 Morton Jones Rd



10504 PARK RIDGE GOTHA RD, WINDERMERE, FL 34786 3/12/2020 12:54 PM



282233310021008 04/17/2006

Extra Features

Description
 FPL3 - Fireplace 3
 PL2 - Pool 2
 SCR2 - Sem Enc 2
 477 - Barn

Date Built	Units	Unit Price	XFOB Value
07/25/1994	2 Unit(s)	working...	working...
07/25/1994	1 Unit(s)	working...	working...
07/25/1994	1 Unit(s)	working...	working...
01/01/2002	1 Unit(s)	working...	working...

Property Name

Royal Landscape Nursery Inc

Names

Royal Landscape Nursery Inc

Municipality

ORG - Un-Incorporated

Property Use

6940 - Ag Mix Contain/Field



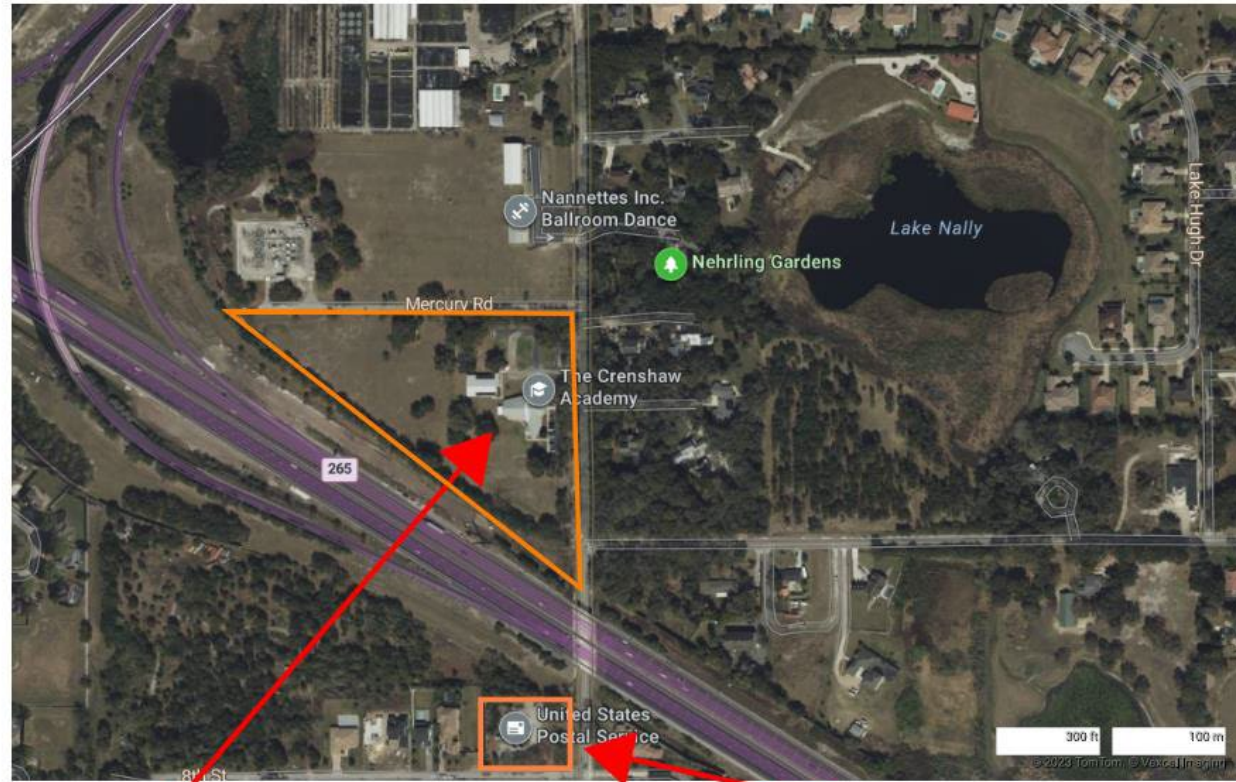
2204 HEMPEL AVE, UN-INCORPORATED, FL 34734 6/27/2023 9:58 AM



282233310013500 09/22/2006

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

COMMERCIAL OR SPECIAL EXCEPTION EXAMPLES:



Gross Area
Living Area

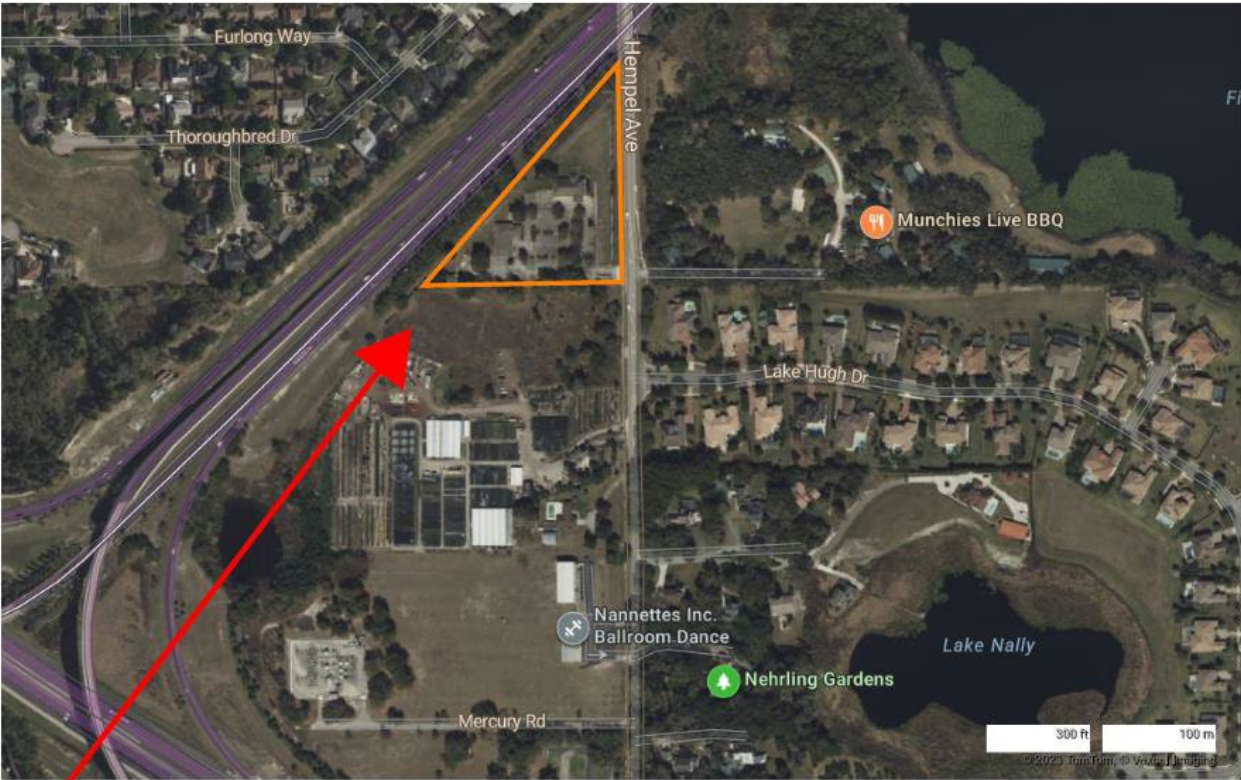
10458 sqft
9782 sqft

Gross Area
Living Area

2724 sqft
1972 sqft



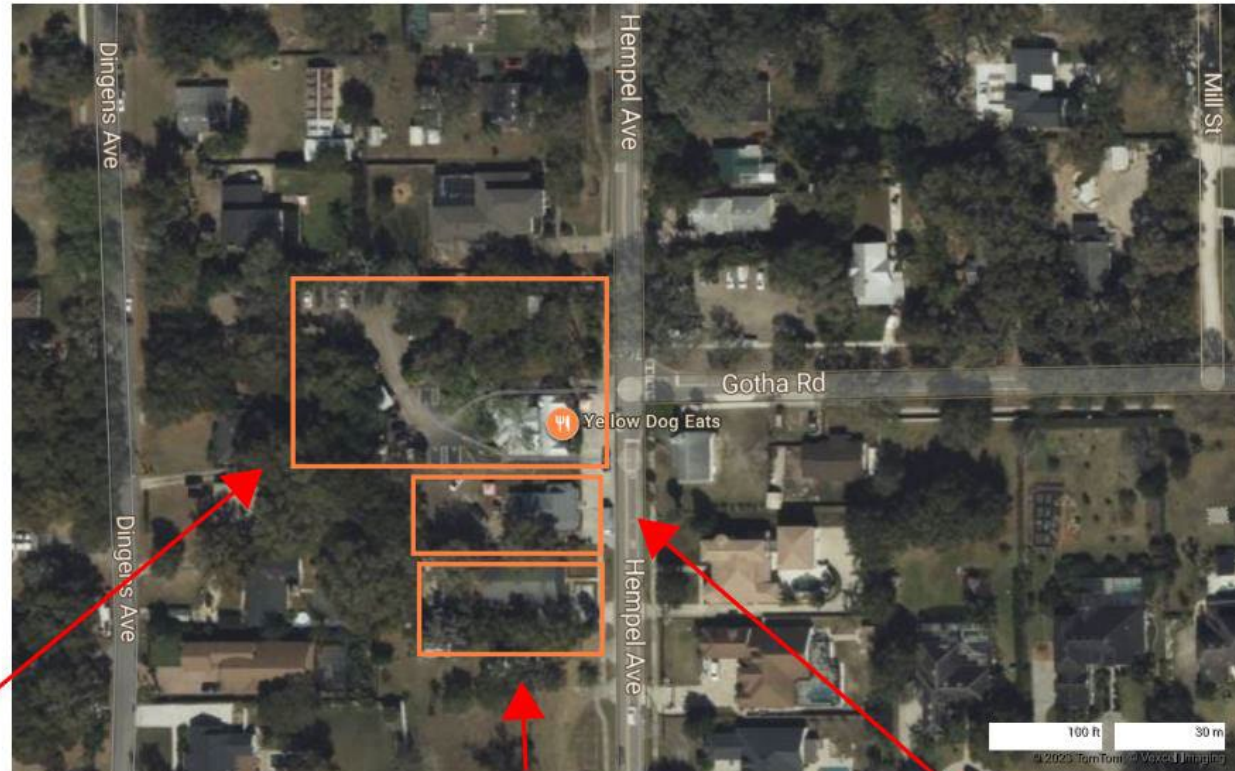
COMMERCIAL OR SPECIAL EXCEPTION EXAMPLES:



Gross Area 5329 sqft
Living Area 4560 sqft

Gross Area 5576 sqft
Living Area 4512 sqft

COMMERCIAL OR SPECIAL EXCEPTION EXAMPLES:



Gross Area 4587 sqft
Living Area 2487 sqft



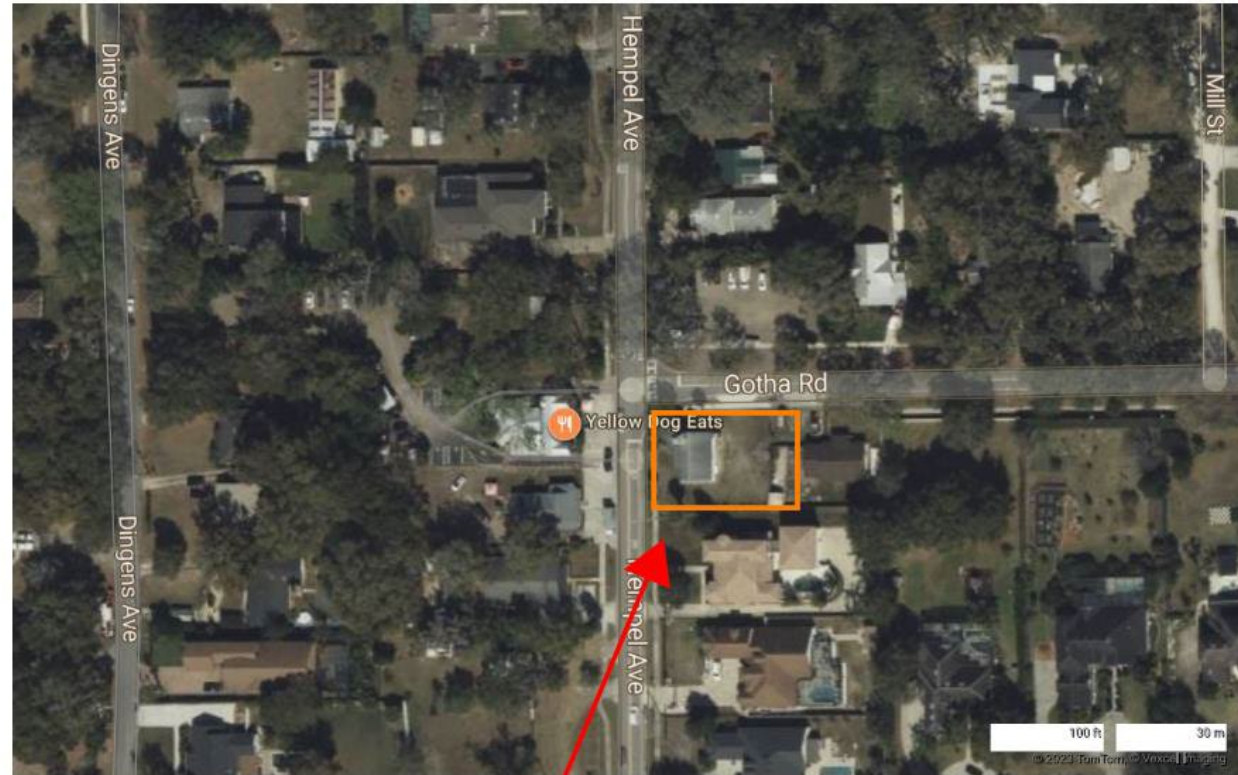
Gross Area 2632 sqft
Living Area 2432 sqft



Gross Area 2000 sqft
Living Area 1356 sqft



COMMERCIAL OR SPECIAL EXCEPTION EXAMPLES:



Gross Area	1234 sqft
Living Area	1170 sqft



2220 HEMPEL AVE, UNINCORPORATED, FL 34724 05/08/2006 9:51 AM



262233310013200 05/08/2006

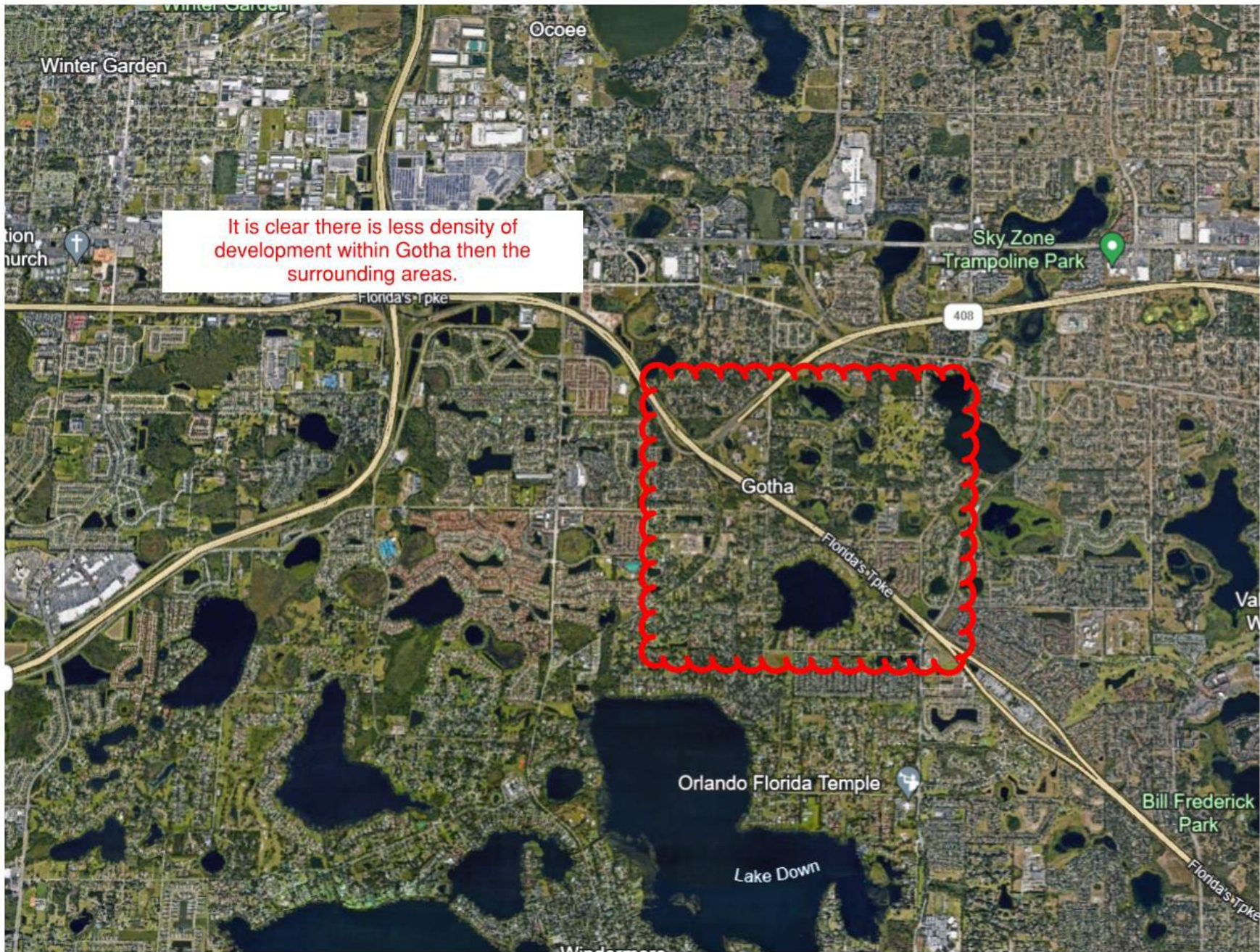
1%

Buildings

Model Code	06 - Warehouse
Type Code	4800 - Ind Warehouse I
Building Value	working...
Estimated New Cost	working...
Actual Year Built	1978
Beds	0
Baths	0.0
Floors	1
Gross Area	7086 sqft
Living Area	5760 sqft
Exterior Wall	Modl.Metal
Interior Wall	Minimum

Model Code	06 - Warehouse
Type Code	4800 - Ind Warehouse I
Building Value	working...
Estimated New Cost	working...
Actual Year Built	2004
Beds	0
Baths	0.0
Floors	1
Gross Area	5687 sqft
Living Area	5687 sqft
Exterior Wall	Modl.Metal
Interior Wall	Minimum

Extra Features



THE USE SHALL NOT ACT AS A DETRIMENTAL INTRUSION INTO A SURROUNDING AREA



CASE # RZ-23-05-035

Commission District: #1

RZ-23-05-035

GENERAL INFORMATION

APPLICANT: William Joseph, W. Joseph Properties, Inc.
OWNER: Tonya Marie Strickland
HEARING TYPE: Planning and Zoning Commission
REQUEST: **R-CE-C Restricted** (Country Estate District - Cluster) **to R-CE Restricted** (Country Estate District)
LOCATION: 9975 8th Street; generally located on the north side of 8th street, west of Hempel Ave, and south of Florida Turnpike.
PARCEL ID NUMBER: 33-22-28-3104-01-170
SIZE/ ACREAGE: 11.33-gross acres
PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventy-five (275) notices were mailed to those property owners in the surrounding area.
COMMUNITY MEETING: A in-person community meeting is scheduled on January 16, 2024. A summary will be provided at the PZC hearing.
PROPOSED USE: Four single-family dwelling units, pending lot split approval

STAFF RECOMMENDATION

PLANNING

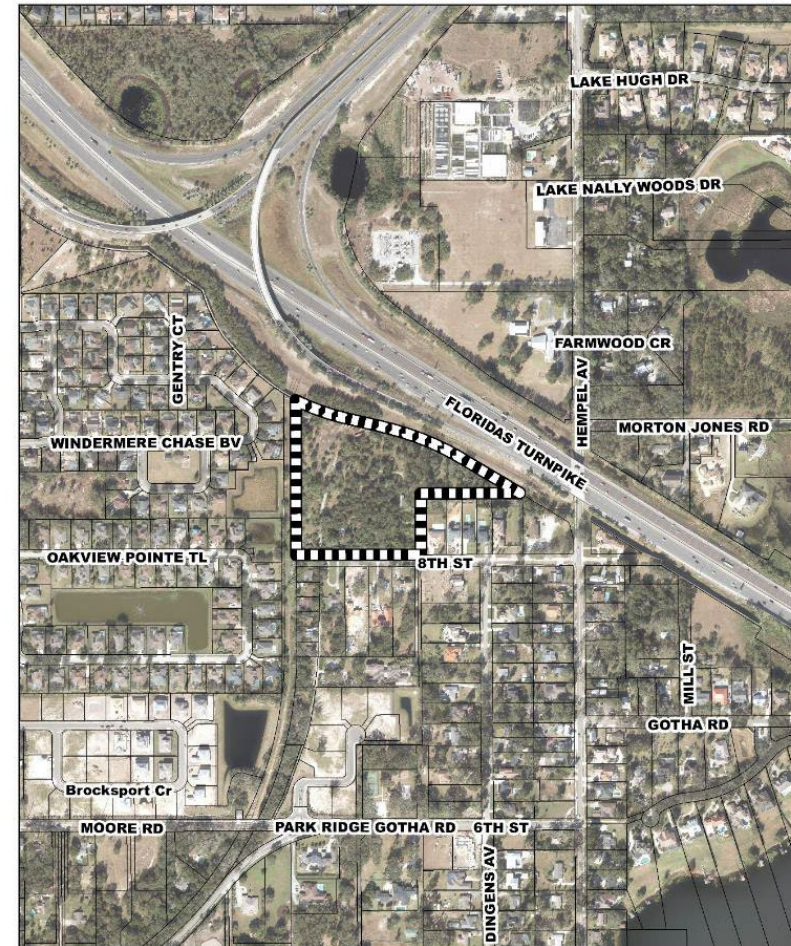
Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-CE Restricted (Country Estate District) zoning, subject to the following restrictions:

- 1) Development shall be limited to four single-family lots; and
- 2) The minimum house size shall be 2,500 square feet under heat and air.

SUBJECT PROPERTY ANALYSIS

Overview

The BCC approved a rezoning of this parcel in 2006 (RZ-05-12-158), from R-CE (Country Estate District) to R-CE-C (Country Estate -Cluster District), with the following restrictions:



 Subject Property



0 400 800 Feet

GOTHA DOES NOT HAVE ANY OTHER BIG BOX STRUCTURES OR “MEGA CHURCHES.” TO ALLOW THIS TYPE OF DEVELOPMENT WOULD BE IRRESPONSIBLE AND AGAINST ALL THE ORANGE COUNTY RURAL DEVELOPMENT CODES, INCLUDING THE NEW ORANGE CODE WHICH THE COMMISSION RECENTLY APPROVED FOR TRANSMITTAL. THERE WAS PLENTY OF TIME FOR INDIVIDUALS LIKE JIM WILLARD TO MAKE THE ARGUMENT THAT GOTHA IS NOT RURAL. HOWEVER, AS IT STANDS TODAY AND AS THE NEW ORANGE CODE STATES, IT IS PROTECTED RURAL DISTRICT.

1. TRAFFIC STUDIES ARE PAID BY THE DEVELOPER AND FOR THE DEVELOPER.

- IF TRAFFIC STUDIES WORKED THEN WHY DO WE HAVE TRAFFIC?

2. ALLOWING FOR SEPTIC SYSTEMS OF THIS SIZE IS IRRESPONSIBLE AND WRONG. IT LEACHES INTO OUR AQUIFER AND CREATES ENVIRONMENT ISSUES.

3. PERVIOUS PARKING LOT SYSTEMS ARE PROVEN TO BECOME IMPERVIOUS OVER TIME IF THEY ARE NOT REGULARLY MAINTAINED. THERE IS NO ACCOUNTABILITY BY ORANGE COUNTY TO ENSURE THE SYSTEM IS BEING MAINTAINED AND THEREFORE SHOULD NOT BE ALLOWED.

4. THE COMMUNITY SHOULD NEVER BE RESPONSIBLE FOR THE OVERSIGHT OF SPECIAL CONDITIONS. THE COUNTY SHOULD NOT CREATE AN ENVIRONMENT INSIDE A COMMUNITY WHERE THE RESIDENTS ARE CONSTANTLY HAVING TO OVERSEE A BUSINESS IS FOLLOWING THE RULES PROMISED THROUGH SPECIAL CONDITIONS. IF OPERATIONAL HOURS, NUMBER OF EVENTS, RENTAL OF THE FACILITY FOR EVENTS , ETC. ARE PART OF THE CONDITIONS OF APPROVAL AND THE RESPONSIBILITY OF THE COMMUNITY TO OVERSEE IT THEN IT SHOULD BE DENIED AS THE COMMUNITY SHOULD NEVER BE PUT IT A POSSITION TO BE THE REPORTING AUTHORITY.



WOULD JIM WILLARD MAKE THESE ARGUMENTS AGAINST A RURAL DISTRICT THAT IS PROTECTED BY A RURAL BOUNDRY IF HIS OWN FAMILY WAS NOT GOING TO BENEFIT FINANCIALLY?