



Interoffice Memorandum

December 21, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services
Department

CONTACT PERSON: Ted Kozak, AICP, Chief Planner
Zoning Division
(407) 836-5537

SUBJECT: January 11, 2022 Appeal Public Hearing
Applicant: Vaishnav Sangh of USA (Amit Shah)
Appellants: Loan Windish, Raymond Windish
BZA Case #SE-21-04-008, October 7, 2021; District 5

Board of Zoning Adjustment (BZA) Case # SE-21-04-008, located at 3733 N. Dean Rd., Orlando, FL 32817, in the R-1A Single-Family Dwelling district, in District 5, is an appeal to the Board. The applicant is requesting a special exception to allow a 10,400 sq. ft. religious institution. The subject property is located on the east side of N. Dean Rd., south of McCulloch Rd., north of University Blvd.

At the October 7, 2021 BZA hearing, staff recommended approval of the special exception with six conditions. The BZA recommended approval of the requested special exception with the six conditions and the addition of a new Condition #7, which states "Onsite lighting shall be downlit to prevent offsite spillage" on a 4-2 vote.

The BZA decision was subsequently appealed. The appellants, Loan Windish and Raymond Windish, object to the request primarily because of traffic, lighting, drainage, landscaping buffers, security and the use being incompatible with the area.

On November 30, 2021, a Board hearing was held for the appeal. At that hearing, the applicant committed to reducing the parking, increasing the buffers, and adding a wall. The Board remanded the request to the Development Review Committee (DRC) meeting for additional review, and continued the item to the January 11, 2022 Board hearing.

At the DRC meeting, on December 15, 2021, the DRC reviewed a revised site plan consistent with the commitments made at the Board hearing, and unanimously

Page Two

January 11, 2022 – Appeal Public Hearing

Vaishnav Sangh (Amit Shah)

BZA Case #SE-21-04-008, October 7, 2021; District 5

recommended approval of the request with seven conditions of approval, as amended, and with the addition of a new Condition #8, which states "Owner shall convey a sidewalk easement to the County, at no cost to the County, over the portion of the sidewalk that encroaches into the northwest corner of the property, unless such sidewalk is relocated within the right-of-way." on a 4-0 vote.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

ACTION REQUESTED: Deny the applicant's requests; or approve the applicant's requests with conditions. District 5

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

January 11, 2022

The following is a public hearing on an appeal before the Board of County Commissioners on January 11, 2022 at 2:00 p.m.

APPLICANT: VAISHNAV SANGH OF USA (AMIT SHAH)

APPELLANTS: LOAN WINDISH, RAYMOND WINDISH

REQUEST: Special Exception in the R-1A zoning district to allow a 10,400 sq. ft. religious institution.

LOCATION: 3733 N. Dean Rd., Orlando, FL, east side of N. Dean Rd., south of Mcculloch Rd., north of University Blvd.

TRACT SIZE: 3.89 acres

ZONING: R-1A

DISTRICT: #5

PROPERTIES NOTIFIED: 287

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

SYNOPSIS: Staff described the proposal, including the location of the property, the proposed operations, the site plan, landscape plans, floor plan, elevations, the proposed improvements and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that two (2) comments were received in support and forty-seven (47) comments were received in opposition.

The applicant stated that the proposal was consistent with the surrounding area and that the owner has committed to be a good neighbor, including the provision of limited hours of operation and no exterior noise.

Six neighbors spoke in opposition to the request, citing concerns about the traffic, lighting, drainage, landscaping buffers, security and the use being incompatible with the area. They also noted that traffic along N. Dean Road over the past several years has increased and expressed a desire for additional buffering, including walls and landscaping, along the perimeter.

The BZA noted the hours of operation, the history of the site, and discussed the need for a condition for restricting the intensity of site lighting.

The BZA recommended approval of the special exception by a 4-2 vote, with one absent, subject to the six (6) conditions in the staff report, and a new Condition 7, which states "Onsite lighting shall be downlit to prevent offsite spillage."

BZA HEARING DECISION:

A motion was made by Wes A. Hodge, seconded by Juan Velez carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4 in favor, 2 opposed and 1 absent):

1. Development shall be in accordance with the site plan, landscape plan and elevations dated August 20, 2021, 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 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. Hours of operation shall be 7:30 a.m. to 7:00 p.m., daily.
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
7. Onsite lighting shall be downlit to prevent offsite spillage.

DEVELOPMENT REVIEW COMMITTEE (DRC) HEARING SYNOPSIS ON REQUEST:

SYNOPSIS: Staff described the proposal and noted the changes provided on the site plan in response to comments received at the BCC hearing.

The applicant stated that the proposal was consistent with the surrounding area and that the owner has committed to be a good neighbor by addressing all received comments, including the reduction of the parking provided, increasing the landscape buffers in excess of the code, and the provision of a six-foot high wall along the north and south property lines.

The DRC noted the reduction of parking, the preservation of existing trees, the proposed walls, the drainage improvements, the location of the N. Dean Rd. ingress/egress, the ability to connect to public sewer and discussed the need for a condition to recognize the existing sidewalk improvements through the northwest corner of the site with the recordation of an easement.

The zoning manager noted that the conditions in the Staff Report provided to DRC were not consistent with the BZA recommended conditions – specifically Condition #7 was missing and also referenced the hours as 7:30 a.m. to 7:00 p.m. whereas the DRC Staff Report stated 8:00 a.m. to 10 p.m.

The DRC unanimously recommended approval by a 4-0 vote, subject to the seven (7) conditions in the staff report, Condition 5 as amended, which states "Hours of operation shall be between 7:30 a.m. and 7:00 p.m., daily", Condition 6 as amended "No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall not occur unless reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.", and new Condition 8, which states "Owner shall convey a sidewalk easement to the County, at no cost to the County, over the portion of the sidewalk that encroaches into the northwest corner of the property, unless such sidewalk is relocated within the right-of-way."



HAVELI - TEMPLE PROPOSAL

5733 N. DEAN RD.
ORLANDO, FL 32817

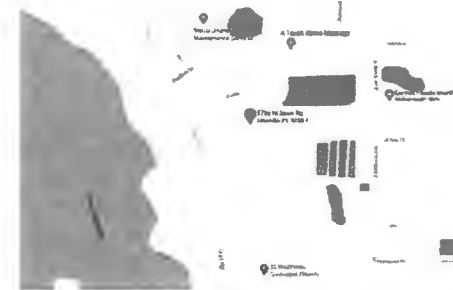
ORANGE COUNTY PARCEL ID: 05-22-31

| Site Data | | | w/o Open C | |
|-------------------|------------|--------|-------------------|--|
| Area Type | Area | % | | |
| Developed | | | Developed | |
| Building Pad | 11,600 SF | 6.7% | 10.4% | |
| Parking Lot | 25,034 SF | 14.5% | 22.4% | |
| | 36,634 SF | 21.2% | 32.8% | |
| Open - Category A | | | Open - Category A | |
| Landscaped Area | 55,814 SF | 32.2% | 50.0% | |
| Landscape Island | 3,400 SF | 2.0% | 3.0% | |
| | 59,214 SF | 34.2% | 53.0% | |
| Open - Category B | | | Open - Category B | |
| Retention Pond | 15,822 SF | 9.1% | 14.2% | |
| | 15,822 SF | 9.1% | 14.2% | |
| Open - Category C | | | 100.0% | |
| Wetlands | 61,464 SF | 35.5% | | |
| | 61,464 SF | 35.5% | | |
| | 173,133 SF | 100.0% | | |

EXISTING ZONING: R-1A
EXISTING LAND USE: 0001 - VACANT RESIDENTIAL
EXISTING SOFT: N/A (VACANT)

PROPOSED LAND USE: 7100 - INSTITUTIONAL (RELIGIOUS)
PROPOSED SOFT: 10,400 SQFT

| Sheet List | |
|------------|------------------------|
| # | Name |
| 00 | Cover Sheet |
| A0.0 | Existing Site Plan - W |
| A0.1 | Existing Site Plan - E |
| A1.0 | Proposed Site Plan - W |
| A1.1 | Proposed Site Plan - E |
| A1.2 | Proposed Plan |
| A2.0 | E/W Elevations |
| A2.1 | N/S Elevation |



Scale: 12" = 1'-0"
Date: 1/7/2021
Revised: 12/5/2021
Designer: M. Mistry
Proj Arch: P. Goldhammer

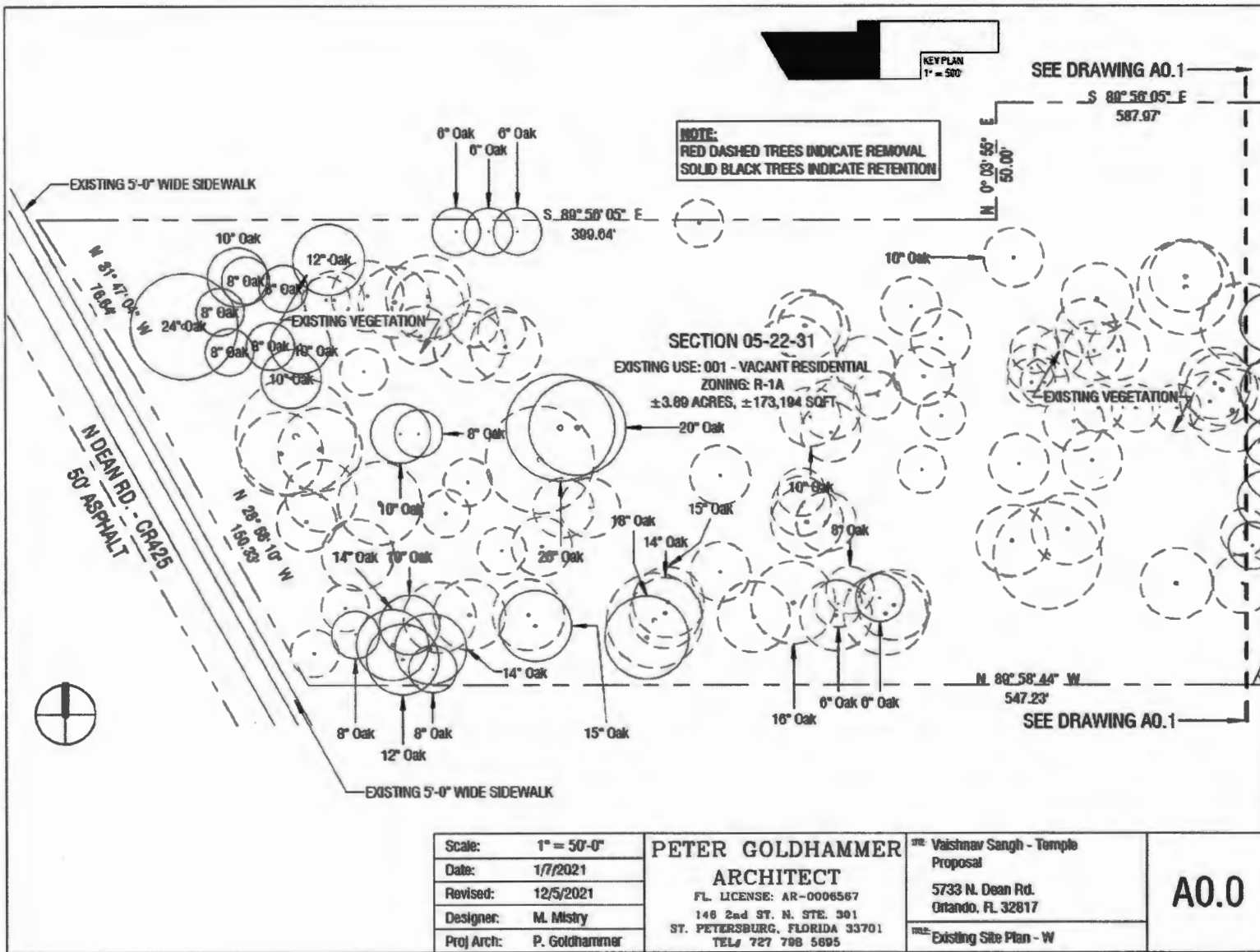
PETER GOLDHAMMER
ARCHITECT
FL. LICENSE: AR-0006567
148 2nd ST. N. STE. 301
ST. PETERSBURG, FLORIDA 33701
TEL: 727 798 5695

SITE: Vaishnav Sangh - Temple
Proposal
5733 N. Dean Rd.
Orlando, FL 32817
TITLE: Cover Sheet

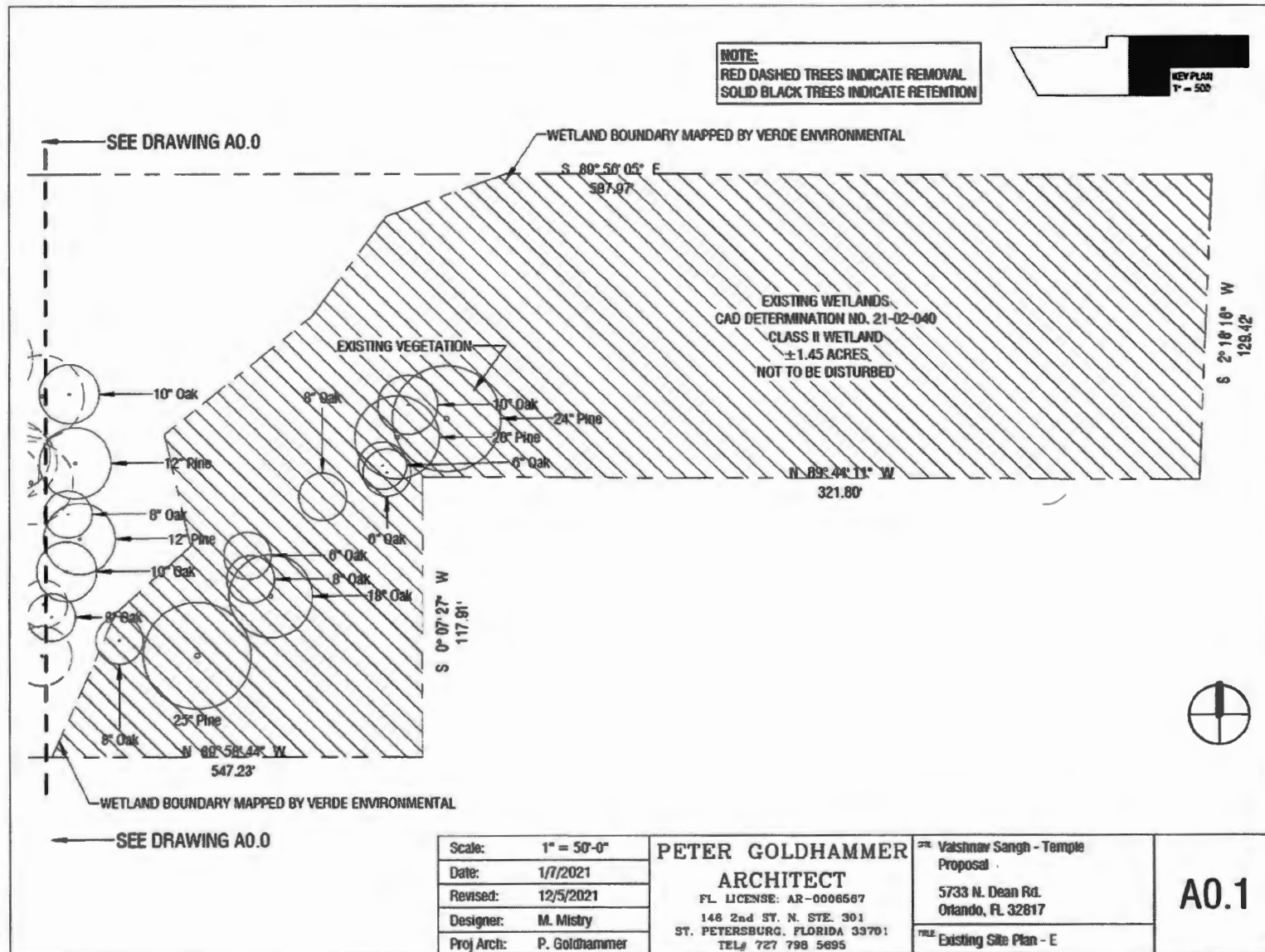
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REVISED PLANS DATED 12/5/21

REVISED PLANS DATED 12/5/21



REVISED PLANS DATED 12/5/21



PARKING CALCULATIONS

ASSEMBLY WITHOUT FIXED SEATING: 1 SPACE/3 PATRONS, 1/EMPLOYEE
 163 PATRONS = 55 + 3 EMPLOYEES = 58 SPACES
 CLASSROOMS/OFFICES = ACCESSORY USE ONLY (NO ADDITIONAL REQ)
TOTAL NO. OF SPACES REQUIRED: 58 SPACES
TOTAL NO. OF SPACES PROVIDED: 61 SPACES
 ADA SPACES (12' X 20' w/ 5' AISLE) (3 SPACES)
 COMPACT SPACES (8' X 10') (11 SPACES)
 TYPICAL SPACES (8' X 20') (47 SPACES)

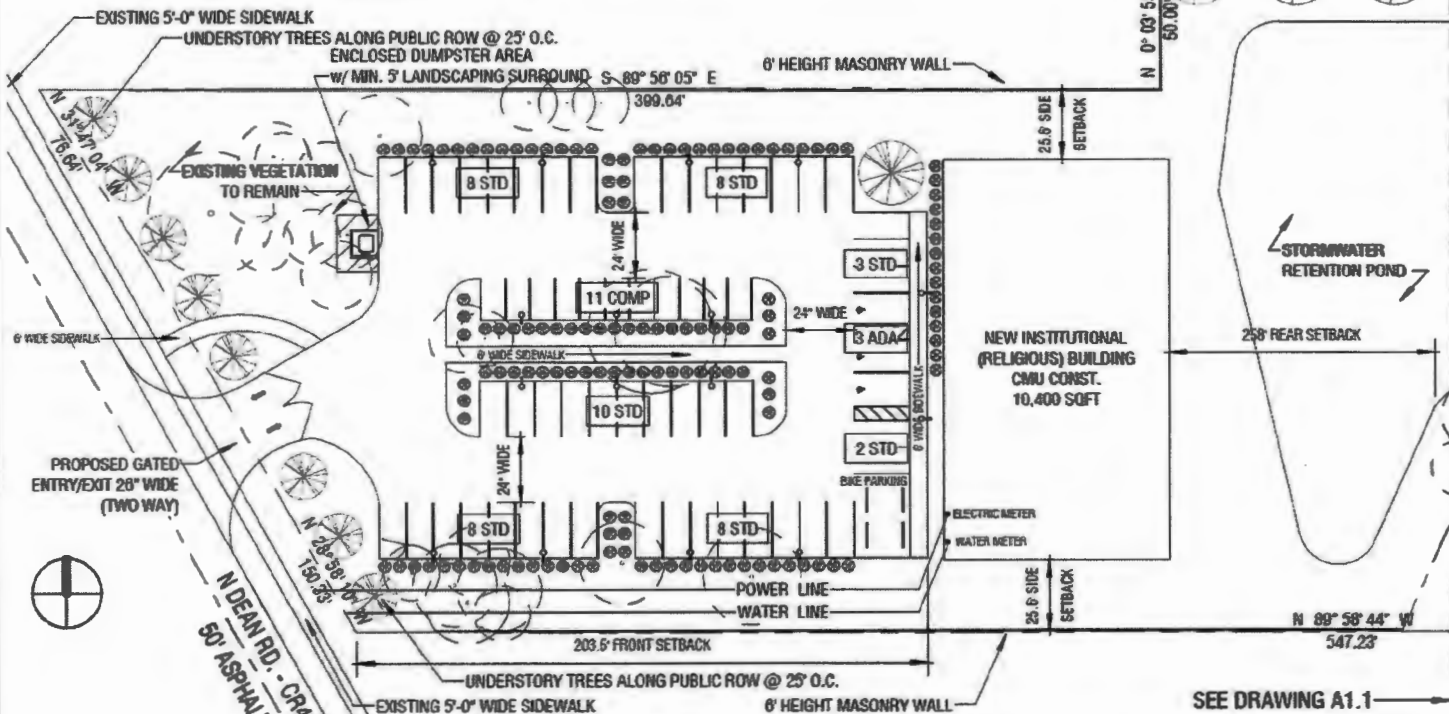
NOTE: ALL PARKING TO BE PAVED

LIGHTING LEGEND

HUBBELL LIGHTING
 LED STREET LIGHT
 140V
 COLOR TEMPERATURE 4,000 K
 18,000 LM

KEY PLAN
 1" = 50'

SEE DRAWING A1.1



Scale: 1" = 50'-0"
 Date: 1/7/2021
 Revised: 12/5/2021
 Designer: M. Mistry
 Proj Arch: P. Goldhammer

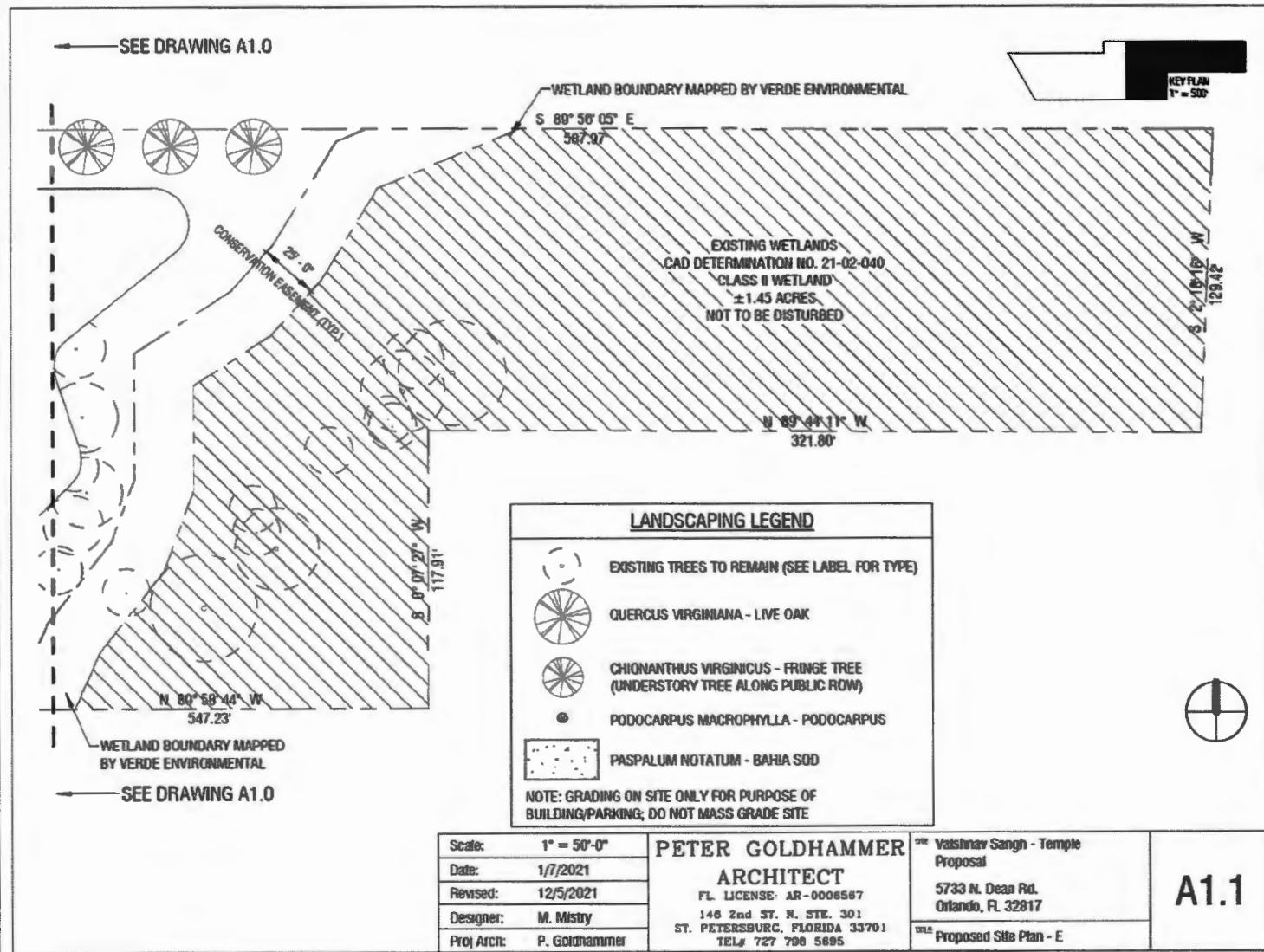
PETER GOLDHAMMER
ARCHITECT
 FL LICENSE: AR-0008567
 146 2nd ST. N. STE. 301
 ST. PETERSBURG, FLORIDA 33701
 TEL: 727 798 5895

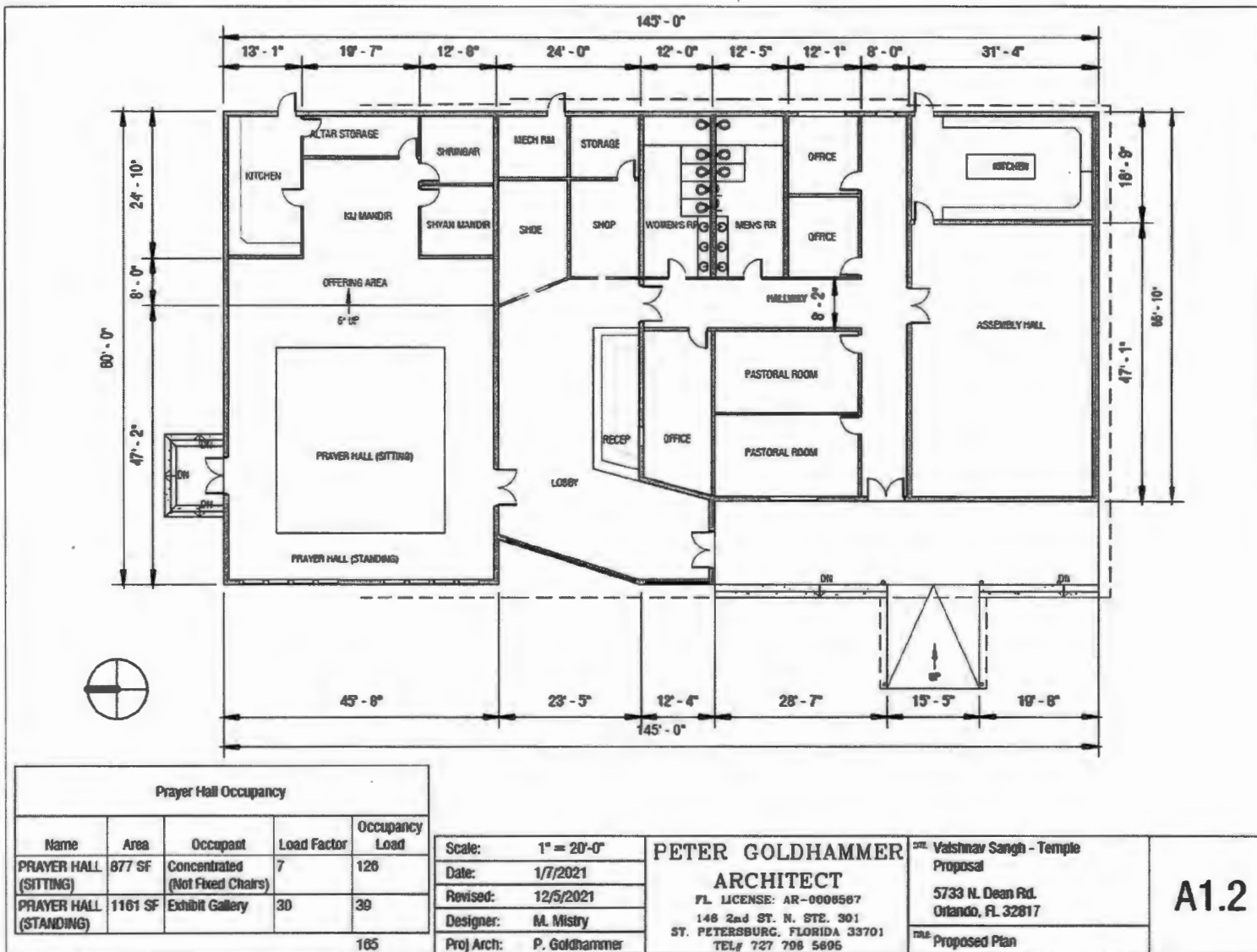
Mr. Vaishnav Sangh - Temple
 Proposal
 5733 N. Dean Rd.
 Orlando, FL 32817
 Title: Proposed Site Plan - W

A1.0

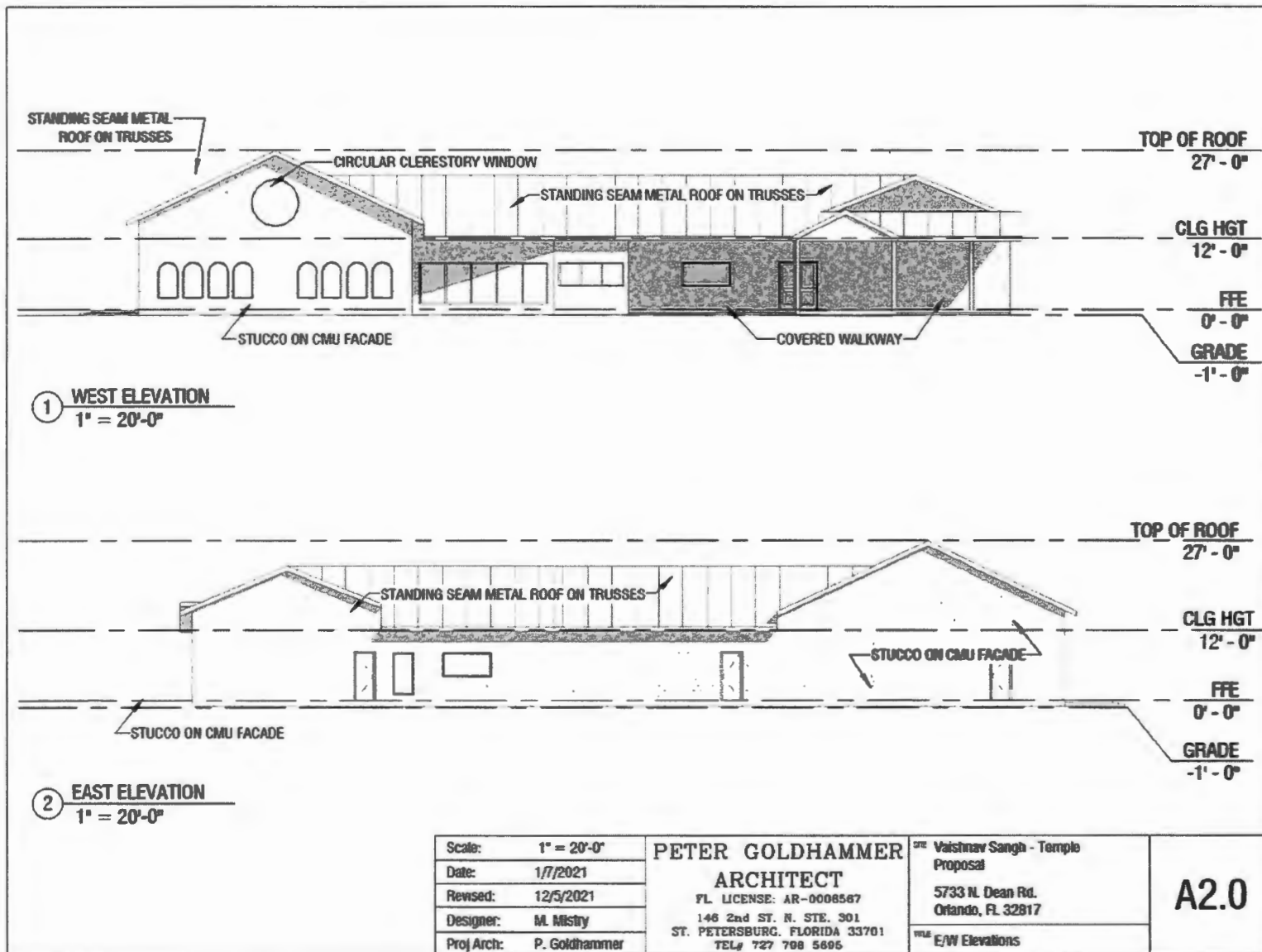
REVISED PLANS DATED 12/5/21

REVISED PLANS DATED 12/5/21



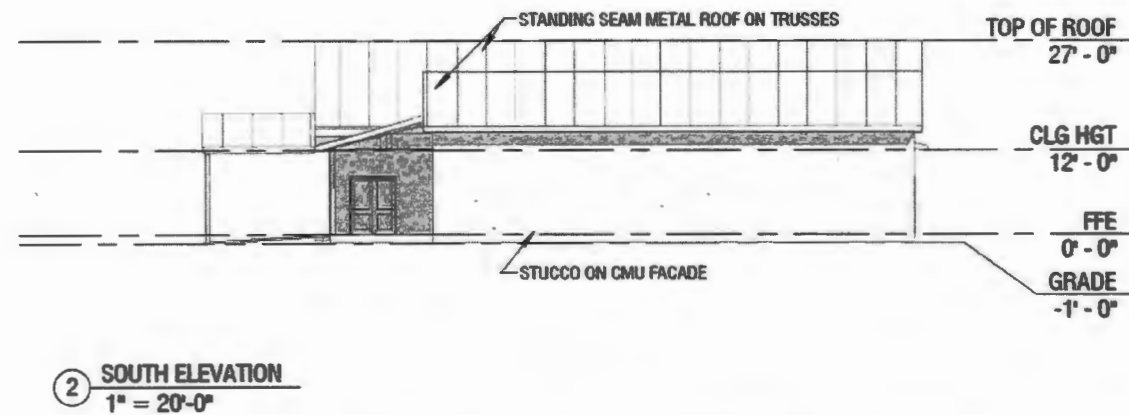
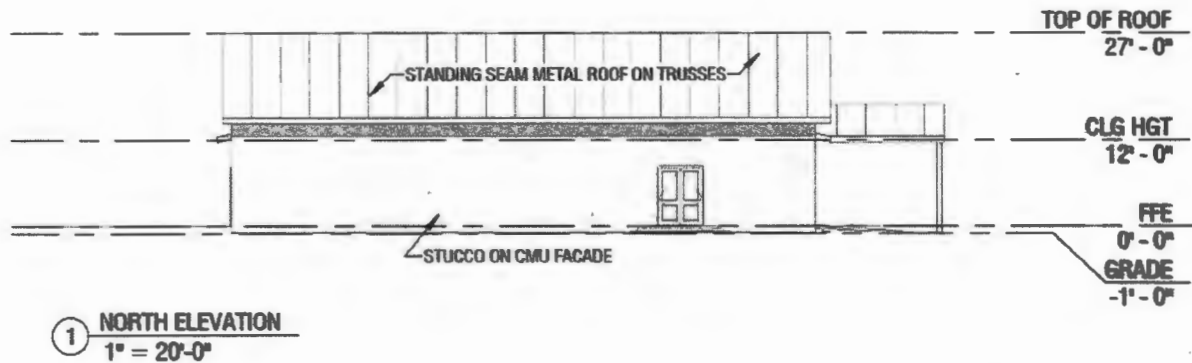


REVISED PLANS DATED 12/5/21



REVISED PLANS DATED 12/5/21

REVISED PLANS DATED 12/5/21



| | | | |
|--------------------------|---|--|-------------|
| Scale: 1" = 20'-0" | PETER GOLDHAMMER ARCHITECT FL. LICENSE: AR-0006567 146 2nd ST. N. STE. 301 ST. PETERSBURG, FLORIDA 33701 TEL: 727 798 5895 | BY: Vaishnav Singh - Temple Proposal 5733 N. Dean Rd. Orlando, FL 32817 | A2.1 |
| Date: 1/7/2021 | | | |
| Revised: 12/5/2021 | | | |
| Designer: M. Mistry | | | |
| Proj Arch: P. Goldhammer | | TITLE: N/S Elevation | |



ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue, 1st Floor, Orlando, Florida 32801
Phone: (407) 836-3111 Email: Zoning@ocfl.net
www.orangecountyfl.net

Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Loan & Raymond Windish

Address: 5717 N. Dean Rd.

Email: colan815@gmail.com

Phone #: (321) 352-5606

BZA Case # and Applicant: SE-21-04-008

Date of BZA Hearing: 2021-10-07

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

Please see the attached brief summary, "Attachment for BZA Appeal Application, page 1, Reason for the Appeal". Thank you. Sincerely, Loan & Raymond Windish

Signature of Appellant: *R. Windish*

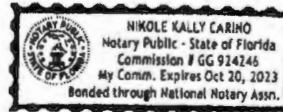
Date: 22 Oct. 2021

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 22nd day of October, 2021, by Raymond C. Windish who is personally known to me or who has produced FL DL as identification and who did/did not take an oath.

Nikole Kally Carino
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.

Attachment for BZA Appeal Application, page 1, Reason for the Appeal

Briefly, disagree with the decision made to recommend the Special Exception. A large number of residents that live here in the local area would be adversely impacted in many ways along this stretch of N. Dean Rd. Some other reasons (some and not all) for this request would be based on: 1) Mr. Mack A. Cope Report of Finding, Affidavit, & Qualifications; 2) documents found in the BZA website: https://fasttrack.ocfl.net/OnlineServices/DC_BoardOfZoningAdjustment.aspx?SearchID=SE_3 3) documents and proceedings of the two previously held Orange County meeting & hearing; 4) attached document titled "Supporting Documentation to Deny Special Exception Recommendation".

Respectfully request that the public hearing be scheduled for a time which our Attorney Scott Simpson is available. Your cooperation on our behalf is appreciated in scheduling this hearing. Contact Information for Mr. Scott Simpson is below.

On Mon, Oct 18, 2021 at 9:54 PM Scott Simpson <scott.scottsimsponlaw@gmail.com> wrote:

Dear Commissioner Emily Bonilla, Orange County District 5

I represent Mr. and Mrs. Windish who live adjacent to the subject property. I hereby request that this agenda item be continued until the November 16, 2021 Commission meeting as I am not available to attend the October 26th Commission meeting and the November 16th Commission meeting will be the first meeting that I am available to attend. Thank you for your consideration.

--
Scott E. Simpson
Scott E. Simpson, P.A.
595 West Granada Blvd., Suite A
Ormond Beach, FL 32174
Telephone - (386) 677-3431
Facsimile - (386) 673-0748
scott.scottsimsponlaw@gmail.com

Supporting Documentation to Deny Special Exception Recommendation

¹Page 1., I. General Information: Spells out what constitutes acceptance of an application and that incomplete applications will not be processed and returned to applicant.

Page 1., III. Applicant Certification: Initialed by Amit Y. Shah (guess) on 12 Jan. 2021. Did not complete the Application Certificate by identifying applicant or property owner. This is grounds for not processing the application.

Page 2., Section C., 1. What are you proposing? Applicant desires to construct a house of worship to be used for religious services.

Note: A house of worship is not contingent or dependent upon the need for a school. Representative(s) at 23 Aug. 2021 O.C. Community meeting and an email dated Tue, Sep 7, 2021 at 10:31 AM., stated there will be no school; which is contrary to what is found on the Vaishnav Sangh of USA, Inc., of Fairfax, VA, website (<https://vaishnavsanghusa.org/>). This Corporation stated goal is to establish education centers in every state, of which a Vaishnav Sangh Academy at 5733 N. Dean Road will exist. The Corporation also uses the word Vidyapeeth which translated to English can refer to a college, a school, a center of learning. A school emblem or logo for branding the Vaishnav Sangh Academy at 5733 N. Dean Road exists. There is video labeling it to be an Academy. The BZA Staff Report, makes it a point to specify a 36 ft.by 51ft. 8 in. of a prayer area which doing the math is 1860 sq.ft. Thereby $(1860/10400)100\%=17.9\%$ of the building is meant for worship and the remaining 82.1% is ancillary to a school. With this being a school, it compromises/skews the traffic studies/reports. The BZA Report makes it a point to state that Transportation Planning noted that based upon public opposition, the widening of N. Dean Rd. was recently removed from the Long-Range (10-year) Capital Improvement Program (CIP) and will remain as a two-lane road at this time. What should have been stated (found in "5733 N. Dean Road (SE-21-04-008) Traffic Study" is:

- Dean Road continues into Seminole County to the north, Seminole County will not be widening Dean Road beyond two lanes due to resident's opposition in their area, Orange County improved the intersection of Dean Road and University Boulevard from operational standpoint. Dean Road from University Boulevard to SCL will remain a two-lane road

And traffic will be subject to change from anything that present traffic studies are at this point in time predicting once the school is in play. We on both sides of the county line that are property owners are not anxious for varying reasons to entice increase traffic into the area (in this particular instance a school will do just that) and like to preserve what brought us here to settle. We should not have our long time property rights trumped by anyone that did not precede us.

In summary, the Applicant did not propose or sought out the Special Exception for a school. Application was filled out under a false pretense.

¹ The page references are to the document "Application – Board of Zoning Adjustment Variance, Special Exception, and Appeal of Zoning Manager's Determination" Case SE-21-04-008

Page 3., Section D. IMPORTANT NOTE TO ALL APPLICANTS: This Section D. brings 1)attention to letters of support, 2)to have them submitted with the application, 3)any false info are grounds for revoking any approval by BZA, and 4)BZA approval does not waive other local, state, or federal regulations.

Note: The Dear Neighbor letters of support clearly state the signatories must be the current owners of that property. Of three (3) letters of support (dated 19 & 26 Dec 2020), one is has some other name other than the owner(s) who are listed in O.C. Property Appraiser's website as being the first and only owners for approximately 33 years. This is grounds for revoking the application. Also, it is not clear how the soliciting/distribution of the Dear Neighbor letters of support took place. Were these Dear Neighbor letters mailed, did pollsters determine who got one or not? And why was the only property owners (neighbor) to the entire southern boundary of the Applicant (subject property) not get one of these letters?

In summary, one of three letters of support (Dear Neighbor) has false Information, and therefore grounds to revoke the application.

Page 4., Agent Authorization Form: For Robert Garcia, Esq., signed by Gary A. Young on 3 Dec. 2012 but notarized by personally known on 3 Dec. 2020. Dates do not agree and not a completed application and not to be processed.

2nd Page 4., Agent Authorization Form: For Amit Shah, signed by Gary A. Young on 3 Dec. 2012 but notarized by personally known on 3 Dec. 2020.

Being under contract to purchase and actually purchasing the property are two different matters. A Vacant Land Sales Contract was signed, dated 8 Oct. 2019. O.C. Property Appraiser's website shows the property sale to Valshnav Sangh of USA, Inc., of Fairfax, VA, on 17 July 2021.

Application filled out under false pretense, supporting documentation not truthful, and therefore does not constitute a complete and truthful application.



Vidyaapeeth

Pushkarnagya education center for children ages from 2 to 18 and for adults and seniors.



Get Involved

Be a volunteer or a member and help to pass on the true knowledge of Pushkarnagya to younger generation.



Donation

We appreciate your contribution to the donation programs and will happily accept any help you can give!



With the blessings of Founder & Inspire
Vaishnavacharya Shri Dwarkeshlalji Mahodayshri
 (Kadi-Ahmedabad)

Vaishnav Sangh Academy & Vrajdharm Haveli
 Orlando, Florida



For More Information
 Contact

Amit Shah @ (703) 200-2945

Dhwan Shah @ (407) 761-0005

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 07, 2021**

Case Planner: **Ted Kozak, AICP (407) 836-5537**

Case #: **SE-21-04-008**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **VAISHNAV SANGH OF USA (AMIT SHAH)**

OWNER(s): **GARY YOUNG**

REQUEST: **Special Exception in the R-1A zoning district to allow a 10,400 sq. ft. religious institution.**

PROPERTY LOCATION: **5733 N. Dean Rd., Orlando, FL 32817, east side of N. Dean Rd., south of Mcculloch Rd., north of University Blvd.**

PARCEL ID: **05-22-31-0000-00-031**

LOT SIZE: **3.89 acres**

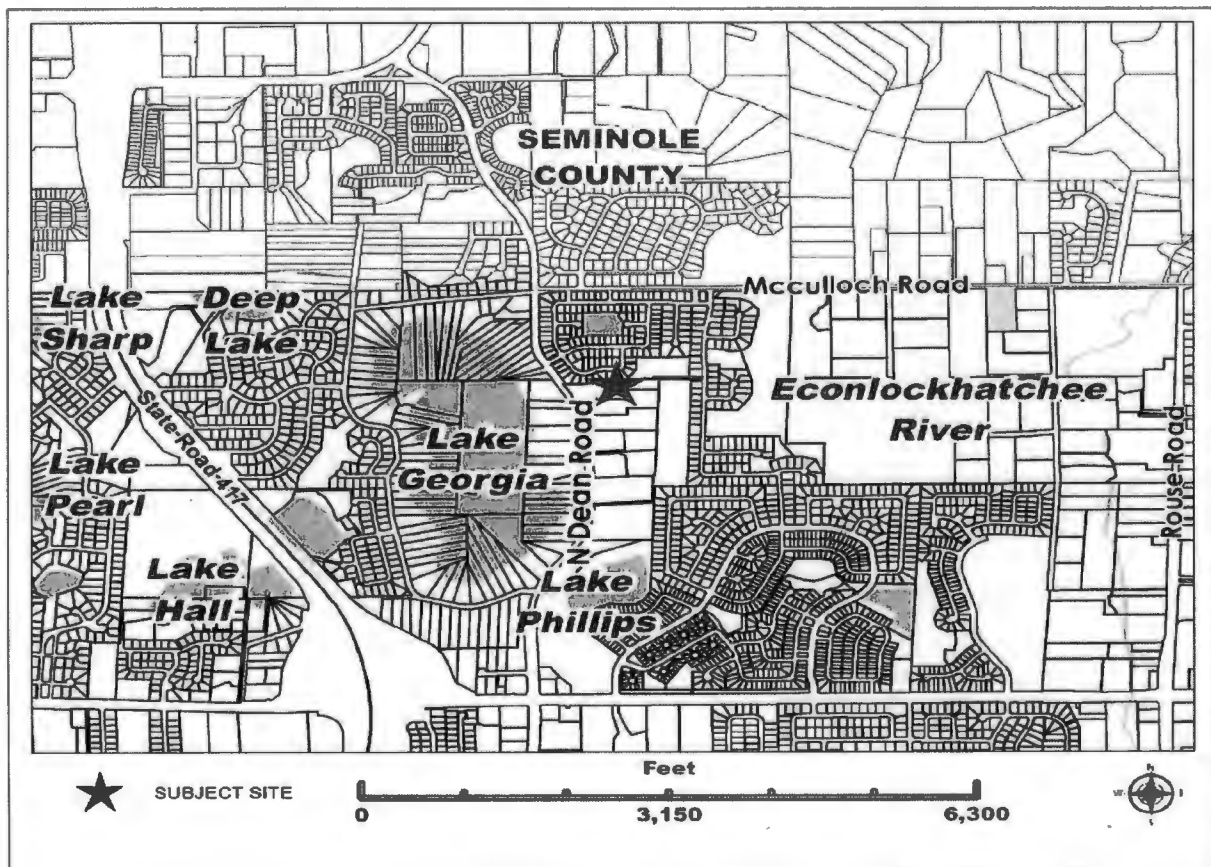
NOTICE AREA: **1,000 FT**

NUMBER OF NOTICES: **287**

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|----------|--------------------------|-------------------------|--------|--------|
| Current Zoning | R-1A | R-1 | R-1A | A-2 | R-1 |
| Future Land Use | LDR | LDR | LDR | LDR | LDR |
| Current Use | Vacant | Single-family residences | Single-family residence | Vacant | Vacant |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1A, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater. Certain non-residential uses, such as daycares and religious institutions are permitted through the Special Exception process.

The subject property is a 3.89 acre vacant unplatted parcel, created via Lot split, LS-2003-009, that conforms to the minimum lot requirements of the zoning district.

The applicant is requesting a special exception for a 10,400 sq. ft. religious institution. The proposed 10,400 sq. ft. building will be constructed at the center of the property and will include a 36 ft. by 51'-8" prayer area, and ancillary offices, classrooms and activity area for patron usage. The proposed religious institution does not have any fixed seats, but will have a maximum of 163 patrons at any given time, with between 100 and 125 patrons at the most heavily frequented time of the day. The applicant asserts that an average of 50 patrons are expected to attend the temple, daily.

Vehicular and pedestrian access to the site will be provided from N. Dean Rd. to the west, including a sidewalk connection to the front of the building. The proposed landscape plan for the project will include existing and new canopy trees and shrubs along the north and south perimeter, and along N. Dean Rd., meeting code.

Based on the number of patrons, the project requires ninety-seven (97) parking spaces which was calculated using the code requirement of one (1) parking space per three (3) patrons for a total of one hundred (100) patrons and one (1) parking space per employee for one (1) employee. A total of 97 parking space are provided, meeting the requirement. All parking spaces will be paved.

The proposed hours of operation provided are 7:30 a.m. to 7:00 p.m., daily. Separate correspondence updated the proposed hours as stated in the submitted cover letter.

The County Environmental Protection Division (EPD), has been reviewing several identified environmental issues pertaining to wetlands and wildlife impacts with the assistance of the applicant's environmental consultants. On July 8, 2021, EPD approved a Conservation Area Determination (CAD-21-02-040) which identified Class II Conservation Areas on the site. A Conservation Area Impact (CAI) will be required prior to issuance of permits for any wetlands proposed to be impacted by the development.

The County Transportation Planning Division reviewed a traffic statement provided by the applicant's traffic

consultant and has indicated that the number of trips generated by the project are minimal in comparison with the number of trips that would be anticipated for permitted uses such as single-family residences. Further, Transportation Planning noted that based upon public opposition, the widening of N. Dean Rd. was recently removed from the Long-Range (10-year) Capital Improvement Program (CIP) and will remain as a two-lane road at this time.

On Monday, August 23, 2021, a Community Meeting was held at Colonial High School to allow for input. The meeting was attended by the applicant, County staff, and 21 attendees. 13 of the attendees spoke negatively about the proposal. Comments included concerns about the height of the building, traffic along Dean Road, future expansion of the number of patrons, drainage and rain runoff, preservation of existing mature trees, the displacement of animals from the property and endangered species, wetlands, aquifer and water quality issues, hours of operation, the number of spaces and impervious area in the parking lot and concerns about future outreach/homeless distribution ministries.

The applicant team responded that current site development requirements dictate that all drainage must be captured onsite, the operations will have minimal impact compared with the alternative potential for the development of single-family residences, and that as many trees will be preserved as possible. The applicant reiterated that the temple intends to be a quiet, and good neighbor and will be part of the community, and they intend to meet all County performance standards. Based upon comments received at the August 23, 2021 Community Meeting, as stated previously, the applicant has conducted an environmental survey which has been reviewed by EPD staff and based upon a review of the provided information, no environmental issues have been identified.

The applicant has provided two (2) letters of no objection to the request. At the date of the writing of this report, one comment has been received in opposition to the request and no comments have been received in support of the request.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|----------------------------|
| Max Height: | 35 ft. | 27 ft. |
| Min. Lot Width: | 75 ft. | 227 ft. |
| Min. Lot Size: | 7,500 sq. ft. | 3.89 ac. (169,640 sq. ft.) |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|--------|----------------------|--|
| Front: | 25 ft. (N. Dean Rd.) | 314.1 ft. (West) |
| Rear: | 30 ft. | 162.3 ft. (East) and 484.1 ft. (East) |
| Side: | 7.5 ft. | 35 ft. (North) 38.3 ft. (South) |

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan provides that certain institutional uses as conditioned are consistent with residential Future Land Use designations through the Special Exception process, this includes religious institutions, daycares and public and private schools.

Similar and compatible with the surrounding area

The new religious building will be integrated with other site improvements, which will contain substantial new and preserved landscaping within the buffers. Furthermore, the east 60 percent portion of the property containing wetlands will be preserved. Moreover, the proposed religious building will not negatively impact the surrounding area since it will be over 35 feet from the closest single-family residential property line to the north.

Shall not act as a detrimental intrusion into a surrounding area

The proposed building will be located at the center of the property, and is over 35 feet from the nearest adjacent property line in addition to a 15 ft. wide buffer yard, and as such will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

The proposed use will meet the performance standards of the district.

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

No activity takes place on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the adjacent single-family residences.

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

The applicant has provided a 15 ft. wide "Type C" buffer at the north and south property lines, has preserved existing trees within the north and south buffers and within the N. Dean Rd. landscape strip, in accordance with Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan, landscape plan and elevations dated August 20, 2021, 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 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. Hours of operation shall be 7:30 a.m. to 7:00 p.m., daily.
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.

C: Amit Shah
13014 Winter Willow Dr.
Fairfax, VA 22030

Robert Garcia
11 N Summerlin Ave. Suite 100
Orlando, FL 32801

COVER LETTER



Gary L. Miller*
David Berman
Robert Garcia
Christian Walters
Casey Scalise

Kayla Manning, *Legal Asst.*
Chris Santos, *Legal Asst.*

January 13, 2021

VIA HAND DELIVERY AND EMAIL

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801
bza@ocfl.net

RECEIVED

JAN 13 2021

ORANGE COUNTY
ZONING DIVISION

**RE: Application-Board of Zoning Adjustment (Special Exception-religious)
5733 North Dean Road, Orlando, FL 32817**

To whom it may concern,

Please be advised that the undersigned counsel has the privilege of representing Vaishnav Sangh of USA, a Florida not-for-profit religious corporation as to the purchase of 5733 North Dean Road, Orlando, Florida 32817 ("Property")¹. Enclosed hereto is Applicant's executed *Application-Board of Zoning Adjudgment (BZA)* requesting a special exception to the Property which is currently zoned R-1A.

Pursuant to Section 1 of the BZA's Application (page 13), please allow this letter to serve as Applicant's detailed cover letter addressing each of the required inquiries:

- | | |
|--------------------------------------|--|
| 1. Proposal: | One story house of worship. |
| 2. Size: | 10,400 square feet |
| 3. Height: | 27 feet |
| 4. Number of buildings: | One |
| 5. Number of current members: | Approximately 100 to 125 |
| 6. Proposed building occupancy load: | 265 |
| 7. Hours of Operation: | Monday to Friday: 11 am- 1 pm; 5 pm-7 pm Saturday & Sunday: 10 am-2 pm; 3 pm-7 pm |
| 8. Current Status: | Vacant Land |

¹ The Property is currently owned by Gary A. Young. The applicant and Owner are parties to that Vacant Land Sales Contract dated October 18, 2020.

11 N. Summerlin Avenue, Suite 100, Orlando, FL 32801-2959
P: (407) 423-1700 | F: (407) 425-3753
BarryMillerLaw.com

*Admitted Florida, New York, Massachusetts, Colorado

Compliance with Section 38-78 Orange County Code

1. **The use shall be consistent with the comprehensive plan:** The Property which is currently zoned R1-A is consistent with low density land use as set forth in the County's Comprehensive Plan.
2. **The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development:** The proposed one-story house of worship would be similar and compatible with the surrounding area and consistent with the pattern of surrounding development as Dean Road and the surrounding area has five (5) other religious organizations already.

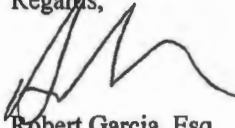
Specifically: (i) to the North of the Property at 5700 N. Dean Road, Oviedo, FL 32765 is the Christian Life Center; (ii) to the North of the Property at 3053W. State Road 426, Oviedo, FL 32765 is East Coast Believers Church; (iii) to the South of the Property at 5873 N. Dean Road, Orlando, FL 32817 is St. Matthews Episcopal Church; (iv) to the South of the Property at 5449 Dean Road, Orlando, FL 32817 is The Church of Jesus Christ of Latter-Day Saints; and (v) to the South of the Property at 2600 Dean Road, Orlando, FL 32817 is Hope Lutheran Church.

3. **The use shall not act as a detrimental intrusion into a surrounding area:** The change in zoning to the Property would not act as a detrimental intrusion into the surrounding area as it would be consistent with the five (5) other houses of worship already located on or near Dean Road, as explained in Number 2 above. In fact, the construction of the proposed one-story house of worship would benefit the community as the subject Property is currently vacant land not being used for any purpose and collecting debris/trash from passerby's. Should a house of worship be constructed if the approved zoning is granted, the new owner would be beautifying the neighborhood by upkeeping the parcel.
4. **The use shall meet the performance standards of the district in which the use is permitted:** The proposed one-story house of worship meets the performance standards of the district as to setbacks, heights, parking, etc. Please see enclosed plans for example containing lighting, parking calculations, fencing, etc.
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:** Use of the Property would be similar to the noise, vibration, dust, and other characteristics associated with the majority of the uses currently permitted in the zoning district which include other religious organizations as noted above and commercial businesses on Dean Road. As set forth above, the limited hours of the proposed house of worship would not create an additional burden on the surrounding parcels. Attached to the Application are letters of support from surrounding neighbors.
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:** Please see enclosed landscaping legend. In the event any changes are required, please contact the undersigned as the Applicant will work with the County on said issue.

COVER LETTER

Enclosed please find the requested documentation set forth in Page 13 of the Application (Items 1 through 5) and check number 20211 in the amount of \$1,355.00. Should you have any questions please do not hesitate to contact me.

Regards,



Robert Garcia, Esq.

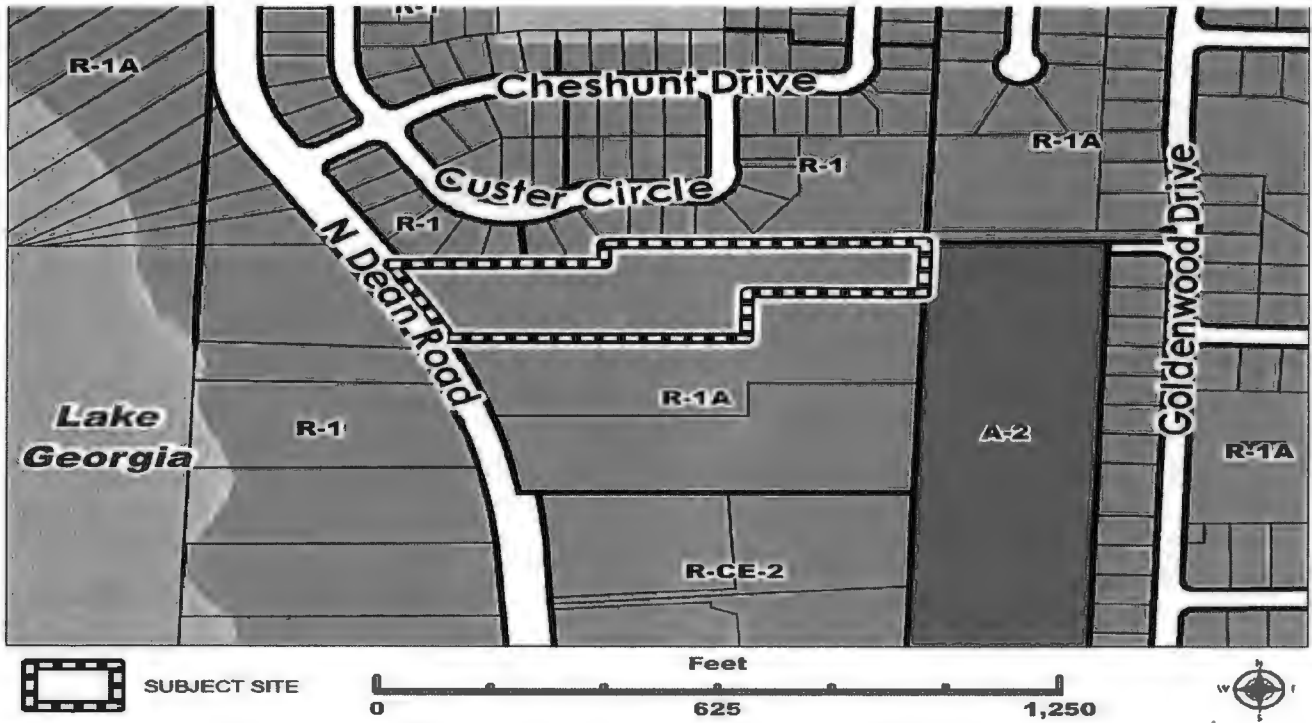
For the Firm

robert@barrymillerlaw.com

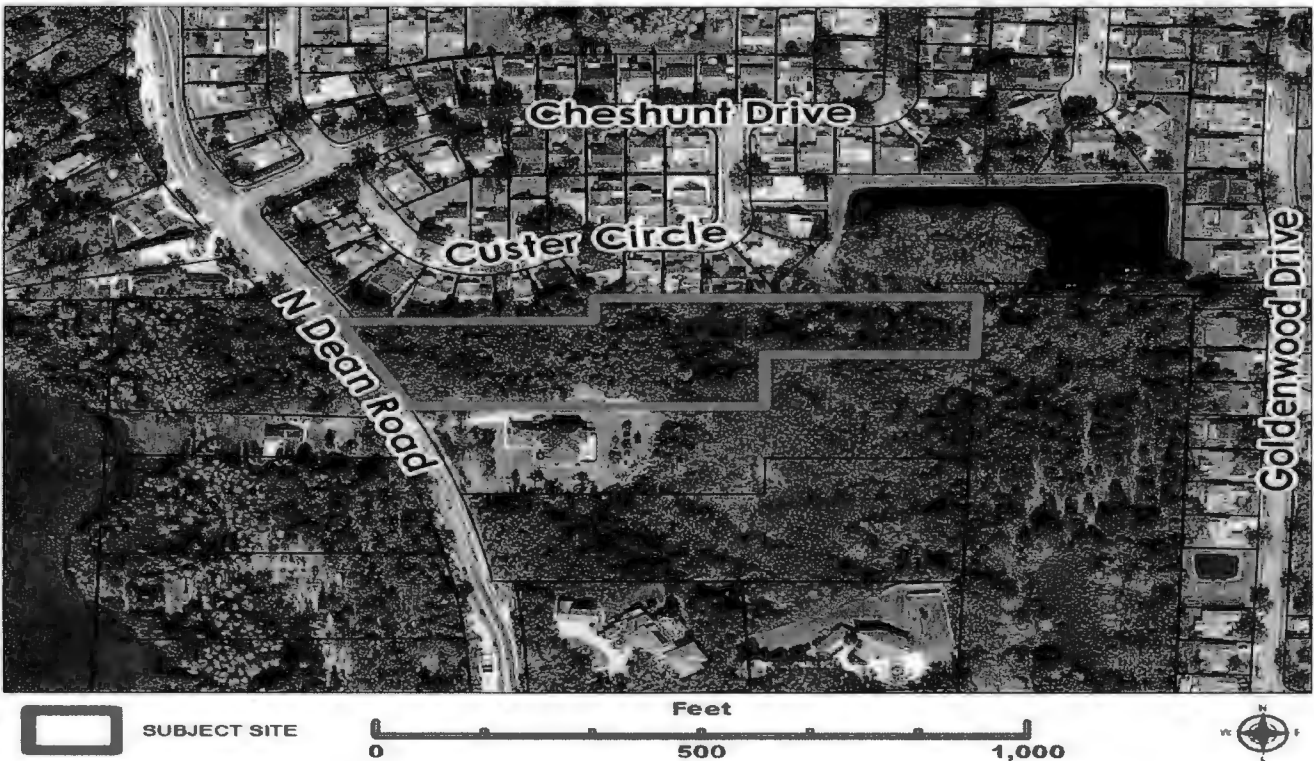
Encl.

cc: client

ZONING MAP



AERIAL MAP



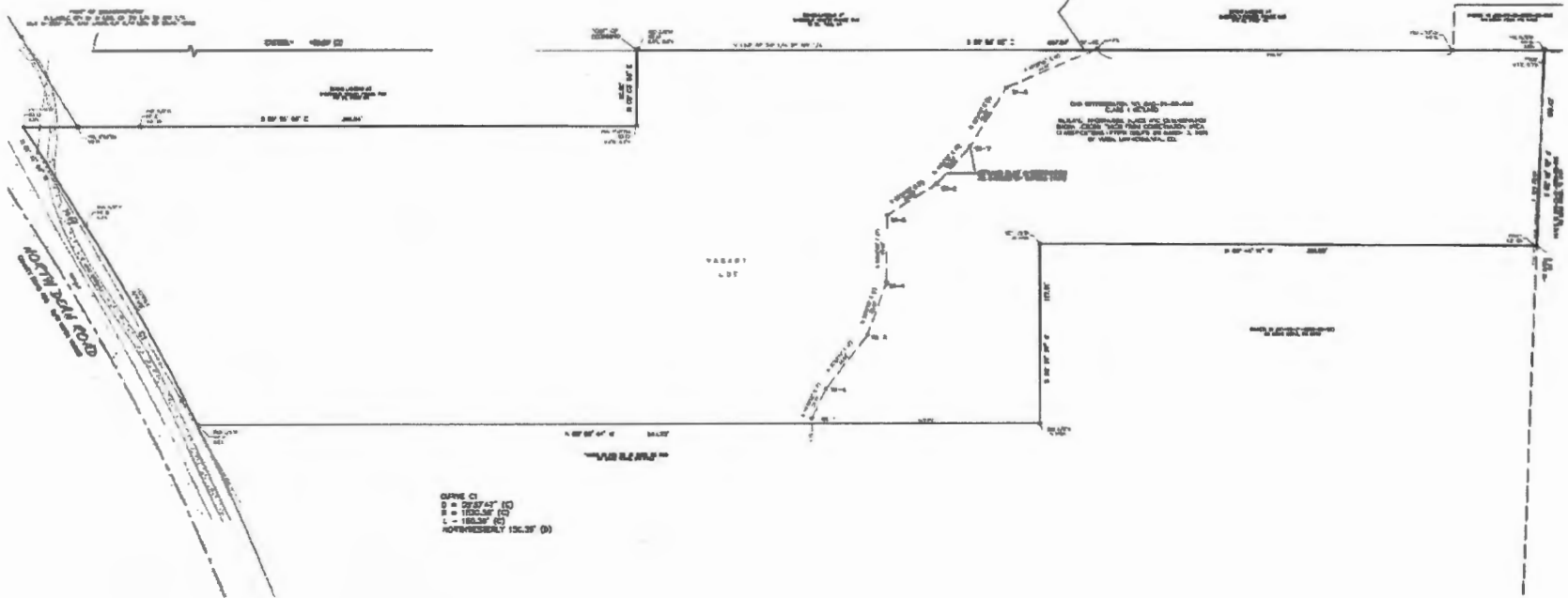
Boundary Survey



ATTENTION
2700 North Cross Road
Lynchburg, VA, 24001
PARCEL ID#00-23-91-0000-00-00

BOUNDARY SURVEY

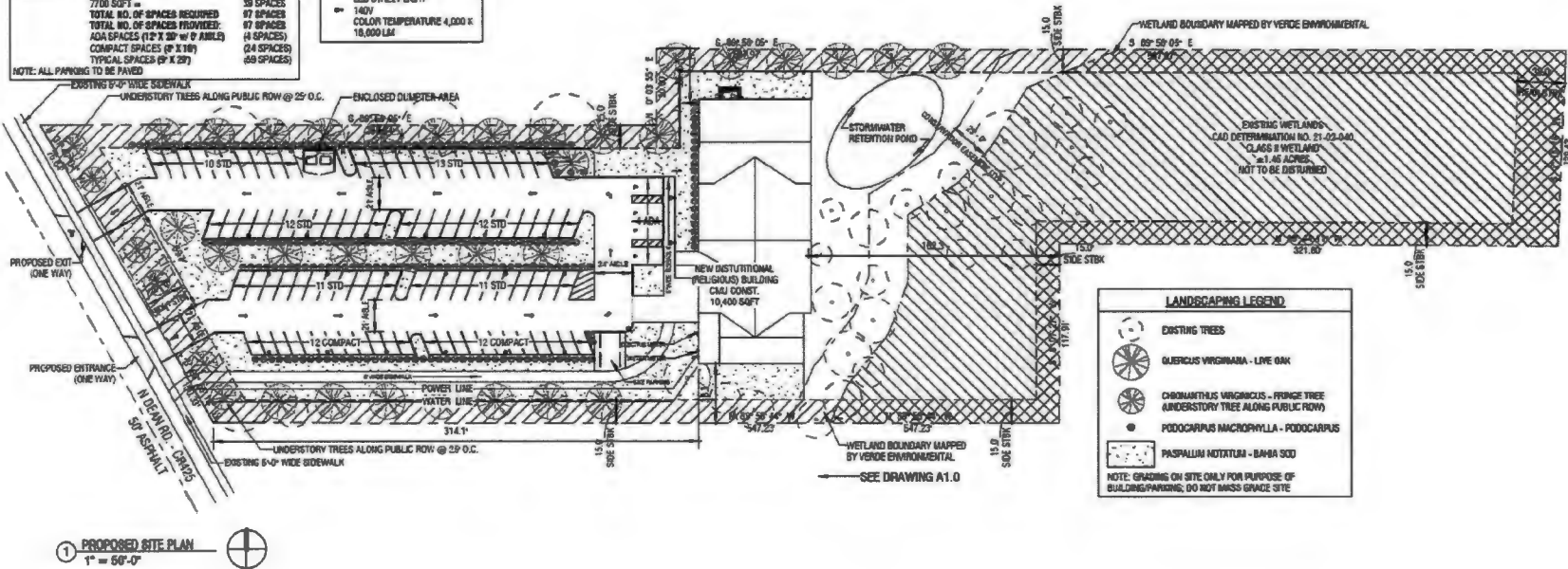
26



PARKING CALCULATIONS
 ASSEMBLY WITHOUT FIXED SEATING: 1 SPACED PATRONS, 1 EMPLOYEE
 183 PATRONS = 55 + 3 EMPLOYEES = 68 SPACES
 CLASSROOMS/OFFICES = 1/200 SQFT
 7700 SQFT = 39 SPACES
TOTAL NO. OF SPACES REQUIRED: 97 SPACES
TOTAL NO. OF SPACES PROVIDED: 97 SPACES
 ADA SPACES (12' X 20' w/ 9' AISLES) (4 SPACES)
 COMPACT SPACES (8' X 18') (24 SPACES)
 TYPICAL SPACES (8' X 20') (68 SPACES)
 NOTE: ALL PAVING TO BE PAVED

LIGHTING LEGEND

HUBBELL LIGHTING
 LED STREET LIGHT
 140V
 COLOR TEMPERATURE 4,000 K
 18,000 LM



PARKING CALCULATIONS

ASSEMBLY WITHOUT FIXED SEATING: 1 SPACE/3 PATRONS, 1/EMPLOYEE
 163 PATRONS = 55 + 3 EMPLOYEES = 58 SPACES
 CLASSROOMS/OFFICES = 1/200 SQFT
 7700 SQFT = 39 SPACES
TOTAL NO. OF SPACES REQUIRED: 97 SPACES
TOTAL NO. OF SPACES PROVIDED: 97 SPACES
 ADA SPACES (12' X 20' w/ 5' AISLE) (4 SPACES)
 COMPACT SPACES (8' X 16') (24 SPACES)
 TYPICAL SPACES (9' X 20') (69 SPACES)

NOTE: ALL PARKING TO BE PAVED

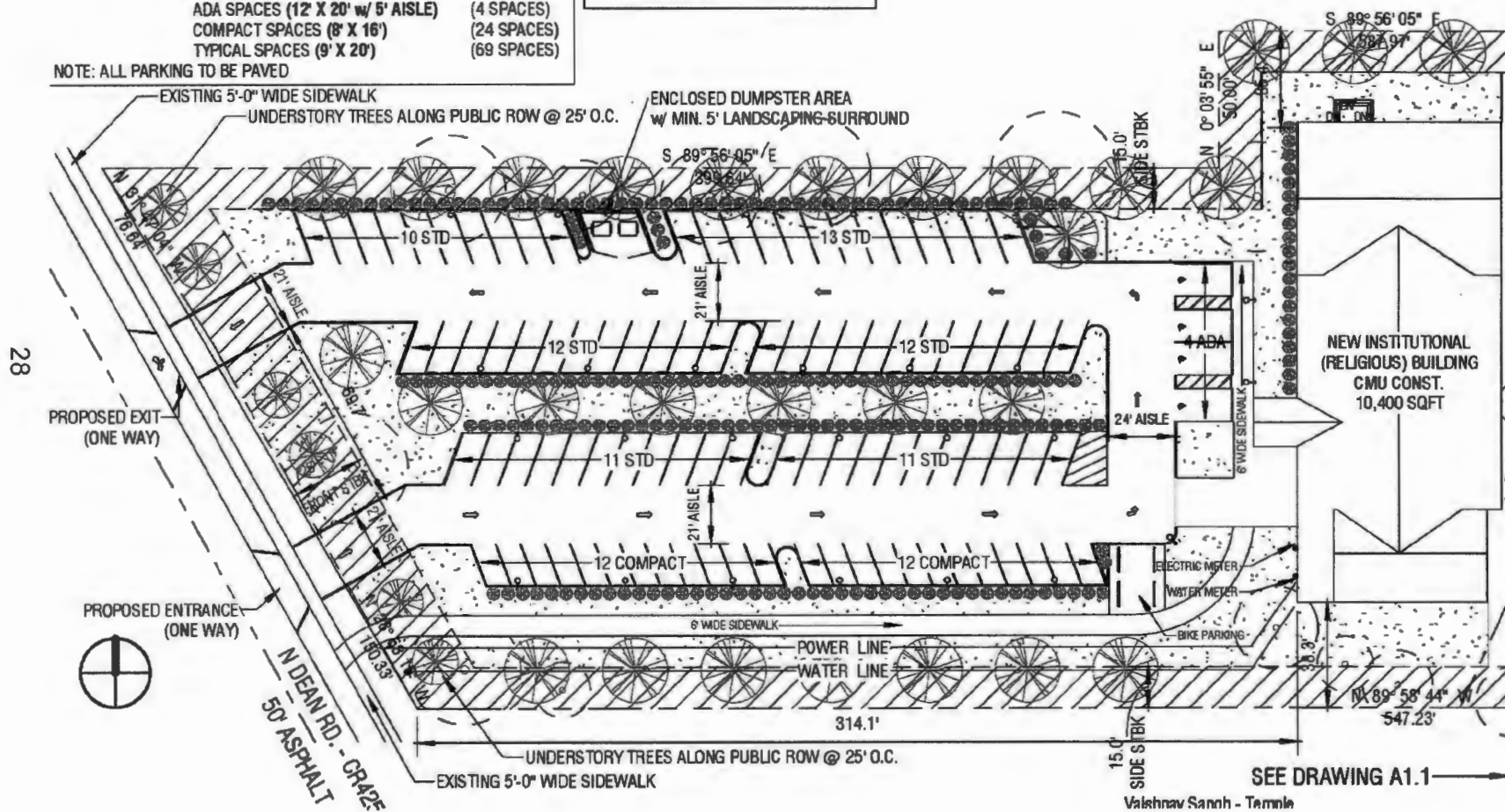
LIGHTING LEGEND

HUBBELL LIGHTING
 LED STREET LIGHT
 140V
 COLOR TEMPERATURE 4,000 K
 18,000 LM

KEY PLAN
 1" = 50'

SEE DRAWING A1.1

PARTIAL SITE PLAN (WESTERN PORTION OF SITE)



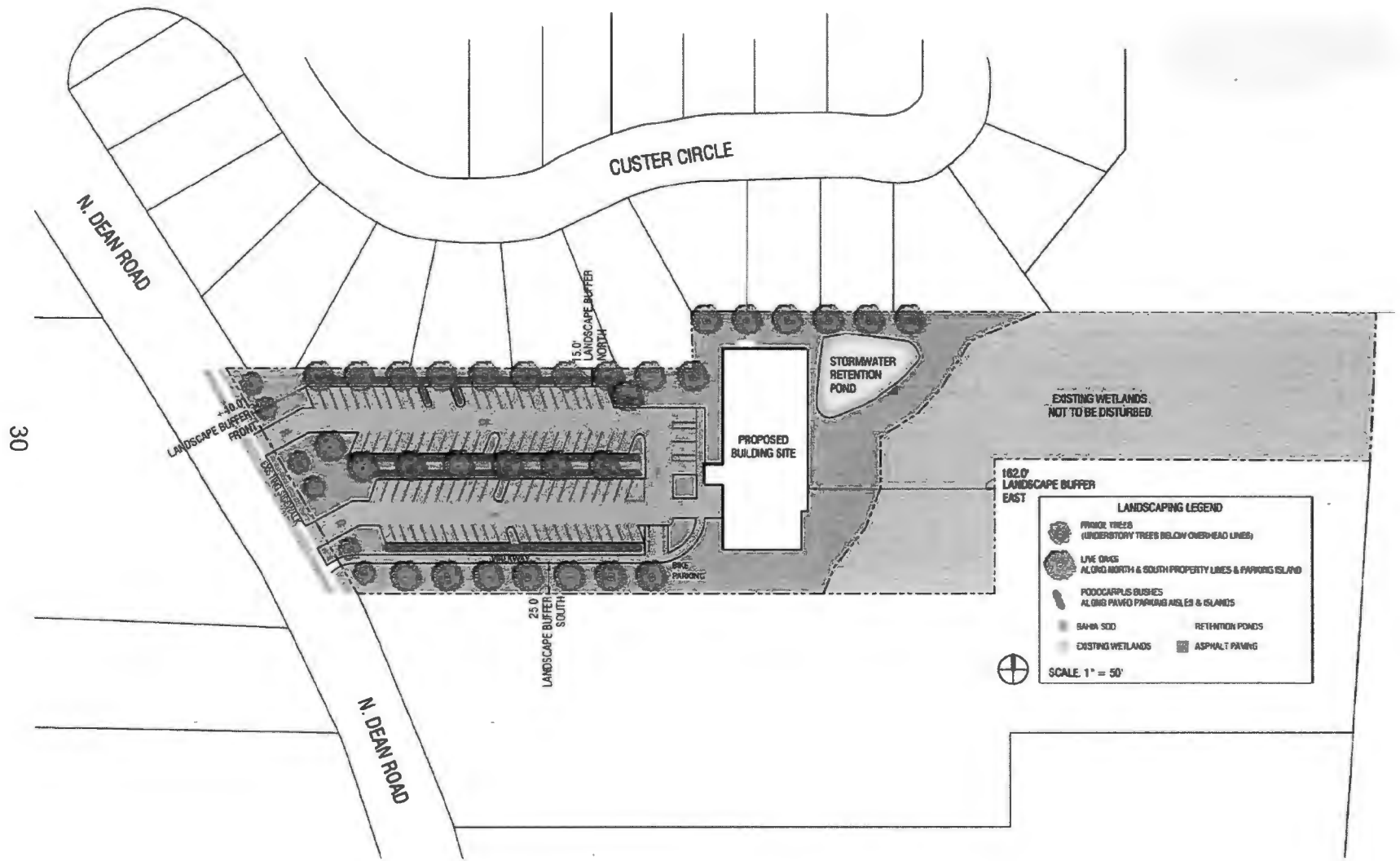
SEE DRAWING A1.1

Valhnav Sannh - Tamm

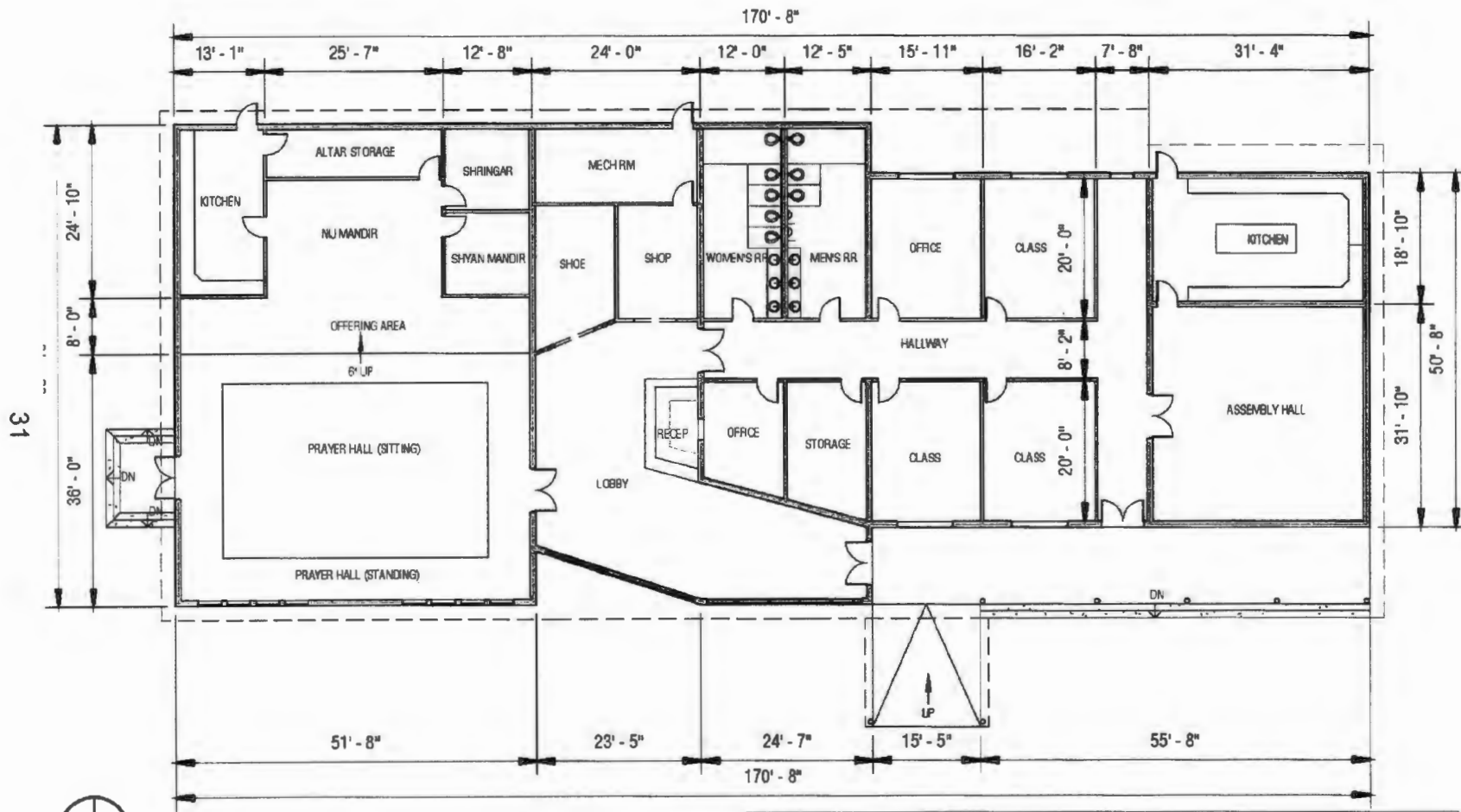


Vaishnav Sangh - Temple

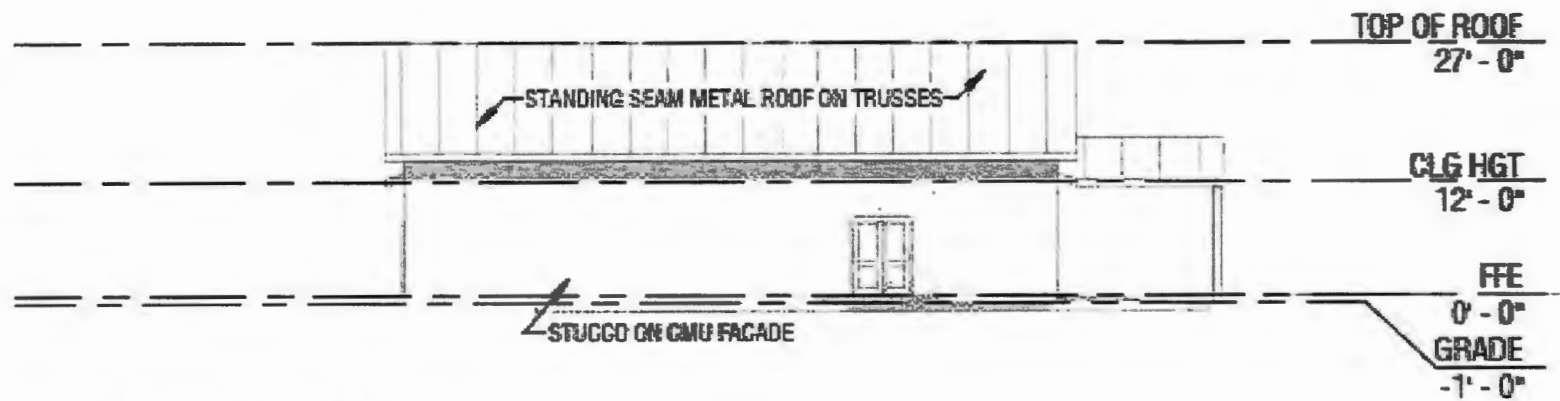
PARTIAL SITE PLAN (EASTERN PORTION OF THE SITE)



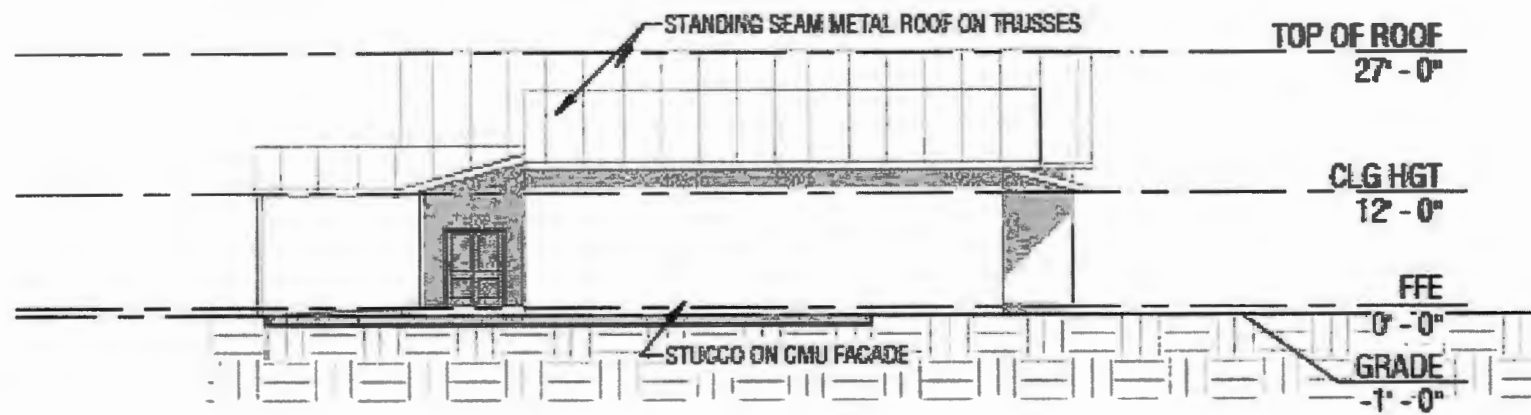
LANDSCAPE PLAN



TEMPLE FLOOR PLAN

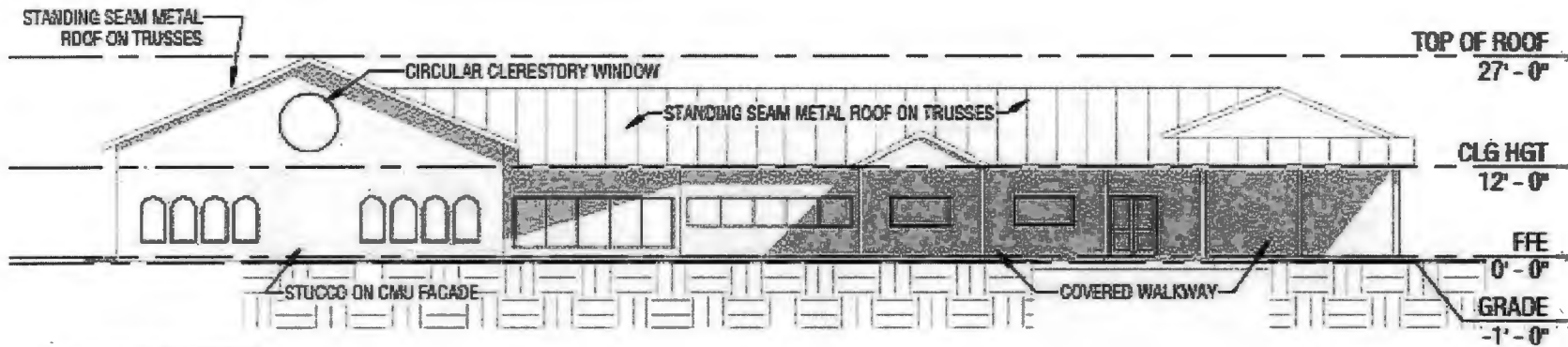


① NORTH ELEVATION
1" = 20'-0"

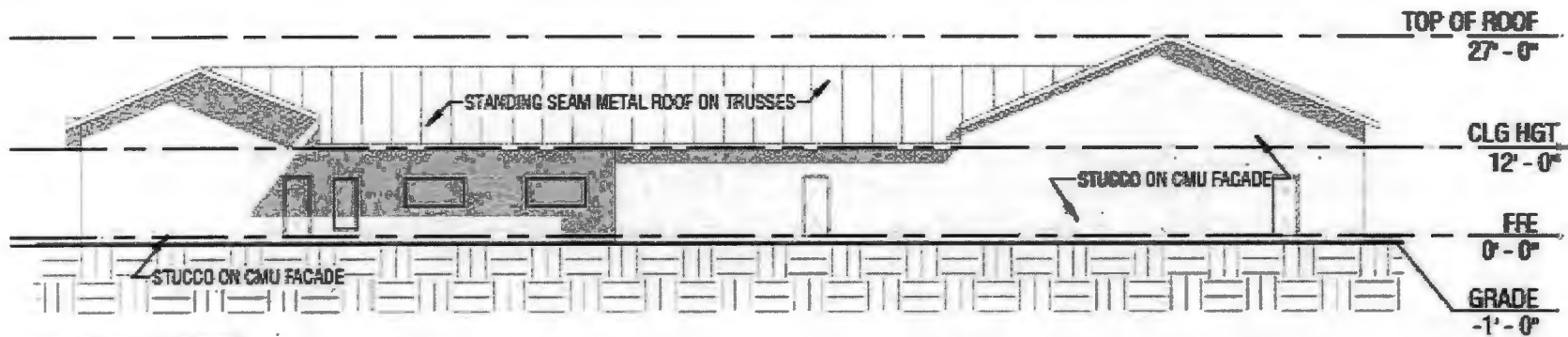


② SOUTH ELEVATION
1" = 20'-0"

NORTH / SOUTH ELEVATIONS



① WEST ELEVATION
1" = 20'-0"



② EAST ELEVATION

EAST / WEST ELEVATIONS

SITE PHOTOS



Northwest property line, facing south along N. Dean Rd.



Frontage along N. Dean Rd., facing west towards property

SITE PHOTOS



Frontage along N. Dean Rd., facing northeast towards property to the left



Southwest property line, facing north along N. Dean Rd.