



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0184	
LUHO HEARING DATE: February 21, 2022	CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on December 22, 2021, is to allow for the following encroachments within the 30-foot Wetland Conservation Area setback:

- Allow the existing paved surface surrounding a sacred Banyan tree to remain within the wetland setback area;
- Allow the existing paver area on the north side of the prayer room to remain within the wetland setback area;
- Allow a portion of the existing prayer room to remain within the wetland setback area;
- Place a new fence with masonry columns within the wetland setback area.

Additionally, the applicant is requesting a variance to Fence Regulations, Section 6.07.02 of the LDC.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests an after-the-fact variance for the following existing conditions on the site:
 - a) A pavement area that surrounds a sacred Banyan tree. This area encroaches 21.99 feet into the wetland setback area with 8.01 feet of remaining setback and encompasses approximately 1800 square feet.
 - b) An area of pavers set in sand which is located on the north side of the prayer room. This area encroaches 27.88 feet into the wetland setback area with 2.12 feet of remaining setback and encompasses approximately 690 square feet.
 - c) An existing prayer room encroaches 12 feet into the wetland setback area with 18 feet of setback remaining. This area of encroachment encompasses approximately 360 square feet.
- 2) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a new metal fence with masonry columns within the 30-foot wetland conservation area setback. The applicant requests a 30-foot encroachment into the setback to allow for a setback of 0 feet.

Fence Height

The subject property is zoned AS-1. Per LDC Section 6.07.02.C.2.a., fences in agricultural districts are regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Per LDC Section 6.07.02.C.1, fences not located in required front yards are limited to a maximum height of 6 feet, except under certain circumstances that do not apply to the case. The applicant requests a 3-foot increase to the permitted fence height to allow a height of 9 feet for a proposed fence to be installed on the north side of the property.

Findings

1) The existing prayer room was approved for construction by the County in November 2011 per Project ID #459. The wetland line was located further north in 2011, and the prayer room did not encroach into the wetland setback at the time of the site plan review and permit issuance. Since wetland lines are only valid for 5 years, the wetland line established in 2011 expired and was required to be re-delineated and re-surveyed. The wetland line shifted southward on the updated survey, resulting in an encroachment of approximately 12 feet into the 30-foot wetland setback at the present time.


DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approval and building permit approvals.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF




**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received December 21, 2021
Development Services

Date Stamp Here

Application Number: 22-0184 Applicant's Name: Hindu Temple of Florida c/o Ortiz Planning Solutions

Reviewing Planner's Name: Carla Shelton and/or Tom Hizney Date: 12/21/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
 Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
 Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 02/21/2022

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

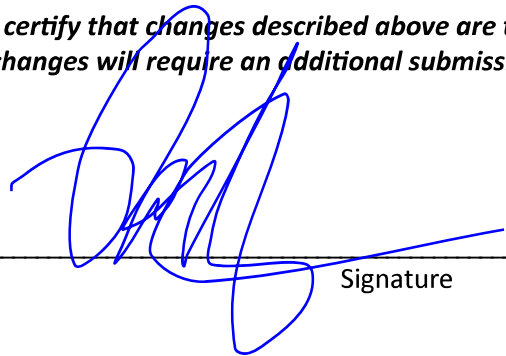
Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.


Signature

12/21/2021
Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX
 Transmittal Completed

In-Take Completed by: _____

ORTIZ PLANNING SOLUTIONS, LLC

Patricia Ortiz, AICP

813.817.8492

ortizplanningsolutions@gmail.com

December 21, 2021

Ms. Carla Shelton Knight
Senior Forester, Certified Arborist
Natural Resources Division
Development Services Division

RE VAR 22-0184

Dear Carla,

Thank you for your time and attention on this project. Additional Variances have been requested to bring the site into compliance, as well as an additional variance to fence height. As I understand the additional variance to fence height will require zoning review and will cause a delay in public hearing date. A revised project narrative and variance criteria for each of the variances requested is attached. More specifically:

A variance has been requested to allow the existing paved surface surrounding a sacred Banyan Tree to be located within the wetland setback

A variance has been requested to allow the existing paved area on the north side of the prayer room to be located within the wetland setback

A variance has been requested to allow a portion of the existing prayer room to be located within the wetland setback

A variance has been requested to increase fence height.

A revised site plan is attached detailing the encroachment

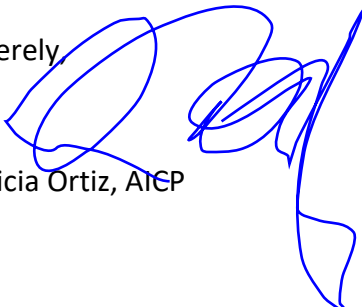
A 2011 Minor Site Development Approval letter and associated site plan is attached demonstrating approval of the prayer room

A detail of the proposed fence and an architectural rendering is attached to illustrate the aesthetic of the fence

Please contact me if you require additional information or if you have questions or concerns.

Sincerely,

Patricia Ortiz, AICP





Hinder Arch fence!

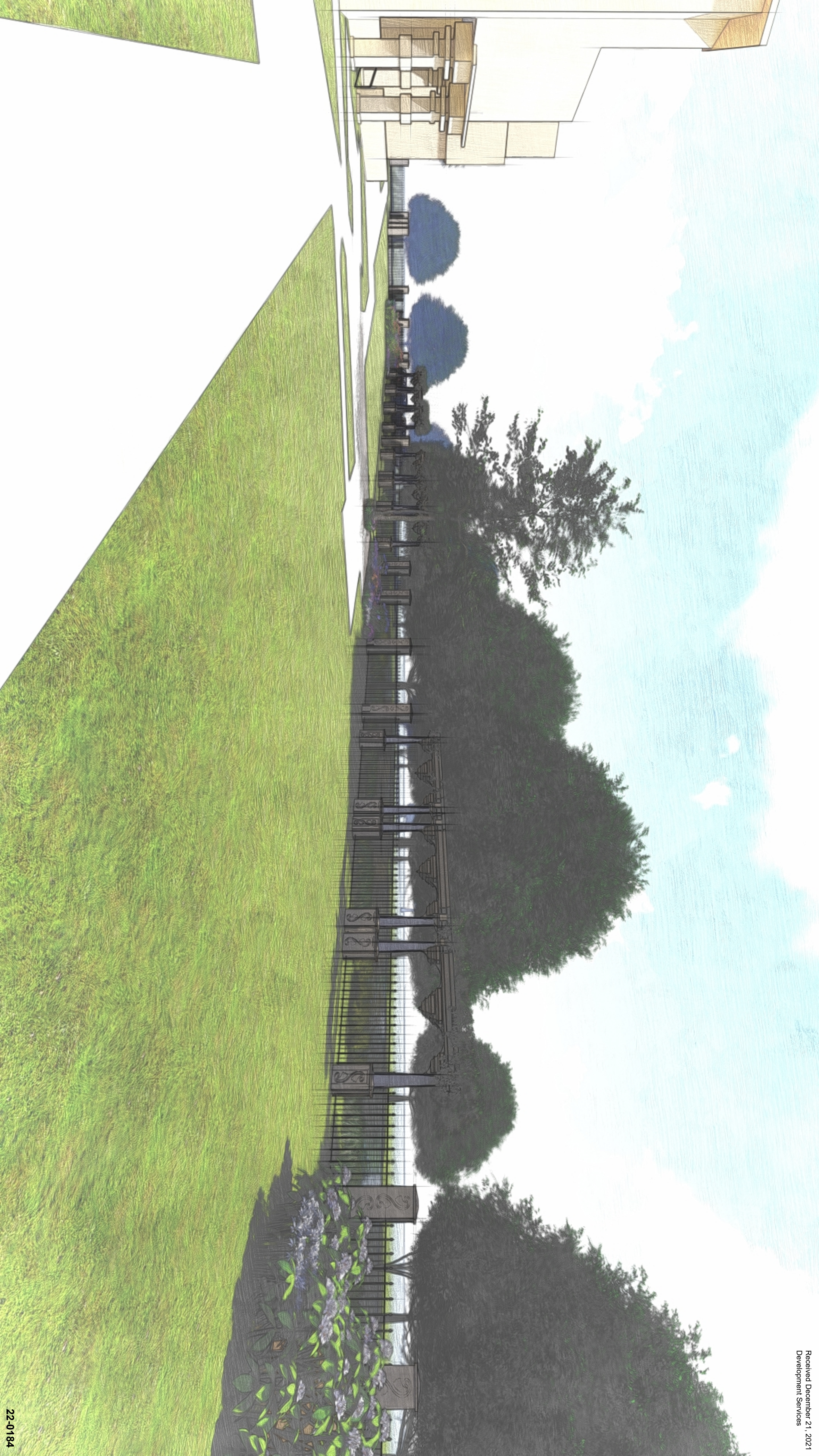


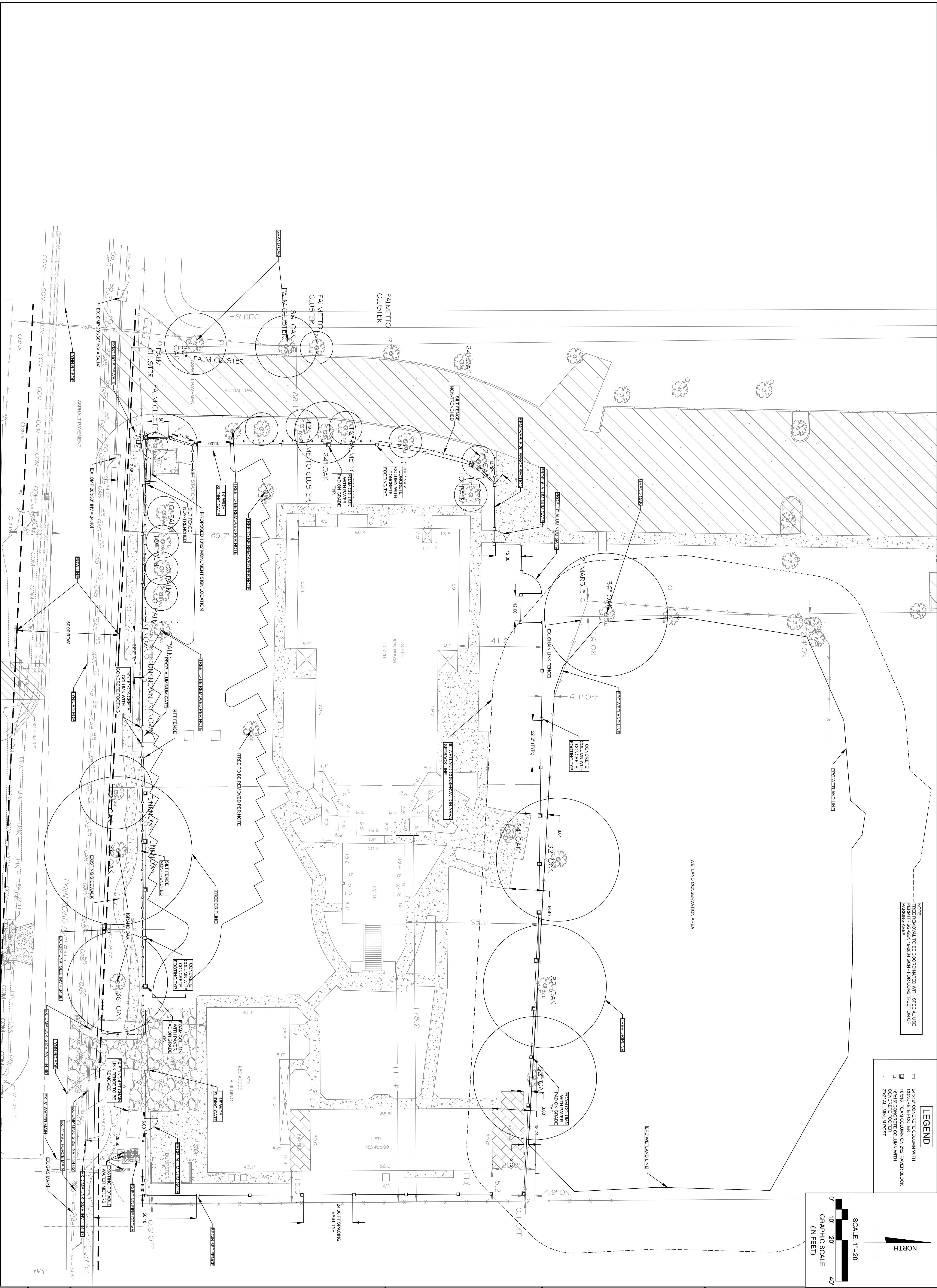
Friday, December 17, 2021

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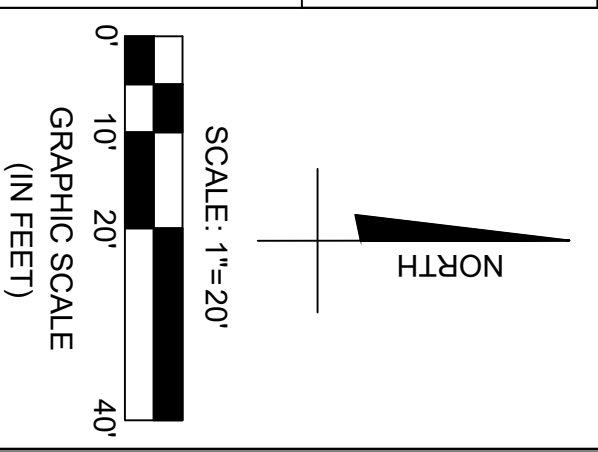
Calls and notifications will vibrate





NOTE:
 TREE REMOVAL TO BE COORDINATED WITH SPECIAL USE PERMITTING IN 15554 SQM - 15M CONSERVATION OF

- LEGEND**
- 24"X6" CONCRETE COLUMN WITH 16"X16" FIBER FOAM COLUMN ON 24"X24" PAVEMENT BLOCK
 - 16"X16" CONCRETE COLUMN WITH CONCRETE FOOTER
 - 24"X24" ALUMINUM POST



TAMPA CIVIL DESIGN
 17937 HUNTING BOW CIR. 5-102
 LUTZ, FL 33558
 (813) 920-2005 PHONE
 (813) 482-9128 FAX
 WWW.TAMPACIVIL.COM

PROJECT: 554
 CLIENT:
HINDU TEMPLE OF FLORIDA
 23779-0100 & 023824-00
 5504 LYNN RD
 TAMPA, FL 33624

HINDU TEMPLE OF FLORIDA, INC.
 5504 LYNN ROAD
 TAMPA, FL 33624

DESIGN: AK DATE: SD
 REVISIONS:
 NO. DESCRIPTION DATE
 1 1 1/17/2021

State of Florida, Professional Engineer
 License No. 70958
 No. 70958
 PROFESSIONAL ENGINEER
 STATE OF FLORIDA

This form has been digitally signed and sealed. Any alteration to the seal or signature is invalid. The seal and signature must be verified on any electronic documents.

HINDU TEMPLE FENCE SITE PLAN
 SHEET NO. SP-2



**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received December 23, 2021
Development Services

Date Stamp Here

Application Number: VAR WS 22-0184 Applicant's Name: Hindu Temple of FL. care of Ortiz Planning Solutions LLC

Reviewing Planner's Name: Carla Shelton and Tom Hizney Date: 12/23/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
 Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
 Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 01/24/2022

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

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Signature

12/23/2021

Date

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December 21, 2021

Ms. Carla Shelton Knight
Senior Forester, Certified Arborist
Natural Resources Division
Development Services Division

RE VAR 22-0184

Dear Carla,

Thank you for your time and attention on this project. The project narrative and variance criteria response has been amended to make minor adjustments to more accurately identify the request. Specifically:

To describe and provide additional information about the sacred tree and the structure, a platform, which surrounds this tree and encroaches into the wetland setback and alters placed upon it.

To clarify that an exemption from wetland setback was not granted in the past

To discuss the pavers on the north side of the prayer room in greater detail

Sincerely,


Patricia Ortiz, AICP

ORTIZ PLANNING SOLUTIONS, LLC

Patricia Ortiz, AICP

OrtizPlanningSolutions@gmail.com

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Property Folio Number: 23779.0100
Zoning Designation: AS-1
Community Planning Area: Carrollwood

Address: 5509 Lynn Road
Future Land Use: R-4

REVISION 4 DECEMBER 23, 2021

LDC Section: 4.01.07 Environmentally Sensitive Areas Wetlands and Natural Water Bodies B. Setbacks 1. Setback shall be required from this Conservation and Preservation Areas listed as wetlands or natural water bodies in the definition of environmentally sensitive areas. Setbacks shall be a minimum of 30-feet for Conservation Areas.

Variance is requested to amend existing encroachments and to allow a new fence within the required 30-foot-wide wetland conservation area

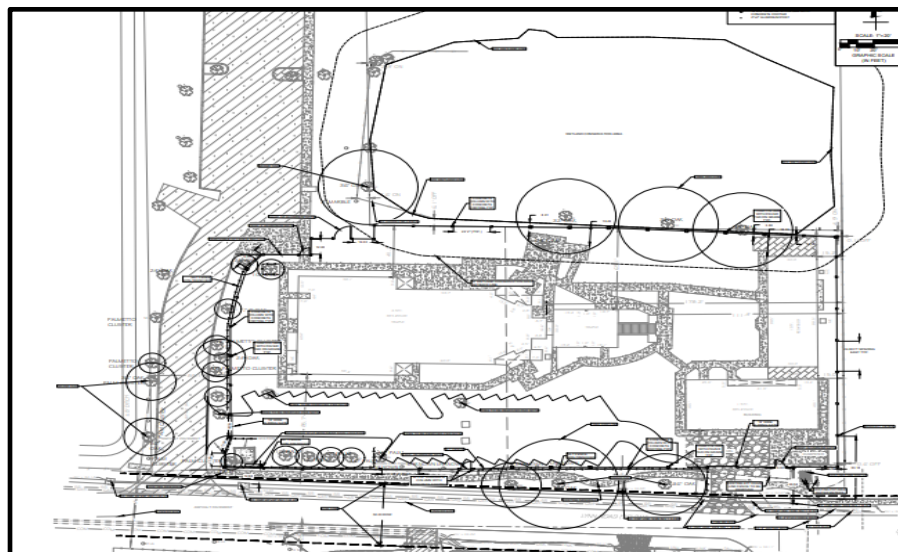
- **Variance to Wetland Setback part a.** To amend an **existing** wetland setback encroachment of a paved area surrounding a sacred Banyan/Parijatha Tree. This existing structure is currently located within the Wetland Conservation Area, 8-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 8-feet
- **Variance to Wetland Setback part b.** To amend an **existing** wetland setback encroachment of a paved area north of the prayer room. This existing structure is currently located within the Wetland Conservation Area, 2-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 2-feet
- **Variance to Wetland Setback part c.** To amend an **existing** wetland setback encroachment of a portion of the prayer room. This existing structure is currently located within the Wetland Conservation Area, 18-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 18-feet.
- **Variance to Wetland Setback part d.** To allow a **new** fence to be located within the area of wetland setback. Variance requested: to reduce the required Wetland Conservation Area from 330-feet to 0-feet.

Variations Requested: Part 2 to increase fence height in residential zone

LDC Section 6.07.02 Fences and Walls Regulation C. Regulation for Fences 1. Residential Districts and SB Districts part f. The maximum average height of any fence or wall shall be 6-feet except as described in g. h. i. below.

- **Variance to Fence Height part a.** To allow a **new** fence/wall a 3-foot increase in height Variance requested to increase the maximum fence height of the Residential Zone from 6-feet to 9-feet

**Graphic 1:
Location of
Variations
Proposed**



Project Narrative:**Background information:****1983-1984**

Hindu Temple of Florida was established through Articles of Incorporation, as a religious and charitable organization intended to support the religious and cultural activities of the Hindu religion, in 1983. In or about 1985 the 10+/- acre parent tract, 23779.0000 was purchased by KC Patel. It was subdivided in 1989 and again in 1994 resulting in three parcels as follows: Jain Temple on folio 23779.0000, Indian Cultural Center on folio 23779.0150 and Hindu Temple on the subject parcel 23779.0100. On May 1, 1992, a site plan approval letter was issued for a maximum of 40,000 square feet of church use on the 10.07-acre development site (site plan 68702) however, this development plan cannot be located. It is assumed the 40,000 square feet of floor space was a total figure for multiple structures; this assumption is furthered by a water and sewer plan found in the permit file for the Indian Cultural Center (tax folio 23779.0150) which in a general manner illustrates the development existing today.

2019

A Special Use was approved for Hindu Temple in 2019 (SU 19-0834); allowing for the expansion of the Temple with a new multi-purpose building to be located on the south side of Lynn Road and on property identified as tax folio number 023824.0000. Included with this Special Use were waivers and variations which allowed reduced building setback and parking; allowed off-site parking and a reduction of the maximum walking distance between an offsite parking lot and the main door entrance of the primary use. This approval joined two properties owned by Hindu Temple under one development order and formalized many long-anticipated improvements to the Temple property.

2021

On December 13, 2021 a new Special Use, SU 21-1333, was heard by the LUHO, seeking all previously approved waivers, changes to approved conditions of approval seeking to allow increased building height of the two multi-purpose buildings located on the northern of the two parcels (23779.0100) and increased building area and the following changes to the on the southern parcel (23824.0000): increased height and building area of the Vidyalaya Center/Multi-Purpose and a reduced southern side yard setback. One additional variance was requested seeking to increase the front yard fence height along both the Lynn Road and Williams Road frontages from 4-feet to 6-feet. A decision on this petition is expected to be rendered on January 6, 2021.

Present

Variance Request (VAR 22-0184): Through this variance petition, the property owners are seeking to allow a 9-foot-tall metal picket fence with masonry columns and decorative arches to be located on the northern property line of the northern parcel (23779.0100), in the rear yard and within the 30-foot-wide wetland setback. Additionally, this petition seeks to amend existing wetland setback encroachments of a paved area surrounding a sacred banyan tree, an area of pavers on the north side of the prayer room, and a portion of the prayer room building. Notably, these structures were not illustrated on the 1992 water and sewer plan which depicted a conceptual site layout. However, the area surrounding the sacred tree was illustrated as existing on the 2011 site plan submitted with the minor site development plan approved in 2011 allowing construction of the prayer room. A comparison of the wetland lines as shown on the 2011 minor site development plan and the 2021 site plan demonstrate the wetland, and subsequently, the wetland setback have migrated southward.

Site and Area Characteristics:

The temple is located on Lynn Road between Nixon Road and Anderson Road and within the Carrollwood Village neighborhood. It is located adjacent to two other Hindu temples, the Indian Cultural Center, and Hindu Village, a planned development approved for housing and intended for elder devotees and visiting priests. There is significant

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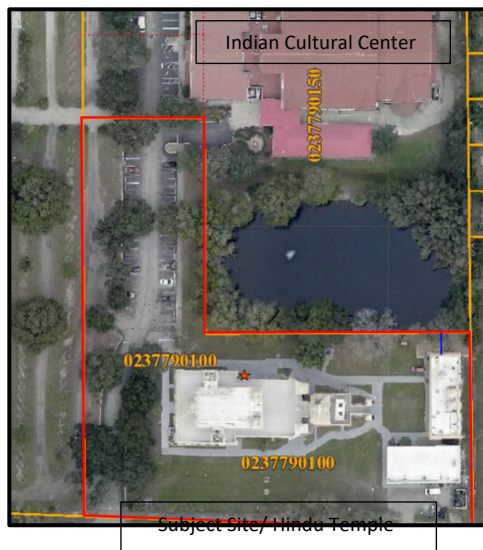
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membership crossover between the three temples of Hindu faith and the Indian Cultural Center. Along Lynn Road, the land uses are a mix of estate style single-family homes and churches. Several high-density residential subdivisions exist near to the site and include Plantation, Wildwood, Andover and Meadow Glen. However, none access from Lynn Road. Intense non-residential commercial development occurs to the south of the site and along Linebaugh Ave. Most of the properties fronting Lynn Road between Anderson Rd and Nixon Rd are used as single-family residences or churches.

This property is unique in several ways

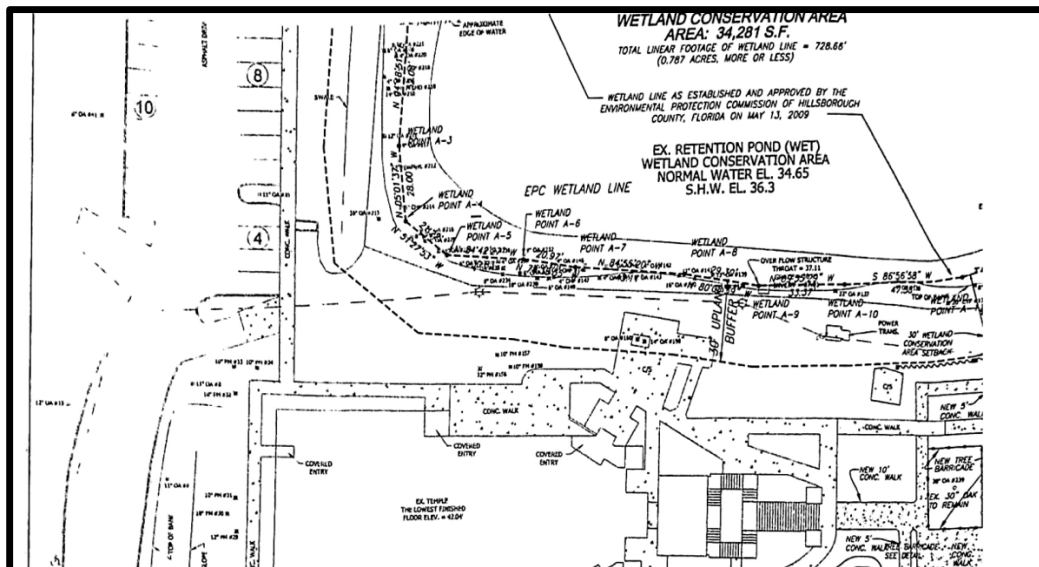
- The area of wetland is almost entirely located off-site, on land identified as tax folio number 023779.0150 and controlled by the Indian Cultural Center, but the area of wetland setback is almost entirely the subject property

Graphic 2 Illustration of lot configuration and location of wetland

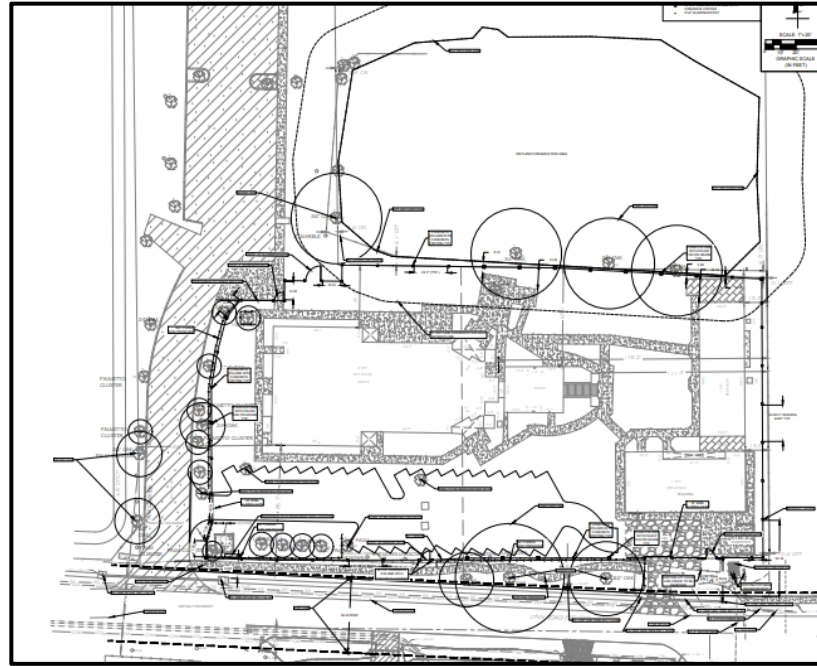


- The wetland setback has moved southward over time, pushing the required wetland setback further into the Hindu Temple Property. In 2008, as evidenced by a survey used for permitting the Prayer Room, the wetland line was north of the Prayer Room. Site Development Plan approval was issued for the Prayer Room in 2011.

Graphic 3 Location of Wetland in 2011



**Graphic 4
Location of
Wetland 2021**



- It is important to note that the subject wetland is also a retention pond and does not share the environmental aesthetic typically associated with the natural environment or provide a functioning living environment of integrity or significant aesthetic appeal.

Encroachment of the structure surrounding the sacred tree

The platform surrounding the sacred tree is approximately 1800 square feet in size and used for prayer and quiet meditative practices. Permit records have been researched to determine if permits were issued for this structure. While permits were not found, it must also be noted that no citations were issued and this structure is illustrated on the 2011 minor site development permit which authorized construction of the prayer room.-

Variance Criteria Response: Encroachment of structure/platform surrounding sacred tree Banyan/Parijatham tree

Encroachment: 22- feet into the required 30-foot wetland setback resulting in a wetland setback of 8.00 feet

- 1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.**

The built area surrounding the Sacred Tree was constructed in or about 2006-and has continuously been used as an area of worship. Permit records have been researched but no permit has been found for this structure; and no citations have been issued.

- 2. Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.**

A literal interpretation of the Code requires either variance to exempt this structure from compliance or removal. Removal of the structure will deprive the Hindu Temple of rights of worship commonly attributed to Hinduism. In Hindu lore, the banyan/Parijatham tree is said to be a place where the Gods and spirits of the deceased congregate. Hindu devotees believe the banyan tree emits large amounts of spiritual energy and several specific

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prayers take place around this tree. Removal of the structure surrounding the tree will interfere with specific religious rituals and deprive devotees of rights of worship commonly enjoyed by others of various faiths.

3. Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

This variance to wetland setback will not substantially interfere with or injure the rights of others. The sacred tree, its protective barrier and seating area have existed since 2006 and provide appropriate area for the passive activity of worship. The structure does not encroach into or interfere with the wetland. As located on the north side of the property in the center of the rear yard it is most distant from residential development.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan

The Land Development Code and Comprehensive Plan work together to, among other things, be effective in terms of addressing the consequences of development upon natural resources. The intent is for all development to be designed and built-in accordance with good planning and design practice and the minimum standards as set forth in the LDC. In this instance, a structure containing pervious material and prayer alter^s was built around the sacred banyan tree, and within the wetland setback. Considering the spiritual significance of the banyan tree and the passive activities associated with worship, the effects of this structure on the natural environment are most minimal.

5. Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.

This structure was constructed more than 15 years ago, at a time when the County was adjusting to a new document repository system zoning conformance. While no permit has been located, it is possible that one was issued. for this permit. This structure appears as an existing structure on the site development plans submitted in 2011 for the construction of the prayer room and did not necessitate the need for variance at that time which indicates an approval had been previously granted. However, should the variance be approved the developer is willing to participate in the after the fact permitting process.

6. Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance.

Allowing the long existing encroachment to continue will not further degrade the wetland but will allow the continuation of typical Hindu worship. The worship activity which occurs in this area is low impact and generally singular. While the structure can be removed, the tree cannot. Considering the spiritual significance of the tree, it is likely worship would continue; however, in a less inclusive manner that would limit the participation of devotees with disabilities and mobility issues.

Encroachment of the Pavers on the north side of the Prayer Room

The pavers on the north side of the prayer room are of a semi-pervious material. Code Section 4.01.07 Environmentally Sensitive Areas-Wetland and Natural Water Bodies Part B. Setbacks subsection 4. provides for limited exceptions to wetland setback encroachment, one of these exceptions is for "... the limited use of semi-pervious paving material...". Here again, response to the variance criteria has been provided to validate this structure's location within the area of wetland setback.

7. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.

While most religious institutions conduct worship services inside a sanctuary, Hinduism is closely related to nature; the natural environment is of particular importance in many worship services. The paved area offers devotees a shaded firm surface on which

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to pray. This is important because it provides a suitable surface for several significant prayers which require both an outdoor setting and proximity to specific deities. This area is approximately 690 square feet in area and 2.12 feet from the current wetland line as identified in the 2021 site plan and wetland survey. The pavers are of a semi-pervious material and are held in place by sand, not concrete.

2. Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

A literal interpretation of the Code requires either variance to exempt this structure from compliance or removal. Removal of the structure will deprive the Hindu Temple of rights of worship. Removal of the paved area would interfere with specific religious rituals and deprive the devotees of rights of worship commonly enjoyed by spiritual practitioners.

Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance. Allowing the variance will not substantially interfere with or injure the rights of others, this paved area has existed since 2019. Notably, this structure does not encroach into the area of wetland, or otherwise interfere with the existence of wetland vegetation or disrupt the integrity of the wetland. Furthermore, as located, and oriented, the impacts of the activity occurring on this paved area is most minimal.

3. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.

The Land Development Code and Comprehensive Plan work together to, among other things, be effective in terms of addressing the effects of development upon natural resources. The intent is for all development to be designed and built-in accordance with good planning and design practice and the minimum standards as set forth in the LDC. However, the variance process has been established, to offer relief from a strict compliance with the regulation when practical difficulty or hardship has been demonstrated. In this instance, practical difficulty exists: the wetland is isolated and functions as retention which compromise its ecological integrity. Hardship exists because the paved area allows provides a hard surface necessary for an inclusive area of worship suitable for all devotees regardless of health conditions, age, or physical ability.

4. Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.

While the paved area was constructed without a permit, the LDC was consulted and interpreted to mean that pervious paving material could be used within the area of wetland setback.

LDC 4.01.07: No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a road essential for access, wetland recreation access no greater than 20 feet wide, construction of a stormwater retention or detention basin or other stormwater-related structure, construction of a boardwalk or other stilted structure, grade finishing to provide a gradual slope between the setback line and the environmentally sensitive area, **the limited use of semi-pervious paving material** (emphasis added) construction of a retaining wall, recreational trail, or golf cart path; or except as specifically approved for construction of a swimming pool provided there is no encroachment within 15 feet of a Conservation Area and 25 feet of a Preservation Area.

5. Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance

Allowing this encroachment to continue will result in substantial justice because the limited use of semi-pervious paving material is allowed within the area of wetland setback.

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6. **Explain how allowing the variance. Will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardship that will be suffered by a failure to grant the variance.** Allowing this encroachment to continue will result in substantial justice because the limited use of semi pervious material is allowed within the area of wetland setback.

Encroachment of the Prayer Room

As depicted on the 2021 Wetland Survey and Site Plan, the existing Prayer Room encroaches 11-feet into the required wetland setback. Site Development Plan approval was granted for the construction of the Prayer Room in November 2011, through PID 459. Furthermore, a site plan for construction identifies the wetland as it existed in 2011 and demonstrates the Prayer Room, at the time of site plan construction approval, was not located within the wetland setback. The 2021 wetland survey and site plan show the current location of the wetland line and the associated 30-foot-wide wetland setback. Comparison of the 2011 and 2021 site plans demonstrates the southward movement of the wetland and, subsequently, the wetland setback. While the Prayer Room did not encroach into the wetland at the time of approval, it does presently. Response to the Variance Criteria is included. wetland and subsequently the wetland setback. Response to the Variance Criteria is included in this report.

Variance Criteria Encroachment of the Prayer Room The existing prayer room encroaches 12-feet into the required 30-foot wetland setback

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.**
Site Development Plan approval was granted for the Prayer Room in 2011. The site plan submitted with the site development plan application identified the location of the wetland and wetland setback as they existed at that time. Since 2011, the wetland, and subsequently the wetland setback area, has crept southward placing the prayer room within the area of wetland setback. The prayer room was constructed lawfully in 2013 and complied with the wetland setback regulation at the time of construction.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The literal requirements of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same district and area by requiring this existing and permitted structure to be removed.
3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** Allowing the variance will not substantially interfere with or injure the rights of others, the building was constructed in 2013 and has existed without incident since that time. Notably, this structure does not encroach into the area of wetland, or otherwise interfere with the existence of wetland vegetation or disrupt the integrity of the wetland. Furthermore, the location of the subject property and its configuration, are such that the development has little if any impact on the non-Hindu-centric uses in the area. The prayer room is in the northeast corner of the subject property, and separated from the abutting residential development of Andover by the location of the Anderson subdivision's retention pond
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.** The Code and the Comp Plan work in tandem to establish goals objectives and policies for the efficient development of land within the County and to ensure a comprehensive, consistent, and efficient development review process. In this instance the Prayer Room was, at the time of approval, determined to be consistent with the wetland regulation. Since that time and through no action of the property owner, the wetland line has crept causing a subsequent creep of the wetland setback line. Requiring compliance with the wetland regulation at this time would be inconsistent with the development review process.

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5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** This structure was approved through the site development process and

permitted based on the characteristics of the land at the time of approval. No illegal actions have occurred; this is not a self-imposed hardship.

6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance**

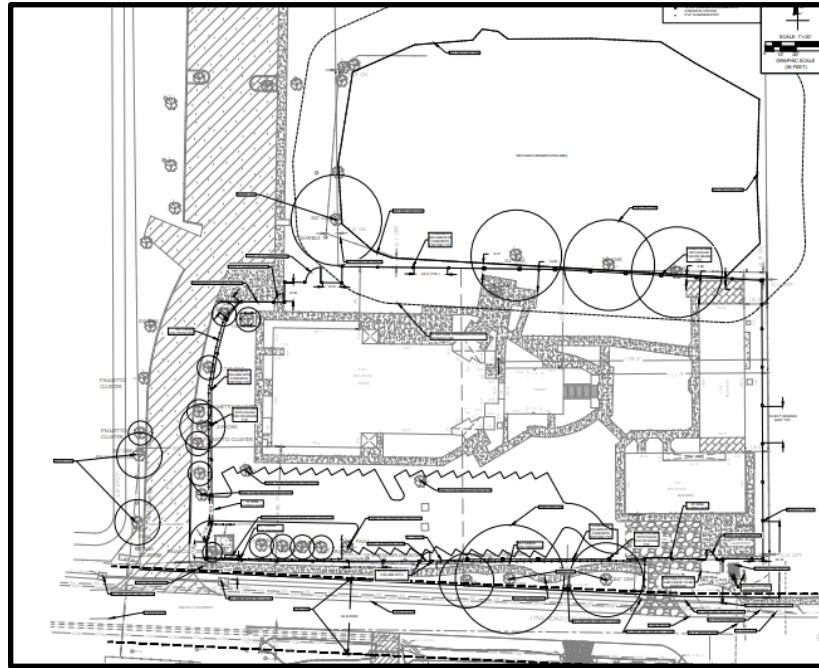
The wetland setback regulation as outlined in the Comprehensive Plan and the LDC is intended to preserve and protect areas of environmental significance from activity which could alter the ecological integrity, balance and/or character of the land. At the time of development approval, the Prayer Room was outside the area of wetland setback, since approval, the wetland and subsequently the wetland setback has crept southward. Approval of this variance will allow an established building to remain as located with no impact to the existing area of wetland.

Proposed Fence

A new metal picket fence with masonry columns will be located between the existing Hindu Temple and the Indian Cultural Center properties, spanning the northern property line and in the same general location as an existing chain link fence as proposed this fence will be located with within the 30-foot wetland setback and 0-feet from the wetland line. The new fence is intended to improve the appearance of both the Hindu Temple property and the Indian Cultural Center and to provide safety and security by providing a barrier between the grounds and the pond promoting safety and well-being much like a fence surrounding a swimming pool. As proposed, this fence/wall combination will have a maximum height of 9-feet and will be designed to reflect the grandeur of the temple. Currently, the pond is surrounded by a mature chain link fence, which generally follows the wetland line in the northern/rear yard. While effective in providing safety, it offers no visual interest. The proposed metal picket fence with masonry columns is a better solution as it will provide the necessary level of safety in a much more visually pleasing manner and in harmony with the architecture of the Temple. As proposed, the proposed metal picket fence will be completely outside the area of wetland and will not interfere with the root system of any of the existing mature trees or divert the flow of water.

- Variance is necessary for the proposed placement within the wetland setback as proposed the 30-foot-wide wetland setback will be reduced to 30-feet
- Variance is necessary for the proposed fence height as proposed the maximum fence height is 9-feet

Graphic 6 Location of Proposed Fence (purple), Wetland (green) and Wetland Setback (red)



Variance Criteria Proposed Fence location A fence is proposed to be located within the wetland setback, a variance of 30-feet is proposed

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.** Hindu Temple is challenged by a unique situation where the wetland is located almost entirely offsite, yet the required wetland setback is located almost entirely on the subject property. Fencing as proposed and within the required wetland setback is the most practical solution to overcome a unique hardship associated with the configuration of the land and the location of the wetland. As configured the structures associated with the temple are separated from the area of wetland by a varying distance of between 15 and 40-feet. A fence separating the wetland area from the Temple is in line with good planning practice because it ensures personal protection and preservation of the natural area. More specifically, it prevents a drowning risk by creating a barrier between the temple grounds and the waters edge. It is intended to provide the same safety and security as required fences surrounding swimming pools as outlined in Florida Statutes Chapter 515 Residential Swimming Pools, specifically 515.29 Residential Swimming Pools and echoed in LDC Section 6.11.94 Swimming Pools. In addition to protecting children and medically frail persons from water related injury, the fence will also preserve the natural area from human encroachment. Finally, it will add architectural harmony to the subject site and surrounding houses of Hindu worship and the Indian Cultural Center, which will complement the ornate architecture of the Temple.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The

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literal reading of the Code would require the fence to be located 30-feet as measured from the edge of the wetland and would locate the fence within 15 feet of the Temple structure. Compliance will create

an unnecessarily cramped and unbalanced configuration which will detract from the architecture of the Temple and the aesthetic of the grounds. Furthermore, compliance would truncate the property by separating the temple from the sacred banyan tree and existing areas of worship. As proposed, the fence will be comprised of metal pickets and masonry columns and will not divert the flow of water. This design strikes a compromise between a strict compliance with the regulation and the unique characteristics of the site and allows the property owner the same level of personal protection as is common to waterfront locations while preserving and protecting the natural environment.

3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** Allowing the variance to replace an existing chain link fence with a metal picket fence with masonry columns does not interfere with the rights of others, with limited exception the proposed fence will be obscured from view from the north. While the fence will be visible from offsite locations to the north and west, these properties are developed with the Indian Cultural Center and other temples of Hindu faith, specifically Vishnu Mandir and the Jain temple. The fence as proposed will be ornate and constructed to mimic the grand aesthetic of Hindu Temple and will unite these facilities in an aesthetic regard.
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan** This variance is in harmony with the intent of the Comprehensive Plan and the LDC in regard to fences which seeks to promote conservation and protection of property, assure safety and security, enhance privacy and improve the visual environment. It seeks the most minimal relaxation of regulation to allow the maximum protection of the temple members, and the natural features intended to be preserved through the establishment of the setback and proposes to do so in a manner consistent with the architectural aesthetic of the existing structures.
5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** The intent of this variance is to improve the visual appearance of the property and the surrounding area while maintaining personal safety and security and preservation of natural area. Variance has been requested prior to installation of the proposed fence and is not the result of a Code violation or self-imposed hardship.
6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance** The LDC and Comp Plan seek to allow a balance between the individuals rights of security and protection and the public's right of a safety and aesthetic. The built-out nature of Hindu Temple, its configuration and the location of the wetland create significant hardships which are best overcome with reduced wetland buffer. As proposed an existing and un-attractive chain link fence will be removed and replaced with a metal picket/masonry column fence in the same general location. Neither new nor existing fence diverts water or interferes with the visibility between properties, and both provide a reasonable amount of natural preservation and personal protection. Yet the new proposed fence enhances the site by complementing the architecture of the property resulting in an improved appearance as seen from on and off-the property.

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Variance to Proposed Fence Height

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.** The hardship is aesthetic. Hindu Temple is among the most beautiful religious structures in Central Florida. Located along Lynn Road in the greater Carrollwood community, it is the most prominent of several Hindu-centric uses located in proximity. The temple is grand, with approximately 19,818 gross feet of area and a maximum height of 70-feet. Currently, Hindu Temple is being re-vitalized to improve the visual appearance. The existing chain link fence offers no visual appeal and detracts from the grandeur Temple. It must be replaced to provide a barrier along the pond. A 6-foot fence height is not appropriate to allow for the ornamentation needed to connect the fence/wall with the temple in a visually pleasing and architecturally harmonious manner.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The literal requirement of the LDC allows for a maximum fence height of 6-feet within the residential and show business districts. A 6-foot fence height is not appropriate considering the 70-foot building height and intent for fences to improve the visual environment. Requiring a maximum fence height of 6-feet would, in this instance, create a lessor aesthetic.
3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** In general, the design of fences should be in keeping with the neighborhood appearance. The fence proposed will be located within the rear yard and designed to create visual harmony with Hindu Temple. It will not interfere with the rights of others because:
 - There will be very limited viewing opportunity from offsite locations to the south
 - The properties to the northwest are developed in a residentially, however, existing fences, existing trees and the 20-foot-tall prayer room prevent visibility trees from this direction.
 - The surrounding properties to the north and west are developed with smaller Hindu temples and the Indian Cultural Center. These structures, while designed with Hindu inspired architecture are subservient to Hindu Temple.
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan** The fence regulation intends to protect property, assure safety and security, enhance privacy, and improve the visual environment. In this instance the proposed fence height is necessary to create visual harmony. The fence proposed is a combination fence/wall. It will incorporate decorative columns and arches with a maximum height of 9-feet, but the metal pickets will be only 4-foot tall. The intent is to create the sensation of bringing the outdoors indoors. The design strikes a balance between the maximum fence height intended from through Code regulation and the unique characteristics of the Temple which require special consideration.
5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** Variance has been proposed prior to fence installation; this situation does not result from an illegal act or from actions of the application.

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6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance.** The fence proposed was designed by consideration of the fence regulation and its intent, the configuration of the site and architecture of the temple, and the characteristics of the Hindu religion. The fence regulation intends to limit fence height and opacity to ensure an appropriate neighborhood aesthetic. While fence height is generally limited to a maximum height of 6-feet, there are circumstances which allow a fence or wall height of 8-feet. Additionally, columns and posts, including decorative caps and finials, may exceed permitted fence height by one foot. The fence proposed is 9-feet in overall height and comprised of decorative columns and ornate arches but the pickets are only 4-feet in height. This design is appropriate considering the intent of the Code and the unique characteristics of Hindu Temple; approval will result in substantial justice.



Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR WS 22-0184 Applicant's Name: Hindu Temple of FL. care of Ortiz Planning Solutions LLC

Reviewing Planner's Name: Carla Shelton and Tom Hizney Date: 12/23/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 01/24/2022

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

12/23/2021

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____

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December 21, 2021

Ms. Carla Shelton Knight
Senior Forester, Certified Arborist
Natural Resources Division
Development Services Division

RE VAR 22-0184

Dear Carla,

Thank you for your time and attention on this project. The project narrative and variance criteria response has been amended to make minor adjustments to more accurately identify the request. Specifically:

To describe and provide additional information about the sacred tree and the structure, a platform, which surrounds this tree and encroaches into the wetland setback and alters placed upon it.

To clarify that an exemption from wetland setback was not granted in the past

To discuss the pavers on the north side of the prayer room in greater detail

Sincerely,



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Property Folio Number: 23779.0100
Zoning Designation: AS-1
Community Planning Area: Carrollwood

Address: 5509 Lynn Road
Future Land Use: R-4

REVISION 4 DECEMBER 23, 2021

LDC Section: 4.01.07 Environmentally Sensitive Areas Wetlands and Natural Water Bodies B. Setbacks 1. Setback shall be required from this Conservation and Preservation Areas listed as wetlands or natural water bodies in the definition of environmentally sensitive areas. Setbacks shall be a minimum of 30-feet for Conservation Areas.

Variance is requested to amend existing encroachments and to allow a new fence within the required 30-foot-wide wetland conservation area

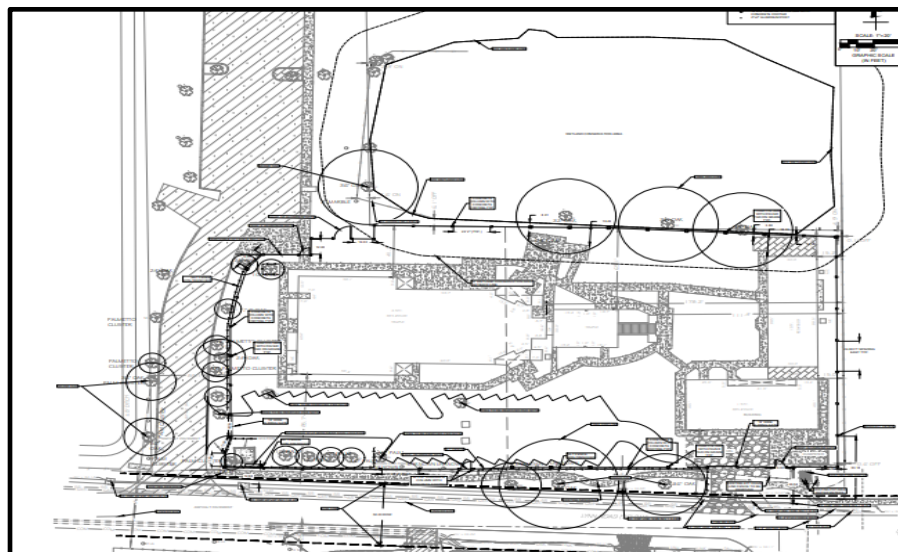
- **Variance to Wetland Setback part a.** To amend an **existing** wetland setback encroachment of a paved area surrounding a sacred Banyan/Parijatha Tree. This existing structure is currently located within the Wetland Conservation Area, 8-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 8-feet
- **Variance to Wetland Setback part b.** To amend an **existing** wetland setback encroachment of a paved area north of the prayer room. This existing structure is currently located within the Wetland Conservation Area, 2-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 2-feet
- **Variance to Wetland Setback part c.** To amend an **existing** wetland setback encroachment of a portion of the prayer room. This existing structure is currently located within the Wetland Conservation Area, 18-feet from the wetland line. Variance requested: to reduce the Wetland Conservation Area from 30-feet to 18-feet.
- **Variance to Wetland Setback part d.** To allow a **new** fence to be located within the area of wetland setback. Variance requested: to reduce the required Wetland Conservation Area from 330-feet to 0-feet.

Variances Requested: Part 2 to increase fence height in residential zone

LDC Section 6.07.02 Fences and Walls Regulation C. Regulation for Fences 1. Residential Districts and SB Districts part f. The maximum average height of any fence or wall shall be 6-feet except as described in g. h. i. below.

- **Variance to Fence Height part a.** To allow a **new** fence/wall a 3-foot increase in height Variance requested to increase the maximum fence height of the Residential Zone from 6-feet to 9-feet

**Graphic 1:
Location of
Variances
Proposed**



Project Narrative:**Background information:****1983-1984**

Hindu Temple of Florida was established through Articles of Incorporation, as a religious and charitable organization intended to support the religious and cultural activities of the Hindu religion, in 1983. In or about 1985 the 10+/- acre parent tract, 23779.0000 was purchased by KC Patel. It was subdivided in 1989 and again in 1994 resulting in three parcels as follows: Jain Temple on folio 23779.0000, Indian Cultural Center on folio 23779.0150 and Hindu Temple on the subject parcel 23779.0100. On May 1, 1992, a site plan approval letter was issued for a maximum of 40,000 square feet of church use on the 10.07-acre development site (site plan 68702) however, this development plan cannot be located. It is assumed the 40,000 square feet of floor space was a total figure for multiple structures; this assumption is furthered by a water and sewer plan found in the permit file for the Indian Cultural Center (tax folio 23779.0150) which in a general manner illustrates the development existing today.

2019

A Special Use was approved for Hindu Temple in 2019 (SU 19-0834); allowing for the expansion of the Temple with a new multi-purpose building to be located on the south side of Lynn Road and on property identified as tax folio number 023824.0000. Included with this Special Use were waivers and variations which allowed reduced building setback and parking; allowed off-site parking and a reduction of the maximum walking distance between an offsite parking lot and the main door entrance of the primary use. This approval joined two properties owned by Hindu Temple under one development order and formalized many long-anticipated improvements to the Temple property.

2021

On December 13, 2021 a new Special Use, SU 21-1333, was heard by the LUHO, seeking all previously approved waivers, changes to approved conditions of approval seeking to allow increased building height of the two multi-purpose buildings located on the northern of the two parcels (23779.0100) and increased building area and the following changes to the on the southern parcel (23824.0000): increased height and building area of the Vidyalaya Center/Multi-Purpose and a reduced southern side yard setback. One additional variance was requested seeking to increase the front yard fence height along both the Lynn Road and Williams Road frontages from 4-feet to 6-feet. A decision on this petition is expected to be rendered on January 6, 2021.

Present

Variance Request (VAR 22-0184): Through this variance petition, the property owners are seeking to allow a 9-foot-tall metal picket fence with masonry columns and decorative arches to be located on the northern property line of the northern parcel (23779.0100), in the rear yard and within the 30-foot-wide wetland setback. Additionally, this petition seeks to amend existing wetland setback encroachments of a paved area surrounding a sacred banyan tree, an area of pavers on the north side of the prayer room, and a portion of the prayer room building. Notably, these structures were not illustrated on the 1992 water and sewer plan which depicted a conceptual site layout. However, the area surrounding the sacred tree was illustrated as existing on the 2011 site plan submitted with the minor site development plan approved in 2011 allowing construction of the prayer room. A comparison of the wetland lines as shown on the 2011 minor site development plan and the 2021 site plan demonstrate the wetland, and subsequently, the wetland setback have migrated southward.

Site and Area Characteristics:

The temple is located on Lynn Road between Nixon Road and Anderson Road and within the Carrollwood Village neighborhood. It is located adjacent to two other Hindu temples, the Indian Cultural Center, and Hindu Village, a planned development approved for housing and intended for elder devotees and visiting priests. There is significant

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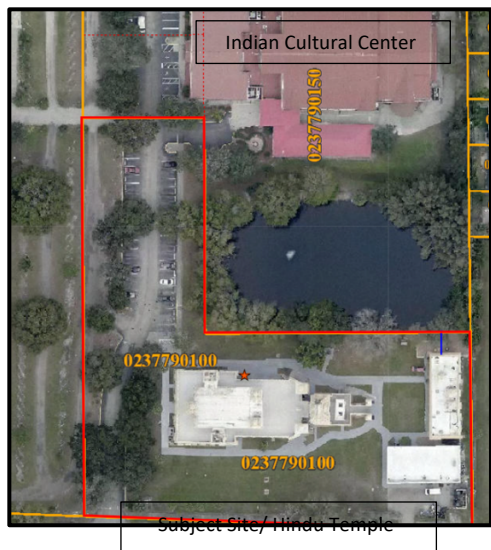
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membership crossover between the three temples of Hindu faith and the Indian Cultural Center. Along Lynn Road, the land uses are a mix of estate style single-family homes and churches. Several high-density residential subdivisions exist near to the site and include Plantation, Wildwood, Andover and Meadow Glen. However, none access from Lynn Road. Intense non-residential commercial development occurs to the south of the site and along Linebaugh Ave. Most of the properties fronting Lynn Road between Anderson Rd and Nixon Rd are used as single-family residences or churches.

This property is unique in several ways

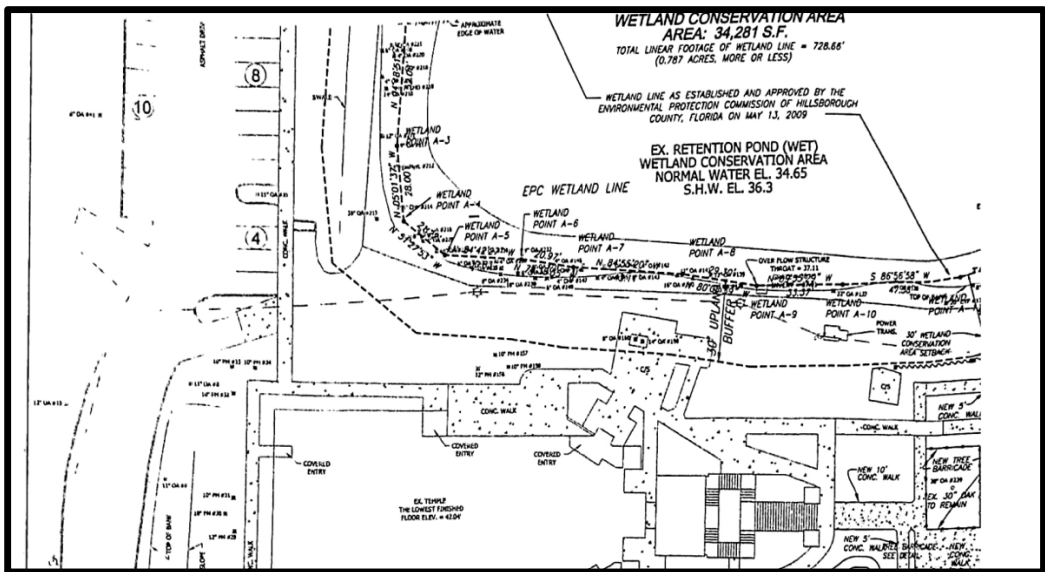
- The area of wetland is almost entirely located off-site, on land identified as tax folio number 023779.0150 and controlled by the Indian Cultural Center, but the area of wetland setback is almost entirely the subject property

Graphic 2 Illustration of lot configuration and location of wetland

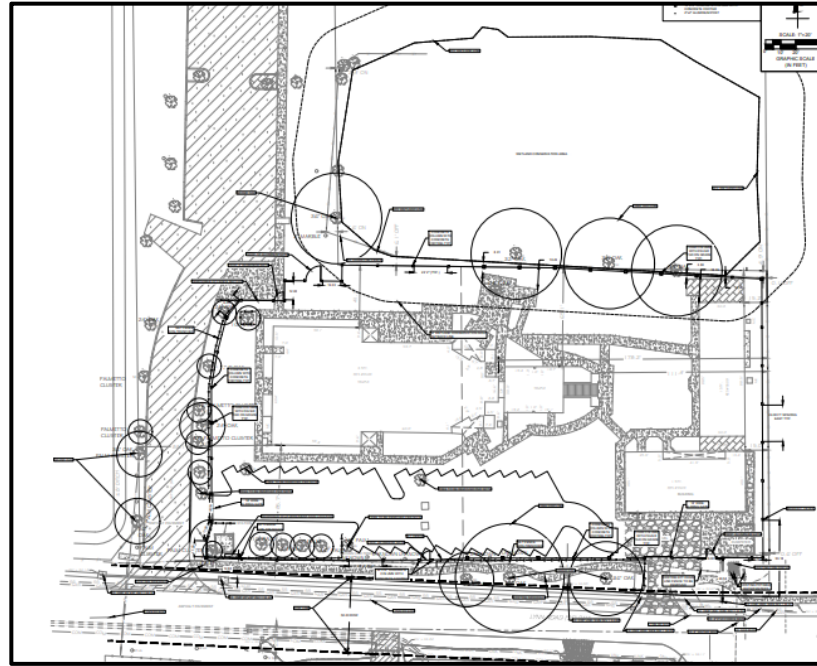


- The wetland setback has moved southward over time, pushing the required wetland setback further into the Hindu Temple Property. In 2008, as evidenced by a survey used for permitting the Prayer Room, the wetland line was north of the Prayer Room. Site Development Plan approval was issued for the Prayer Room in 2011.

Graphic 3 Location of Wetland in 2011



**Graphic 4
Location of
Wetland 2021**



- It is important to note that the subject wetland is also a retention pond and does not share the environmental aesthetic typically associated with the natural environment or provide a functioning living environment of integrity or significant aesthetic appeal.

Encroachment of the structure surrounding the sacred tree

The platform surrounding the sacred tree is approximately 1800 square feet in size and used for prayer and quiet meditative practices. Permit records have been researched to determine if permits were issued for this structure. While permits were not found, it must also be noted that no citations were issued and this structure is illustrated on the 2011 minor site development permit which authorized construction of the prayer room.-

Variance Criteria Response: Encroachment of structure/platform surrounding sacred tree Banyan/Parijatham tree

Encroachment: 22- feet into the required 30-foot wetland setback resulting in a wetland setback of 8.00 feet

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.**

The built area surrounding the Sacred Tree was constructed in or about 2006-and has continuously been used as an area of worship. Permit records have been researched but no permit has been found for this structure; and no citations have been issued.

2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.**

A literal interpretation of the Code requires either variance to exempt this structure from compliance or removal. Removal of the structure will deprive the Hindu Temple of rights of worship commonly attributed to Hinduism. In Hindu lore, the banyan/Parijatham tree is said to be a place where the Gods and spirits of the deceased congregate. Hindu devotees believe the banyan tree emits large amounts of spiritual energy and several specific

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prayers take place around this tree. Removal of the structure surrounding the tree will interfere with specific religious rituals and deprive devotees of rights of worship commonly enjoyed by others of various faiths.

3. Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

This variance to wetland setback will not substantially interfere with or injure the rights of others. The sacred tree, its protective barrier and seating area have existed since 2006 and provide appropriate area for the passive activity of worship. The structure does not encroach into or interfere with the wetland. As located on the north side of the property in the center of the rear yard it is most distant from residential development.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan

The Land Development Code and Comprehensive Plan work together to, among other things, be effective in terms of addressing the consequences of development upon natural resources. The intent is for all development to be designed and built-in accordance with good planning and design practice and the minimum standards as set forth in the LDC. In this instance, a structure containing pervious material and prayer alter^s was built around the sacred banyan tree, and within the wetland setback. Considering the spiritual significance of the banyan tree and the passive activities associated with worship, the effects of this structure on the natural environment are most minimal.

5. Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.

This structure was constructed more than 15 years ago, at a time when the County was adjusting to a new document repository system zoning conformance. While no permit has been located, it is possible that one was issued. for this permit. This structure appears as an existing structure on the site development plans submitted in 2011 for the construction of the prayer room and did not necessitate the need for variance at that time which indicates an approval had been previously granted. However, should the variance be approved the developer is willing to participate in the after the fact permitting process.

6. Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance.

Allowing the long existing encroachment to continue will not further degrade the wetland but will allow the continuation of typical Hindu worship. The worship activity which occurs in this area is low impact and generally singular. While the structure can be removed, the tree cannot. Considering the spiritual significance of the tree, it is likely worship would continue; however, in a less inclusive manner that would limit the participation of devotees with disabilities and mobility issues.

Encroachment of the Pavers on the north side of the Prayer Room

The pavers on the north side of the prayer room are of a semi-pervious material. Code Section 4.01.07 Environmentally Sensitive Areas-Wetland and Natural Water Bodies Part B. Setbacks subsection 4. provides for limited exceptions to wetland setback encroachment, one of these exceptions is for "... the limited use of semi-pervious paving material...". Here again, response to the variance criteria has been provided to validate this structure's location within the area of wetland setback.

7. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.

While most religious institutions conduct worship services inside a sanctuary, Hinduism is closely related to nature; the natural environment is of particular importance in many worship services. The paved area offers devotees a shaded firm surface on which

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to pray. This is important because it provides a suitable surface for several significant prayers which require both an outdoor setting and proximity to specific deities. This area is approximately 690 square feet in area and 2.12 feet from the current wetland line as identified in the 2021 site plan and wetland survey. The pavers are of a semi-pervious material and are held in place by sand, not concrete.

2. Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

A literal interpretation of the Code requires either variance to exempt this structure from compliance or removal. Removal of the structure will deprive the Hindu Temple of rights of worship. Removal of the paved area would interfere with specific religious rituals and deprive the devotees of rights of worship commonly enjoyed by spiritual practitioners.

Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance. Allowing the variance will not substantially interfere with or injure the rights of others, this paved area has existed since 2019. Notably, this structure does not encroach into the area of wetland, or otherwise interfere with the existence of wetland vegetation or disrupt the integrity of the wetland. Furthermore, as located, and oriented, the impacts of the activity occurring on this paved area is most minimal.

3. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.

The Land Development Code and Comprehensive Plan work together to, among other things, be effective in terms of addressing the effects of development upon natural resources. The intent is for all development to be designed and built-in accordance with good planning and design practice and the minimum standards as set forth in the LDC. However, the variance process has been established, to offer relief from a strict compliance with the regulation when practical difficulty or hardship has been demonstrated. In this instance, practical difficulty exists: the wetland is isolated and functions as retention which compromise its ecological integrity. Hardship exists because the paved area allows provides a hard surface necessary for an inclusive area of worship suitable for all devotees regardless of health conditions, age, or physical ability.

4. Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.

While the paved area was constructed without a permit, the LDC was consulted and interpreted to mean that pervious paving material could be used within the area of wetland setback.

LDC 4.01.07: No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a road essential for access, wetland recreation access no greater than 20 feet wide, construction of a stormwater retention or detention basin or other stormwater-related structure, construction of a boardwalk or other stilted structure, grade finishing to provide a gradual slope between the setback line and the environmentally sensitive area, **the limited use of semi-pervious paving material** (emphasis added) construction of a retaining wall, recreational trail, or golf cart path; or except as specifically approved for construction of a swimming pool provided there is no encroachment within 15 feet of a Conservation Area and 25 feet of a Preservation Area.

5. Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance

Allowing this encroachment to continue will result in substantial justice because the limited use of semi-pervious paving material is allowed within the area of wetland setback.

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6. **Explain how allowing the variance. Will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardship that will be suffered by a failure to grant the variance.** Allowing this encroachment to continue will result in substantial justice because the limited use of semi pervious material is allowed within the area of wetland setback.

Encroachment of the Prayer Room

As depicted on the 2021 Wetland Survey and Site Plan, the existing Prayer Room encroaches 11-feet into the required wetland setback. Site Development Plan approval was granted for the construction of the Prayer Room in November 2011, through PID 459. Furthermore, a site plan for construction identifies the wetland as it existed in 2011 and demonstrates the Prayer Room, at the time of site plan construction approval, was not located within the wetland setback. The 2021 wetland survey and site plan show the current location of the wetland line and the associated 30-foot-wide wetland setback. Comparison of the 2011 and 2021 site plans demonstrates the southward movement of the wetland and, subsequently, the wetland setback. While the Prayer Room did not encroach into the wetland at the time of approval, it does presently. Response to the Variance Criteria is included. wetland and subsequently the wetland setback. Response to the Variance Criteria is included in this report.

Variance Criteria Encroachment of the Prayer Room The existing prayer room encroaches 12-feet into the required 30-foot wetland setback

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.**
Site Development Plan approval was granted for the Prayer Room in 2011. The site plan submitted with the site development plan application identified the location of the wetland and wetland setback as they existed at that time. Since 2011, the wetland, and subsequently the wetland setback area, has crept southward placing the prayer room within the area of wetland setback. The prayer room was constructed lawfully in 2013 and complied with the wetland setback regulation at the time of construction.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The literal requirements of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same district and area by requiring this existing and permitted structure to be removed.
3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** Allowing the variance will not substantially interfere with or injure the rights of others, the building was constructed in 2013 and has existed without incident since that time. Notably, this structure does not encroach into the area of wetland, or otherwise interfere with the existence of wetland vegetation or disrupt the integrity of the wetland. Furthermore, the location of the subject property and its configuration, are such that the development has little if any impact on the non-Hindu-centric uses in the area. The prayer room is in the northeast corner of the subject property, and separated from the abutting residential development of Andover by the location of the Anderson subdivision's retention pond
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.** The Code and the Comp Plan work in tandem to establish goals objectives and policies for the efficient development of land within the County and to ensure a comprehensive, consistent, and efficient development review process. In this instance the Prayer Room was, at the time of approval, determined to be consistent with the wetland regulation. Since that time and through no action of the property owner, the wetland line has crept causing a subsequent creep of the wetland setback line. Requiring compliance with the wetland regulation at this time would be inconsistent with the development review process.

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5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** This structure was approved through the site development process and

permitted based on the characteristics of the land at the time of approval. No illegal actions have occurred; this is not a self-imposed hardship.

6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance**

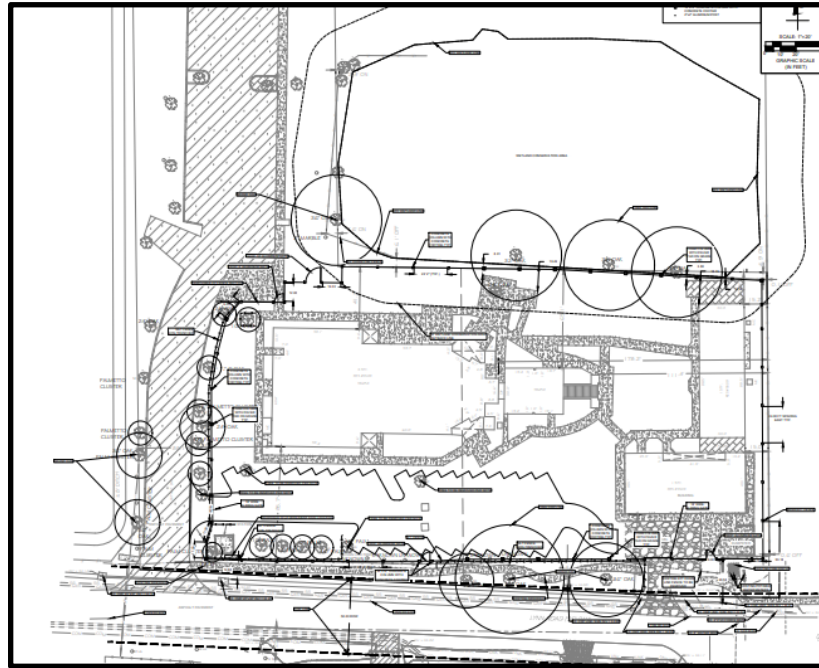
The wetland setback regulation as outlined in the Comprehensive Plan and the LDC is intended to preserve and protect areas of environmental significance from activity which could alter the ecological integrity, balance and/or character of the land. At the time of development approval, the Prayer Room was outside the area of wetland setback, since approval, the wetland and subsequently the wetland setback has crept southward. Approval of this variance will allow an established building to remain as located with no impact to the existing area of wetland.

Proposed Fence

A new metal picket fence with masonry columns will be located between the existing Hindu Temple and the Indian Cultural Center properties, spanning the northern property line and in the same general location as an existing chain link fence as proposed this fence will be located with within the 30-foot wetland setback and 0-feet from the wetland line. The new fence is intended to improve the appearance of both the Hindu Temple property and the Indian Cultural Center and to provide safety and security by providing a barrier between the grounds and the pond promoting safety and well-being much like a fence surrounding a swimming pool. As proposed, this fence/wall combination will have a maximum height of 9-feet and will be designed to reflect the grandeur of the temple. Currently, the pond is surrounded by a mature chain link fence, which generally follows the wetland line in the northern/rear yard. While effective in providing safety, it offers no visual interest. The proposed metal picket fence with masonry columns is a better solution as it will provide the necessary level of safety in a much more visually pleasing manner and in harmony with the architecture of the Temple. As proposed, the proposed metal picket fence will be completely outside the area of wetland and will not interfere with the root system of any of the existing mature trees or divert the flow of water.

- Variance is necessary for the proposed placement within the wetland setback as proposed the 30-foot-wide wetland setback will be reduced to 30-feet
- Variance is necessary for the proposed fence height as proposed the maximum fence height is 9-feet

Graphic 6 Location of Proposed Fence (purple), Wetland (green) and Wetland Setback (red)



Variance Criteria Proposed Fence location A fence is proposed to be located within the wetland setback, a variance of 30-feet is proposed

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.** Hindu Temple is challenged by a unique situation where the wetland is located almost entirely offsite, yet the required wetland setback is located almost entirely on the subject property. Fencing as proposed and within the required wetland setback is the most practical solution to overcome a unique hardship associated with the configuration of the land and the location of the wetland. As configured the structures associated with the temple are separated from the area of wetland by a varying distance of between 15 and 40-feet. A fence separating the wetland area from the Temple is in line with good planning practice because it ensures personal protection and preservation of the natural area. More specifically, it prevents a drowning risk by creating a barrier between the temple grounds and the waters edge. It is intended to provide the same safety and security as required fences surrounding swimming pools as outlined in Florida Statutes Chapter 515 Residential Swimming Pools, specifically 515.29 Residential Swimming Pools and echoed in LDC Section 6.11.94 Swimming Pools. In addition to protecting children and medically frail persons from water related injury, the fence will also preserve the natural area from human encroachment. Finally, it will add architectural harmony to the subject site and surrounding houses of Hindu worship and the Indian Cultural Center, which will complement the ornate architecture of the Temple.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The

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literal reading of the Code would require the fence to be located 30-feet as measured from the edge of the wetland and would locate the fence within 15 feet of the Temple structure. Compliance will create

an unnecessarily cramped and unbalanced configuration which will detract from the architecture of the Temple and the aesthetic of the grounds. Furthermore, compliance would truncate the property by separating the temple from the sacred banyan tree and existing areas of worship. As proposed, the fence will be comprised of metal pickets and masonry columns and will not divert the flow of water. This design strikes a compromise between a strict compliance with the regulation and the unique characteristics of the site and allows the property owner the same level of personal protection as is common to waterfront locations while preserving and protecting the natural environment.

3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** Allowing the variance to replace an existing chain link fence with a metal picket fence with masonry columns does not interfere with the rights of others, with limited exception the proposed fence will be obscured from view from the north. While the fence will be visible from offsite locations to the north and west, these properties are developed with the Indian Cultural Center and other temples of Hindu faith, specifically Vishnu Mandir and the Jain temple. The fence as proposed will be ornate and constructed to mimic the grand aesthetic of Hindu Temple and will unite these facilities in an aesthetic regard.
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan** This variance is in harmony with the intent of the Comprehensive Plan and the LDC in regard to fences which seeks to promote conservation and protection of property, assure safety and security, enhance privacy and improve the visual environment. It seeks the most minimal relaxation of regulation to allow the maximum protection of the temple members, and the natural features intended to be preserved through the establishment of the setback and proposes to do so in a manner consistent with the architectural aesthetic of the existing structures.
5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** The intent of this variance is to improve the visual appearance of the property and the surrounding area while maintaining personal safety and security and preservation of natural area. Variance has been requested prior to installation of the proposed fence and is not the result of a Code violation or self-imposed hardship.
6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance** The LDC and Comp Plan seek to allow a balance between the individuals rights of security and protection and the public's right of a safety and aesthetic. The built-out nature of Hindu Temple, its configuration and the location of the wetland create significant hardships which are best overcome with reduced wetland buffer. As proposed an existing and un-attractive chain link fence will be removed and replaced with a metal picket/masonry column fence in the same general location. Neither new nor existing fence diverts water or interferes with the visibility between properties, and both provide a reasonable amount of natural preservation and personal protection. Yet the new proposed fence enhances the site by complementing the architecture of the property resulting in an improved appearance as seen from on and off-the property.

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Variance to Proposed Fence Height

1. **Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.** The hardship is aesthetic. Hindu Temple is among the most beautiful religious structures in Central Florida. Located along Lynn Road in the greater Carrollwood community, it is the most prominent of several Hindu-centric uses located in proximity. The temple is grand, with approximately 19,818 gross feet of area and a maximum height of 70-feet. Currently, Hindu Temple is being re-vitalized to improve the visual appearance. The existing chain link fence offers no visual appeal and detracts from the grandeur Temple. It must be replaced to provide a barrier along the pond. A 6-foot fence height is not appropriate to allow for the ornamentation needed to connect the fence/wall with the temple in a visually pleasing and architecturally harmonious manner.
2. **Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.** The literal requirement of the LDC allows for a maximum fence height of 6-feet within the residential and show business districts. A 6-foot fence height is not appropriate considering the 70-foot building height and intent for fences to improve the visual environment. Requiring a maximum fence height of 6-feet would, in this instance, create a lessor aesthetic.
3. **Explain how the variance if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.** In general, the design of fences should be in keeping with the neighborhood appearance. The fence proposed will be located within the rear yard and designed to create visual harmony with Hindu Temple. It will not interfere with the rights of others because:
 - There will be very limited viewing opportunity from offsite locations to the south
 - The properties to the northwest are developed in a residentially, however, existing fences, existing trees and the 20-foot-tall prayer room prevent visibility trees from this direction.
 - The surrounding properties to the north and west are developed with smaller Hindu temples and the Indian Cultural Center. These structures, while designed with Hindu inspired architecture are subservient to Hindu Temple.
4. **Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan** The fence regulation intends to protect property, assure safety and security, enhance privacy, and improve the visual environment. In this instance the proposed fence height is necessary to create visual harmony. The fence proposed is a combination fence/wall. It will incorporate decorative columns and arches with a maximum height of 9-feet, but the metal pickets will be only 4-foot tall. The intent is to create the sensation of bringing the outdoors indoors. The design strikes a balance between the maximum fence height intended from through Code regulation and the unique characteristics of the Temple which require special consideration.
5. **Explain how the situation sought to be relieved does not result from an illegal act or the actions of the applicant resulting in a self-imposed hardship.** Variance has been proposed prior to fence installation; this situation does not result from an illegal act or from actions of the application.

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6. **Explain how allowing the variance will result in substantial justice being done considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant the variance.** The fence proposed was designed by consideration of the fence regulation and its intent, the configuration of the site and architecture of the temple, and the characteristics of the Hindu religion. The fence regulation intends to limit fence height and opacity to ensure an appropriate neighborhood aesthetic. While fence height is generally limited to a maximum height of 6-feet, there are circumstances which allow a fence or wall height of 8-feet. Additionally, columns and posts, including decorative caps and finials, may exceed permitted fence height by one foot. The fence proposed is 9-feet in overall height and comprised of decorative columns and ornate arches but the pickets are only 4-feet in height. This design is appropriate considering the intent of the Code and the unique characteristics of Hindu Temple; approval will result in substantial justice.

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Sterlin Woodard, P.E. WETLANDS DIVISION

November 3, 2021

Hindu Temple of Florida, Inc.
c/o Srinivas Guthikonda
s_guthikonda@yahoo.com
5509 Lynn Road
Tampa, FL 33624

SUBJECT: EPC REVIEW #50117 / WETLAND AND OTHER SURFACE WATER SURVEY FOR THE HINDU TEMPLE OF FLORIDA, INC. PROPERTY / UNINCORPORATED HILLSBOROUGH COUNTY / REVISED SURVEY RECEIVED ON OCTOBER 26, 2021 / FOLIOS #023779-0100 AND 023779-0150 / STR 18-28S-18E / SURVEY EXPIRES NOVEMBER 3, 2026

Dear Srinivas Guthikonda:

Please allow this letter to document that Wetlands Division staff of the Environmental Protection Commission (EPC) has issued a formal determination as to the existence of any wetlands and other surface waters upon lands within Hillsborough County for the above referenced property, as reflected on a certified survey. The extent of wetlands and other surface waters was established using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11, Wetlands, Rules of the EPC of Hillsborough County. **The survey shall remain valid for a period of five (5) years from the initial date of approval (expires November 3, 2021).**

Please be advised, due to the current State assumption of the federal Section 404 Clean Water Act program, all wetland and other surface water boundary delineations accepted by the EPC will be subject to future State review prior to being accepted by the Florida Department of Environmental Protection or the Southwest Florida Water Management District. EPC lines may not be accepted by the State and will be subject to future modification by the State agencies. The delineation of the boundary will be based on the same wetland or other surface water methodology adopted in Section 62-340, Florida Administrative Code, however, the lines must be field verified by the State prior to being accepted under the 404 program.

Please be advised that an approval on the survey does not constitute approval for any other aspect of the EPC's review process. Any activity interfering with the integrity of wetlands and other surface waters, such as clearing, excavating, draining or filling, without prior written authorization from the Executive Director of EPC or a designated authorized agent, pursuant to

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Section 1-11.07, Rules of the EPC, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11, Rules of the EPC.

The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats, as per the LDC. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.

NOTICE OF RIGHTS

Pursuant to Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act) and Rule 1-2.30, Rules of the Environmental Protection Commission of Hillsborough County (EPC) any person whose interests are protected by Chapter 84-446, Laws of Florida and who is adversely affected or otherwise aggrieved by this action has the right to appeal this agency action/decision. **Written Notice of Appeal for a Section 9 Administrative Hearing must be received by the EPC Commission Chair, c/o EPC Legal Department, 3629 Queen Palm Dr., Tampa, Florida 33619 or via electronic mail at legalclerk@epchc.org or via facsimile at (813) 627-2602, within twenty (20) days of receipt of this notice.** Pursuant to Section 1-2.30(c), Rules of the EPC, a Notice of Appeal must include the following information:

- (1) The name, address, and telephone number of the Appellant; the name, address, and telephone number of the Appellant's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Appellant will be aggrieved or how his or her interests will be adversely affected by the Executive Director's decision;
- (2) A statement of when and how the Appellant received notice of the agency decision;
- (3) A statement of all disputed issues of material fact. If there are none, the Notice of Appeal must so indicate;
- (4) The specific facts the Appellant contends warrant reversal or modification of the Executive Director's proposed action;
- (5) A statement of the specific laws or rules the Appellant contends require reversal or modification of the Executive Director's proposed action; and
- (6) A statement of the relief sought by the Appellant, stating precisely the action Appellant wishes the Commission to take with respect to the Executive Director's proposed action or decision.

Pursuant to Section 1-2.31, Rules of the EPC, you may request additional time to file a Notice of Appeal by filing a REQUEST FOR EXTENSION OF TIME TO FILE A NOTICE OF APPEAL. The Request for Extension of Time must include a statement when and how the Appellant received notice of the agency decision and a statement why good cause exists for the extension. The Request

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must be sent to and received by the EPC Legal Department at the address, e-mail, or fax noted above within twenty (20) calendar days of receipt of this notice.

By submitting a “Notice of Appeal” or a “Request for Extension of Time to file a Notice of Appeal” via e-mail, you are agreeing to service and receipt of correspondences via e-mail at the originating e-mail address identified in the e-mail submission.

This Order is FINAL unless the party timely files, pursuant to Chapter 1-2, Part IV, Rules of the EPC, a Notice of Appeal or files a Request for Extension of Time to file a Notice of Appeal for a formal hearing. Pursuant to Section 1-2.31(e), Rules of the EPC, failure to request an administrative hearing by filing a Notice of Appeal within twenty (20) days after receipt of this Order shall constitute a WAIVER of one's right to have an appeal heard, and this unappealed Order shall automatically become a final and enforceable Order of the Commission.

It is recommended that the Applicant publish at their own expense the following notice of this agency action in a newspaper of general circulation in Hillsborough County, Florida for a minimum of one (1) day so as to provide constructive notice to potentially aggrieved parties. It is also **RECOMMENDED THAT NO WORK** authorized by this action occur until after the time period for challenging this decision has expired:

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
NOTICE OF AGENCY ACTION

The Environmental Protection Commission of Hillsborough County gives notice of agency action of issuance of a Wetland or Other Surface Water Survey Approval Letter and jurisdictional determination (Wetland Survey Approval Letter) pursuant to Chapter 84-446, Laws of Florida, as amended and Chapter 1-11, Rules of the EPC and issued on November 3, 2021. The Wetland Survey Approval Letter addresses a wetland or other surface water determination on property located at 5509 Lynn Road, Tampa on folios #023779-0100 & 023779-0150. The agency action document / permit is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Environmental Protection Commission, 3629 Queen Palm Dr., Tampa, Florida 33619. Pursuant to Section 9, Chapter 84-446, Laws of Florida, and Rule 1-2.30, Rules of the EPC, any person whose interests protected by Chapter 84-446, Laws of Florida, are adversely affected by this action or are otherwise aggrieved by this action, has the right to appeal the decision in accordance with Part IV of Rule 1-2, Rules of the EPC which will be found within the “Notice of Rights” included with the issued document. Written notice of appeal must be received by the EPC Commission Chair, c/o EPC Legal Department, 3629 Queen Palm Dr., Tampa, Florida 33619 or via electronic mail at legalclerk@epchc.org or via facsimile at (813) 627-2602, within 20 days of the date of this publication. Failure to file a notice of appeal within that time shall constitute a WAIVER of one’s right to file an appeal.

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Upon receipt of a sufficient Notice of Appeal for a Section 9 Administrative Hearing an independent hearing officer will be assigned. The hearing officer will schedule the appeal hearing at the earliest reasonable date. Following an evidentiary hearing, the hearing officer will render his/her decision as a recommendation before the EPC. Pursuant to Section 1-2.35, Rules of the EPC, the EPC will take final agency action on the findings of fact and conclusions of law of the hearing officer. A written decision will be provided by the EPC, which affirms, reverses or modifies the hearing officer's decision. Should this final administrative decision still not be in your favor, you may seek review in accordance with Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, and the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961 by filing an appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Environmental Protection Commission, EPC Legal Department, 3629 Queen Palm Dr., Tampa, FL 33619, and filing a notice of appeal accompanied by the applicable filing fee with the Second District Court of Appeal within 30 days from the date of the final administrative decision becoming an order of the EPC.

Copies of EPC rules referenced in this Order may be examined at any EPC office, may be found on the internet site for the agency at <http://www.epchc.org> or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, FL 33619.

Thank you for your time in submitting this survey. If you have any questions or need further assistance, feel free to call Chris Stiens at 813-627-2600, ext. 1225.

Sincerely,



Chris Stiens
Environmental Scientist
Wetlands Division
Environmental Protection Commission
of Hillsborough County



Michael Thompson
Senior Environmental Scientist
Wetlands Division
Environmental Protection Commission
of Hillsborough County

cs/mst

ec: SWFWMD - ERPAgencyCoordination@swfwmd.state.fl.us
Alex Kusmierz (Tampa Civil Design, LLC)- alex@tampacivil.com
Jeremy Couch, P.E. (Tampa Civil Design, LLC)- jcouch@tampacivil.com

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1989 MAR 24 AM 9: 34

89062834

L.C.

WARRANTY DEED
DEED TO DEED

This Warranty Deed Made the 15th day of March A. D. 19 89 by

K. G. PATEL, a married person
hereinafter called the grantor, to
HINDU TEMPLE OF FLORIDA, INC.

OFF. REC. 5648 P. 1878

whose postoffice address is 13509 Lake Magdalene Drive, Tampa, Fl 33613
hereinafter called the grantees:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth: That the grantor, for and in consideration of the sum of Ten Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all those certain lands described as follows:

The East 202.604 feet of the East 284.00 feet of the South 215.00 feet of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 18, Township 28 South, Range 18 East, Hillsborough County, Florida.

THIS PROPERTY DOES NOT NOW, NOR HAS NEVER, CONSTITUTED THE HOMESTEAD OF GRANTOR. GRANTOR RESIDES AT 11609 CARROLLWOOD DRIVE, TAMPA, FLORIDA 33618.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1988. Subject to all valid restrictions, reservations and easements of record, if any, said reference to restrictions shall not operate to reimpose same.

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Documentary Tax Pd. \$.55
Intangible Tax Pd. \$ 0
Richard Ake, Clerk Hillsborough County
By: Jensen Deputy Clerk

In Witness Whereof, the said mortgagor has hereunto signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten signatures and initials]

[Signature]
K. C. PATEL

L.S.
L.S.
L.S.
L.S.

STATE OF FLORIDA,
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared K. C. PATEL, a married person

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of March A.D. 19 89

(SEAL)

Notary Public
My commission expires

Notary Public, State of Florida at Large
My Commission Expires April 23, 1990

This instrument was prepared by Sally J. Dudley, Florida-Seminole Title Services, Inc., P. O. Box 3985, Seminole, FL 34642-0985. Prepared by and Return To: SALLY J. DUDLEY

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VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 5509 Lynn Road City/State/Zip: Tampa Fl 33624 TWN-RN-SEC: 18-28-18

Folio(s): 023779.0100 Zoning: AS - 1 Future Land Use: R-4 Property Size: 2.753

Property Owner Information

Name: Hindu Temple of Florida Daytime Phone: 813.817.8492

Address: 5509 Lynn Road City/State/Zip: Tampa FL 33624

Email: OrtizPlanningSolutions@gmail.com FAX Number: NA

Applicant Information

Name: Hindu Temple of Florida Daytime Phone: 813.817.8492

Address: 5509 Lynn Road City/State/Zip: Tampa FL 33624

Email: OrtizPlanningSolutions@gmail.com FAX Number: NA

Applicant's Representative (if different than above)

Name: Patricia Ortiz, AICP Ortiz Planning Solutions LLC Daytime Phone: 813.817.8492

Address: 2810 N Central Ave City / State/Zip: Tampa FL 33602

Email: OrtizPlanningSolutions@gmail.com FAX Number: NA

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

Patricia Ortiz AICP

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

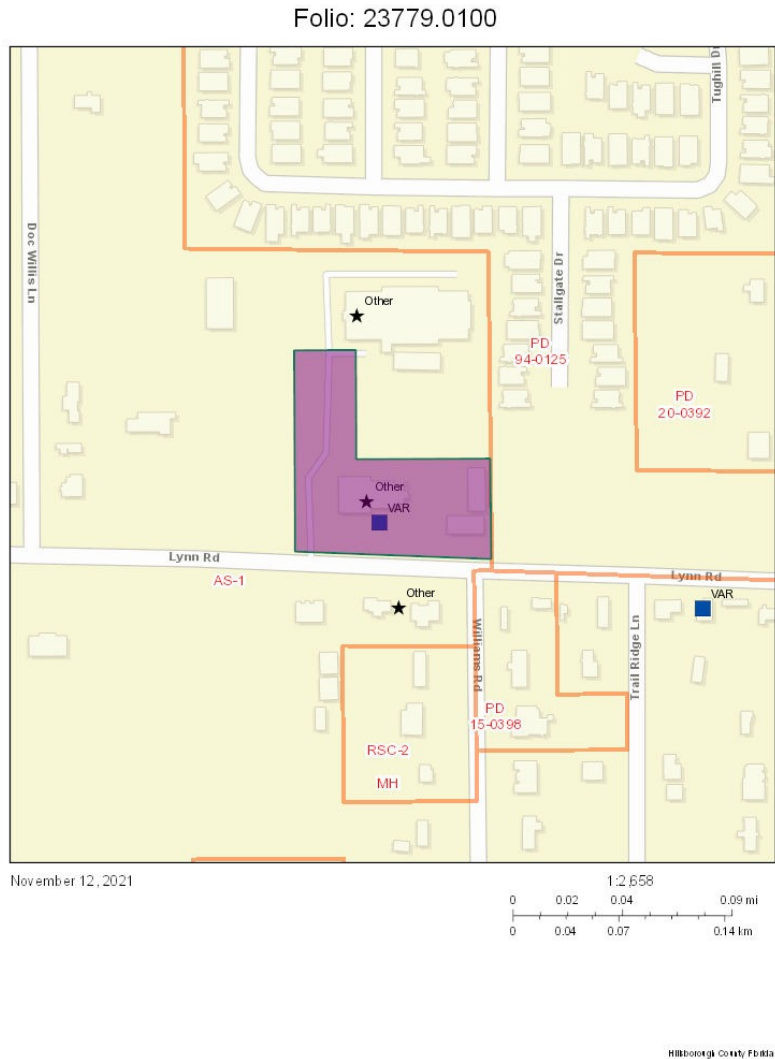
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 11-10-21
Case Number: 22-0184 Public Hearing Date: 01/24/2021
Receipt Number: 103232



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0191H
FIRM Panel	12057C0191H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011415 Block: 2014
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	180' AMSL
Aviation Authority	Non-Compatible Use (Schools)
Competitive Sites	NO
Redevelopment Area	NO



Folio: 23779.0100
PIN: U-18-28-18-ZZZ-000000-90480.0
HINDU TEMPLE OF FLORIDA INC
Mailing Address:
 5509 LYNN RD
 TAMPA, FL 33624-4813
Site Address:
 5509 LYNN RD
 TAMPA, FL 33624
SEC-TWN-RNG: 18-28-18
Acreage: 2.75375009
Market Value: \$2,681,123.00
Landuse Code: 7100 INSTITUTIONAL

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.