

# WHY BZA RECOMMENDATION TO DENY OTC APPLICATION FOR SPECIAL EXCEPTION SHOULD BE SUPPORTED BY THE BCC

PRESENTED JULY 01, 2025 BY RESIDENTS UNITED FOR DR. PHILLIPS (RUDPI!)

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2025 JULY 01

# WHY BZA RECOMMENDATION TO DENY SHOULD BE SUPPORTED BY THE BCC

THE BZA IS RECOMMENDING DENIAL BECAUSE

**OTC HAS FAILED ON 8 OF 10 CRITERIA FOR A SPECIAL EXCEPTION**

*Not because of any animus toward the OTC*

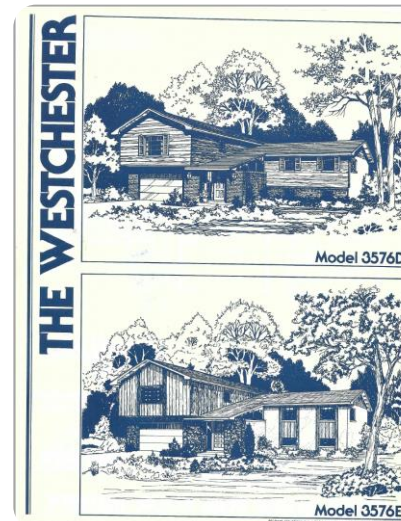
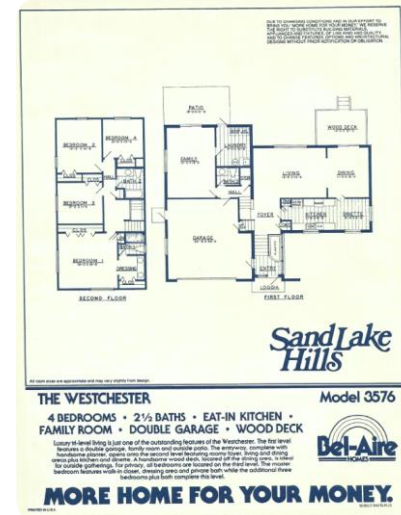
# 1. THE PROPOSED USE MUST BE SIMILAR AND COMPATIBLE WITH THE SURROUNDING AREA

**OC STAFF FINDING: THIS CRITERIA NOT MET**

The area surrounding this site is primarily one-story single-family residences. There are no three-story buildings in the immediate area. The homes in SLH are either single story or a 'Tri-Level' which in common terminology is a 2 story split level home. There are no other commercial or institutional uses within the Sand Lake Hills subdivision.

# ORIGINAL MARKETING MATERIAL

- scan\_Tri1.pdscan\_Tri1.pdf





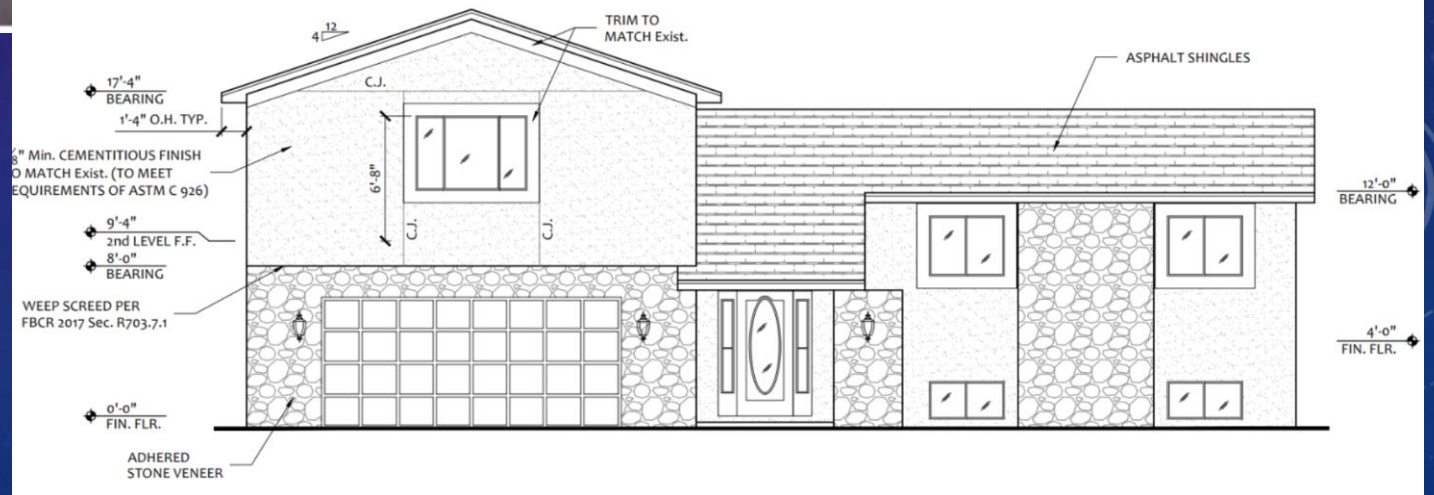
## 2 STORY 4 BR 3 BATH 3426 GROSS SF 2887 SF LIVING AREA



OTC'S APPEAL STATES THAT  
THEIR PROPOSAL IS  
CONSISTENT WITH THE  
EXISTING 'TRI-LEVEL'

IT IS NOT!!

The OTC presentation claimed the "tri-level" homes are approximately 35 feet tall. This drawing for a nearly identical "tri-level" home indicates its height is 21'4" (17'4" + 4' roof peak)



## 2. THE PROPOSED USE SHALL NOT ACT AS A DETRIMENTAL INTRUSION TO A SURROUNDING AREA

### OC STAFF FINDING: NOT MET

“The proposed expansion of the building and use from a one-story 2,676 gross sq. ft. religious institution to a three-story 12,000 sq. ft. multi-purpose place of assembly significantly increases the scale and intensity of the structure on the site.”

Further, the increase in parking demand and traffic is inconsistent with the residential character of the neighborhood, especially since the required parking would not be met.

NOTE: The applicant is currently required to meet with the Special Magistrate (July 15, 2025) regarding issues related to the existing Special Exception. It stands to reason that expanding the facility will lead to further conflicts with the Code.

# *ADDITIONAL INFO REGARDING DETRIMENTAL IMPACT*

OTC IS ATTEMPTING TO MAKE THIS A RELIGIOUS DISCRIMINATION ISSUE BY ARGUING THAT THE ORANGE COUNTY PARKING REQUIREMENTS ARE ONEROUS AND NOT APPLICABLE TO ORTHODOX JUDAISM, BECAUSE THEY DO NOT DRIVE ON THE SABBATH.

## **SABBATH OBSERVANCE IS ONLY ONE ASPECT OF ORTHODOX LIFE**

THE OTC HAS FAILED TO STATE THAT **THERE ARE MANY HOLIDAYS AND LIFE CYCLE EVENTS THAT OBSERVANT ORTHODOX JEWS CAN DRIVE AND THUS WILL REQUIRE PARKING.**

BECAUSE OF THE INTERMITTENT SCHEDULE OF LIFE CYCLE EVENTS, A TYPICAL TRAFFIC STUDY WOULD ONLY DOCUMENT THAT SPECIFIC POINT IN TIME. THE DATA CANNOT BE ACCURATELY EXTRAPOLATED TO CONCLUDE THAT THE STUDY IS AN ACCURATE REPRESENTATION OF USE OR PROJECTED NEED



### 3. VARIANCE CRITERIA – SPECIAL CONDITIONS AND CIRCUMSTANCES

#### **OC STAFF FINDING: NOT MET**

“There are no special conditions and circumstances associated with the lot that are peculiar to the land, or the structure of the building involved which are not applicable to other lands in the same zoning district.”



## 4. THE NEED FOR THE VARIANCE IS NOT SELF CREATED

**OC STAFF FINDING: NOT MET**

“The need for the variance is self-created as it is prompted by the proposed expansion of the religious institution use.”

**NOTE: CONFIRMATION OF THE BZA’S RECOMMENDATION FOR DENIAL OF THE APPLICATION WILL NOT PREVENT THE APPLICANT FROM CONDUCTING THEIR ACTIVITIES AS THEY HAVE BEEN SINCE OCCUPYING THE PROPERTY IN 2015**

*WITH REGULAR SABBATH ATTENDANCE AT 55 PARTICIPANTS, AND DAILY PARTICIPANTS AT 20, THE APPLICANT HAS NEVER EXPLAINED WHY THEY REQUIRE AN ADDITIONAL 10,000SF OF SPACE*

## 5. NO SPECIAL PRIVILEGE CONFERRED

**OC Staff Finding: NOT MET**

Granting the VARIANCE/SPECIAL ACCEPTANCE as requested would confer special privilege as the properties in the area are also required to meet the minimum parking requirement per code.

FURTHER , GRANTING THE VARIANCE COULD POSSIBLY SUBJECT ORANGE COUNTY TO FUTURE LEGAL RISK

## 6. DEPRIVATION OF RIGHTS

### OC STAFF FINDING: NOT MET

There is no deprivation of rights. Literal interpretation of the code would not deprive the applicant of rights enjoyed by other properties in the same zoning district.

Parking requirements are based on proposed use - regardless of the zoning district.

AS NOTED ON THE PREVIOUS SLIDES – OTC CONTINUED OPERATIONS ARE NOT PREDICATED ON THIS APPLICATION , THEY CAN STILL OPERATE AS THEY HAVE BEEN – SINCE 2015.



## 7. MINIMUM POSSIBLE VARIANCE / 8. PURPOSE AND INTENT

**Minimum Possible Variance - OC STAFF FINDING: NOT MET**

The request is not the minimum possible as there are options that would lessen or eliminate the variance request.

**Purpose and Intent - OC STAFF FINDING: NOT MET**

The Transportation Planning Division has confirmed that the applicant's parking methodology is not consistent with the Code requirements and the current site will not support the expansion.

## 9. THE PROPOSED USE MUST BE CONSISTENT WITH THE COMPREHENSIVE PLAN

**OC STAFF FINDING: THIS CRITERIA MET**

THE COMPREHENSIVE PLAN ALLOWS CERTAIN INSTITUTIONAL USES, WHICH ARE CONSISTENT WITH RESIDENTIAL FUTURE LAND USE DESIGNATIONS THROUGHOUT THE SPECIAL EXCEPTION PROCESS. THESE INCLUDED RELIGIOUS INSTITUTION, DAY CARES, PUBLIC AND PRIVATE SCHOOLS

## 10. LANDSCAPE BUFFER YARDS SHALL BE IN ACCORDANCE WITH SECTION 24-5 OF THE ORANGE COUNTY CODE

### OC STAFF FINDING: MET

The applicant has provided a landscape plan with this application proposing landscape buffers along the north, west and east property lines, which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

However, the BCC should be aware that the current site landscaping has been cited for violations related to the required landscape buffers being missing, dead, or in poor condition (FIR-25-01-0018).

**THERE IS NO REASON TO BELIEVE THAT THE PLAN, IF IMPLEMENTED WOULD BE MAINTAINED WITHOUT ENFORCEMENT FROM ORANGE COUNTY**





WHAT'S THE TALLY?

THE APPLICATION FOR THE SPECIAL EXCEPTION AND  
VARIANCE

FAILED ON  
8 OF 10 CRITERIA!

REMEMBER THIS APPLICATION IS ABOUT  
LAND USE AND COMPLIANCE WITH THE ORANGE  
CODE –  
NOTHING ELSE

APPROVAL OF THIS APPLICATION WILL LIKELY  
ESTABLISH A LEGAL PRECEDENT THAT ORANGE  
COUNTY WILL HAVE TO NAVIGATE IN THE FUTURE

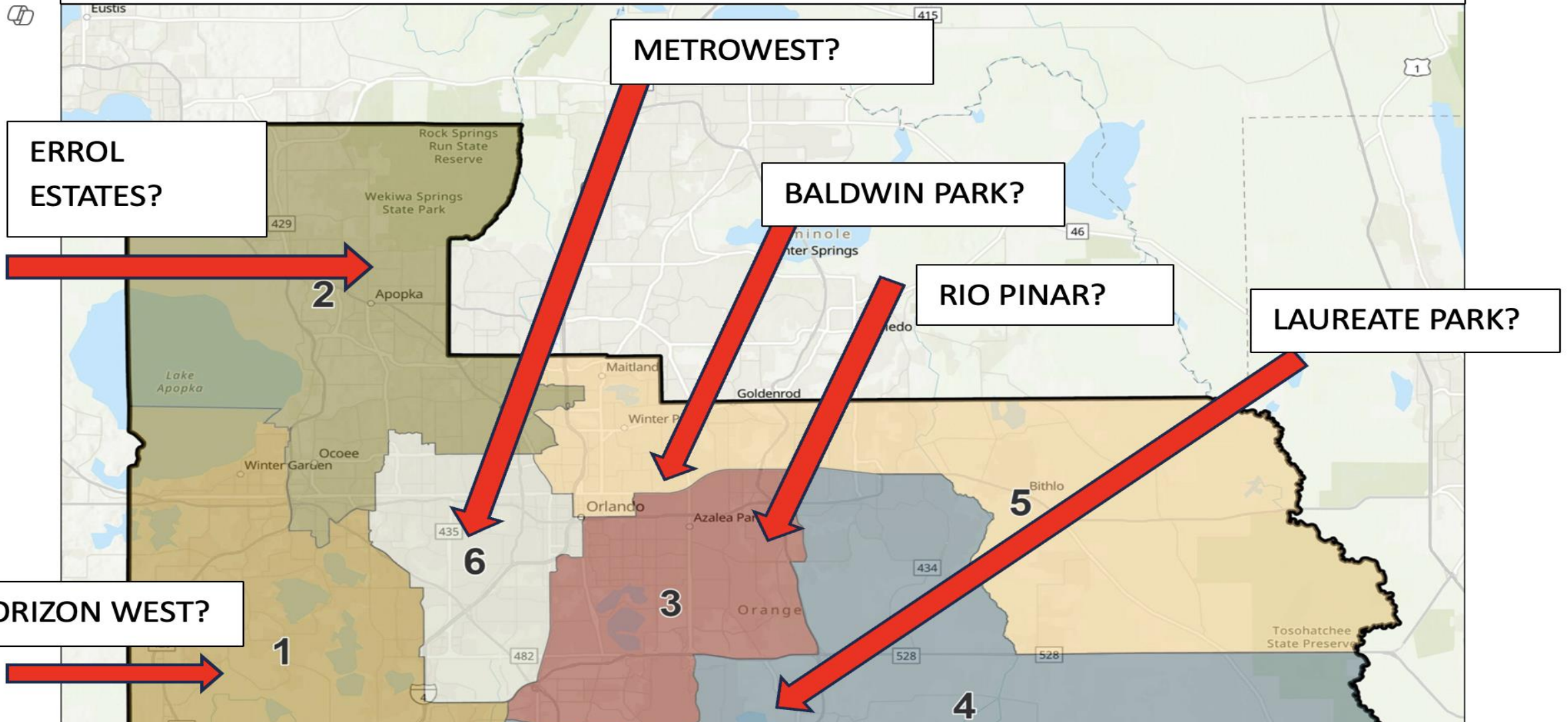
## CONCLUSION

1. APPROVING THIS SPECIAL EXCEPTION NOT ONLY CHANGES THE IMMEDIATE USE OF ONE PARCEL, BUT **POTENTIALLY ERODES THE INTEGRITY OF ZONING PROTECTIONS COUNTYWIDE**



# WHICH DISTRICT IS GOING TO BE NEXT?

## THIS DECISION WILL BE ESTABLISHING A PRECEDENT!



# CONCLUSION

APPROVAL WILL SET A DANGEROUS PRECEDENT THAT WEAKENS THE ENFORCIBILITY OF R-1 ZONING AND COULD INCENTIVIZE OTHER INSTITUTIONAL OR COMMERCIAL APPLICANTS TO SEEK SIMILAR VARIANCES – USING THIS CASE AS LEGAL AMMUNITION

*THANK YOU FOR YOUR TIME AND ATTENTION*