

## Interoffice Memorandum

**DATE:** June 5, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

**CONTACT:** Laekin O'Hara, Chief Planner

**PHONE:** (407) 836-5943

**DIVISION:** Zoning Division

**ACTION REQUESTED:**

Deny the applicant's request; or approve the applicant's request with conditions. District 1.

**PROJECT:** Case # SE-24-09-086

**PURPOSE:** Board of Zoning Adjustment (BZA) Case # SE-24-09-086 located at 8613 Banyan Blvd., Orlando, FL 32819, in District 1, is an appeal to the Board. The applicant is requesting a Special Exception and Variance in the R-1A zoning district as follows:

- 1) Special Exception to allow a 9,376 sq. ft. expansion to an existing religious institution.
- 2) Variance to allow 35 parking spaces in lieu of 52 required parking spaces.

At the May 1, 2025 BZA hearing, staff recommended denial of the Special Exception and Variance request. There were 6 people who spoke in favor of the request and 13 people who spoke in opposition to the request. Prior to the BZA hearing, 1,580 correspondences were received in favor and 1,327 correspondences were received in opposition to this request.

Two community meetings were held, outlined below:

- Date & Location: Wednesday, November 20, 2024, at Southwest Middle School  
Attendance: 260 people including staff, District Commissioner Wilson, and applicant.  
Main concerns: Proposed building size, single access point through subdivision, traffic, and parking issues  
Overall tone: Negative
- Date & Location: Tuesday, December 10, 2024, at Olympia High School

Attendance: 178 people including staff, District Commissioner, and applicant.  
Main concerns: Similar to first meeting, plus issues with compliance to current Special Exception conditions.  
Overall tone: Negative

Code Violations were issued by Orange County as follows:

- Zoning Division, Arbor Section (FIR-25-01-0018) on January 15, 2025.

Violations for: required landscape buffers are missing, dead, or in poor condition.

- Code Compliance (CE# 648843) on January 21, 2025.

Violations for: utilizing the property outside of the permitted hours of operation, installation of a shed without a permit, removal of required wheel stops, and unpermitted expansion of the parking lot, in violations of several of the Conditions of Approval from the original Special Exception case and work without a permit.

The BZA provided comments on the inappropriateness of the scale and intensity of the site and concluded that the site could still be utilized as a religious institution. The BZA unanimously recommended denial of the Special Exception and Variance by a 6-0 vote, with one absent.

The applicant subsequently appealed the BZA recommendation of denial stating special conditions and circumstances exist due to the religious practices and needs of Orlando Torah Center (OTC) and its parishioners. The Applicant contends that these are the types of practices and needs that the Religious Land Use and Institutionalized Persons Act (RLUIPA) was enacted to protect. The BZA Appeal Application was signed by Shoshana Kramer and hand-delivered by Derek Bruce, the Authorized Agent and Applicant for the Orlando Torah Center. Some residents object to the appeal on the basis that the Appeal Application was signed by Ms. Kramer, who they assert is not an officer, nor an authorized agent for the Orlando Torah Center. The Zoning Division has requested Derek Bruce provide the Zoning Division with an Agent Authorization Form for Shoshana Kramer to validate that the Orlando Torah Center authorized Ms. Kramer to sign the Appeal Application on their behalf.

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

**BUDGET: N/A**