

Local

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Synagogue's lawsuit stands

Chabad, Hollywood battle over zoning

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A federal judge gave leaders of a Hollywood synagogue the green light to continue their legal showdown against city officials who want the orthodox Jewish group out of a residential neighborhood.

In a 62-page order signed last week, U.S. District Court Judge Joan Lenard rejected the city's motion to dismiss a discrimination lawsuit filed by the Hollywood Community Synagogue Chabad Lubavitch.

The group claims city officials violated their constitutional rights to exercise religion and their right to assemble

when they denied the Chabad a zoning variance based on religious denomination.

The battle between the Chabad and the city first came to light in late 2000 after the Jewish group, which owned two houses on North 46th Avenue near Sheridan Street, set on converting one of the homes into a synagogue for twice-daily services. The U.S. Department of Justice has since joined the Chabad in the lawsuit against the city. The judge last week dismissed a fraction of the group's complaints, but the core of the lawsuit remains intact.

One allegation that remains is that city officials pushed employees and police to use every tool at their disposal against the Chabad. Synagogue leaders, who have complained that the measures included code-enforcement visits two or three times a day, police

patrols at the site every two or three days, checks of building permits and liens against the property, and running the license plates of the cars parked near the synagogue.

Another key remaining allegation takes issue with a city policy that grants commissioners sole discretion to reject a zoning permit. A city review board granted the Chabad a permanent permit in March 2003 to operate in the neighborhood on the condition the synagogue complied with a number of code requirements within 180 days.

However, after only 53 days, city commissioners, led by Sal Oliveri, voted to yank the permit, claiming the synagogue was "too controversial," according to the lawsuit.

The synagogue's attorney claims that the policy, as it is written in the city's law books, is too vague and gives

commissioners the authority to discriminate. The attorney, Franklin Zemel, plans to further the argument before Judge Lenard in two weeks.

"It's a significant ruling," Zemel said Tuesday. "It shows that this is not a simple zoning dispute as the city pretends. There are serious constitutional rights at issue in this case that affect us all."

City officials on Tuesday said the judge's ruling would not deter their fight against the lawsuit. "These complaints are based on allegations, and when it comes time to prove them, we're confident that we're going to win," City Attorney Dan Abbott said.

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