

Interoffice Memorandum

DATE: October 15, 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 4.

PROJECT: Case # VA-25-09-043 – DAVID M. SMITH

PURPOSE: Board of Zoning Adjustment (BZA) Case # VA-25-09-043 located at 12201 S. Orange Blossom Trl., Orlando, FL 32837, in District 4, is an appeal to the Board of County Commissioners (BCC). The applicant is requesting a Variance in the PD zoning district to allow a 3PS package sale vendor located 4,726 ft. from another package sale vendor in lieu of the required 5,000 ft.

At the September 5, 2025 BZA hearing, staff recommended denial of the Variance request. There was no one in attendance to speak in favor or in opposition to the request. Prior to the BZA hearing, 2 comments were received in favor of the request, and 6 comments were received in opposition.

The Board described the reasons why the proposal complies with the criteria necessary for granting the Variance, stating that there are special conditions involved with the request as a portion of the shopping center does meet the distance requirement, and approval would not confer special privilege as liquor stores are typically located next to grocery stores. The BZA recommended approval of the Variance as requested by a 4-1 vote with 2 members absent.

Two appeals were received in response to the BZA's recommendation of approval: the first by Daniel W. Langley and A. Kurt Ardaman on behalf of ABC Liquors, Inc., and the

second by Jimmy D. Crawford, Esq., for Knightly Spirits. The first appeal is on the basis of ensuring strict compliance with the 5,000 distance separation for package sale vendors. The second appeal is on behalf of the most impacted liquor store that is less than 5,000 ft. from the proposed liquor store. The appellant states that Knightly Spirits did not receive notification that 5 of the 6 variance criteria were not met, and that the BZA's conclusion was not based on competent substantial evidence.

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 of the application is available upon request in the Zoning Division.

BUDGET: N/A