



**Interoffice Memorandum**

September 11, 2024

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

**CONTACT PERSON: Brandy Driggers, Assistant Manager  
Zoning Division  
(407) 836-5329**

SUBJECT: October 8, 2024 - Appeal Public Hearing  
Applicant/ Appellant: Siddharth Kaul for Marabou Restaurant  
BZA Case # VA-24-08-062, August 1, 2024; District 6

Board of Zoning Adjustment (BZA) Case # VA-24-08-062 located at 4083 W. Oak Ridge Rd., Orlando, FL 32809, in District 6, is an appeal to the Board. The applicant is requesting a variance in the C-2 zoning district to allow a 2COP license for the consumption of beer and wine at the Marabou Restaurant which is on premises located 616 ft. from a religious institution in lieu of 1,000 ft.

At the August 1, 2024 BZA hearing, staff recommended approval of the variance request. There were three in attendance to speak in opposition to the request expressing safety concerns and concerns about the elementary school's proximity to the subject site even though the distance to schools is met. There was no one in attendance to speak in favor of the request. It was also noted that prior to the BZA hearing, seven comments were received in favor and five comments in opposition to the request. The BZA recommended denial, and the applicant subsequently appealed the BZA recommendation because they believe the BZA's decision did not cite any specific impediments to granting the variance.

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.

If you have any questions regarding this matter, please contact Brandy Driggers at (407) 836-5329 or Brandy.Driggers@ocfl.net.

**ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 6.**

BD/ag

Attachment: Zoning Division public hearing report, Appeal with exhibits, and BZA staff report.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**October 8, 2024**

The following is a public hearing on an appeal before the Board of County Commissioners on October 8, 2024, at 2:00 p.m.

- APPLICANT/APPELLANT:** SIDDHARTH KAUL FOR MARABOU RESTAURANT
- REQUEST:** Variance in the C-2 zoning district to allow a 2COP license for the consumption of beer and wine on premises located 616 ft. from a religious institution in lieu of 1,000 ft.
- LOCATION:** 4083 W. Oak Ridge Rd., Orlando, FL 32809, north side of W. Oak Ridge Rd., west of S. John Young Pkwy., south of Conroy Rd., east of Florida's Turnpike.
- TRACT SIZE:** +/- 0.5 acres (+/- 22,040 sq. ft.)
- ZONING:** C-2
- DISTRICT:** #6
- PROPERTIES NOTIFIED:** 3,716

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that seven (7) comments were received in support, and five (5) comments were received in opposition.

The applicant agreed with the staff presentation and briefly mentioned the desire for a full-service restaurant that includes the consumption of beer and wine with the patron's meals.

There were three (3) in attendance to speak in opposition of the request that discussed safety concerns and the schools in close proximity to the subject site.

There was no one in attendance to speak in favor of the request.

The BZA discussed the inconsistency of the requested variance with a similar prior request, determining the proposal is an intrusion to the surrounding community and did not meet the six (6) variance criteria. The BZA unanimously recommended denial of the Variance by a 4-0 vote, with two absent and one seat vacant.

**BZA HEARING DECISION:**

A motion was made by Sonya Shakespeare, seconded by John Drago, carried to recommend **DENIAL** of the variance request in that there was no unnecessary hardship shown; and further, it does not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (4 in favor: John Drago, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Juan Velez, Deborah Moskowitz; 1 vacant)



**Board of Zoning Adjustment (BZA) Appeal Application**

Appellant Information

Name: MARABOU RESTAURANT AND LOUNGE

Address: 4083 West Oak Ridge Road

Email: SiddharthKaul177@gmail.com Phone #: (813) 699-2870

BZA Case # and Applicant: BZA Case# VA-24-08-052; Marabou Restaurant + Lounge

Date of BZA Hearing: August 1, 2024

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

See attached

Signature of Appellant: [Signature] Date: 8/14/2024

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 14th day of August, 2024, by Siddharth Kaul who is personally known to me or who has produced Drivers License as identification and who did/did not take an oath.

Zandra W. Fedrick  
Notary Public Signature

Notary Stamp:



**NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.**

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.

## Board of Zoning Adjustment Appeal Application

August 14, 2024

**Marabou Restaurant & Lounge**

4083 West Oak Ridge Road

Orlando, FL 32809

**RE: Case # VA-24-08-052**

To the Honorable Members of the Board of County Commissioners,

We are writing to formally appeal the decision made by the Board of Zoning Adjustment (BZA) regarding our Variance Application in Case #VA-24-08-052. We believe that the decision to deny our application was not in the best interest of the business and community.

The BZA's decision did not cite any specific impediments to granting the variance. Instead, the denial appears to have been influenced by subjective opinions, including one board member's objection to the music playing at our restaurant. Additionally, the chairman of the BZA expressed that he did not perceive any compelling information to warrant a variance, without providing a substantive basis for this conclusion.

Our variance application requested a reduced distance requirement between the Lagoinha Orlando Church and Marabou Restaurant & Lounge. We understood that the BZA would base its decision on the merits of our application and whether the variance would enable reasonable use of our property without compromising the intent of the zoning ordinance. However, these considerations were not addressed in the BZA's decision.

We respectfully request that the Orange County Board of Commissioners consider the following points in our appeal:

1. **Zoning Compliance:** Marabou Restaurant & Lounge is situated in a C-2 (Heavy Commercial) Zone, which is consistent with the type of business we operate.
2. **Support from Affected Parties:** The Lagoinha Orlando Church, the entity most impacted by the requested variance, has provided a letter of support for our application, as have several other property owners in the area.
3. **Irrelevant Objections:** The objections raised against our variance focused on issues unrelated to the specific zoning requirements under consideration. These objections should not have been a factor in the BZA's decision.
4. **Accountability:** As owners of the business and the property, we will be held to a higher standard of responsibility to ensure a safe, secure and pleasant environment so that our customers will always want to return.
5. **Full-service restaurant:** We take great pride in serving the community by introducing an upscale, eat-in restaurant. The added feature of serving beer or wine with our meals is intended to enhance the experience of The Marabou Restaurant and Lounge, much like the cultural experience our patrons are accustomed to.

6. **Community Service:** This property had been vacant for the last 4 years and becoming a hazard and eye-soar. We have since turned it into an exceptional place to dine and provided employment for 9 people. What we are asking for is not unreasonable. We are asking you to help us help others.

Our appeal is based on the principle that the requested variance is not contrary to the public interest. Over time, evolving zoning requirements have created special conditions that result in unnecessary hardship for our business. Granting this variance would align with the general purpose and intent of the zoning ordinance and would not be injurious to the neighborhood or detrimental to public welfare.

Notably, the distance separation ordinance was designed to protect the sanctity of religious institutions. In this case, the religious institution in question—the Lagoinha Orlando Church—supports our variance request. Their endorsement underscores the appropriateness of granting the variance.

We respectfully request that the Board of County Commissioners approve our appeal and grant the requested variance.

Sincerely,



Siddharth Kaul  
Marabou Restaurant & Lounge

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 01, 2024**

Commission District: **#6**

Case #: **VA-24-08-062**

Case Planner: **Jenale Garnett (407) 836-5955**

**Jenale.Garnett@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** SIDDHARTH KAUL FOR MARABOU RESTAURANT

**OWNER(s):** OAKRIDGE STAR LLC

**REQUEST:** Variance in the C-2 zoning district to allow a 2COP license for the consumption of beer and wine on premises located 616 ft. from a religious institution in lieu of 1,000 ft.

**PROPERTY LOCATION:** 4083 W. Oak Ridge Rd., Orlando, FL 32809, north side of W. Oak Ridge Rd., west of S. John Young Pkwy., south of Conroy Rd., east of Florida's Turnpike.

**PARCEL ID:** 20-23-29-6071-00-030

**LOT SIZE:** +/- 0.5 acres (+/- 22,040 sq. ft.)

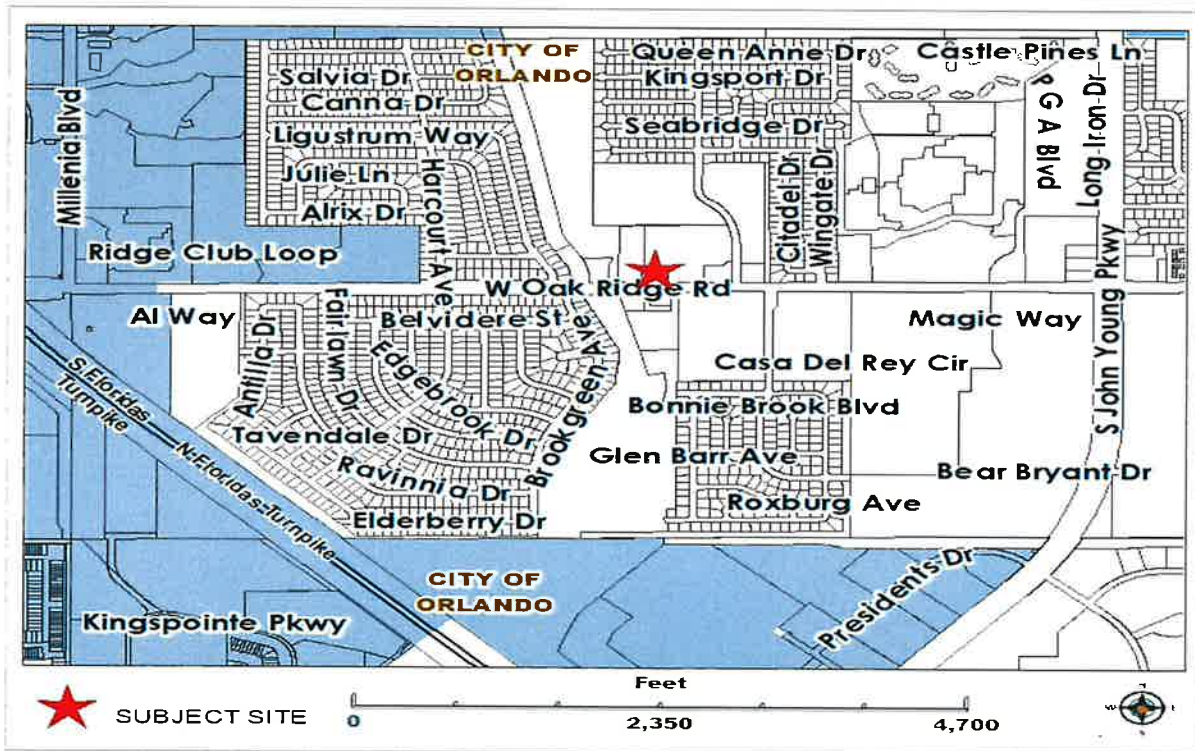
**NOTICE AREA:** 1 Mile

**NUMBER OF NOTICES:** 3,716

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	C-2	C-2	C-1	C-2	C-2
Future Land Use	C	C	C	C	C
Current Use	Restaurant	Oakridge Crossing Shopping Center	Gas Station	Oakridge Crossing Shopping Center	Lagoinha Orlando Church

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the C-2, General Commercial District, which allows a wider variety of commercial uses including automotive repair/sales and selected trade shops, and requires a larger lot area than the C-1 Retail Commercial district. The Future Land Use is Commercial (C), which is consistent with the zoning district.

The subject property is +/- 0.5 acre lot, located in the Oakridge Crossings plat recorded in November, 1991, and is a conforming lot of record. The property is developed with a 4,792 sq. ft. commercial building, previously used for a restaurant without alcohol sales. Additionally, there are three flag signs and a banner sign covering a window, which has since been removed. The area is comprised of commercial uses, including a shopping center located directly to the north and east, as well as numerous full service restaurants serving alcohol to the north and south along W. Oak Ridge Rd., and a religious institution, Lagoinha Orlando Church, located directly adjacent to the property to the west. To the southeast of the property is an elementary school, but since the requested license is part of a restaurant that derives at least 51 percent of its gross revenues from the sale of food and non-alcoholic beverages, the required distance separation for a school is 500 ft., which is met.

In June 1991, a Variance (BZA #18) was denied to allow a 2COP license for the consumption of beer and wine on premises located 800 ft. from a school in lieu of 1,000 ft.

The request is for a 2COP license to allow consumption of beer and wine on premises for the restaurant. Sec. 38-1415 of Orange County Code requires any business serving alcohol on site to be located at least one thousand (1,000) feet away from any established religious institution. The distance is measured by following the ordinary route of pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance door of the religious institution. The proposed Marabou restaurant is located 616 feet from the religious institution, where 1,000 ft. is required, requiring a Variance. Staff recommends approval since the subject restaurant requesting the Variance is located within a highly commercial strip shopping center, and would not have any noticeable impacts in a commercial area. Furthermore, while a religious institution is allowed, the most affected church is located along a street within a highly commercialized area and on a commercial property adjacent to a strip shopping center.

As of the date of this report, six comments have been received in favor, including a letter of support from the affected religious institution and two comments from the owner of the property, and two comments have been received in opposition to this request.



**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

This subject property and all the surrounding properties are located within an area which is specifically intended for commercial uses, and while a religious institution is also allowed, this is clearly a commercial area. The special condition is the presence of the religious institution which is located along a street within a highly commercialized area and on a commercial property adjacent to a strip shopping center.

**Not Self-Created**

The need for the Variance is not self-created, as many restaurants request licenses to allow consumption of alcohol on premises.

**No Special Privilege Conferred**

Granting the Variance as requested will not confer special privilege, as many restaurants in commercial areas request beer and wine licenses.

**Deprivation of Rights**

Not allowing this applicant to serve beer and wine on premises would deprive them of the rights commonly enjoyed by similar restaurants in the surrounding area.

**Minimum Possible Variance**

The Variance requested is the minimum required to operate such a business offering beer and wine in an existing commercial plaza adjacent to an existing religious institution.

**Purpose and Intent**

Approval of this Variance will be in harmony with the zoning code as the commercial zoning districts in the area allow commercial businesses offering on and off-site alcohol sales, restaurants, and bars. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent businesses or the religious institution.

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## CONDITIONS OF APPROVAL

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1. Consumption of alcohol on premises shall be in accordance with the survey dated September 14, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. This approval is limited to a 2COP license for on-site consumption of beer and wine only issued to the current applicant, Marabou Restaurant. Any change in ownership or license type shall require new approval for a change and/or transfer of the license.

C: Siddharth Kaul  
8709 Brixford Street  
Orlando, FL 32836

Darren Augustin  
2607 Gold Dust Circle  
Kissimmee, FL 34744

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**COVER LETTER**

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Siddharth Kaul  
Marabou Restaurant & Lounge  
4083 W Oak Ridge Road  
Orlando, Florida 32809

May 6, 2024

Board of Zoning Adjustment  
Orange County Florida  
201 S Rosalind Ave  
Orlando, FL 32801

Dear Sir/Madam,

I am writing to express our sincere hope that our request for a variance from the local ordinance regarding the distance requirement between Marabou Restaurant & Lounge, and Lagoinha Orlando Church, is considered favorably. As the owners of Marabou Restaurant and Lounge, we strive to operate our establishment with utmost respect for the community and its values. My partners and I, Estalia Brillantvil and Darren Augustin currently own and operate another restaurant (Paradise Cafeteria) which sells beer and wine. We have a very clean record when it comes to our establishment, and never have we been cited for violating any federal, state or local ordinances in relation to our liquor licenses.

Our proposed variance consists of 384 feet as evidenced by Roger Hufnagel's Zoning Distance Measurement ABL (ABA-24-02-0036) letter, dated 3/20/2024: "A distance verification was conducted to verify that the One Thousand-Foot (1000') separation requirement from the nearest religious institution could be met. The result of this verification showed that the nearest property line to the closet subject religious institution is 616' ft." Therefore, we seek your approval of this requested variance so that our company may provide a wider range of service to our patrons and expand our profitability by as much as 30%, thereby adding more jobs and finance to the State and County Tax Rolls.

We understand the importance of maintaining the sanctity of spaces such as the church, and we assure you that our business will not be a cause of any disturbances or disruptions to the peace and solemnity of the church's activities. Granting us this variance would not only benefit our business but also contribute positively to the local economy and community spirit. We are committed to being responsible stewards of our privilege to serve alcohol and will continue to uphold the highest standards of professionalism and conduct.

In conclusion, we respectfully urge you to consider our request for a variance with empathy and understanding of the positive impact it would have on our business, our patrons, and the community as a whole. Thank you for your time and attention to this matter. Should you have any questions or require further information, please do not hesitate to contact me.

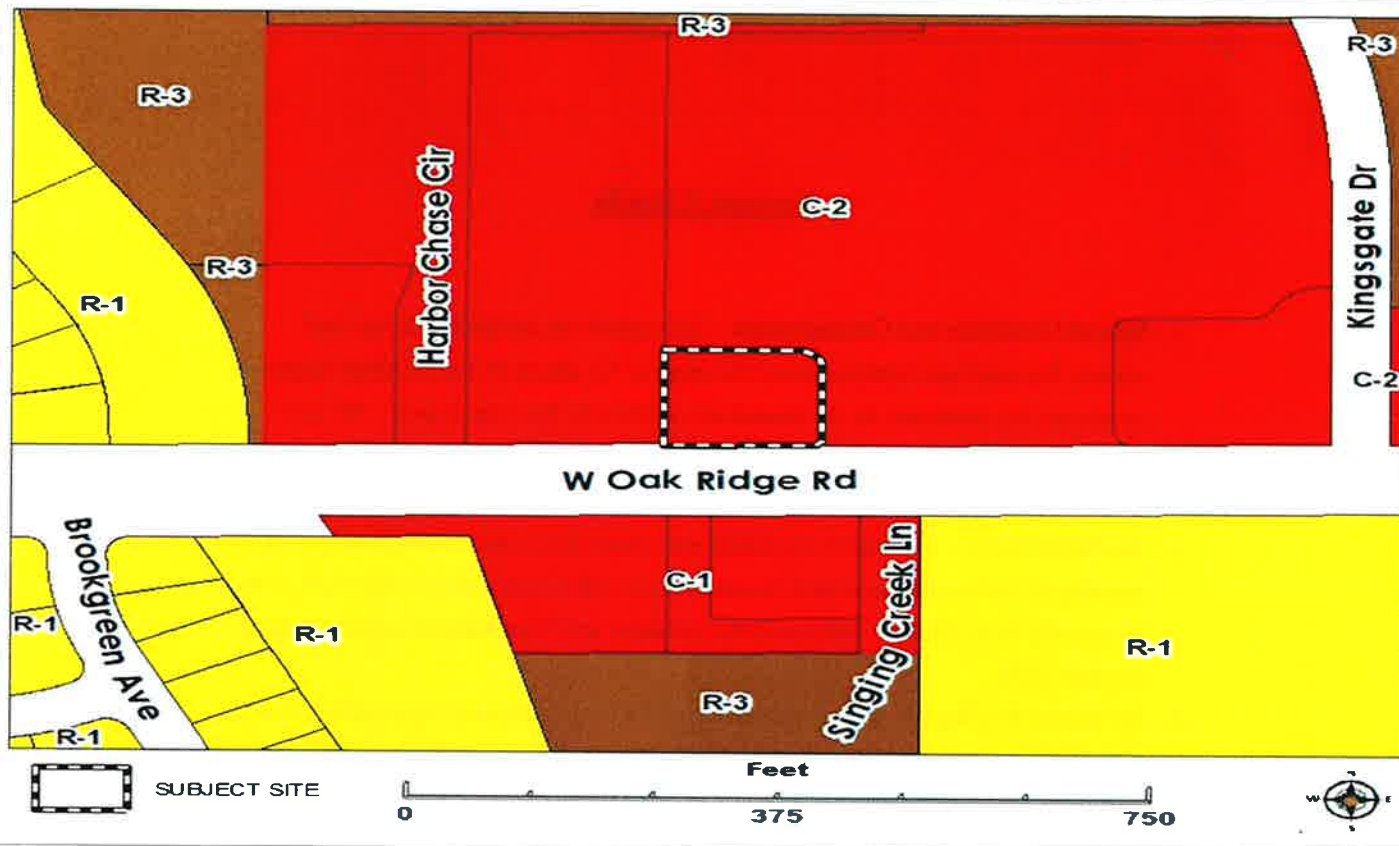
Sincerely,

  
Siddharth Kaul  
Marabou Restaurant & Lounge  
(813) 699-2870

Variance Criteria

1. **Special Conditions and Circumstances** – Such conditions and circumstances exist wherein the usual and continual use of this property for almost 25 has failed the property owner and the community by the limited use of this land. The restriction of 1000 feet separation between the Church and restaurant will forever doom this prime real estate to another boarded up, non-revenue producing property.
2. **Not Self-Created** – The special conditions and circumstances are the results of limited planning by community developers in coordination with County officials. However, it may be assumed those planners understood that variances would be available where requested for good cause.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested does not bestow special privilege on the Marabou Restaurant and Lounge, as the community has seen fit to allow such variance in accordance with Orange County Code in such cases.
4. **Deprivation of Rights** – The provisions contained in Orange County Codes are there as support of the needs and wishes of the community. Therefore, in this case, to deny approval would diminish the community's input to its commercial development and shared view of added options for fine dining.
5. **Minimum Possible Variance** – Indeed, approval of the requested zoning variance is the minimum variance which would make possible the reasonable use of the land and building.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations. In fact, the benefits which the restaurant has already provided has resulted in 8 people being employed, already and it is estimated that approval will add another 3 and increase taxable revenue by at least 30%.

ZONING MAP

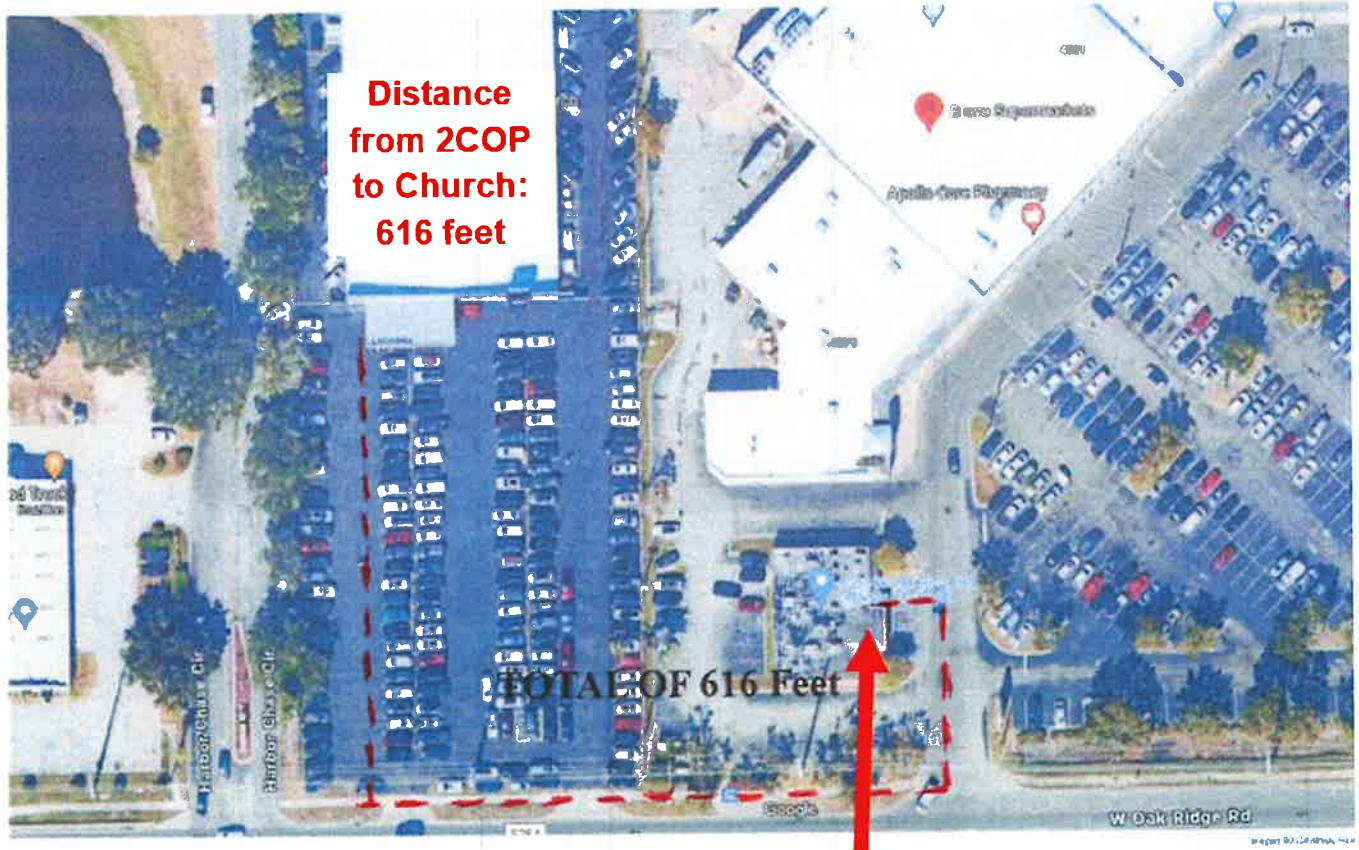


AERIAL MAP



**DISTANCE SEPARATION TO ADJACENT RELIGIOUS INSTITUTION**

Maps churches

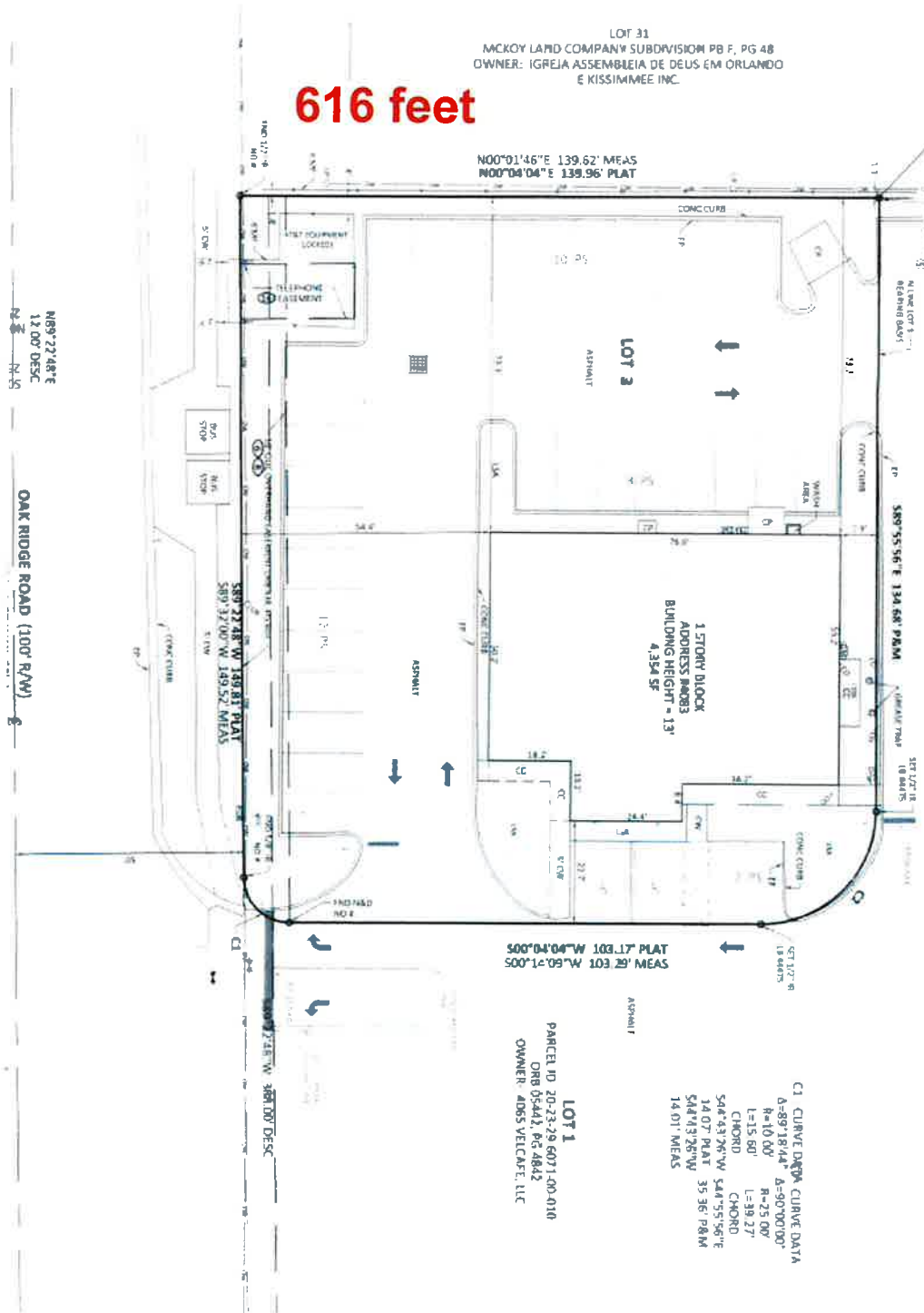


**W. Oak Ridge Rd.**

**Proposed  
Location of  
2COP license**



**SURVEY**



**616 feet**

LOT 31  
 MCKOY LAND COMPANY SUBDIVISION PB F, PG 48  
 OWNER: IGREJA ASSEMBLEIA DE DEUS EM ORLANDO  
 E KISSIMMEE INC.

N00°01'46"E 139.62' MEAS  
 N00°04'04"E 139.96' PLAT

1 STORY BLOCK  
 ADDRESS RMB3  
 BUILDING HEIGHT = 13'  
 4,354 SF

S39°02'04"04"W 101.17' PLAT  
 S00°04'04"W 101.00'

LOT 1  
 PARCEL ID 20-23-29 6071-00-010  
 ORB 05443, PG 4842  
 OWNER: ADSS VILCAFE, LLC

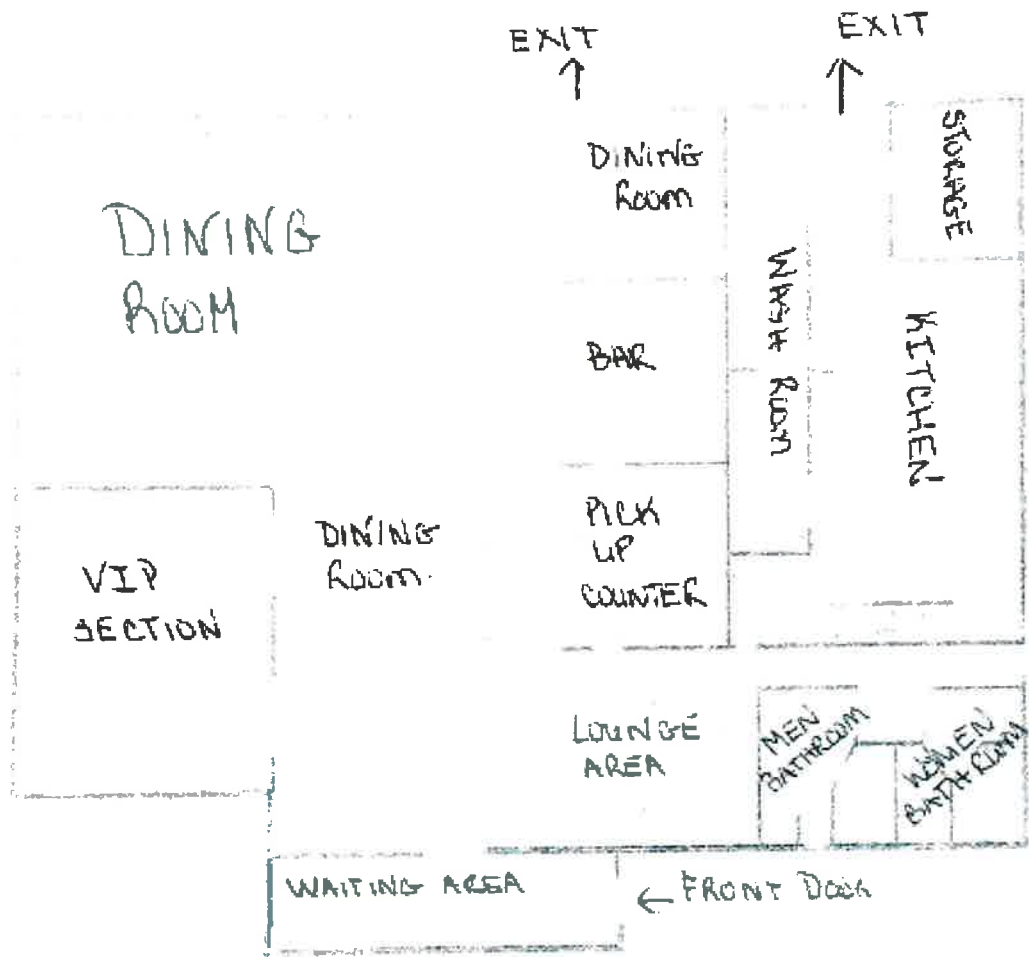
C1 CURVE DATA CURVE DATA  
 Δ=89°18'44" Δ=90°00'00"  
 R=10.00' P=25.00'  
 L=15.80' I=38.27'  
 CHORD CHORD  
 S46°43'26"W S44°55'58"E  
 14.07' PLAT 35.36' P.B.M.  
 S44°19'29"W  
 14.01' MEAS

N89°22'48"E  
 12.00' DESC  
 N10

OAK RIDGE ROAD (100' R/W)



FLOOR PLAN





SITE PHOTOS



Facing northwest from W. Oak Ridge Rd. towards proposed request, shopping center in background



Facing north from W. Oak Ridge Rd. towards entry of subject building

SITE PHOTOS



Facing northeast towards the banner sign covering the window at the side of the subject building



Facing northeast from W. Oak Ridge Rd. towards the subject building & affected religious institution