

Orange County Zoning Division

VA-24-08-062

APPLICANT/APPELLANT:

**SIDDHARTH KAUL FOR MARABOU
RESTAURANT**

October 8, 2024

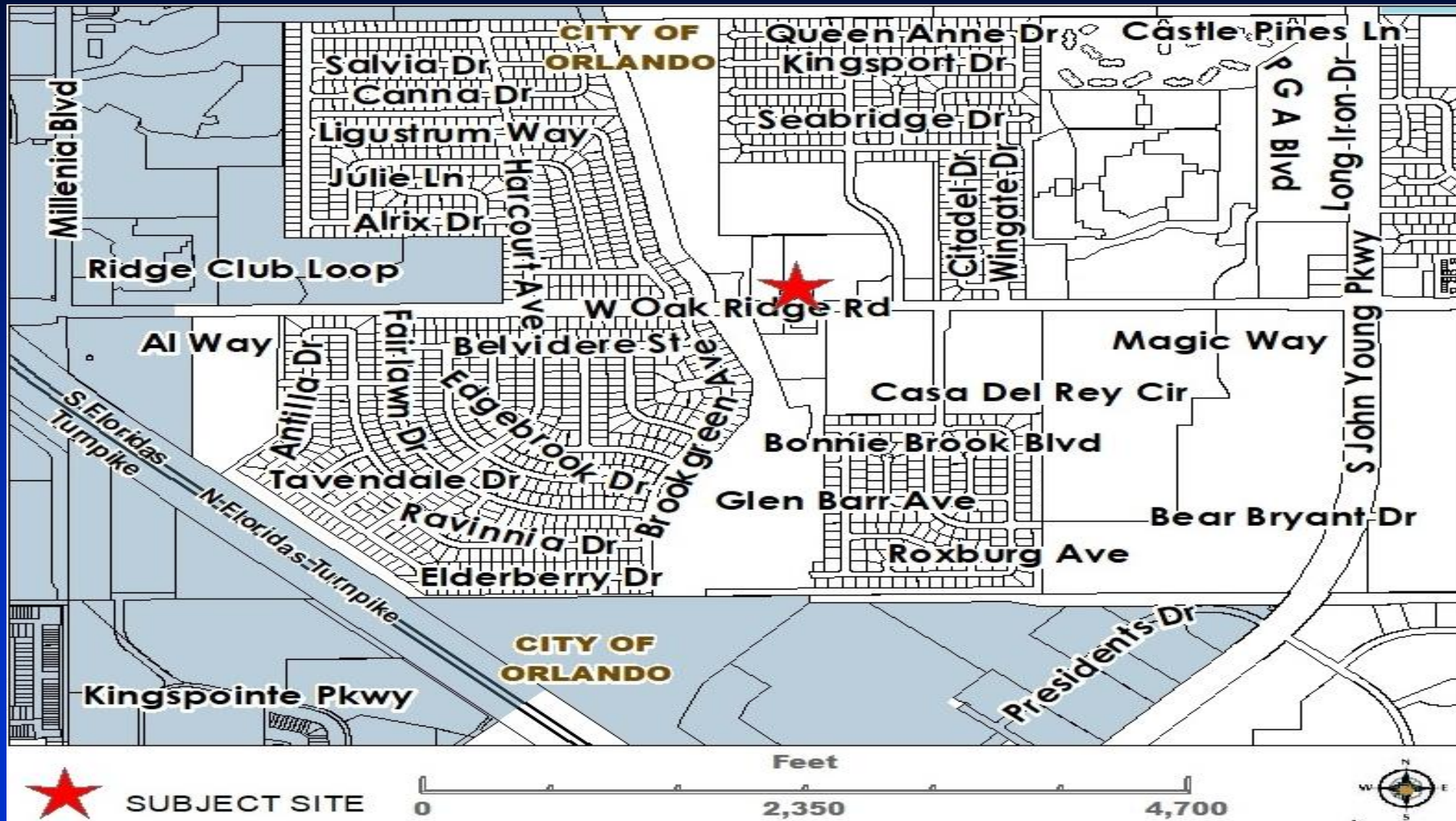


Background

APPLICANT:	Siddharth Kaul for Marabou Restaurant
CASE:	VA-24-08-062
ZONING:	C-2 (General Commercial District)
FUTURE LAND USE:	C (Commercial)
ADDRESS:	4083 W. Oak Ridge Rd., Orlando, FL 32809
LOCATION:	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.)
DISTRICT:	6
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.

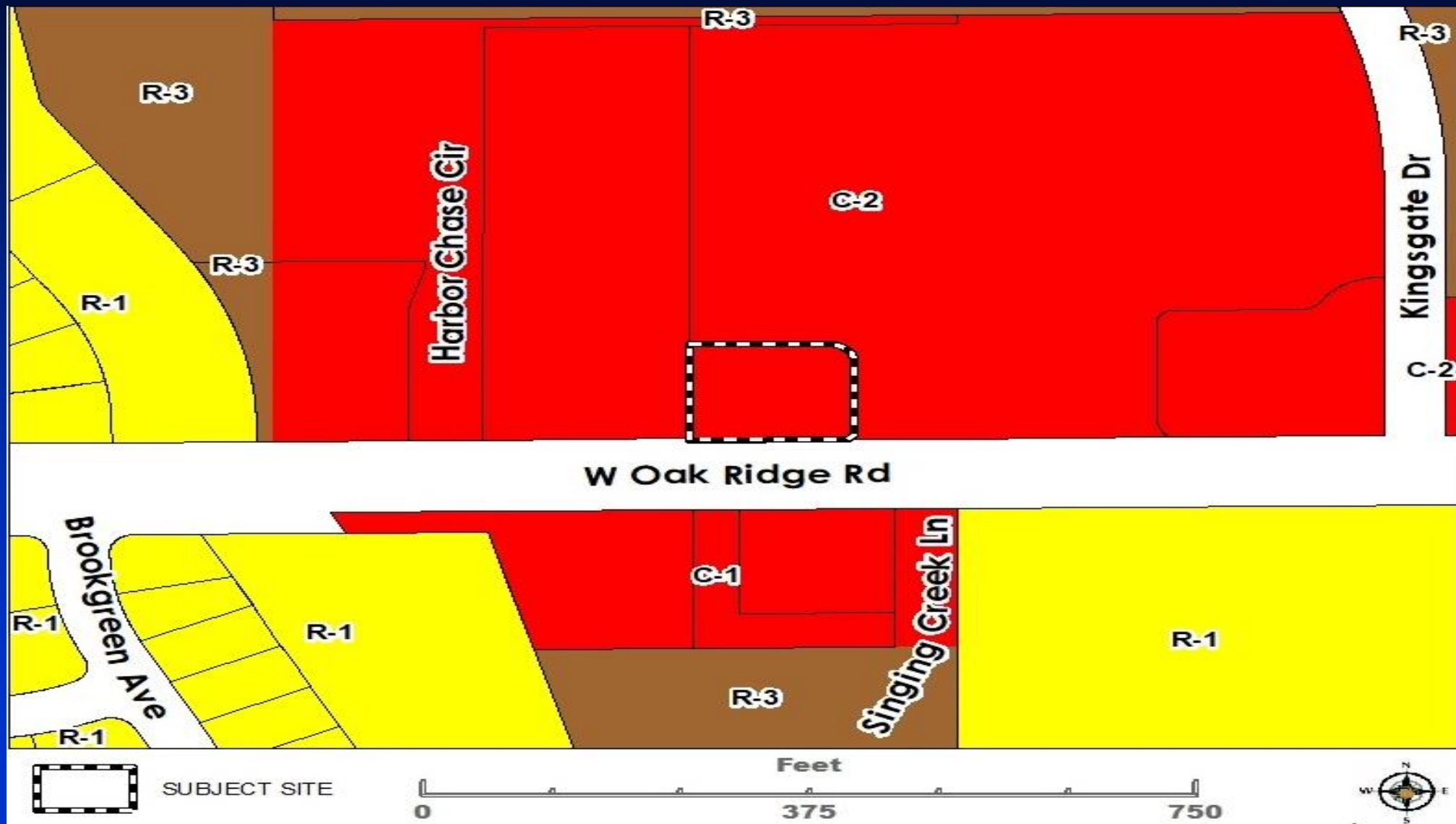


Location Map





Zoning Map



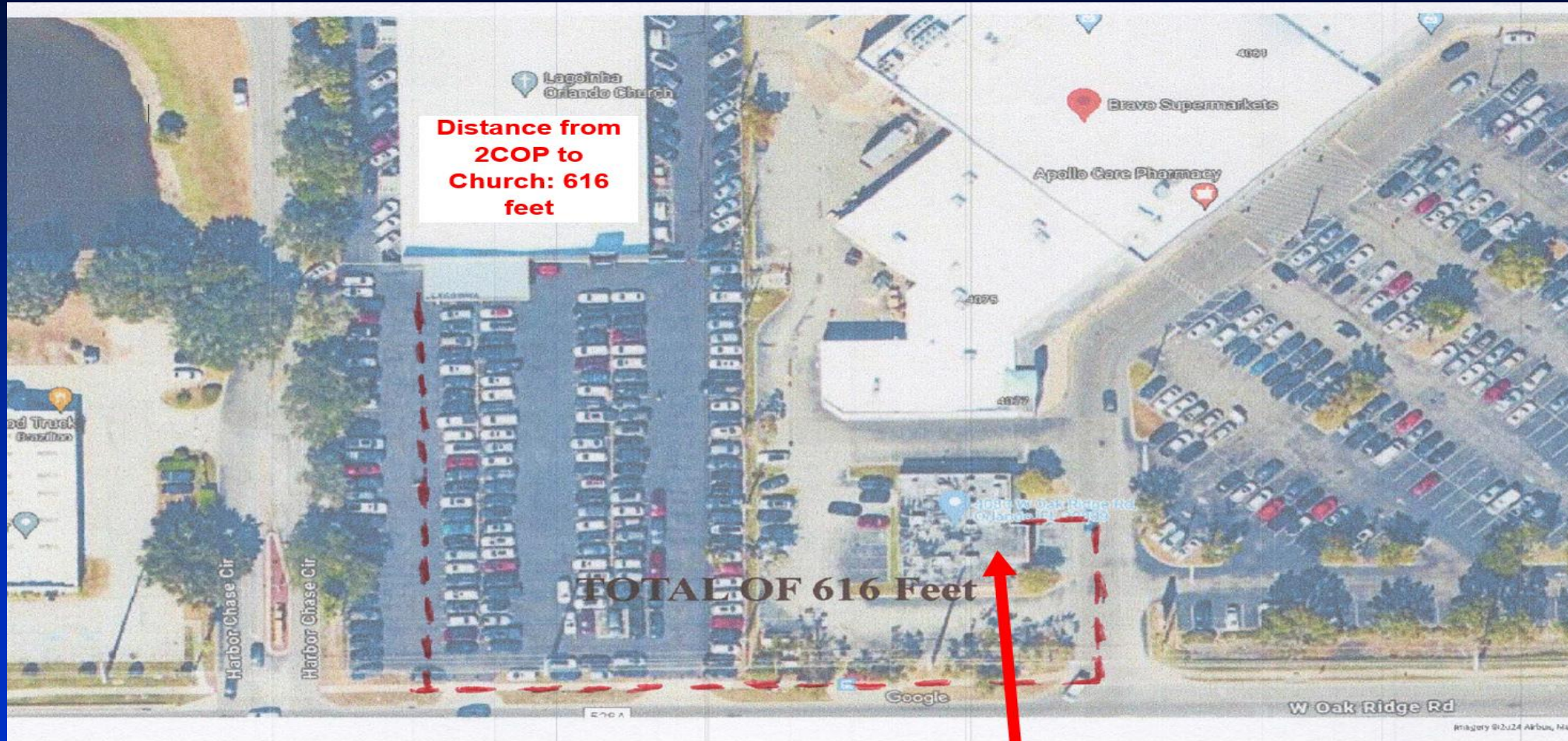


Aerial Map





Distance Separation to Adjacent Religious Institution



**Distance from
2COP to
Church: 616
feet**

TOTAL OF 616 Feet

**Proposed
Location of
2COP license**

W. Oak Ridge Rd.





Site Photograph

Facing north towards entry of Marabou Restaurant



07/01/2024 00:15



Site Photograph

Facing northeast - Marabou Restaurant and Lagoinha Church





Site Photograph

Facing north towards entry of Lagoinha Church





Staff Findings and Analysis

- Site contains 4,792 sq. ft. restaurant located in front of the Oakridge Shopping Center
- 2COP Alcohol Beverage License denied in Feb. as there is a religious institution located 616 ft. in lieu of 1,000 ft. from the establishment
- The affected religious institution is located to the northwest of the subject property submitted a letter stating they do not object to the Variance
- BZA History – Surrounding Area:
 - June 1991 – BZA denied Variance 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. for a BBQ restaurant at the same location
 - Oct. 1991 – BZA approved Variance to allow a 2COP license for the consumption of beer and wine on premises located 415 ft. ft. from a school in lieu of 1,000 ft. for a Chicken Wing restaurant directly across the street
- 2016 – Orange County Code changed the code to allow the sale of alcoholic beverages in a restaurant for consumption on site that derives at least 51% of its gross revenues from the sale of food and nonalcoholic beverages to be located no closer than 500 ft. for a school but kept the 1,000 ft distance separation for religious institutions



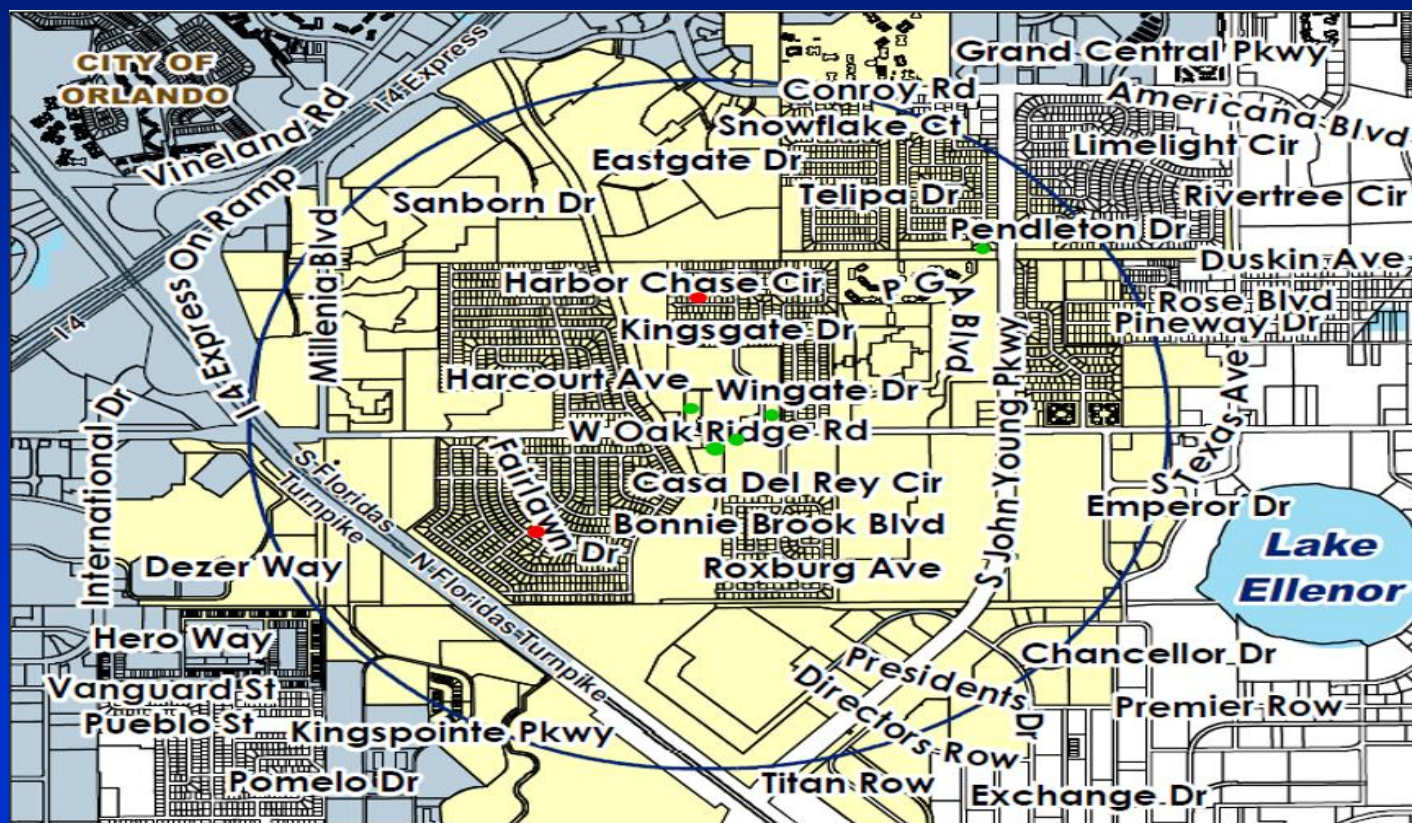
Staff Findings and Analysis

- Staff recommended approval, subject to the conditions in the staff report as the 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, 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, and the request 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.



Public Feedback

- Staff mailed a total of 3,716 notices to adjacent property owners in a 1 mile radius
 - Staff received seven (7) correspondences in favor of this request, 2 unmapped
 - Staff received five (5) correspondences in opposition to this request, 3 unmapped





BZA Findings

The BZA concluded that the approval of the Variance would constitute a detrimental intrusion into the surrounding area, and did not meet the six criteria. They noted that a similar Variance that was applied for and denied in 1991 for the subject site, determined that the request is self-created, and approval would not be in harmony with the purpose and intent of the Zoning regulations without any quantifiable negative impacts to the surrounding area. The BZA unanimously recommended denial with a 4-0 vote.



Variance Criteria

Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of Variances. No application for zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

- 1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties**
- 2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant**
- 3. No Special Privilege Conferred - Approval will not confer on the applicant any special privilege**
- 4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district**
- 5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure**
- 6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood**



Conditions of Approval

- 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.**



Conditions of Approval

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.
5. Approval is contingent on this property remaining a restaurant (deriving 51% or more of their income from food sales) and does not allow this property to become a bar or lounge.
6. The use of outdoor amplified sound and music is prohibited.
7. The noise and sound emanating from the restaurant/lounge shall be subject to the requirements of Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-182.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions



Alcohol Beverage Licenses





Across the street from Marabou Restaurant



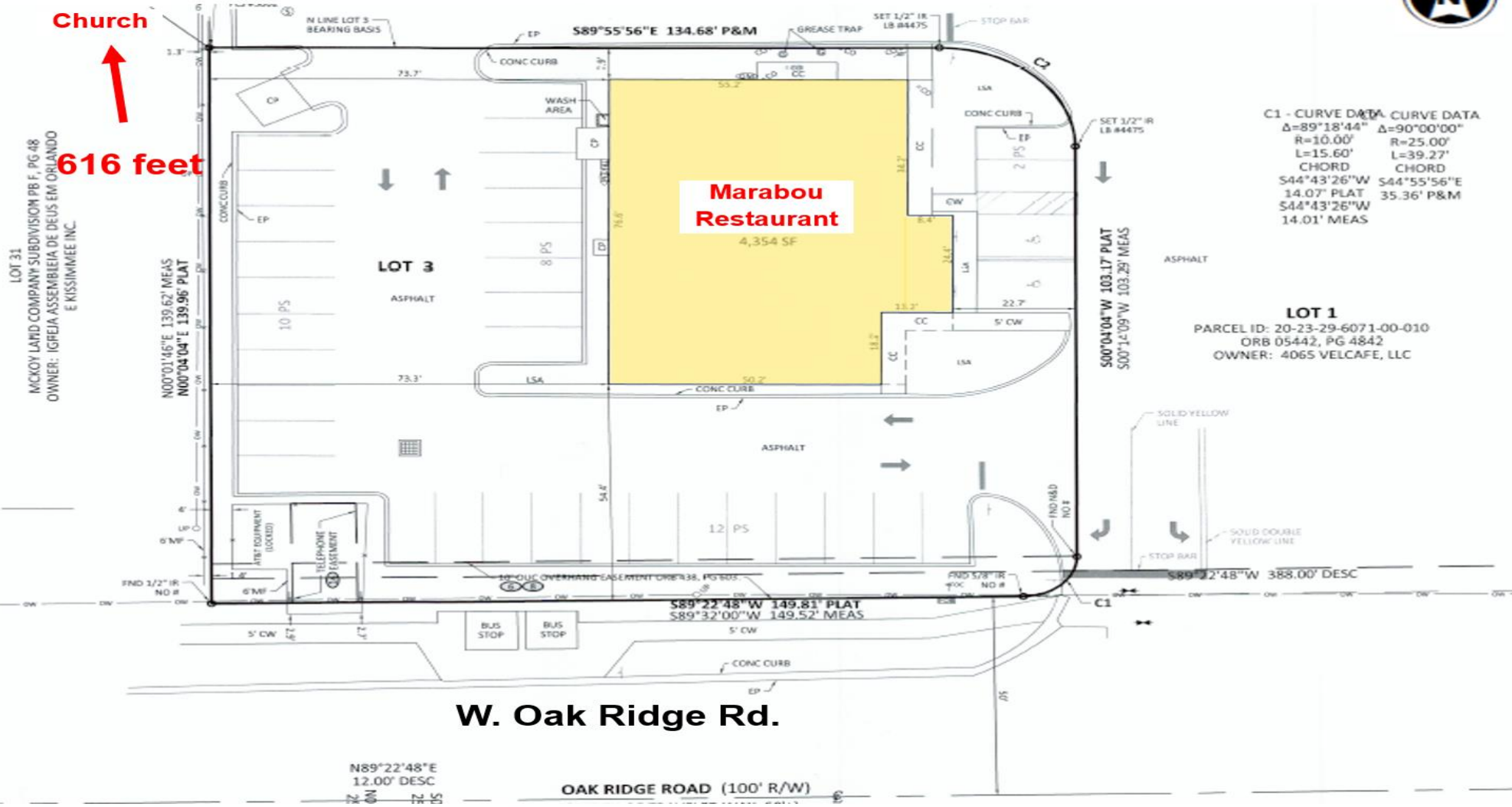


Survey

Church



616 feet



C1 - CURVE DATA	C2 - CURVE DATA
$\Delta=89^{\circ}18'44''$	$\Delta=90^{\circ}00'00''$
R=10.00'	R=25.00'
L=15.60'	L=39.27'
CHORD 544'43'26"W	CHORD 544'55'56"E
14.07' PLAT	35.36' P&M
544'43'26"W	14.01' MEAS

LOT 1
 PARCEL ID: 20-23-29-6071-00-010
 ORB 05442, PG 4842
 OWNER: 4065 VELCAFE, LLC

W. Oak Ridge Rd.

OAK RIDGE ROAD (100' R/W)

N89°22'48"E
 12.00' DESC
 24 01 21 15



Floor Plan

