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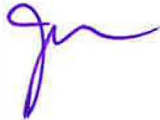


Interoffice Memorandum

DATE: August 28, 2024

TO: Jennifer Lara-Klimetz, Assistant Manager,
Clerk of the Board of County Commissioners,
County Comptroller's Office

THROUGH: Agenda Development

FROM: Jennifer Moreau, AICP
Manager, Zoning Division 

CONTACT PERSON: **Brandy Driggers**
Assistant Manager, Zoning Division
(407) 836-5329 or brandy.driggers@ocfl.net

SUBJECT: Request for Public Hearing to consider an appeal of the August 1, 2024 Board of Zoning Adjustment Recommendation for a Variance, VA-24-08-062, Siddharth Kaul for Marabou Restaurant, located at 4083 W. Oak Ridge Rd., Orlando, FL 32809, Parcel ID # 20-23-29-6071-00-030, District 6

APPLICANT/ APPELLANT: Siddharth Kaul for Marabou Restaurant

CASE INFORMATION: VA-24-08-062 – August 1, 2024

TYPE OF HEARING: Board of Zoning Adjustment Appeal

HEARING REQUIRED BY FL STATUTE OR CODE: Chapter 30, Orange County Code

ADVERTISING REQUIREMENTS: Publish once in a newspaper of general circulation in Orange County at least (15) fifteen days prior to public hearing.

ADVERTISING TIMEFRAMES: At least fifteen (15) days prior to the BCC public hearing date, publish an advertisement in the legal notice section of The Orlando Sentinel describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

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Request for Public Hearing – Siddharth Kaul for Marabou Restaurant

Variance Application

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ADVERTISING

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.

NOTIFICATION REQUIREMENTS:

At least 10 days before the BCC hearing date, send notices of the public hearing by U.S. mail to owners of property within 1 mile of the property.

ESTIMATED TIME REQUIRED:

Two (2) minutes

MUNICIPALITY OR OTHER PUBLIC AGENCY TO BE NOTIFIED:

N/A

HEARING CONTROVERSIAL:

Yes

DISTRICT #:

6

The following materials will be submitted as backup for this public hearing request:

1. Names and known addresses of property owners within 1 mile of the property (via email from Fiscal and Operational Support Division); and
2. Location map (to be mailed to property owners).

SPECIAL INSTRUCTIONS TO CLERK:

1. Notify abutters of the public hearing at least two (2) weeks prior to the hearing and copy staff.
2. Public hearing should be scheduled within 45 days after the filing of the notice of appeal received on August 14, 2024, or as soon thereafter, as the BCC's calendar reasonably permits.

Attachment: Location Map and Appeal Application

cc via email: Jennifer Moreau, AICP, Manager, Zoning Division
Brandy Driggers, Assistant Manager, Zoning Division

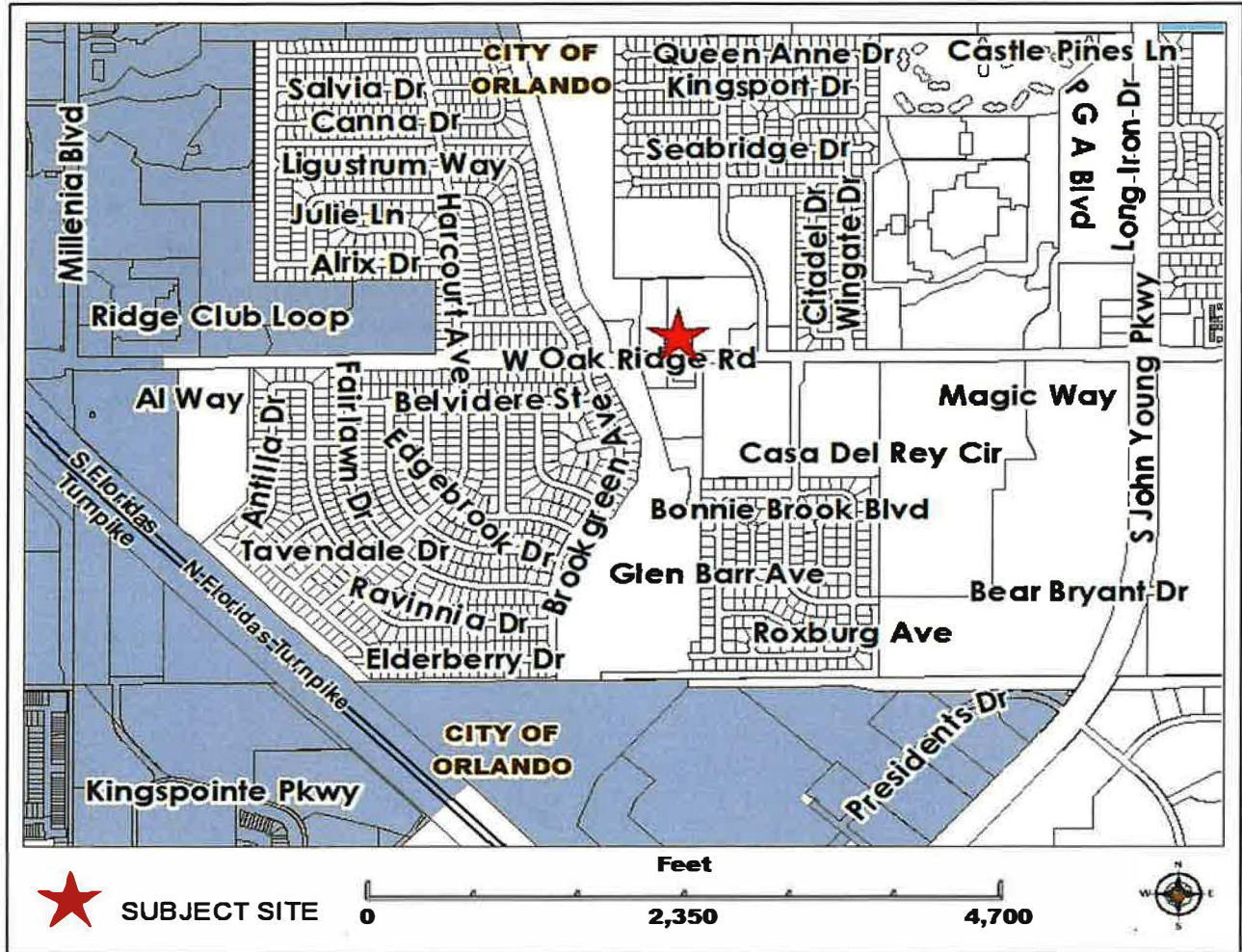
For any questions regarding this map, please contact Brandy Driggers at 407-836-5329

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Variance Application

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Location Map





ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue, 1st Floor, Orlando, Florida
32801 Phone: (407) 836-3111 Email: OZA@ocfl.net
www.orangecountyfl.net

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