



Interoffice Memorandum

DATE February 4, 2019

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

CONTACT PERSON: Carol L. Knox, Manager, Zoning Division
(407) 836-5585

February 26, 2019 – Board Called Public Hearing
Applicant/Appellant: Steven LaBret
BZA Case #VA-18-12-158, December 6, 2018; District #3

Board of Zoning Adjustment (BZA) case #VA-18-12-158, located at 7221 Curry Ford Road, in District 3, is a Board called public hearing to be heard on February 26, 2019. The applicant is requesting variances to allow a 2-COP license (beer & wine only) for consumption on premises 519 ft. and 622 ft. from two separate religious institutions in lieu of 1,000 ft.

The subject property is located on the north side of Curry Ford Rd., approximately 225 east of S. Goldenrod Rd.

At the December 6, 2018 BZA hearing, staff recommended approval of the variances. The BZA stated that the case was straightforward and the applicant had secured letters of no objection from both affected churches. The BZA recommended approval of the variances with a unanimous vote.

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 Carol Knox at 6-5585 or Sean Bailey at 6-5806.

ACTION REQUESTED: Approve the applicant's request in its entirety; or
Approve the applicant's request with modifications
and/or conditions; or
Deny the applicant's request in its entirety
District #3

JVW/CLK/pw
Attachment

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
February 26, 2019**

The following is a public hearing on an appeal before the Board of County Commissioners on February 26, 2019 at 2:00 p.m.

APPELLANT/APPLICANT: STEVEN LaBRET

REQUEST: BOARD-CALLED on January 8, 2019
Variances in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows:
1) Located 519 ft. from a religious institution in lieu of 1,000 ft.
2) Located 622 ft. from a religious institution in lieu of 1,000 ft.

LOCATION: North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.

TRACT SIZE: 89 ft. x 323 ft. (AVG)/.637 Acres

ZONING: C-1

DISTRICT: #3

PROPERTIES NOTIFIED: 9,257

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

Staff gave a presentation on the case covering: the location of the property, the measurements to the churches, and photos of the site and churches.

The applicant stated that the prior occupant was a Moose Lodge with a liquor license and after they vacated, both churches were established. The applicant entered into the lease, assuming they could continue with the license.

The BZA asked where the opposition was located.

Staff received 5 commentaries in favor of the application, and 18 in opposition to the application. There was no one present in opposition at the hearing.

The BZA approved the variance.

BZA HEARING DECISION:

A motion was made by Jose A. Rivas, Jr., seconded by Eugene Roberson, II and unanimously carried to APPROVE the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous):

1. Development in accordance with the site plan dated October 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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.



Applicant: STEVEN LaBRET

BZA Number: VA-18-12-158

BZA Date: 12/06/2018

District: 3

Sec/Twn/Rge: 02-23-30-SW-C

Tract Size: 89 ft. x 323 ft. (AVG)/.637 Acres

Address: 7221 Curry Ford Road, Orlando FL 32822

Location: North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.

DCPA Web Map

Major Roads

Proposed Road

Residential

Commercial

Brick Road

Agriculture

Industrial

Block Line

Commercial

Hydro

Lot Line

Governmental

Waste Land

Location of Anointed Rock

Ministries 7209 Curry Ford Rd.

Parcel ID: 02-23-30-1864-00-040

Approved via Special Exception.

SE-10-08-039. BTR approved on

1.4.2017 (Z17000056).

Subject property is $\pm$ 519' from this

church, not satisfying distance

requirement.

Location of Iglesia Ulice

Curry Ford Rd. Parcel ID:

02-23-30-1864-00-070 (sanctuary

entrance located here).

Approved via Special Exception

SE-11-02-117.

Subject property is $\pm$ 622' from

church, not satisfying distance

requirement.



Law Offices of
Steven Michael LaBret, P.A.
501 S. Magnolia Avenue, Suite 110B
Orlando, Florida 32801

LL.M. IN TAXATION
ALSO ADMITTED IN LOUISIANA
AND MICHIGAN BARS

PHONE # (407) 422-5819
FAX # (407) 440-1442
E-MAIL: Labretsa@cfl.rr.com

October 8, 2018

Orange County Government
Zoning Division
201 Rosalind Ave., 1st Fl.
P.O. Box 2687
Orlando, FL 32802-2687

Attn: Amy Beam,
Zoning Development Coordinator, III

Re: **Encima Venue, LLC d/b/a Encima Event Center**
Liquor License:
Location: 7221 Curry Ford Road
Orlando, FL 32822

Our Client: Encima Event Center
Our File No: 1457-R-001 (Ivette Rosa Gonzalez)

Dear Ms. Beam:

The undersigned represents Encima Venue, LLC d/b/a Encima Event Center.

Encima Venue, LLC submitted an Application - Alcohol Beverage License Review (the "Application") to place a new alcoholic beverage license ("Liquor License") for Encima Event Center at the Location. (A copy of the Application is attached hereto as Exhibit "A".)

On August 15, 2018, Orange County informed Encima Venue, LLC that Orange County would not approve the Application since the Location did not satisfy the 1,000 feet separation requirement from the nearest religious institution. (Copies of the Orange County letter and map are attached hereto as Exhibits "B" and "C", respectively.)

My client is requesting a variance based on the following facts:

A. Prior Tenant

1. Azalea Park Moose Lodge was the prior tenant at the Leased Premises. Azalea Park Moose Lodge had a liquor license at the Location for approximately twenty years.

Law Offices of
Steven Michael LaBret, P.A.
501 N. Magnolia Avenue, Suite 110B
Orlando, Florida 32801

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Orange County Government
Zoning Division - Attn: Amy Beam
October 8, 2018
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B. Religious Institutions

Movimiento Internacional Casa Impacto Avivamiento, Inc., a non-profit Florida corporation, opened its ministry on January 3, 2018 at 7209 Curry Ford Road, Suite G, Orlando, FL 32822 and had to apply for a special exception in order to operate its ministry in a location zoned professional office. Movimiento Internacional Casa Impacto Avivamiento, Inc. approved the placement of the Liquor License at the Location. (A copy of the Approval is attached hereto as Exhibit "D".)

2. Anointed Rock Ministries, Inc., a non-profit Florida corporation, opened its ministry on January 27, 2012 at 7209 Curry Ford Road, Suite D, Orlando, FL 32822 and had to apply for a special exception in order to operate its ministry in a location zoned professional office. Anointed Rock Ministries, Inc. has approved the placement of the Liquor License at the Location. (A copy of the Approval is attached hereto as Exhibit "E".)

C. Other Businesses

3. Buddy's Food & Lotto, Inc. located at 7219 Curry Ford Road, Orlando, FL 32822 is within 1,000 feet of the churches and has a liquor license at its business. (A copy of the Liquor License is attached hereto as Exhibit "F".)

4. Curry Ford Hess located at 7237 Curry Ford Road, Orlando, FL 32822 is within 1,000 feet of the churches and has a liquor license at its business. (A copy of the Liquor License is attached hereto as Exhibit "G".)

For these reasons, Encima Venue, LLC d/b/a Encima Event Center respectfully requests that a variance be granted so that Encima Venue, LLC d/b/a Encima Event Center can place a beer and wine license at the Location.

Sincerely yours,


Steven M. LaBret

SML/aeo

Re: Encima Venue, LLC
Encima Event Center
Liquor License:
Leased Premises: 7221 Curry Ford Road
Orlando, FL 32822

Our Client: Encima Event Center
Our File No: 1457-R-001 (Ivette Gonzalez)

Exhibits

<u>Exhibit</u>	<u>Document</u>
A.	Application - Alcoholic Beverage License Review
B.	Denial Letter dated August 15, 2018
C.	Map
D.	Approval Letter (Movimiento Internacional)
E.	Approval Letter (Anointed Rock Ministries)
F.	Liquor License (Buddy's Food & Lotto)
G.	Liquor License (Curry Ford Hess)



STAFF REPORT
CASE #: VA-18-12-158
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 6, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: STEVEN LaBRET

REQUEST: Variances in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows:
1) Located 519 ft. from a religious institution in lieu of 1,000 ft.
2) Located 622 ft. from a religious institution in lieu of 1,000 ft.

LOCATION: North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.

PROPERTY ADDRESS: 7221 Curry Ford Rd., Orlando, FL 32822

PARCEL ID: 02-23-30-3028-01-180

PUBLIC NOTIFICATION: 9,257

TRACT SIZE: 89 ft. x 323 ft. (AVG)/.637 Acres

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Indoor event venue

PROPOSED USE(S): Indoor event venue

SURROUNDING USES: N - Single family residential
S - Residential/office/commercial
E - Commercial
W -Office

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.
2. The applicant is proposing to use the site for an event center which will be booked for parties, weddings, and other similar events. In order to function as such, it is necessary to have a 2-COP license to allow beer and wine consumption on premises.
3. Sec. 38-1415, requires any business serving alcohol on site to be located at least one thousand (1,000) feet away from any established religious institution or school. There are two (2) churches located 519 feet, and 622 feet from the subject site. The code has a provision allowing businesses that derive more than fifty-one (51%) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 feet away from a school. Although, it is expected that this business would meet this provision, this rule does not apply to churches.
4. The affected churches are located to the northwest of the subject property. Both of the churches have submitted letters stating they do not object to this variance.
5. The greater variance request represents a 48% deviation from the code.
6. The property is located close to the intersection of Curry Ford Road, and Goldenrod Road. This is a major intersection with commercial zoning and uses on all four (4) corners, providing a variety of uses in a concentrated area. With this mixed-use environment, there is a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.

VARIANCE CRITERIA

No Special privilege

Approval of these variances will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises.

Deprivation of Rights

Not allowing this applicant to obtain a 2-COP license would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.

Minimum Possible Variance

This is the minimum possible variance, and the business will be located 519 feet from the nearest church, which is a substantial distance.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the zoning regulations and will not be detrimental to the neighborhood. The commercial zoning district in the area allows restaurants and bars. The code allows certain establishments to be within 500 feet of a school, thus, a 519 feet distance from a church is reasonable. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood or the church.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site map dated October 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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.
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c: Steven Labret
501 N. Magnolia Avenue
Orlando, FL 32801