

Orange County Zoning Division

VA-18-12-158
APPLICANT:
STEVEN LaBRET

FEBRUARY 26, 2019



Background

CASE:	VA-18-12-158
APPLICANT:	Steven LaBret
ZONING:	C-1, Retail Commercial District
FUTURE LAND USE:	C, Commercial
ADDRESS:	7221 Curry Ford Rd., Orlando, FL 32822
LOCATION:	North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.
TRACT SIZE:	89 ft. x 323 ft. (avg.)/.637 acres
DISTRICT:	3



Background

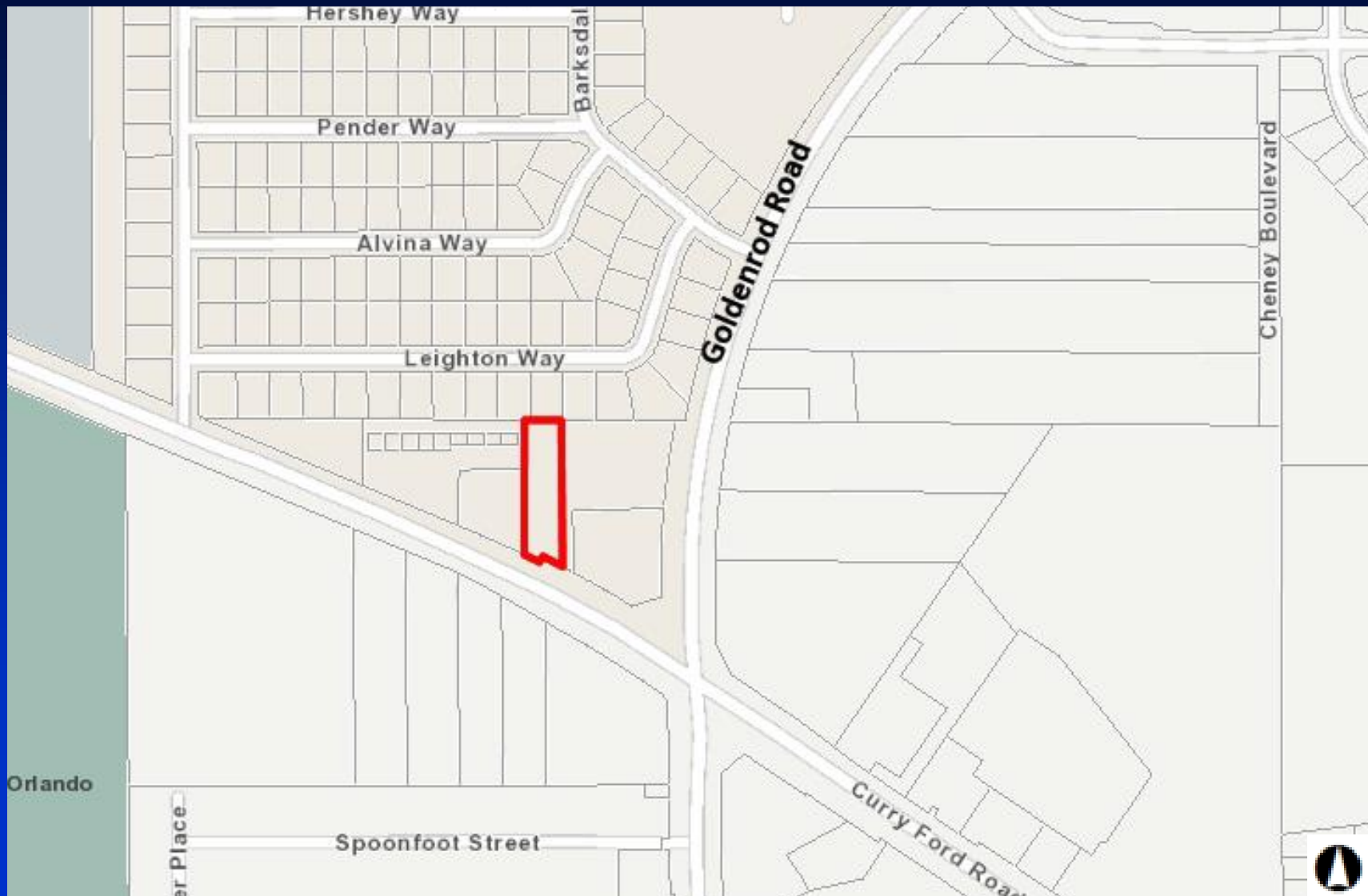
REQUEST:

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.**

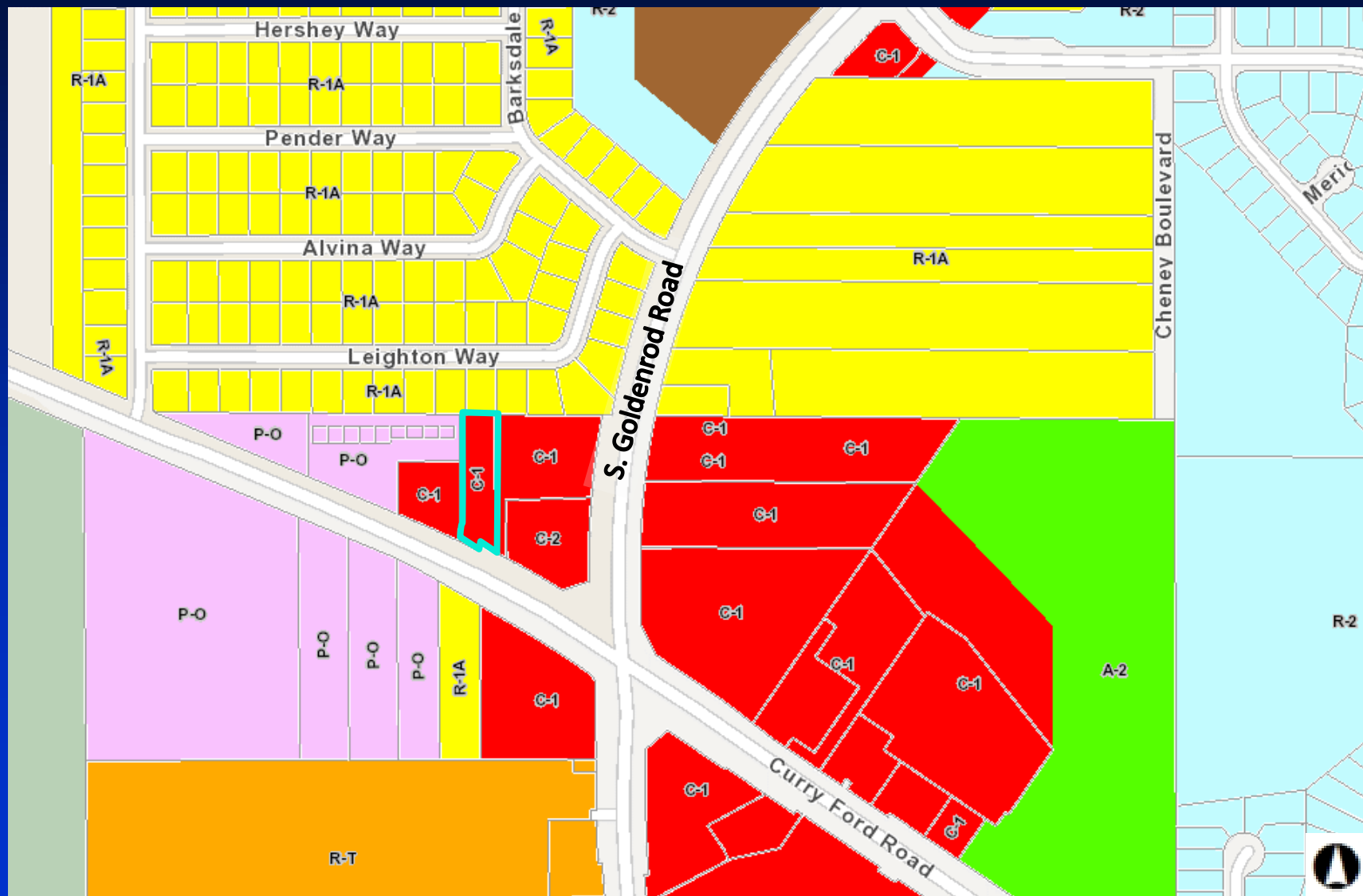


Location Map



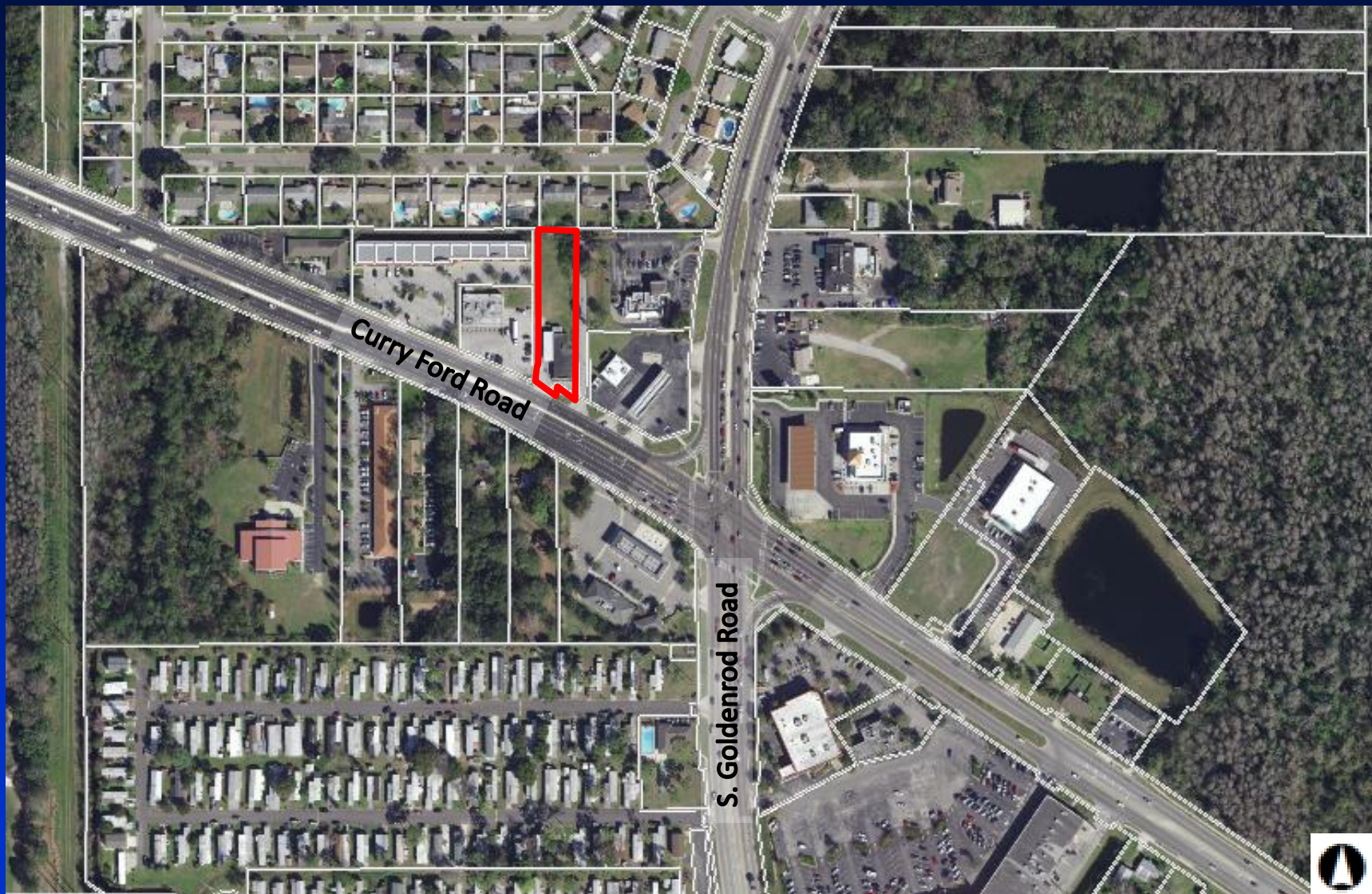


Zoning Map





Aerial Map





Close-Up Aerial Map





History

- Site was previously occupied by the Azalea Park Moose Lodge, which had an 11C License (on-site consumption of beer, wine, and liquor for members only)
- February 2018: Business Tax Receipt issued for an Assembly Hall
- June 2018: Certificate of Occupancy issued for an Assembly Hall
- August 2018: Zoning review of Alcoholic Beverage License for a 2-COP (on site consumption of beer and wine)



Site Photograph

Existing events center





Site Photograph

Looking north from Curry Ford Road





Site Photograph

Looking east along Curry Ford Road





Site Photograph

Anointed Rock Ministries church (519 ft. away)





Site Photograph

Iglesia Micia (622 ft. away)





Site Photograph

Looking southeast from Igelsia Micia





Staff Findings and Analysis

1. The property is located close to the intersection of Curry Ford Rd. and Goldenrod Rd. This is a major intersection with commercial zoning and uses on all 4 corners, providing a variety of uses in a concentrated area. This mixed-use environment creates a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.
2. The site is currently being used as the Encima events center, which books parties, weddings and other similar events.
3. The applicant would like to have a 2-COP license to be able to serve beer and wine for consumption on premises.
4. Sec. 38-1415 requires any business serving alcoholic beverages on site to be located at least one thousand (1,000) feet away from any established religious institution or school. There are two churches located 519 ft. and 622 ft. from the subject site.



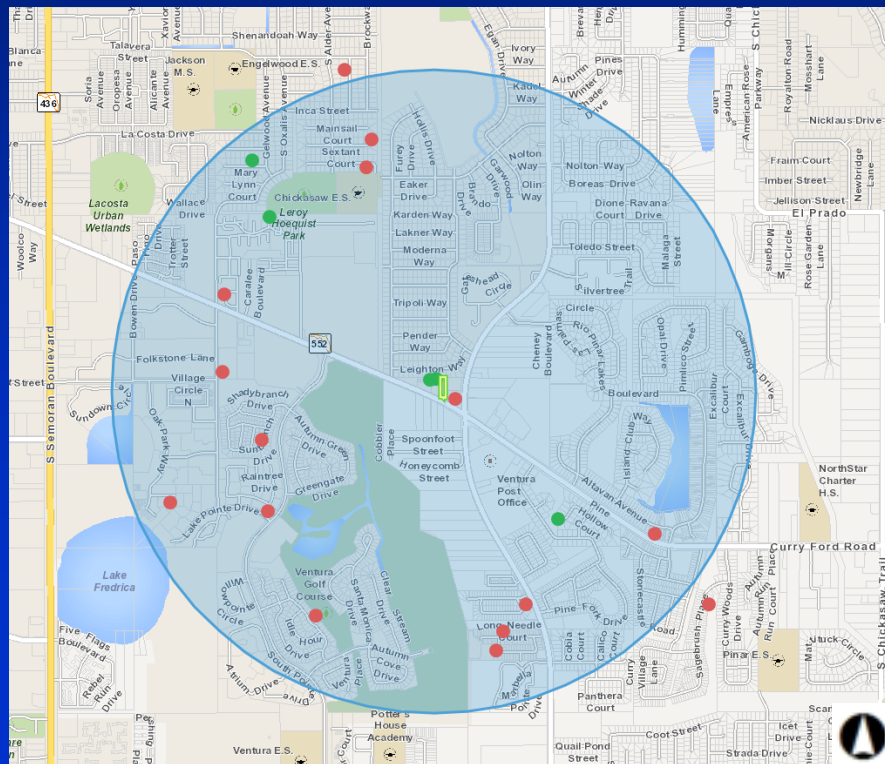
Staff Findings and Analysis

5. The affected churches are located to the northwest of the subject property. Both of the churches submitted letters stating they do not object to this variance. However, one of the churches has since submitted an additional letter indicating they are no longer in support.
6. There is a CVS, WaWa, Walgreens, and Marathon Gas station at the 4 corners of Curry Ford Rd. and S. Goldenrod Rd. and Buddy's Food and Lotto convenience store next door. All of them have licenses for either beer or beer and wine package sales.
7. Staff recommended approval in that special privilege would not be conferred and denial of these variances would deprive the applicant of the rights commonly enjoyed by others. These are the minimum possible variances, and approval of these requests will be in harmony with the purpose and intent of the code and will not be detrimental to the neighborhood. The commercial zoning district in the area allows restaurants, bars and events centers.



Public Feedback

- Mailed 9,257 notices to property owners within a 1 mile radius of the property:
- Staff received 7 letters in support of the request.
- Staff received 18 letters in opposition to the request.





Public Feedback

- Community meeting held on February 19, 2019.
- Approximately 16 members of the public were in attendance.
- Concerns expressed about loitering, drinking outside and noise associated with those activities. Also concerns about parking and traffic.
- Concerns it could become a bar in the future.
- One attendee spoke in favor stating they supported a business that will make upgrades to the site rather than remain vacant.



Variance Criteria

Section 30-43 (3), Orange County Code

VARIANCE CRITERIA

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 Privileges 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



BZA Findings

- The Moose Lodge had a liquor license.
- The establishment of both churches creates the need for the variances.



BZA Recommendation

- The BZA made the finding that the variance criteria were met and recommended approval of the variance requests with the following conditions:



Conditions of Approval

- 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.**
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.**



Requested Action

- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

***Any approval is subject to standard conditions of approval.**