



**Interoffice Memorandum
Zoning Division**

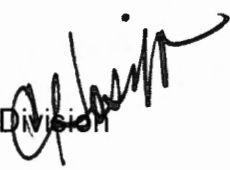
**Continue public
hearing to
FEB 16 2016 CAS**

21-12-15P03:33 RCVD

DATE: December 21, 2015

TO: Katie A. Smith, Deputy Clerk of the Board of County Commissioners, County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor, Agenda Development Office

FROM: Carol Hossfield, Manager, Zoning Division 

CONTACT PERSON: **Rocco Relvini, Chief Planner
Zoning Division 407-836-5386
Rocco.Relvini@ocfl.net**

SUBJECT: Request for Public Hearing before Board of County Commissioners (BCC) to Consider Appeal of November 5, 2015 Board of Zoning Adjustment (BZA) Recommendation on BZA Case # VA-15-12-126

Applicant(s): KUNG FU-SION, LLC

Appellant(s): PEDRO J. MALARET

Commission District: 4

General Location: North side of Lake Underhill Rd., east of Rouse Rd.

BCC Public Hearing Required by: Ch. 30, Orange County Code

Clerk's Advertising Requirements: (1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of *The Orlando Sentinel* describing the particular appeal, the general location of the

February 09, 2016
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subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Advertising Language: Applicants is requesting a Variance to allow for on-site consumption of beer and wine 369.8 ft. from Legacy Middle School in lieu of 1000 ft.

Material Provided:

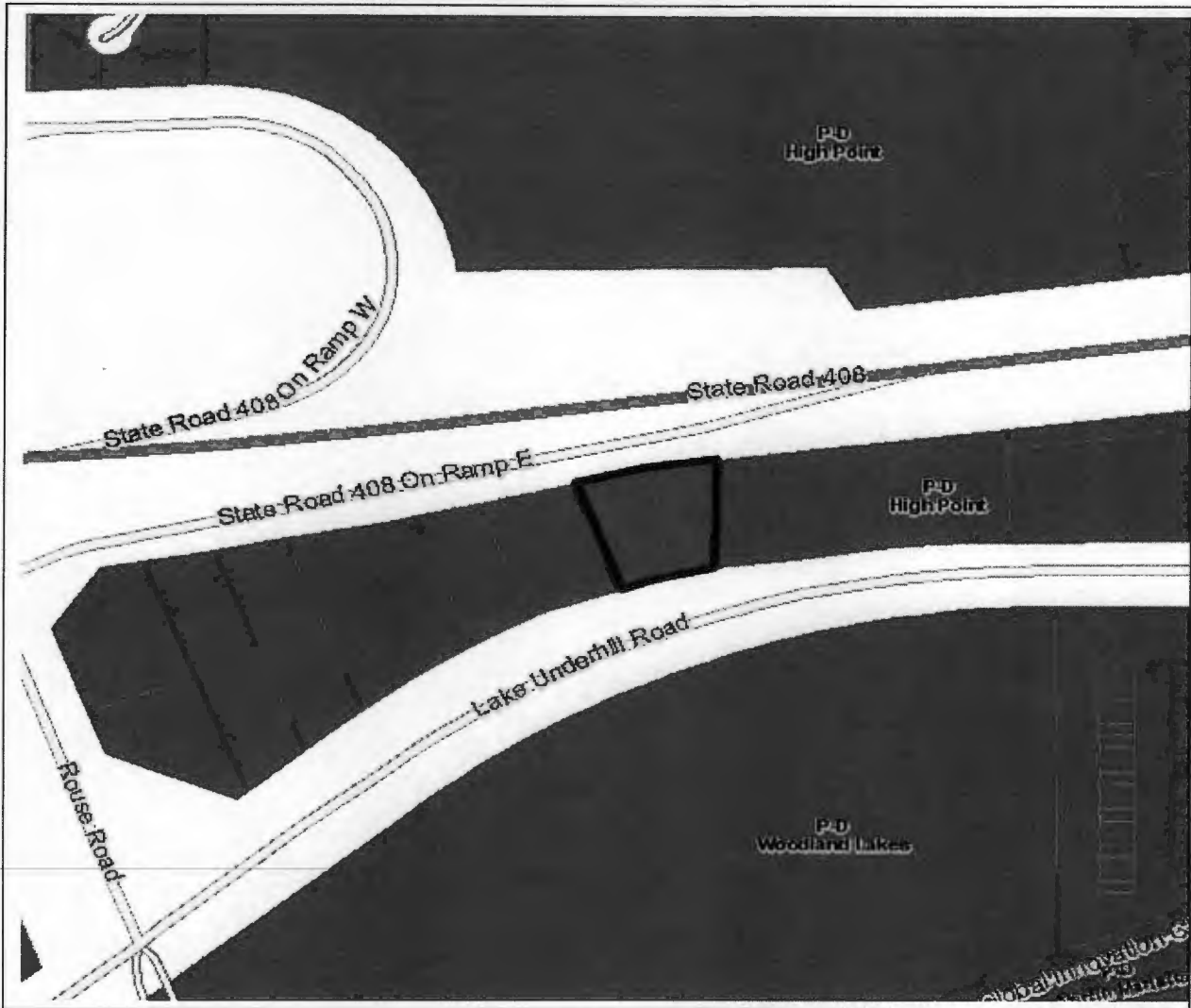
- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*);
- (2) Location map (*to be mailed to property owners*); and
- (3) Copy of appellant's notice of appeal (*to be mailed to property owners*).

Special Instructions to the Clerk:

- (1) The BCC public hearing must be held within 45 days after December 18 2015, which was the date the notice of appeal was filed, or as soon thereafter as the BCC's calendar reasonably permits.
- (2) Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Attachments (location map and notice of appeal)

c: Chris R. Testerman, AICP, Assistant County Administrator
Jon V. Weiss, Director, Community Environmental Development Services
Department



Applicant: Kung Fu-Sion, LLC

BZA Number: VA-15-12-126

BZA Date: 12/03/2015

District: 4

Sec/Twn/Rge: 28-22-31-NE-A,28-22-31-SE-D

Tract Size: 1.28 acres

Address: 11425 Lake Underhill RD, Orlando FL 32825

Location: North Side of Lake Underhill Rd., east of Rouse Rd.

**If you have any questions
regarding this map, please call
Rocco Relvini
at 407.836.5386.**



ZONING DIVISION

MITCH GORDON, Manager

201 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687

407-836-5525 • Fax 407-836-5507

www.orangecountyfl.net

BOARD OF ZONING ADJUSTMENT APPEAL FORM

Art Interiano
Assistant Manager

Chief Planners

Carol Hossfield
Permitting

Rocco Relvini
BZA Section

Bob Windom
Project Review

DATE: 12/18/2015

TO: Orange County Zoning Division

SUBJECT: Kung Fu-Sion, LLC - Variance Application Appeal
(BZA subject name)

Pedro J. Malaret
(print or type name)

Kung Fu-Sion, LLC
(print or type company name)

Mailing Address: c/o Malaret Law Firm, P.O. Box 4579, Orlando, FL 32802

Telephone: (407) 898-8758 Fax: (407) 898-8768

I respectfully request an appeal of the decision regarding public hearing in the name of
Kung Fu-Sion, LLC, hearing number VA-15-12-126 rendered by the

BOARD OF ZONING ADJUSTMENT on 12/3/3015
(print date of hearing).

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

The Applicant, Kung Fu-sion, LLC met the standards for approval under
under section 30-43(3) and 38-1415 of the Orange County Code.

The Board of Zoning Ajustment's decision was not based on whether the
Applicant met the standars of Section 30-43(3) or 38-1415, rather, it
decision was based solely on the fact that Kung Fu-Sion, LLC's application
was similar to an application that the Board had previously denied.

Therefore, the Board's denial of the Kung Fu-Sion's variance was arbitrary.

Signature of Appellant: [Signature]

Fee: \$691.00 (make check payable to ORANGE COUNTY ZONING DIVISION)

NOTE: The Clerk of the Board will notify you of the date of your appeal. If you have
any questions, please contact the Zoning Division at 407-836-3111

RECEIVED

DEC 18 2015

ORANGE COUNTY
ZONING DIVISION