



Interoffice Memorandum

October 22, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services
Department 

CONTACT PERSON: **Allen McNeill**
Chief Planner, Zoning Division
(407) 836-9620 or Allen.McNeill@ocfl.net

SUBJECT: November 19, 2024 - Appeal Public Hearing
Applicant/Appellant: Francois Exantus
BZA Case # VA-24-08-077, October 3, 2024; District 6

Board of Zoning Adjustment (BZA) Case # VA-24-08-077 located at 1320 Roger Babson Rd., Orlando, FL 32808, in District 6, is an appeal to the Board. The applicant is requesting Variances in the R-1A zoning district to allow additions to remain at this residence as follows:

- 1) To allow a south rear setback of 15.6 ft. in lieu of 30 ft. for Storage 1
- 2) To allow a west side setback of 3.6 ft. in lieu of 7.5 ft. for Storage 1
- 3) To allow a west side setback of 7.2 ft. in lieu of 7.5 ft. for Storage 2
- 4) To allow a west side setback of 6.2 ft. in lieu of 7.5 ft. for Storage 3
- 5) To allow a north front setback of 23.3 ft. in lieu of 25 ft. for Storage 3

Code enforcement cited the property owner on August 27, 2023 (CE#: 628078) for construction of the storage room additions without permits.

At the October 3, 2024, BZA hearing, staff recommended denial of the variances requested as the structures were constructed without permits and could have been located in a code compliant area of the property. There was no one in attendance to speak in favor or in opposition to the requests. It was also noted that prior to the BZA hearing, no comments were received in favor and one comment was received in opposition to the request. The BZA discussed the proximity of the structures to the neighboring property and the scale of the three different storage additions. Determining that setbacks for Storage 2 and 3 were minor, but the variances for Storage 1 were not. The BZA recommended denial of variances #1 and #2, and approval of variances #3, #4, and #5. The applicant subsequently appealed the BZA recommendation as he would also like variances #1 and #2 to be approved.

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 Allen McNeill at (407) 836-9620 or allen.mcneill@ocfl.net.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 6.

JM/ag

Attachment: Zoning Division public hearing report, Appeal with exhibits, and BZA staff report.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

November 19, 2024

The following is a public hearing on an appeal before the Board of County Commissioners on November 19, 2024, at 2:00 p.m.

APPLICANT/APPELLANT: FRANCOIS EXANTUS

REQUEST: Variances in the R-1A zoning district to allow additions to a residence as follows:
1) To allow a south rear setback of 15.6 ft. in lieu of 30 ft. for Storage 1
2) To allow a west side setback of 3.6 ft. in lieu of 7.5 ft. for Storage 1
3) To allow a west side setback of 7.2 ft. in lieu of 7.5 ft. for Storage 2
4) To allow a west side setback of 6.2 ft. in lieu of 7.5 ft. for Storage 3
5) To allow a north front setback of 23.3 ft. in lieu of 25 ft. for Storage 3
Note: This is the result of Code Enforcement.

LOCATION: 1320 Roger Babson Rd., Orlando, FL 32808, southeast corner of Erleen Pl. and Roger Babson Rd., east of N. Pine Hills Rd., north of W. Colonial Dr., south of Silver Star Rd.

LOT SIZE: +/- 0.21 acres (+/- 9,155 sq. ft.)

ZONING: R-1A

DISTRICT: #6

PROPERTIES NOTIFIED: 184

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation of denial of the variances. Staff noted that no comments in favor and one comment in opposition to the request has been received.

The applicant noted that he was not aware of the zoning and constructed the additions without permits because he needed storage.

Code Compliance noted the status of the violation.

There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the requests and noted that the encroachment into the westerly side setback and front setback were minimal. However, the BZA also discussed the large encroachment by Storage Area #1 into the rear setback, and expressed discomfort with this request.

The BZA recommended denial of Variances #1 and #2, and approval of Variances #3, #4, and #5 by a 5-1 vote, with one seat vacant, subject to the six (6) conditions found in the staff report as amended, with the modification to Condition 1 to match the recommendation as follows, "Development shall be in accordance with the site plan date stamped August 24, 2024, as modified to remove Storage 3, and floor plan and elevations dated April 2, 2024, for Storage 1 and Storage 2, 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)." The BZA also added additional Condition 7 as follows, "The additions shall be painted to match the residence."

BZA HEARING DECISION:

A motion was made by Sonya Shakespeare, seconded by Thomas Moses, carried to recommend DENIAL of the Variance requests #1 and #2, in that there was no unnecessary hardship shown on the land; and further, they do not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3); and, APPROVAL of the Variance requests #3, #4 and #5, in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (5 in favor: Deborah Moskowitz, John Drago, Juan Velez, Thomas Moses, Sonya Shakespeare; 1 opposed: Roberta Walton Johnson; 0 absent; 1 vacant)



Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: FRANCOIS EXANTUS
Address: 1320 Roger Babson Road Orlando FL 32808
Email: Exantus58@gmail Phone #: 407-2858409
BZA Case # and Applicant: VA-24-08-077
Date of BZA Hearing: 10/3/24

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

Considering 1 & 2 as a storage ^{per parcel} but I will appreciate your favor for approval. Thank you. May God Bless you.

Signature of Appellant: Francis Exantus Date: 10/14/2024

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10th day of 14th, 2024, by Francis Exantus who is personally known to me or who has produced FLDL E253240563860 as identification and who did/did not take an oath.

Simonette Louis
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.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 3, 2024**
Case #: **VA-24-08-077**

Commission District: **#6**
Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): FRANCOIS EXANTUS

OWNER(s): FRANCOIS EXANTUS

REQUEST: Variances in the R-1A zoning district to allow additions to a residence as follows:

- 1) To allow a south rear setback of 15.6 ft. in lieu of 30 ft. for Storage 1
 - 2) To allow a west side setback of 3.6 ft. in lieu of 7.5 ft. for Storage 1
 - 3) To allow a west side setback of 7.2 ft. in lieu of 7.5 ft. for Storage 2
 - 4) To allow a west side setback of 6.2 ft. in lieu of 7.5 ft. for Storage 3
 - 5) To allow a north front setback of 23.3 ft. in lieu of 25 ft. for Storage 3
- Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 1320 Roger Babson Rd., Orlando, FL 32808, southeast corner of Erleen Pl. and Roger Babson Rd., east of N. Pine Hills Rd., north of W. Colonial Dr., south of Silver Star Rd.

PARCEL ID: 19-22-29-6712-07-070

LOT SIZE: +/- 0.21 acres (+/- 9,155 sq. ft.)

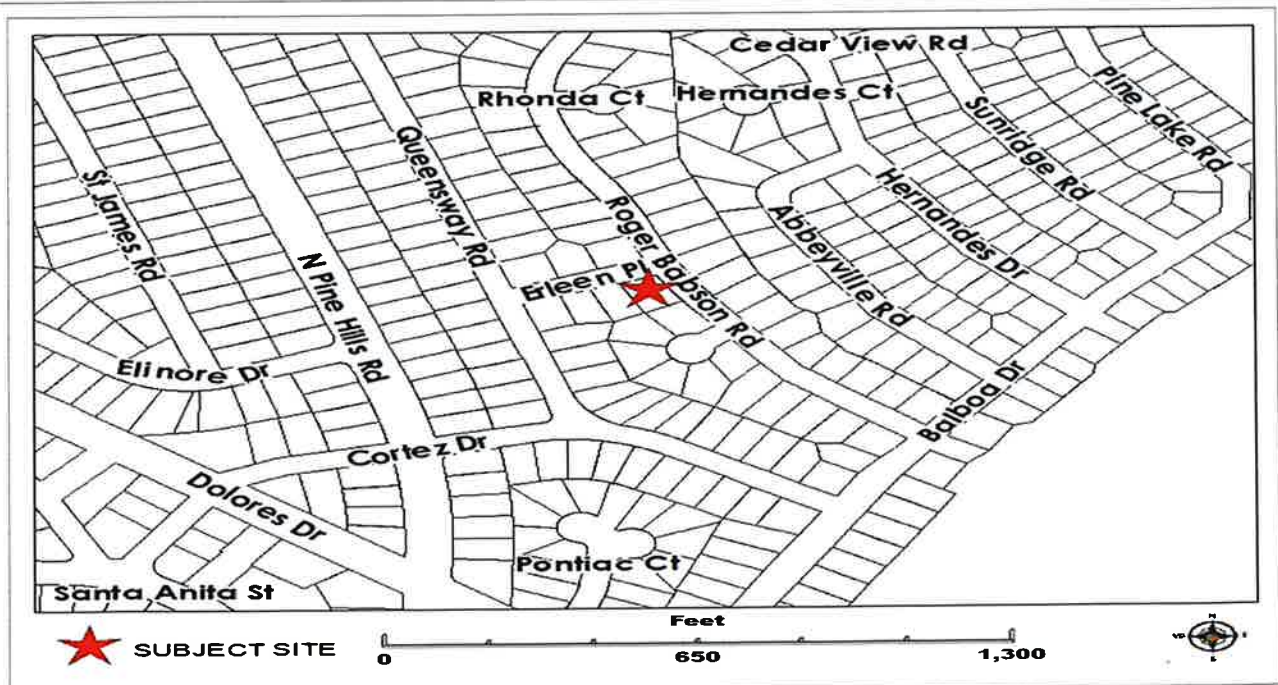
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 184

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling District, which allows single-family homes and associated accessory structures. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The subject property is 9,155 sq. ft., in size, was platted in 1955 as Lot 7 in Block G of the Parkway Estates Plat and is a conforming lot of record. The property is not located within a Homeowner's Association (HOA). The property is a corner lot with right-of-way along Erleen Pl. to the north which is considered the front since it is the narrowest width of the lot abutting a street right-of-way and Roger Babson Rd. to the east. The property is developed with a 1-story, 2,136 sq. ft. single-family home, constructed in 1956, three partially constructed storage room additions at the westerly side and rear of the residence, and a shed at the rear. The three partially constructed storage room additions (labeled Storage 1, Storage 2, and Storage 3 on the site plan) are the subject of the Variance requests.

Code enforcement cited the property owner on August 27, 2023 (CE#: 628078) for construction of the storage room additions without permits. Storage addition 3 encroaches 1.7 ft. into the required 25 ft. north front setback and 1.3 ft. into the required 7.5 ft. west side setback, requiring Variances #5 and #4 respectively. Storage addition 2 encroaches 0.3 ft. into the required 7.5 ft. west side setback, requiring Variance #3. Storage addition 1 encroaches 3.9 ft. into the 7.5 ft. west side setback, requiring Variance #2, and 14.4 ft. into the required 30 ft. south rear setback requiring Variance #1. A building permit, B23025070, for the additions has been submitted, and is on hold pending the outcome of this variance request.

A permit was obtained for the shed on the property; however, the current location of the shed is not in compliance with the approved permit, or with the code so it will need to be moved back to the location where it was approved, removed, or a new permit will need to be submitted to show it in a code compliance location. There is also 6 ft. high privacy fence that was also constructed without permits and is not in compliance with the code, that the applicant has agreed to remove.

Neighbors to the west and north provided letters of no objection. As of the date of this report, no comments have been received in favor or in opposition to this request.

Building Setbacks

	Code Requirement	Proposed
Front (North - Erleen Pl.):	25 ft.	27.6 ft. (Storage 2) 23.3 ft. (Storage 3, Variance #5)
Side Street (East - Roger Babson Rd.):	15 ft.	23.5 ft. (Existing residence)
Side (West):	7.5 ft.	3.6 ft. (Storage 1, Variance #2) 7.2 ft. (Storage 2, Variance #3) 6.2 ft. (Storage 3, Variance #4)
Rear (South):	30 ft.	15.6 ft. (Storage 1, Variance #1)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to this property are that the lot has a limited buildable area due to it being a corner lot and the location of the existing single-family residence. The orientation of the house limits the areas a code-compliant addition could be located however the applicant may have been able to build a code compliant addition had they consulted the County first.

Not Self-Created

The request is self-created because the applicant installed the additions without permits.

No Special Privilege Conferred

There is no special privilege being conferred because zoning district would allow additions to the home, however the corner lot condition and orientation of the home limits viable areas.

Deprivation of Rights

There is no deprivation of rights as the existing residence could continue to be enjoyed as originally constructed, and an addition could be built which complies with code setback requirements.

Minimum Possible Variance

The request is not the minimum possible since the applicant could have constructed the additions in a way that would comply with code or require a lesser variance.

Purpose and Intent

The request is not in harmony with the purpose and intent of the zoning code since the additions could have been constructed in a way that would not locate them so close to the adjacent property line.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped August 24, 2024, and floor plan and elevations dated April 2, 2024, 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.
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. A permit shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. All fencing shall be removed or relocated on the subject property, and a permit shall be obtained within 180 days of final action, and this shall be reflected on the site plan submitted for the required fence permit.
6. The shed shall be moved back to the location where it was approved, removed, or a new permit shall be obtained within 180 days of final action to show it in a code compliance location.

C: Francois Exantus
1320 Roger Babson Road
Orlando, FL 32808

June 3, 2024

Francois Exantus
1320 Roger Babson Rd
Orlando, FL 32808

To the: Board of Zoning Adjustment (BZA)
Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor, Orlando, Florida 32801

RE: Variance Request

Job address: 1320 Roger Babson Rd., Orlando, FL 32808

Variance in the R-1A zoning district to allow an addition with a rear setback of 15.6ft in lieu of 30ft, a 23.3ft front setback in lieu of 25ft, and a side setback of 3.6ft in lieu of 7.5ft. This is the result of Code Enforcement.

1. Special Conditions and Circumstances

Due to the ongoing inflation, I had shut down business. I am a retired old man and I can no longer afford to store the materials from the business at a public storage; it is too expensive. I had the idea to store them in the screened porch momentarily until I got back on my feet, but some materials started to decay/deteriorate by being exposed to the weather/rain since the screened porch was opened. Hence, I proceed to enclose the screened porch area to convert it into storage, add square footage to the right side of the house, and enclose the covered carport to accommodate the materials. The altered and added spaced will be used as storages.

2. Not self-Created

The carport and screened porch were already existing, I just proceeded to enclose them and turn them into storage. Since the house address is on Roger Babson, the addition would have not interfered with the 7.5ft side setback, but unfortunately it turns out that the fence is off 2ft from the property line, and Erleen place is considered as the front the house.

3. No Special Privilege Conferred

No special privilege is requested. The existing shed shall be relocated to comply with the minimum setback requirements. Any other adjustments will be made in order to comply with the zoning and building department standards. The use will not act as a detrimental intrusion into a surrounding area.

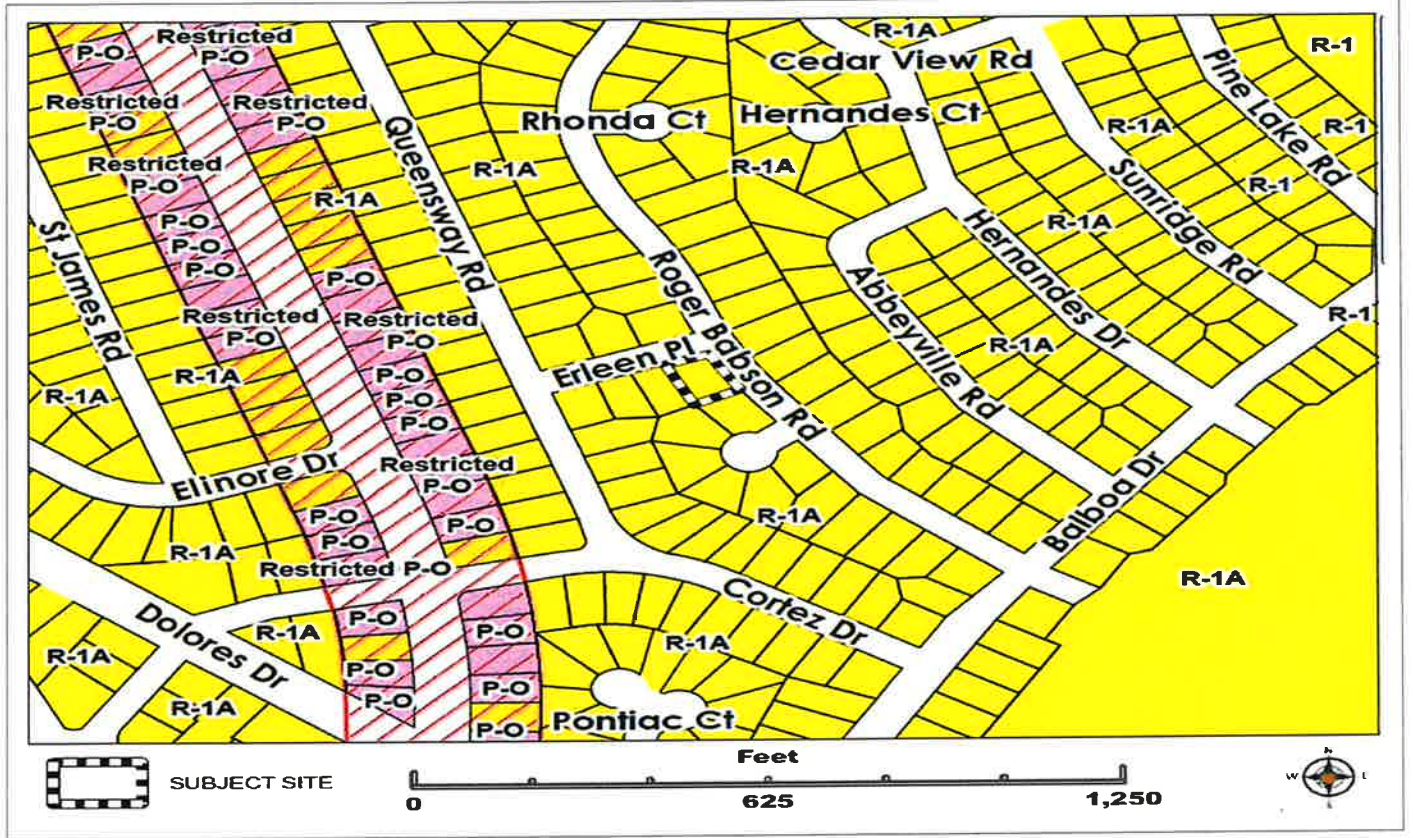
4. Deprivation of Rights

Some of my neighbors have made similar improvements to their property. I have a corner lot which means I have more limitations in terms of setbacks. I requested and obtained approval from the surrounding neighbors to keep the added and altered structures as is. Upon approval, there is no intent to use the spaces other than the approved use. The use will meet the performance standards of the district in which the use is permitted.

5. Minimum Possible Variance

Since it is a corner lot, there are some limitations in terms of setbacks, however the request variance on either side should not considerate as exaggerated due to the geometry of the lot. The addition and altered areas can be considered minimal.

ZONING MAP



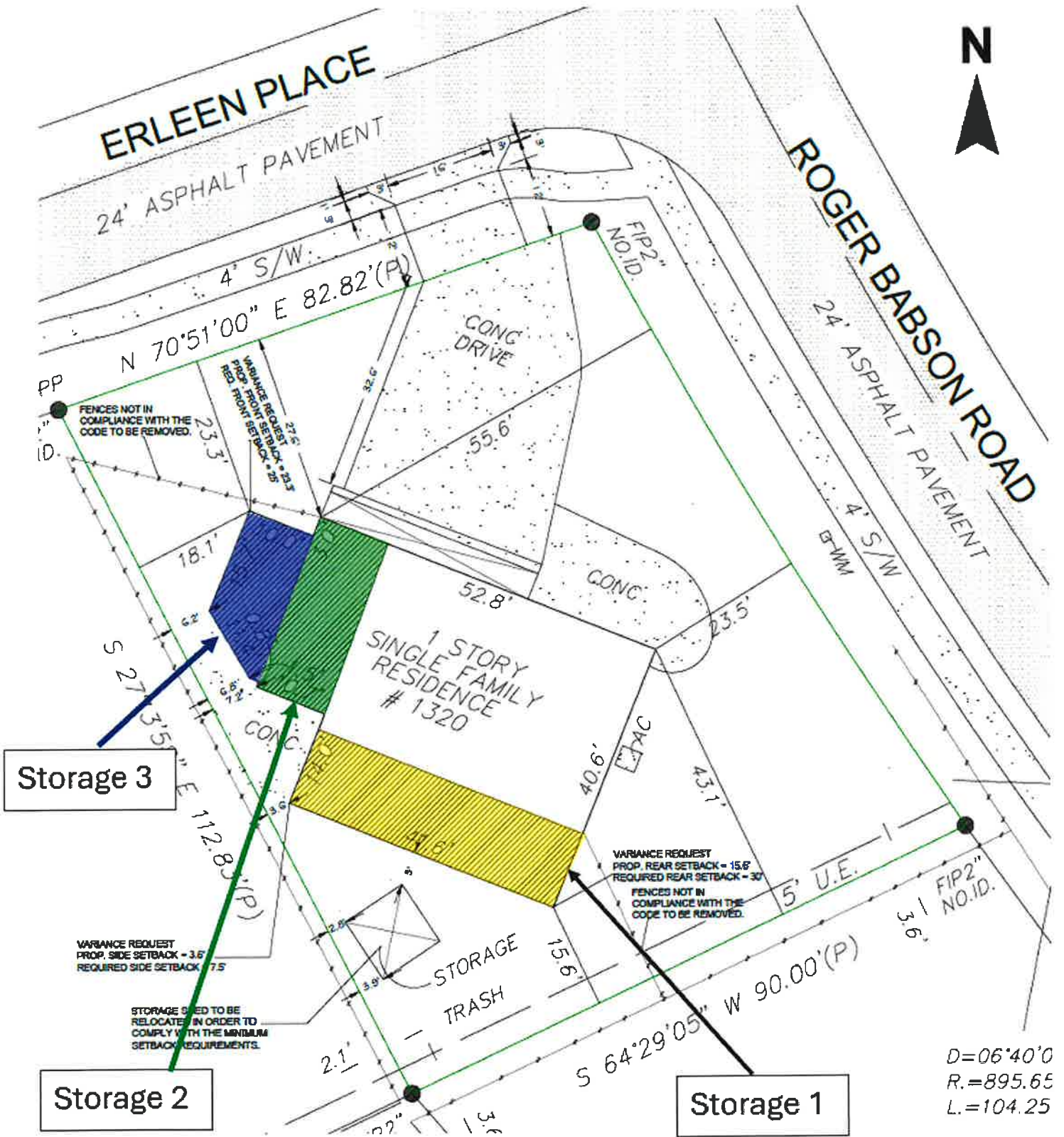
AERIAL MAP



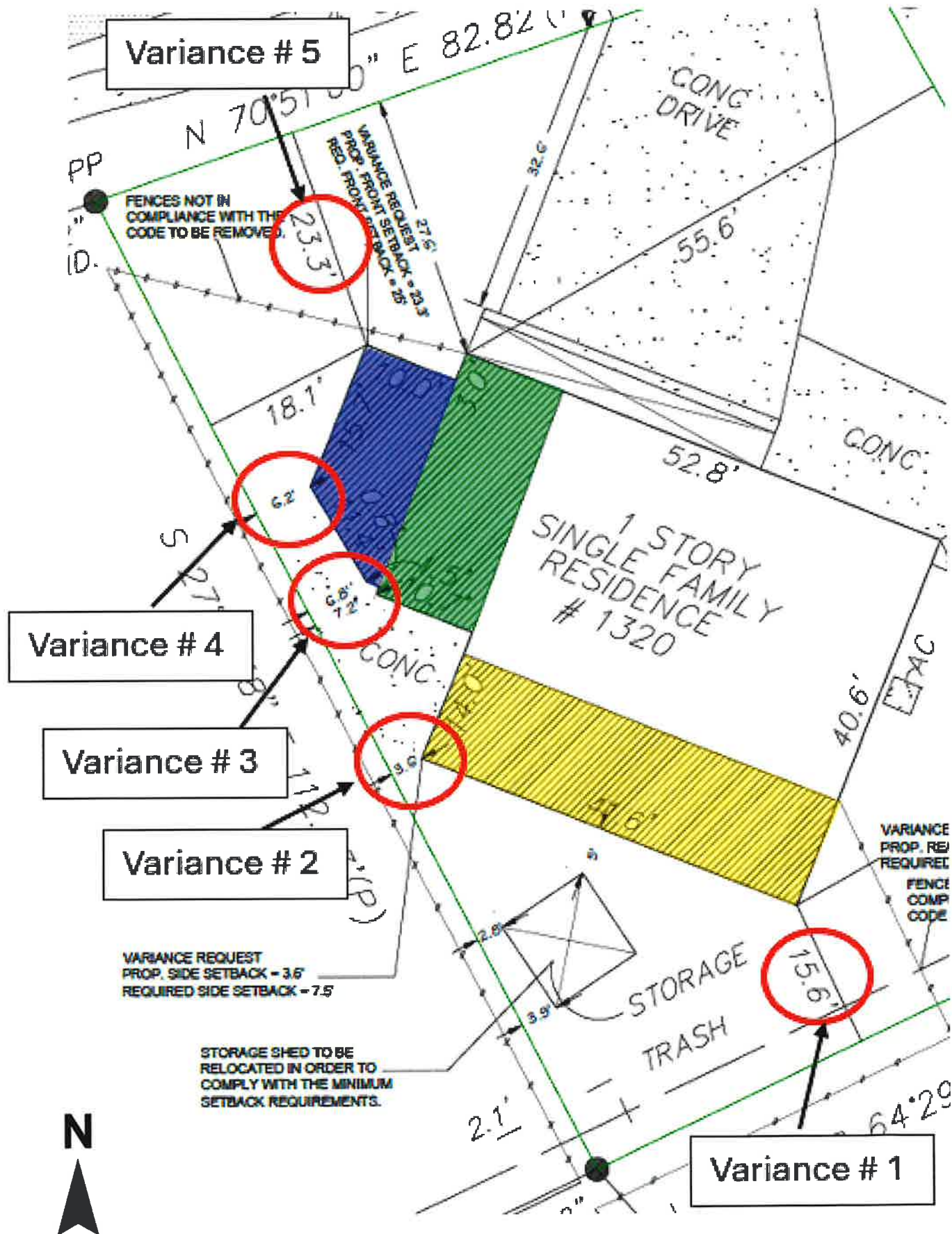
ZOOMED IN AERIAL MAP



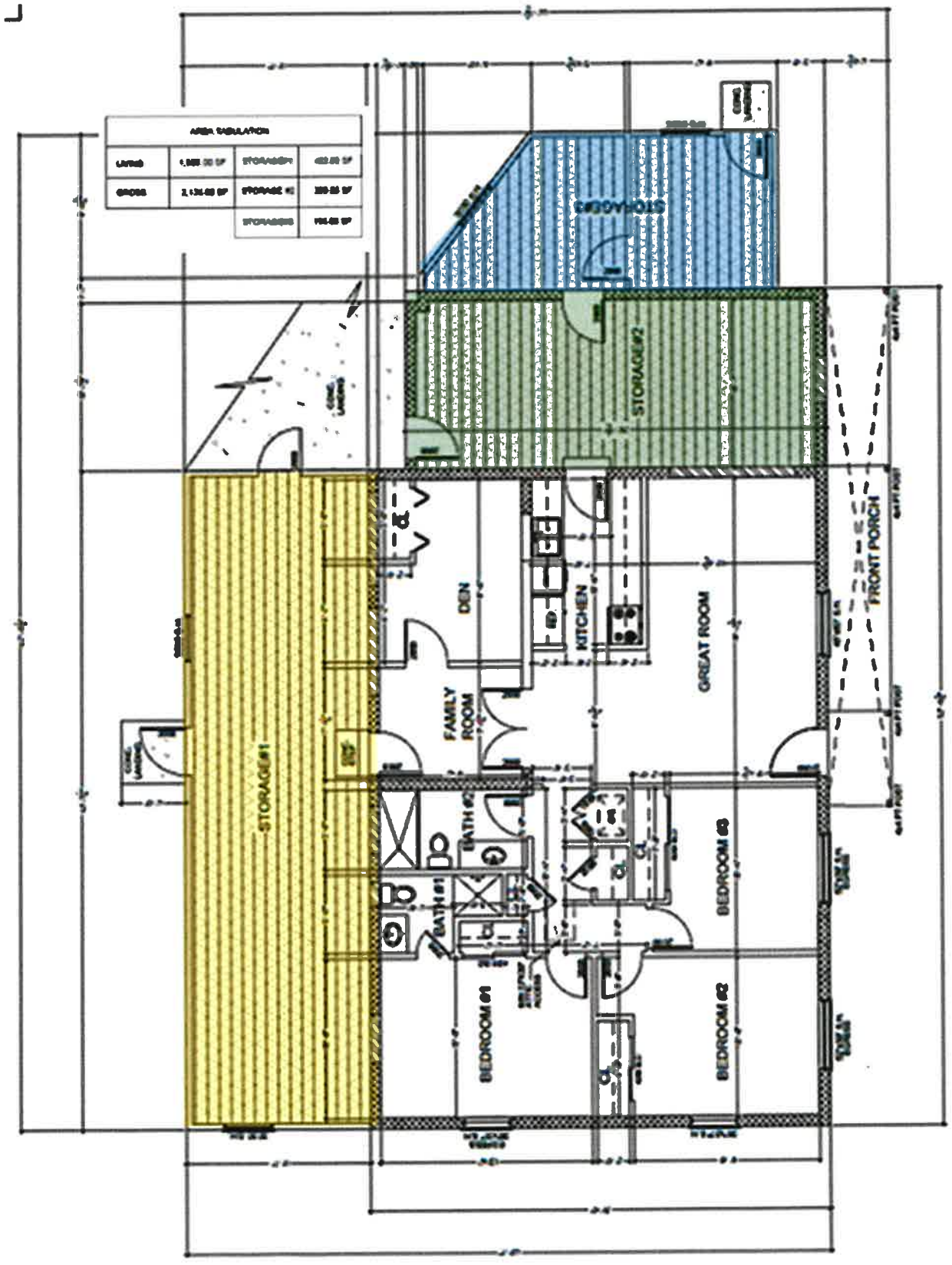
SITE PLAN



ZOOMED IN SITE PLAN

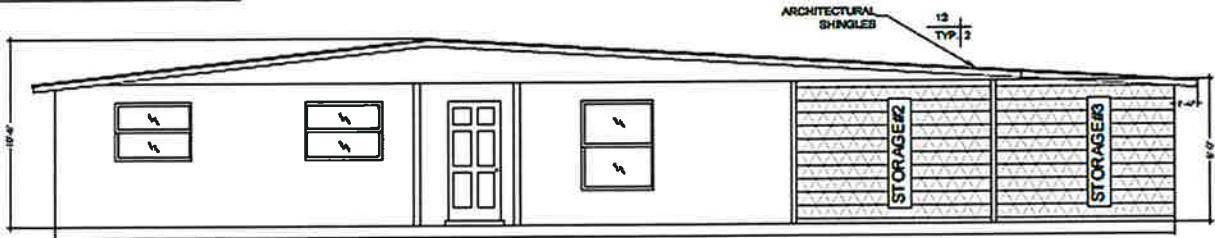


FLOOR PLAN



ELEVATIONS

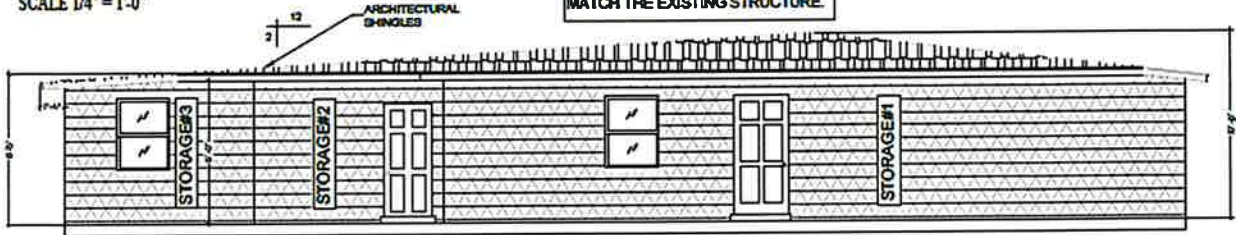
ROOF & SIDING MATERIAL SHALL MATCH THE EXISTING STRUCTURE.



FRONT ELEVATION

SCALE 1/4" = 1'-0"

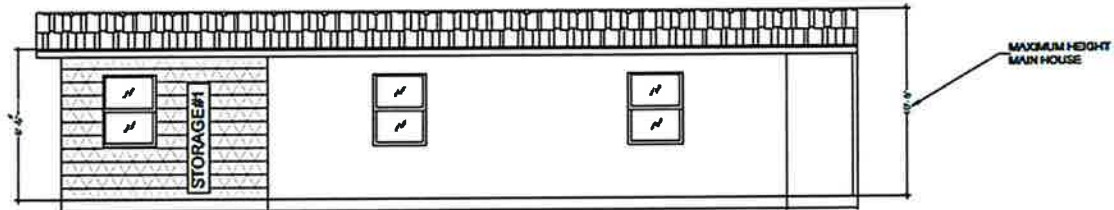
ROOF & SIDING MATERIAL SHALL MATCH THE EXISTING STRUCTURE.



REAR ELEVATION

SCALE 1/4" = 1'-0"

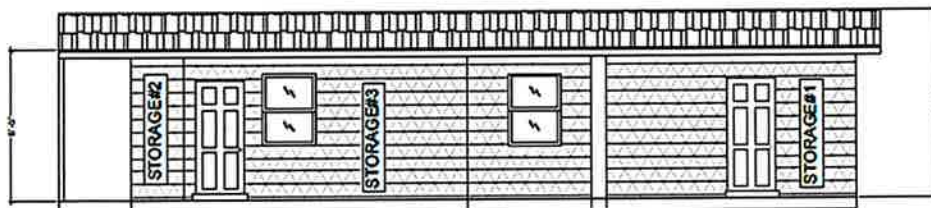
ROOF & SIDING MATERIAL SHALL MATCH THE EXISTING STRUCTURE.



LEFT ELEVATION

SCALE 1/4" = 1'-0"

ROOF & SIDING MATERIAL SHALL MATCH THE EXISTING STRUCTURE.



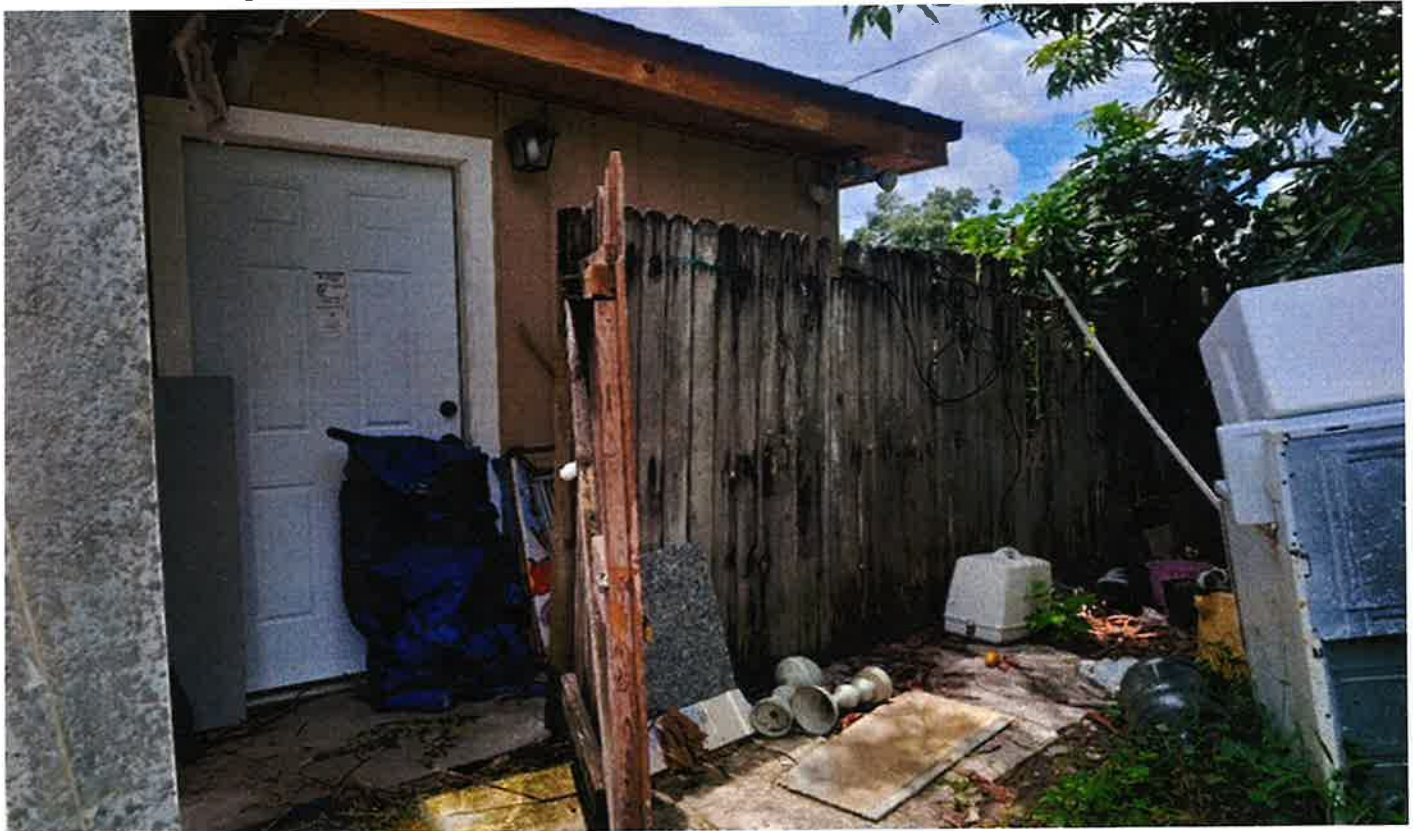
RIGHT ELEVATION

SCALE 1/4" = 1'-0"

SITE PHOTOS



Facing the front façade from the intersection of Erleen Pl. and Roger Babson Rd.



From front of property facing south towards Storage 2

SITE PHOTOS



Facing east towards Storage 3



Facing north from rear yard, showing all 3 storage additions

SITE PHOTOS



Facing north from rear yard, Storage 1 to the right