



**Appellant Information**

Appellant: Kendall L. Ray

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BZA Case # and Applicant: VA-18-10-125 Alexis Raul DeJesus

Date of BZA Hearing: October 4, 2018

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

Please see attachment consisting of 6 pages: ADDITIONAL PAGES FOR APPEAL OF APPROVAL OF BOARD OF ZONING ADJUSTMENT CASE #VA-18-10-125

(Please note that the foregoing document is not intended to be a complete recitation of all applicable law and/or facts or a waiver of the right to present additional evidence in supplemental filing and during appeal's hearing.

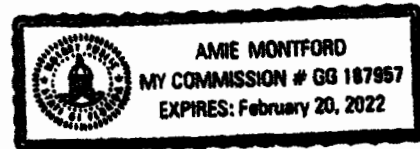
Date: 10/19/18 Signature of Appellant: Kendall L. Ray

STATE OF Florida  
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October, 2018, by Kendall L. Ray who is personally known to me or who has produced FR DK as identification and who did/did not take an oath.

Amie Montford  
 Notary Public Signature

Notary Stamp:



Fee: \$691.00 (make check payable to the Orange County Zoning Division)

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

**ADDITIONAL PAGES FOR REASON FOR APPEAL OF APPROVAL OF  
BOARD OF ZONING ADJUSTMENT CASE #VA-18-10-125**

**BACKGROUND AS HOW I BECAME INVOLVED IN THIS MATTER**

On April 13, 2018, Applicant, Alexis Raul DeJesus, parked his vehicle on the roadway blocking the entrance to my residential driveway. Mr. DeJesus then proceeded to come onto my residential property up to a closed gate and started irately ranting to me and my spouse that I was a “narc” supposedly in regards to a Code Violation that he had received. Mr. DeJesus was not known to me nor my spouse before this day even though Mr. DeJesus lives down the road several houses away. The irate Mr. DeJesus would not listen to any reasoning nor the fact that we had nothing to do with his code violation and that we had also received three separate reported code violations from March 26, 2018 to April 9, 2018. Mr. DeJesus repeatedly made threats of physical injury now and in the future against me and my spouse. One such threat was that if he ever caught us off our property, he would beat our asses into a pulp. At one point, Mr. DeJesus assaulted me through where there was a gap in the gate as he went through the motion of striking me but stopped short thereof. Mr. DeJesus vaguely threatened that he had friends that worked for Orange County. Mr. DeJesus also said an adjacent neighbor told him that I had reported the code violation but refused to give the name of the neighbor saying that he wasn’t a “narc” and not to be surprised if our neighbor burned our house to the ground. Mr. DeJesus refused to leave despite repeated requests to leave and only left after my spouse called the Orange County Sheriff’s Office. As Mr. DeJesus left the premises, he yelled a string of threats filled with profanity. Mr. DeJesus then got into his truck and sped away down the roadway in reverse. While waiting for the OCSO Deputy to arrive and during report to the Deputy, a minor came riding his bicycle and circling in the vicinity. The minor was identified by a neighbor to the Deputy as Mr. DeJesus’s son. Mr. DeJesus was issued a Trespass Warning by the OCSO. The assigned OCSO Case numbers for this incident are #181033341 and #18-34052.

Prior to the April 13, 2018 incident above and continuing thereafter, Mr. DeJesus has been observed driving suspiciously slow almost to the point of stopping past my residence and looking towards the property while I and/or my spouse have been in the front yard. Although Mr. DeJesus was observed prior to April 13, 2018, we did not know who he was nor where he lived until the April 13, 2018 incident.

After April 13, 2018 incident and continuing thereafter, Mr. DeJesus has made it a habit of exhibiting obscene hand gestures to me when met on the roadway.

Since the April 13, 2018 incident, I and/or my spouse have become aware that Mr. DeJesus was and continues to make repeated false defamatory statements regarding me and/or my spouse.

On October 5, 2018, my spouse was driving in the Subdivision, Knollwood Park, where she lives while I was a passenger in the vehicle. While driving out of the Subdivision, my

spouse was met by a vehicle coming towards her down the middle of the roadway forcing her to slow down to a crawl. The oncoming vehicle then swerved over and came up to the driver's side window and that is when I and my spouse recognized Mr. DeJesus who proceeded to make a threatening hand gesture towards the driver's side window before my spouse drove away.

On October 7, 2018, in an attempt to see if we could get Mr. DeJesus's behavior to stop so we could return to living peacefully, I sent a text to Mr. DeJesus which stated: "Good Morning Alex. Can you explain your continued hostility towards me and my family? We have done nothing to you or your family. Instead of an apology from you for your threats and false accusations, we now get your offensive obscene hand gestures. Cease and desist your abhorrent behavior towards us and share the name of who is spreading these false defamatory statements so we can pursue against them so you can finally recognize the truth and end your hostility towards us. Kendall". Mr. DeJesus's immediate response was "Fuck u and your family" and then later replied that "Your are the Nieghborhood rattttt". Mr. DeJesus did not deny his behavior during the text conversation.

On October 8, 2018, after consulting with a local law firm, I called the Orange County Sheriff's Office to file a complaint against Mr. DeJesus for the October 5, 2018 incident. The assigned OCSO Case number for that incident is #182813031. On October 11, 2018, both my spouse and I filed Petitions for Injunction for Protection against Stalking against Mr. DeJesus and will pursue further if necessary based on his behavior.

Since the April 13, 2018 incident, I and my spouse have had two instances of vandalism to our property in May of 2018 and June of 2018 costing around \$1,137.25. The timing seems suspicious but there is no definitive proof of who is responsible at this time. Orange County records indicate that Mr. DeJesus does have a 2009 conviction for a Second Degree Misdemeanor for Criminal Mischief under 806.13(1)(B).

## **APPLICANT'S REQUEST FOR VARIANCE & CURRENT PROPERTY CONDITIONS**

As volunteers, the Board of Zoning Adjustment should be commended for their desire to serve a greater role in their community and it is expected that board members will rightfully sympathize with applicants who received bad advice or was a victim of a contractor, unknowingly bought a property with an existing problem, simply made a mistake due to ignorance of the law or procedures, etc. However, this case is not one of those cases and the granting of a variance should be the exception and not the rule. In this case, Applicant, Alexis Raul DeJesus, has extensive knowledge with laws and procedures of running Florida Corporations who according to Florida Department of State's records is currently the President and Registered Agent of Area 809 Auto Worx, Inc. since around 2007 and the Manager and Registered Agent for AABBR Investments Group LLC since around 2016 and there was also a previous business, East Side Auto Supply, LLC, which is indicated as inactive.

In this case, Mr. DeJesus seemingly made an active decision to bypass Orange County Zoning and Permitting Ordinances and Procedures because he wanted to do something he knew

he couldn't do and thereby effectively cheating taxpayers of the real estate taxes that he would have paid on the improvements. Instead of accepting responsibility for his actions when he finally got caught, he decided that it was my fault even though I had nothing to do with reporting his code violation.

Adding insult to injury, Mr. DeJesus, after assaulting me and threatening me and my wife, spreading false defamatory statements, inciting another neighbor to make threats of property damage against us, and continuing to harass me, asks for forgiveness from the Board of Zoning Adjustment. Once the Board granted forgiveness to Mr. DeJesus, he was emboldened immediately the next day to continue his abhorrent behavior towards my wife and me. It should also be noted that although Mr. DeJesus's property has been somewhat cleaned up since we were made aware of it after his April 13, 2018 incident, still other code violations exist even at the time of this writing and most likely at the time of the variance hearing which also show up in the pictures that were filed in the variance case. These apparently may include a pile of brush, tall grass or weeds, junk or inoperative vehicle, recreational vehicle, and a bus.

#### **APPLICANT'S FAILURE TO MEET VARIANCE CRITERIA**

As previous stated, the granting of a variance should be the exception and not the rule. A set of standards dealing with the approval of variances as found in the Orange County Code provides fairness and transparency demanding application of objectivity and not subjectivity in weighing the public interests versus the individual applicant. Orange County Code Section 30-43 (3) sets forth the criteria that the Applicant, Mr. DeJesus, failed to prove he met in order for the approval of his requested variance to be granted. Furthermore, it was the recommendation of the Orange County Zoning Division to the Board of Zoning Adjustment that Mr. DeJesus's request for variance be denied for many of the same reasons that I will address below after each criteria.

Orange County Board of Zoning Adjustment provides a link on its landing page <https://www.orangecountyfl.net/OpenGovernment/BoardsAndSpecialDistricts/BoardofZoningAdjustment.aspx#.W8jIxmhKh3g> of the Orange County's website to a one page Variance Criteria which I have pasted below and highlighted in yellow and responded to under each criteria as it applies to the variance request of Mr. DeJesus in this case.

**Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that the following standards are met:**

- **Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands,**

**structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.**

During my review of the recorded hearing, there seems to be an unwarranted emphasis placed on the special circumstance that the house is set rather far back on the lot (in the rear 50%). First of all, this was a visible "special circumstance" that was known to the applicant when he bought the property. Secondly, there seems to be no consistency in this subdivision as to where houses set on the lots with some further towards the front while other homes are further towards the rear and with some having rear lot usage restricted due to wetlands. More importantly, it is irrelevant because as the Zoning Division Staff points out, Applicant would have been able to fully comply with zoning ordinances by limiting the size to the maximum allowed (500 sq. ft.) and then Applicant would have been able to locate it in the rear 50% of the lot as required by Orange County Ordinances.

**• Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.**

As addressed immediately above, there was no special conditions and/or circumstances that prevented Applicant from permitting and building the maximum square footage allowed on the rear 50% of his lot. Therefore, his entire predicament is self-created in that he decided he would build what he wanted, where he wanted it, and ask for forgiveness later if necessary. As discussed earlier, Applicant is apparently a multiple business owner and therefore should be no stranger to regulations, procedures, etc. Also, it should be noted that a record search indicates that Applicant has owned several residential properties in Orange County and might even be in the business of "buying and selling" properties and therefore, should possess considerable real estate knowledge including permitting, zoning, etc. Seemingly, he just decided to circumvent the process, avoid paying real estate taxes on the improvements, and assault, threaten, defame, and/or harass someone if he was reported regardless of truth.

**• No Special Privilege Conferred - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.**

The approval of Applicant's request for variance certainly conferred special privileges to Applicant that have been denied to others who have followed the correct procedures for permitting of accessory buildings. Personally and just last year, my wife and I had to change our plans when we were told by Orange County that we could not build an accessory building in our back yard larger than 500 sq. ft. despite that the building was also going over our well, pool equipment, water treatment, etc. and would take up a

considerable portion of the building. Most likely, other neighbors and Orange County Residents can share similar stories to ours.

• **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 under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Denial of the requested variance would not deprive applicant of any rights commonly enjoyed by other properties in this subdivision and/or same zoning district. Applicant can still enjoy an accessory building of no larger than 500 sq. ft. in the rear 50% of his lot.

• **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variance as it was approved by the Board on 10/04/18 goes well beyond the minimum variance that will make possible the reasonable use of land of the Applicant that other residents of the neighborhood enjoy. Other residents are limited to 500 sq. ft. accessory buildings in the rear 50% of the lot which is also possible for the Applicant according to Zoning Division Staff. Not only did the Board allow the accessory building to remain around 80% larger than the maximum allowed, it also allowed it to remain in the front 50% of the lot.

• **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's property is located in Single Family R-1 zone known as Knollwood Park. Although the Subdivision was established in 1956, the majority of the homes are either newer, remodeled, or well-maintained with one new home under construction and a few remaining empty lots. Not to say that some of the homes don't need some "tlc", however, newer subdivisions are cropping up around it in recent years and lot land values in our subdivision jumped 17.65% just last year per the Orange County Appraiser's Office. The approval of Applicant's variance is not in the public interests, certainly not the residents of this subdivision as it would devalue their properties.

As discussed earlier according to Florida Department of State Records, Applicant is the President and Registered Agent of Area 809 Auto Worx, Inc. with a Principal address of 6200 E Colonial Drive, Ste B, Orlando, FL 32807 and a Mailing address of 1900 Corvette RD, Orlando, FL 32826 (address spelling per state document). It has been

suggested based on the many vehicles that have been on Applicant's property on a regular basis and the heavy traffic to and from Applicant's property that the Applicant is using the property as an extension of his business. Ironically, upon my reviewing the recorded hearing before the Board, it should be noted that Applicant testified during the hearing that he engages in buying, restoring, and selling vehicles on his property but then seemingly recognizes the need to state that it is a family hobby, however, a neighbor indicated to me that Applicant's business, Area 809 Auto Worx, Inc., is also the same type of business.

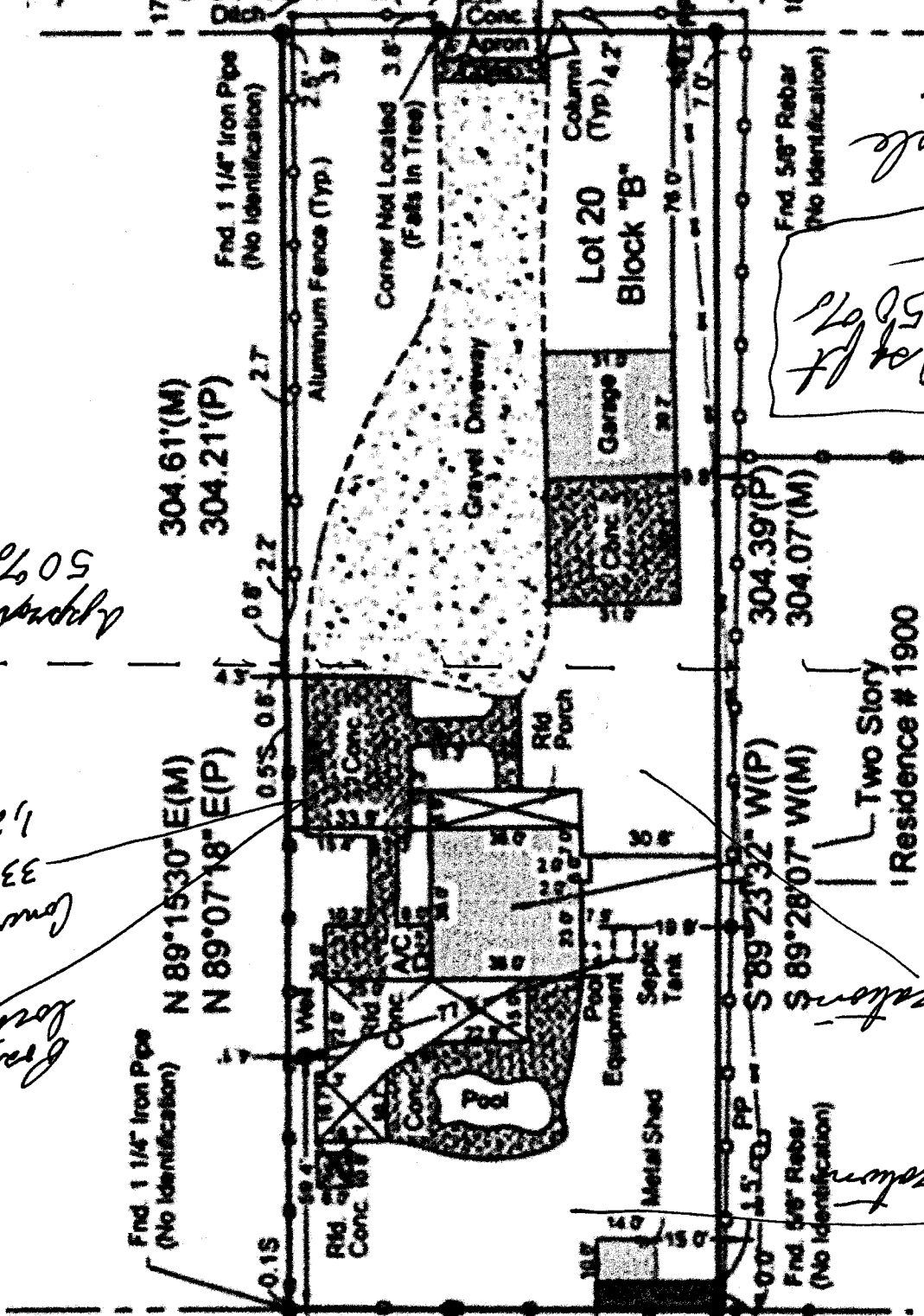
#### **SUMMARY AND REQUEST FOR RELIEF**

This is simply not one of those cases that sympathy for the Applicant should overrule objectivity. If Applicant would not have displayed his hostility toward myself and my wife, my wife and I probably wouldn't even know about this matter. However, even after setting Applicant's abhorrent behavior aside, Applicant simply has not met the criteria for approval of his request for his variance. Fortunately for the Applicant, he still has the ability to go through permitting, etc. and potentially build a maximum of a 500 sq. ft. accessory building on the rear 50% of his lot just like myself and others in our subdivision and in the same zoning district.

Respectfully, I request that the previous October 4, 2018 approval of Applicant's request for variance be overturned in this matter and a denial of the variance be issued as previously recommended to the Board by the Zoning Division staff. In addition to denying the Applicant's request for variance, I also respectfully request that Orange County seek full compliance from Applicant for any and all other code violations that exist (reported or unreported) on Applicant's property.

M)  $37.53'(C)$   $66.01'(C)$   
 $S 01^{\circ}05'11'' E(C)$   $S 00^{\circ}02'39'' W(C)$   
 $37.53'(P)$   $65.93'(P)$  1' Rd

P)  $17.4'$   $S 01^{\circ}05'11'' E(P)$   $S 00^{\circ}34'16'' E(P)$   $18.3'$



*Handwritten note:*  
 Max 500 sq ft  
 in near 50%  
 of lot  
 Iron sample  
 20 x 25

*Handwritten note:*  
 Approximately  
 50% loss

*Handwritten notes:*  
 Break #1  
 location  
 33'9" x 38'  
 1,282.50  
 sq ft.  
 Concrete slab

*Handwritten notes:*  
 Break locations  
 #2  
 #3

$N 00^{\circ}54'42'' W(P)$  38.91'(P)  
 $N 01^{\circ}31'52'' W(M)$  4' x 4' C.M. (No Identification)  
 $N 00^{\circ}34'25'' W(P)$  63.68'(P)  
 $N 00^{\circ}08'00'' W(M)$   
 Chicken Coop  
 Lot 25 Block "B"



