




Interoffice Memorandum

July 30, 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**

SUBJECT: August 13, 2024 Board-Called Public Hearing  
Applicant: Paul Abate for Rescom Contractors  
BZA Case # VA-24-06-043, June 06, 2024; District 3

Board of Zoning Adjustment (BZA) Case # VA-24-06-043, located at 4595 S. Shore Rd., Orlando, FL 32839, in District 3, is a Board-Called public hearing. The applicant is requesting a variance in the R-1A zoning district to allow a two-story attached accessory structure with an east front setback of 14 ft. in lieu of 25 ft.

At the June 6, 2024 BZA hearing, staff recommended denial of the variance. There was no one in attendance to speak in favor or in opposition to the request. It was noted that five comments were received by Zoning Division staff in support of the request and two comments were received in opposition. The BZA recommended approval of the variance, subject to three standard conditions.

At the June 18, 2024 Board meeting, this item was pulled for a separate public hearing at the request of Commissioner Uribe.

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) 836-5329.

**ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 3**

AM/ag

Attachment: Zoning Division public hearing report, BZA staff report

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
August 13, 2024**

The following is a public hearing before the Board of County Commissioners on August 13, 2024 at 2:00 p.m.

**APPLICANT:** PAUL ABATE FOR RESCOM CONTRACTORS

**REQUEST:** Variance in the R-1A zoning district to allow a two-story attached accessory structure with an east front setback of 14 ft. in lieu of 25 ft.

**LOCATION:** 4595 S. Shore Rd., Orlando, FL 32839, east side of S. Shore Rd. and west side of Spring Wood Dr., north of Holden Ave., east of S. Orange Blossom Trl., west of S. Orange Ave.

**TRACT SIZE:** +/- 0.23 acres (+/- 10,237 sq. ft.)

**ZONING:** R-1A

**DISTRICT:** #3

**PROPERTIES NOTIFIED:** 120

**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 for denial. Staff noted that five (5) comments were received in favor of the request, and two (2) comments were received in opposition to the request.

The applicant discussed staff's recommendation of denial and noted that the property contains a double frontage without a rear yard.

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

The BZA discussed the requests, noted the two front yards and noted that the orientation of the house is not self-created. The BZA made an initial motion for denial which failed by a 2-3 vote. The BZA subsequently recommended approval of the Variance by a 3-2 vote, with one absent and one seat vacant, subject to Conditions #2 and #3 in the staff report, with a modification to Condition #1, which states, "Development shall be in accordance with the site plan date stamped April 24, 2024, and elevations dated March 11, 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.”

**BZA HEARING DECISION:**

A motion was made by Thomas Moses, seconded by Roberta Walton Johnson and carried to recommend APPROVAL of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (3 in favor; 2 opposed; 1 absent; 1 vacant).

1. Development shall be in accordance with the site plan date stamped April 24, 2024, and elevations dated March 11, 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. 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.
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.

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2024**

Commission District: **#3**

Case #: **VA-24-06-043**

Case Planner: **Jenale Garnett (407) 836-5955**

**Jenale.Garnett@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** PAUL ABATE FOR RESCOM CONTRACTORS

**OWNER(s):** RUSSELL FELTER, DEBORAH FELTER

**REQUEST:** Variance in the R-1A zoning district to allow a two-story attached accessory structure with an east front setback of 14 ft. in lieu of 25 ft.

**PROPERTY LOCATION:** 4595 S. Shore Rd., Orlando, FL 32839, east side of S. Shore Rd. and west side of Spring Wood Dr., north of Holden Ave., east of S. Orange Blossom Trl., west of S. Orange Ave.

**PARCEL ID:** 11-23-29-4496-00-040

**LOT SIZE:** +/- 0.23 acres (+/- 10,237 sq. ft.)

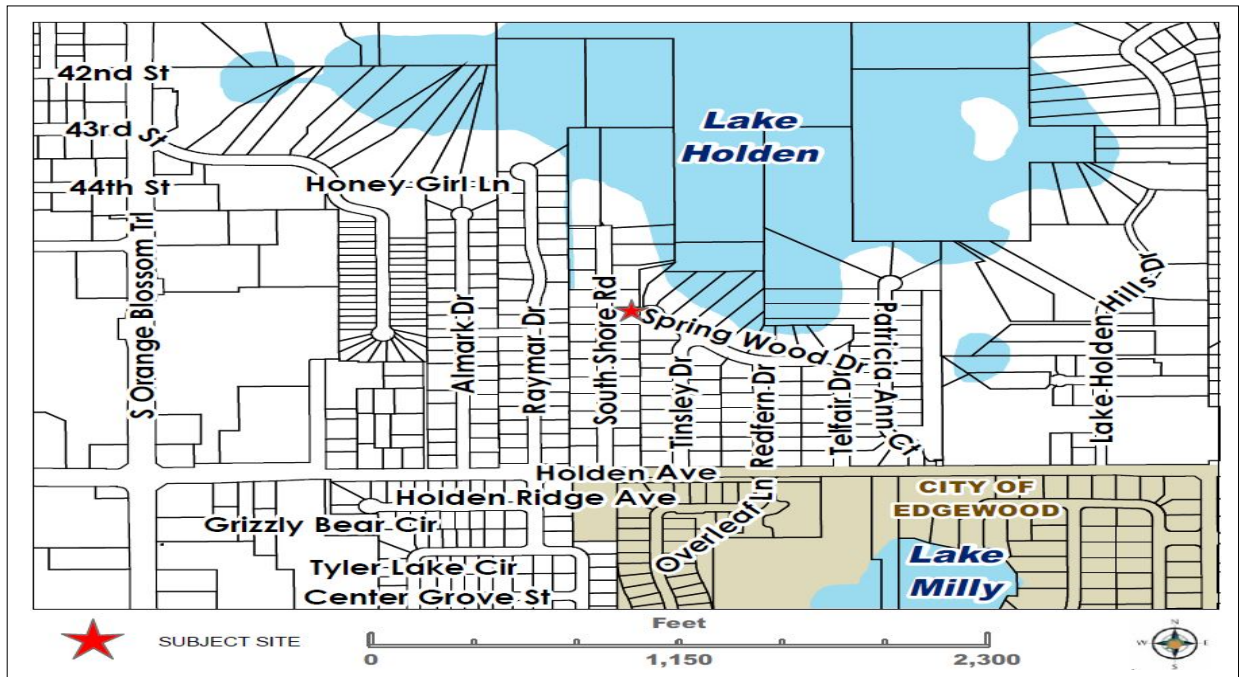
**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 120

## STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria for the granting of the 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 residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

---

**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 and requires a minimum lot area of 7,500 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The area surrounding the subject site consists of single-family homes. The subject property is a +/- 0.23 acre lot, platted in 1946 of the Lake Holden Gardens Plat, and is a conforming lot of record. The property is a double frontage lot with frontages on South Shore Road and Spring Wood Drive and is developed with a one-story 1,840 gross sq. ft. single-family home, with an attached carport, constructed in 1955. There is also a 6 ft. tall wood fence along the east property line adjacent to Spring Wood Drive. The property was acquired by the current owner in 2013.

While from a zoning standpoint there are two frontages, the front of the house is oriented towards South Shore Road and the rear of the house is oriented towards the Spring Wood Drive cul-de-sac. The orientation of the houses in this area is unique as all of the houses on South Shore Road front South Shore Road, but the remaining houses on the Spring Wood Drive cul-de-sac front Spring Wood Drive.

The proposal is for the construction of a 389 sq. ft., 11.8 ft. tall two-story wood deck attached to the existing residence located adjacent to Spring Wood Drive with an east front setback of 14 ft. in lieu of 25 ft., requiring the Variance. Since the raised deck is attached to the residence, it requires the same setback as the principal structure. The proposed wood deck consists of a first story deck which is attached to the existing house and is connected by way of a staircase to the hexagonal shaped second story, adjacent to the Spring Wood Drive cul-de-sac. Staff recommends denial of the Variance since what is proposed is new construction and could be redesigned and lowered in height to accommodate a deck that meets code. Furthermore, the second floor and stairway of the deck would be significantly visible and would not be compatible with any of the surrounding properties. A portion of the deck that meets code (B23015515) is currently under construction.

As of the date of this report, five comments have been received in favor of this request and no comments have been received in opposition to this request.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	11.8 ft. (deck)
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	10,237 sq. ft.

**Building Setbacks**

	Code Requirement	Proposed
Front:	25 ft.	30.2 ft. existing residence (West – South Shore Rd.) 14 ft. two-story deck (East – Spring Wood Dr. – Variance)
Side:	7.5 ft.	30.2 ft. existing residence (North) 42.4 ft. deck (North) 8.4 ft. existing residence (South) 16.2 ft. deck (South)

---

**STAFF FINDINGS**

---

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The special conditions and circumstances particular to the subject property is the orientation of the existing house on a lot with two street frontages, which could make it difficult to meet setback requirements.

**Not Self-Created**

The request is self-created as there are other options to redesign and or reduce the footprint of the deck to meet code, thereby eliminating the Variance.

**No Special Privilege Conferred**

Granting this Variance will confer a special privilege since there are other options to construct a deck that can be redesigned to meet the setback requirement.

**Deprivation of Rights**

The applicant is not being deprived the right to construct a deck.

**Minimum Possible Variance**

The Variance request is not the minimum since there are alternatives to eliminate the request.

**Purpose and Intent**

Approval of the request will not be in harmony with the purpose and intent of the Code, as the Code is primarily focused on minimizing the impact that structures have on surrounding properties. The request for the

construction of a two-story deck encroaching into the front yard setback will not meet the purpose and intent since it would be significantly visible to the neighboring parcels along Spring Wood Drive.

---

**CONDITIONS OF APPROVAL**

---

1. Development shall be in accordance with the site plan date stamped April 24, 2024, and elevations dated March 11, 2024, as modified to meet the setback requirement for an attached deck, 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.

C: Paul Abate Jr.  
2487 Aloma Avenue, Ste. 100  
Winter Park, FL 32792



January 15, 2024

### COVER LETTER

This variance application is to request to be allowed to build or install an accessory structure(s) in the rear-of-house yard on a double front lot, and within the setbacks typically required for accessory structures located in a rear yard (5' to the property line).

The house is located and oriented with its' only front door and driveway/street access at 4595 S Shore Rd., Orlando FL, 32839. However, after S Shore Rd. was developed, Springwood Drive was constructed which runs East-West at an angle and adjacent to the rear of 4595 S. Shore Rd. Springwood Dr. and terminates as a cul-de-sac abutting the "rear" yard of 4595 S Shore Rd, creating an unintended double "front yard" condition unique to the 4595 S. Shore Rd. property.

The proposed accessory structure shall be a wood construction, stand alone, raised octagon deck with stairs, totaling 389 SqFt, with a total height from grade to the top of the railing of 11'-10". Additionally, the homeowner requests that the requested variance include allowance for accessory structures in the rear yard in accordance with "back" yard zoning and permitting standards (shed).

Per zoning code, accessory structures are not allowed to be built in front yards, making it impossible for the property owner to enjoy the same rights as that of their neighbors in the construction and use of accessory structures to the rear of their house.

### VARIANCE CRITERIA

**Special Conditions and Circumstances** - The house is located and oriented with its' only front door and driveway/street access at 4595 S Shore Rd., Orlando FL, 32839. However, after S Shore Rd. was developed, Springwood Drive was constructed which runs East-West at an angle and adjacent to the rear of 4595 S. Shore Rd. Springwood Dr. and terminates as a cul-de-sac abutting the "rear" yard of 4595 S Shore Rd, creating an unintended double "front yard" condition unique to the 4595 S. Shore Rd. property.

**Not Self Created** – The property owner did not create this unique situation as they were not involved in the planning or construction of the house nor the surrounding streets.

**No Special Privilege Conferred** – 4595 S. Shore Rd is the only property in the neighborhood that is rendered unable to construct and utilize accessory structures in the rear yard due to the placement of the abutting cul-de-sac. A significant number of neighboring properties have accessory structures in their rear yards, thus allowing this construction would not grant any privileges beyond what is already enjoyed by the surrounding property owners.

2487 Aloma Ave, STE 100 - Winter Park, FL 32792-2542 – Phone: 407-457-5010

Page | 1 of 2





January 15, 2024

**Deprivation of Rights** – Without approval of a variance, the owners will not be able to build the proposed accessory structure in the yard to the rear of the house nor install a basic shed. Construction of any accessory structure is impossible without variance approval. Essentially after the creation of Springwood Dr. the back yard of 4595 S Shore Rd become a second front yard, thereby removing the utility/value of having a “back yard”.

**Minimum Possible Variance** – This is the minimum possible variance to be able to construct an accessory structure on the property. Construction of any accessory structures is impossible without variance approval.

**Purpose and Intent** – The proposed accessory structure is to be used for activities that are typical to backyards of single-family dwellings. Variance approval is required to allow the owners of this home to enjoy the same rights as enjoyed by all the neighboring properties.

**Thank you for your consideration,**

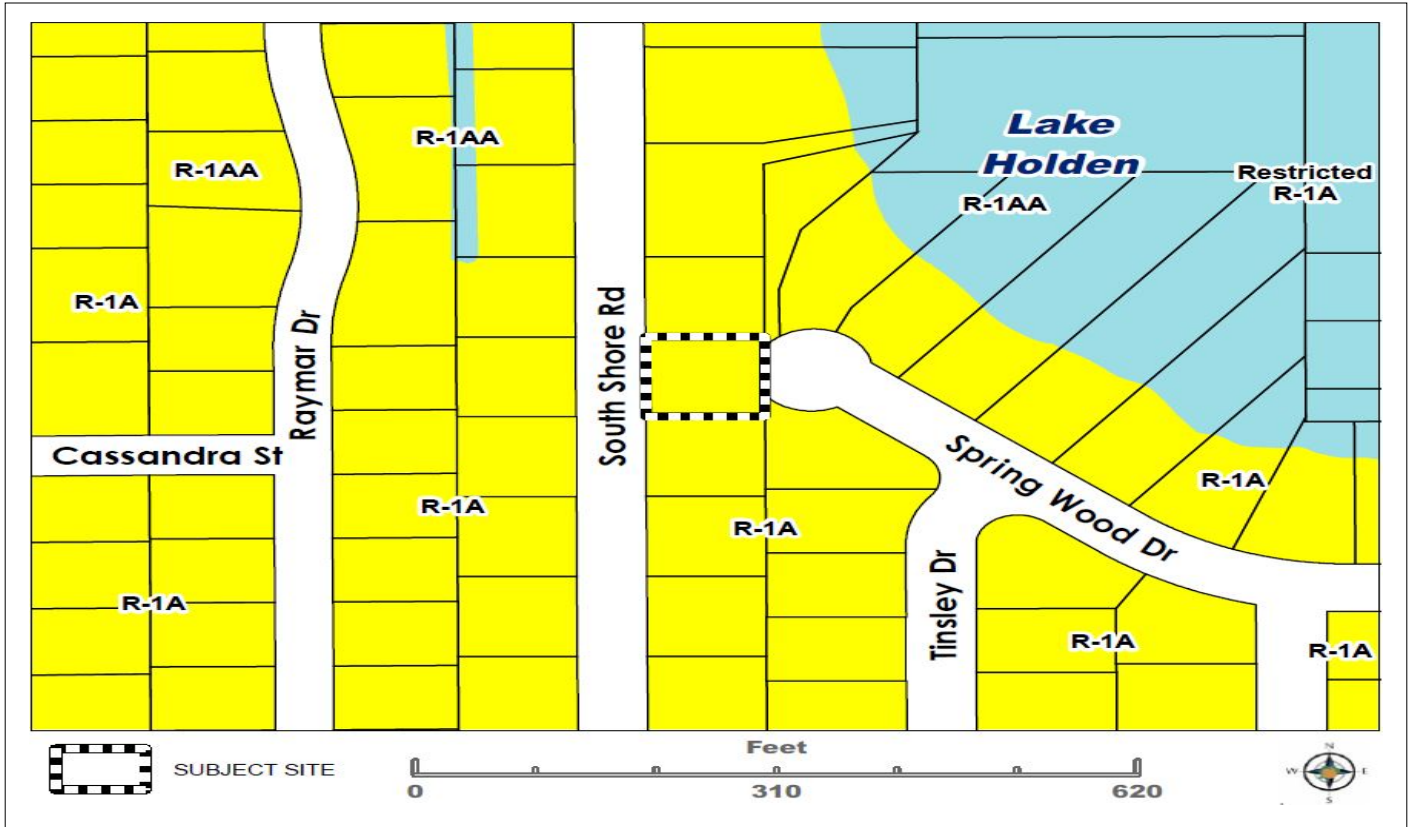
**Russell and Deborah Felter, Homeowner’s**

4595 S. Shore Rd.  
Orlando FL, 32839

**Paul Abate JR, Homeowner’s Agent**

ResCom Contractors LLC  
2487 Aloma Ave #100  
Winter Park FL, 32792  
407-457-5010

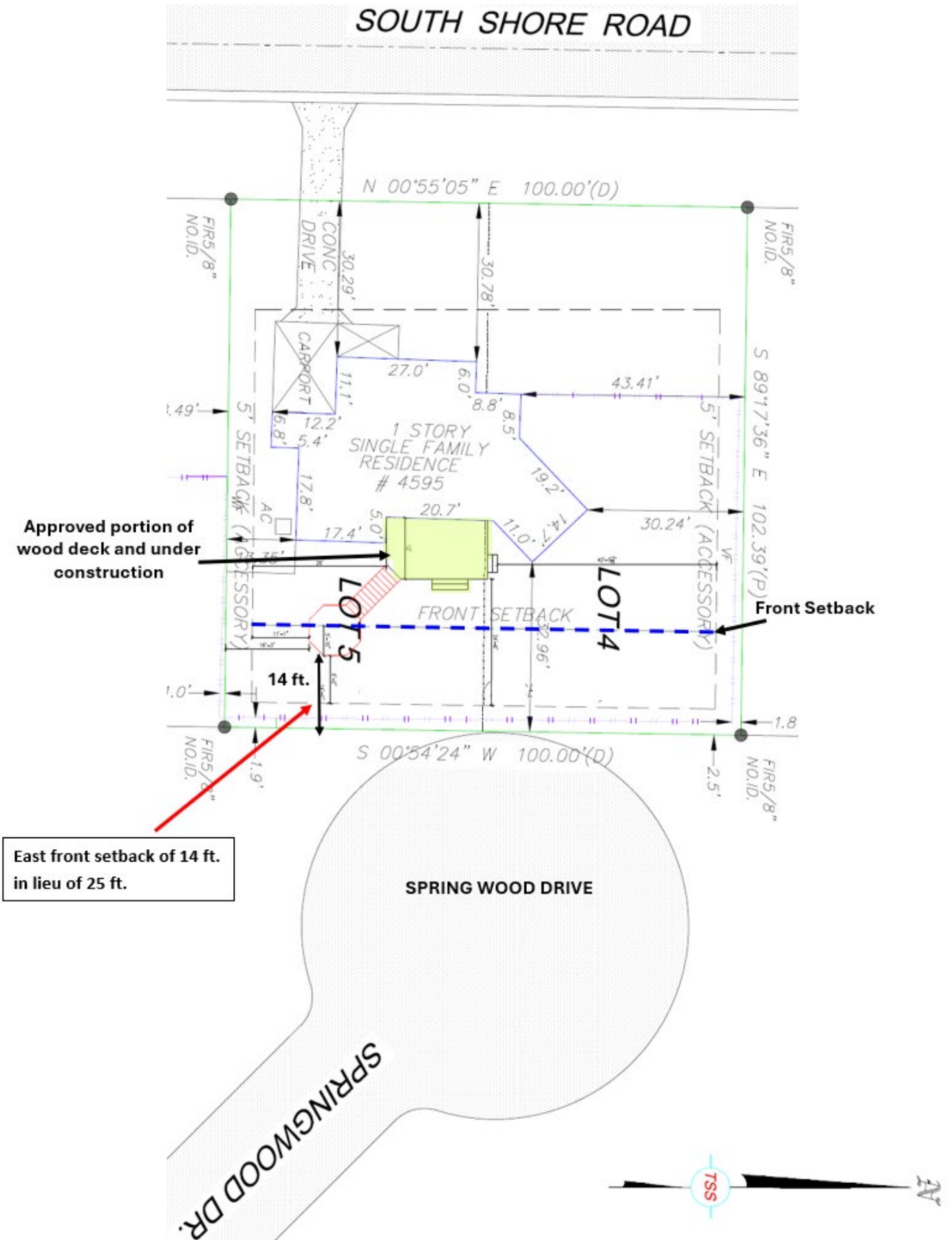
ZONING MAP



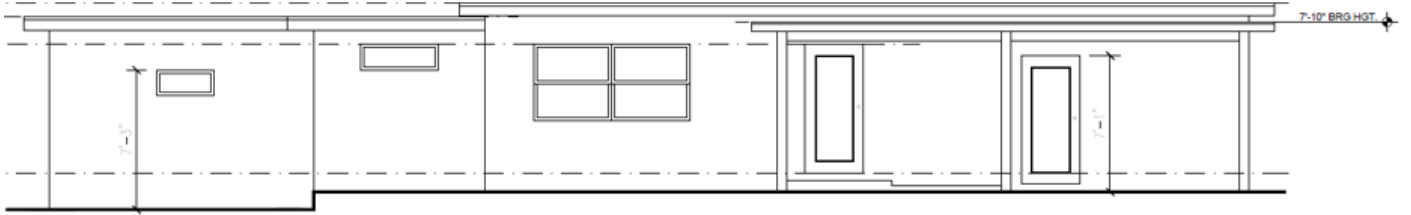
AERIAL MAP



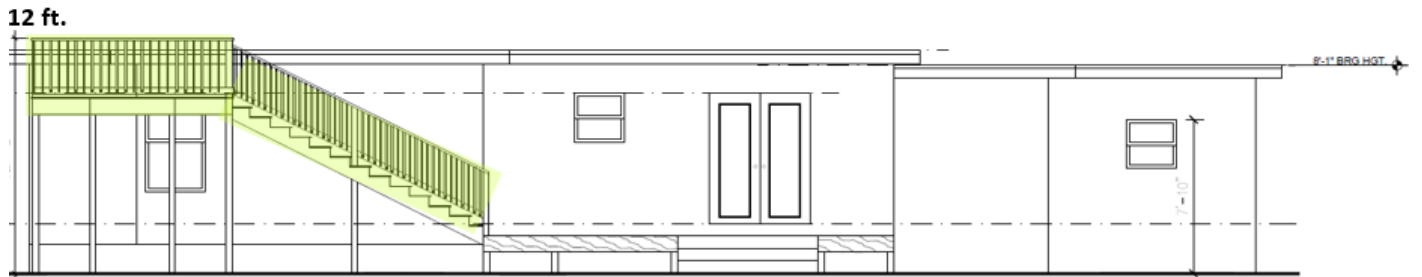
SITE PLAN



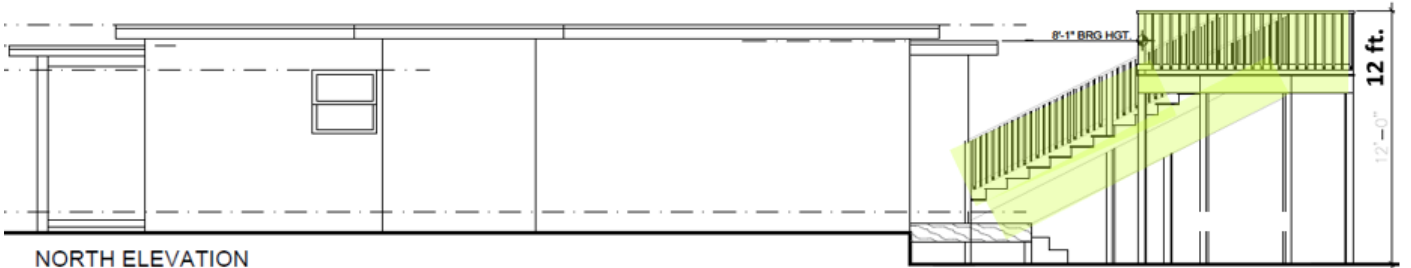
PROPOSED ELEVATIONS FOR TWO-STORY DECK



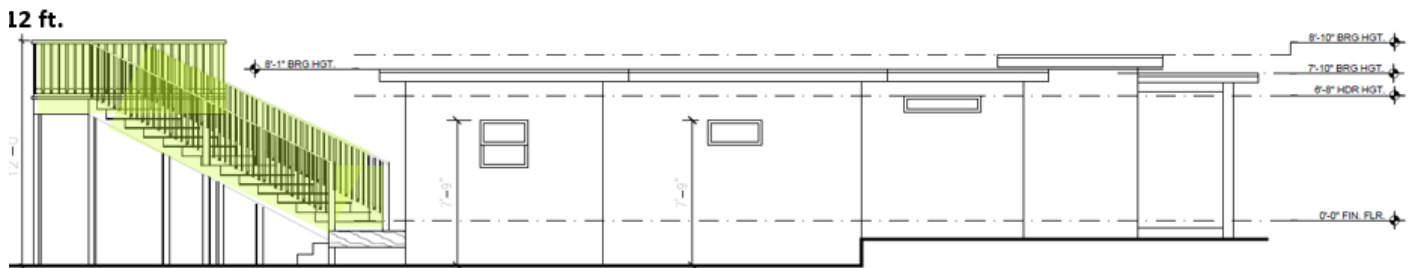
EAST ELEVATION



WEST ELEVATION



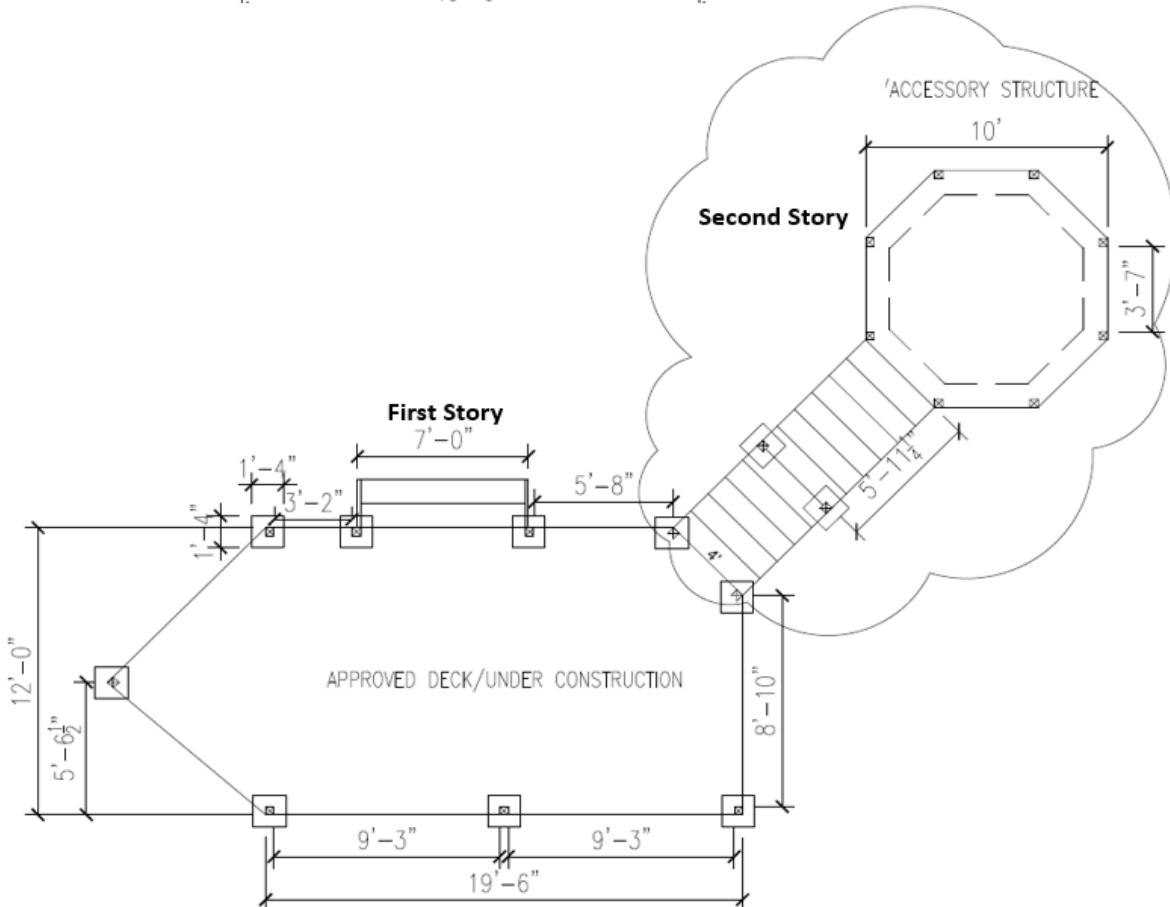
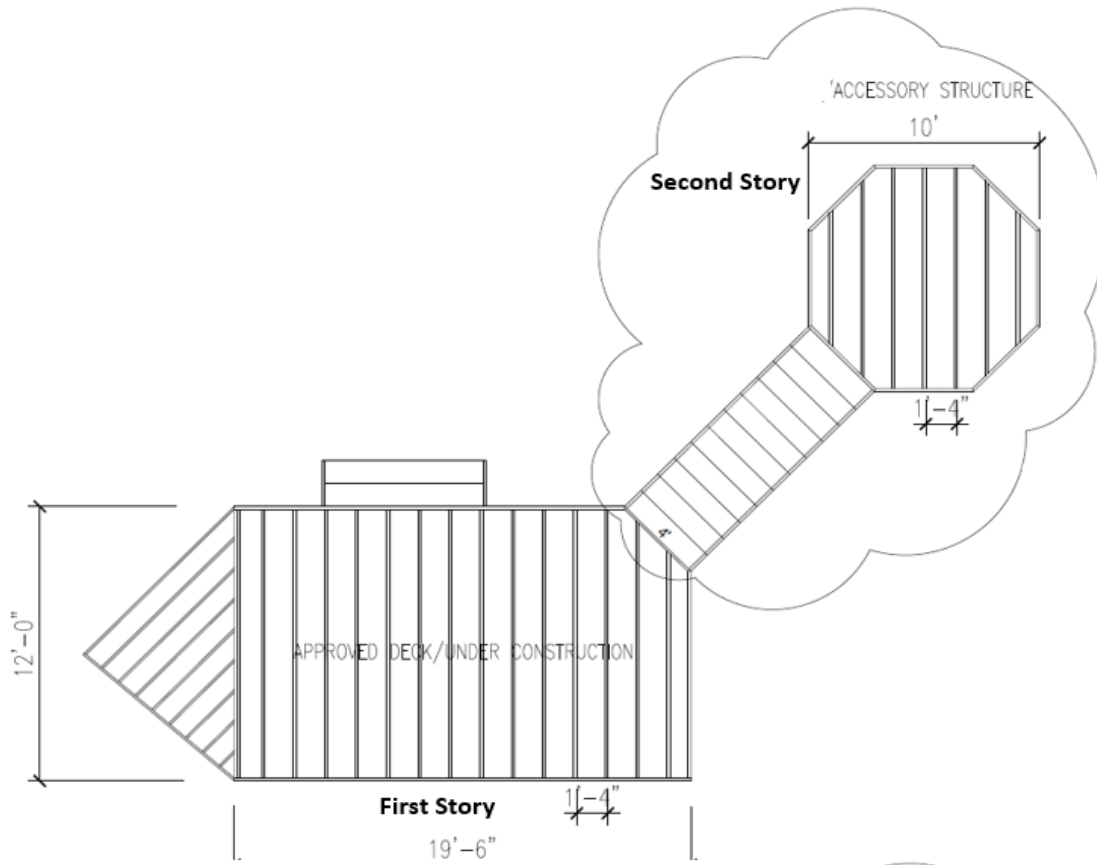
NORTH ELEVATION



SOUTH ELEVATION



PROPOSED TWO-STORY DECK SPECIFICATIONS



**SITE PHOTOS**



**Driveway adjacent to South Shore Rd., facing east towards front of existing residence**



**Front yard adjacent to Spring Wood Dr., facing southwest towards proposed location of two-story deck**



**SITE PHOTOS**



**Front yard adjacent to Spring Wood Dr., facing northeast towards existing rear of residence**



**Side yard, facing east towards fence along frontage adjacent to Spring Wood Dr.**



SITE PHOTOS



Facing south from front yard toward Spring Wood Dr.