

*Orange County Zoning Division*

**VA-24-06-043**

**APPLICANT: PAUL ABATE FOR  
RESCOM CONTRACTORS**

**August 13, 2024**



# Background

**APPLICANT:** Paul Abate for ResCom Contractors

**CASE:** VA-24-06-043

**ZONING:** R-1A (Single-Family Dwelling District)

**FUTURE LAND USE:** LDR (Low Density Residential)

**ADDRESS:** 4595 S. Shore Rd., Orlando, FL 32839

**LOCATION:** 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.)

**DISTRICT:** 3

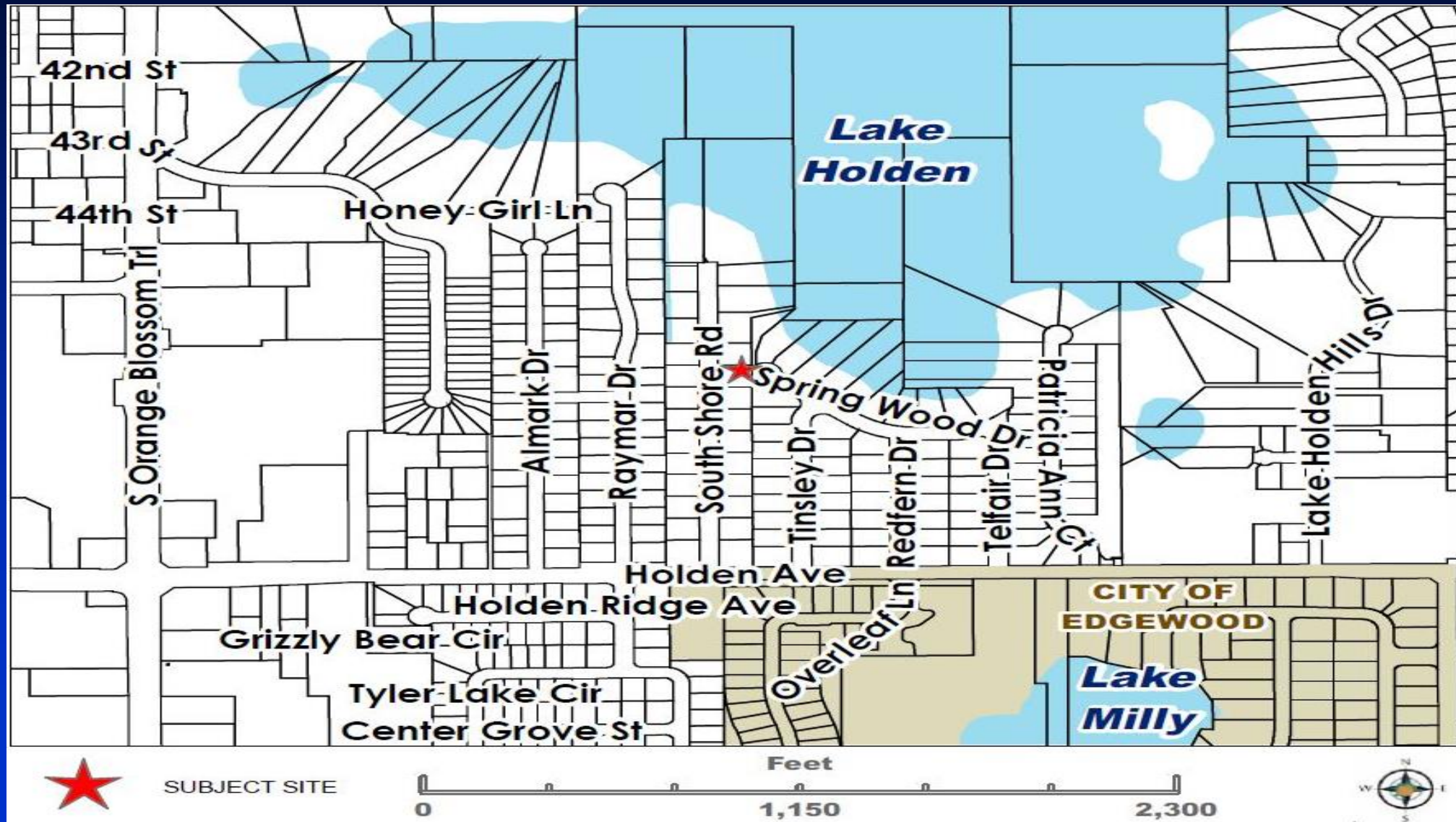


## Background

**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.

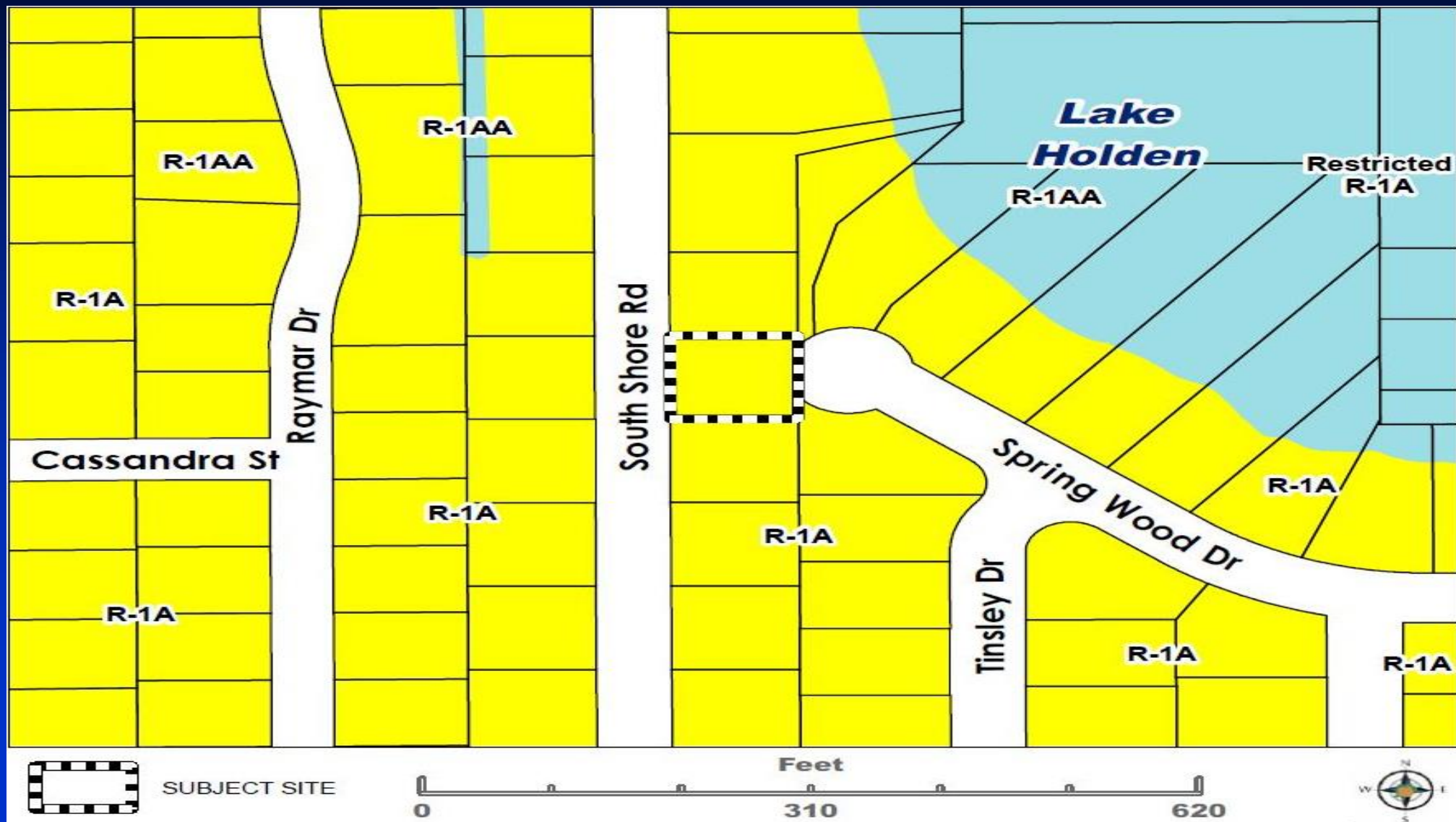


# Location Map





# Zoning Map



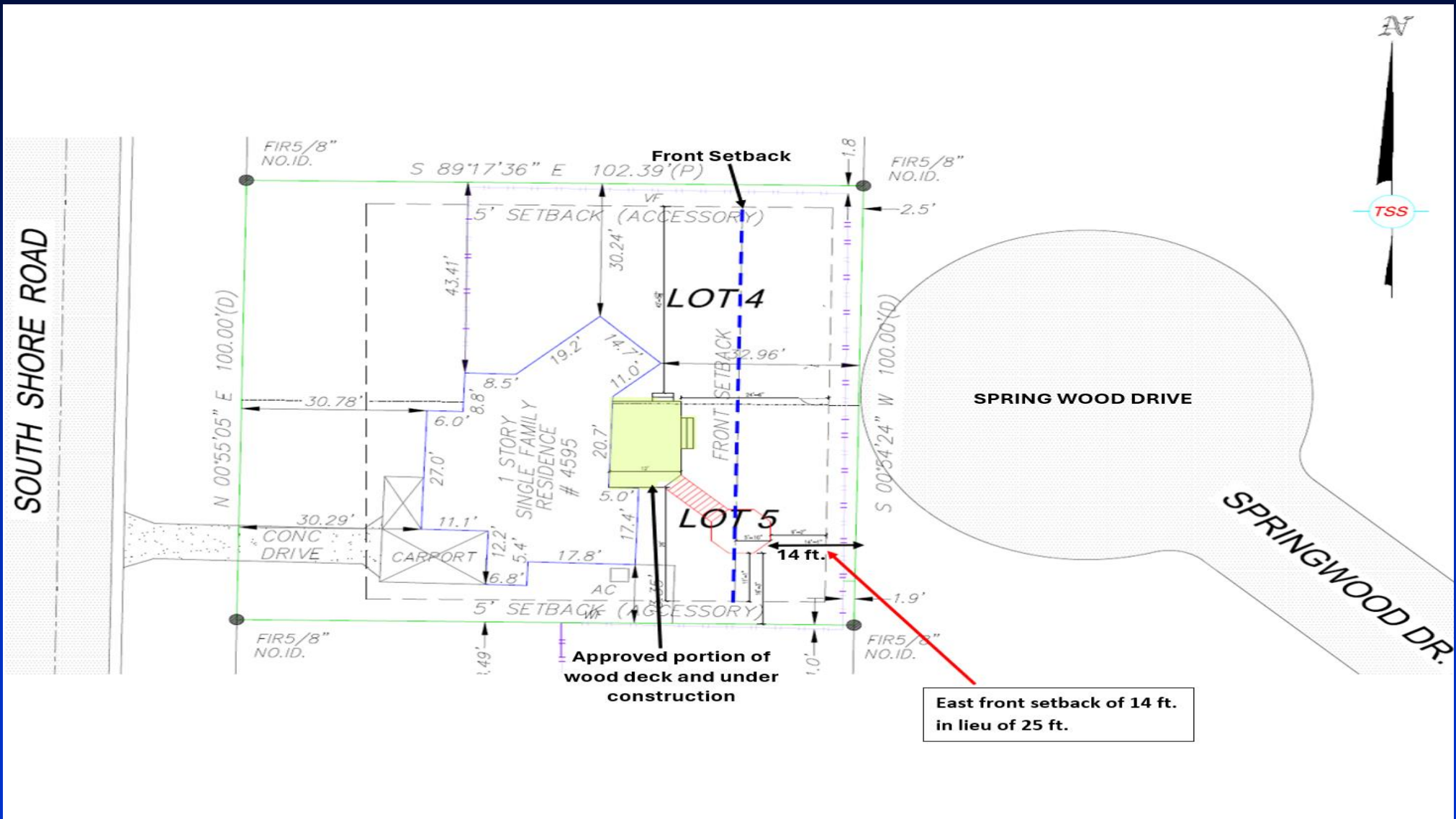


# Aerial Map



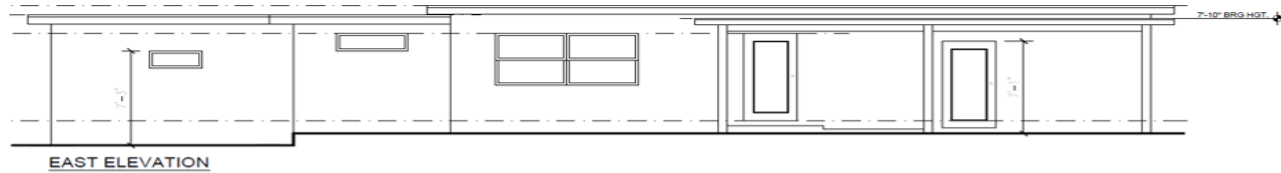


# Site Plan

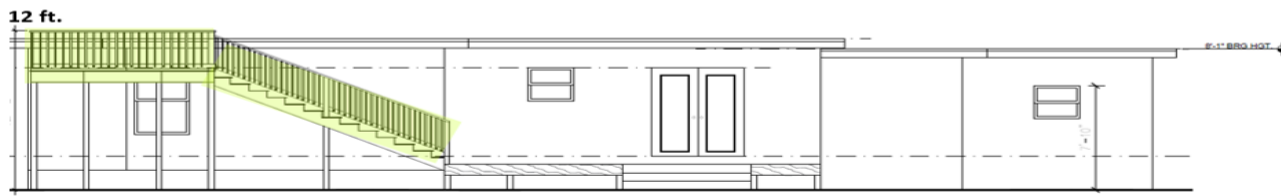




# Proposed Elevations for Two-Story Deck



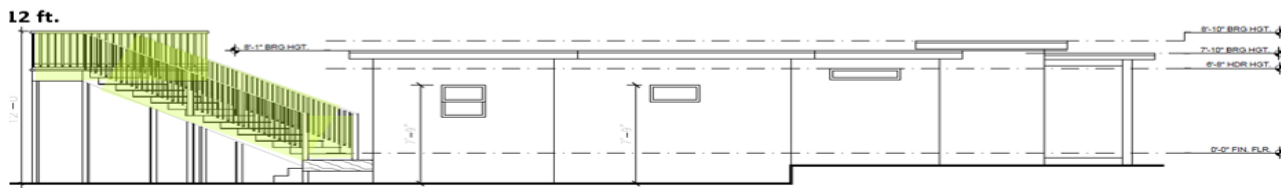
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

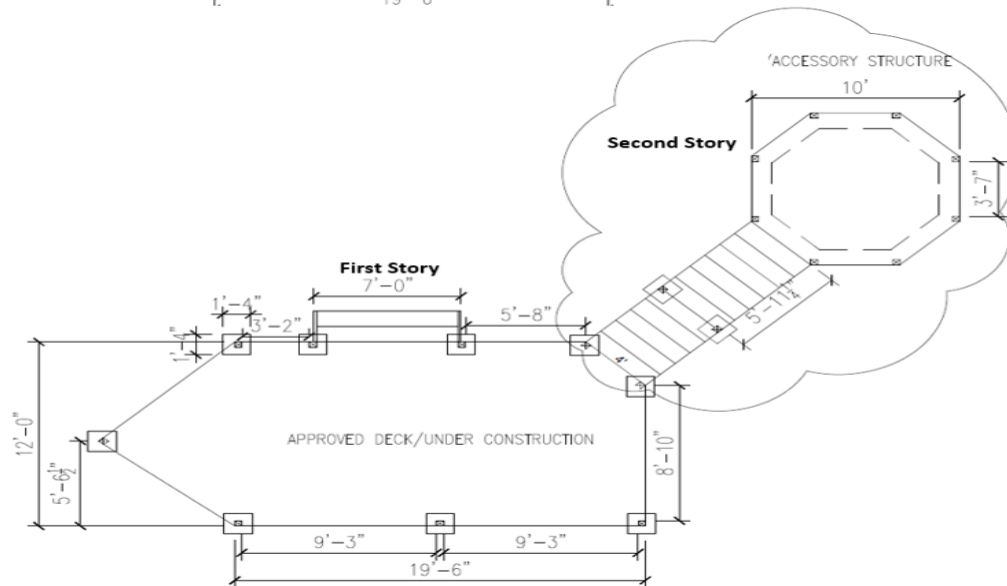
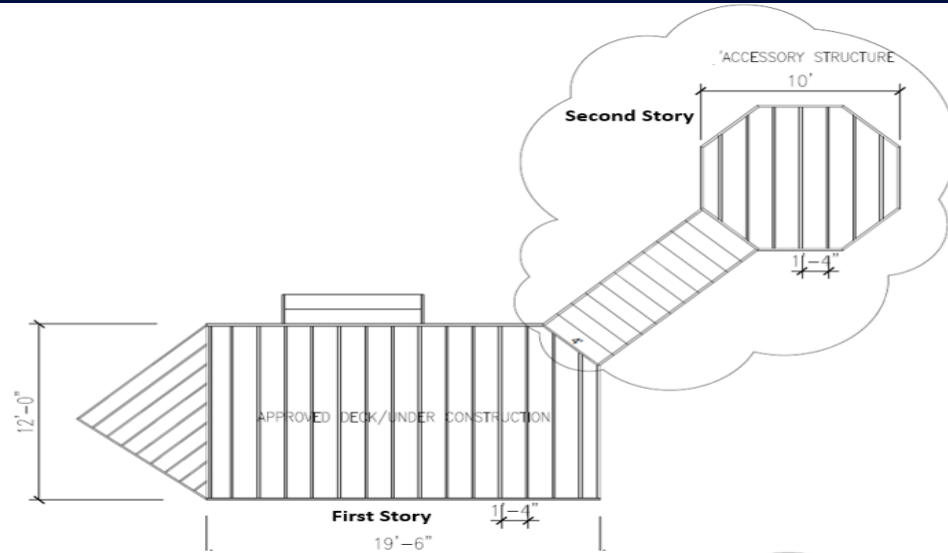


SOUTH ELEVATION





# Proposed Two-Story Deck Specifications



# Site Photograph

Driveway, facing east from towards front of existing residence



Frontage adjacent to  
South Shore Rd.



# Site Photograph

Front yard, facing southwest towards proposed location of deck



Frontage adjacent to  
Spring Wood Dr.

# Site Photograph

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





# Site Photograph

Facing south from front yard toward Spring Wood Dr.





# Staff Findings and Analysis

- **Double frontage lot**
  - West front yard: South Shore Road
  - East front yard: Spring Wood Drive
- **Developed in 1955**
  - One story 1,840 gross sq. ft. single family home
  - Attached carport
- **Property was acquired by current owner in 2013**



# Staff Findings and Analysis

- The request is to allow:
  - 11.8 ft. high, 2-story wood deck
  - Attached to the existing residence
  - Located adjacent to Spring Wood Drive
  - 14 ft. east front setback in lieu of 25 ft. (Variance)
- Portion of deck that meets code is under construction (B23015515)



## Staff Recommendation

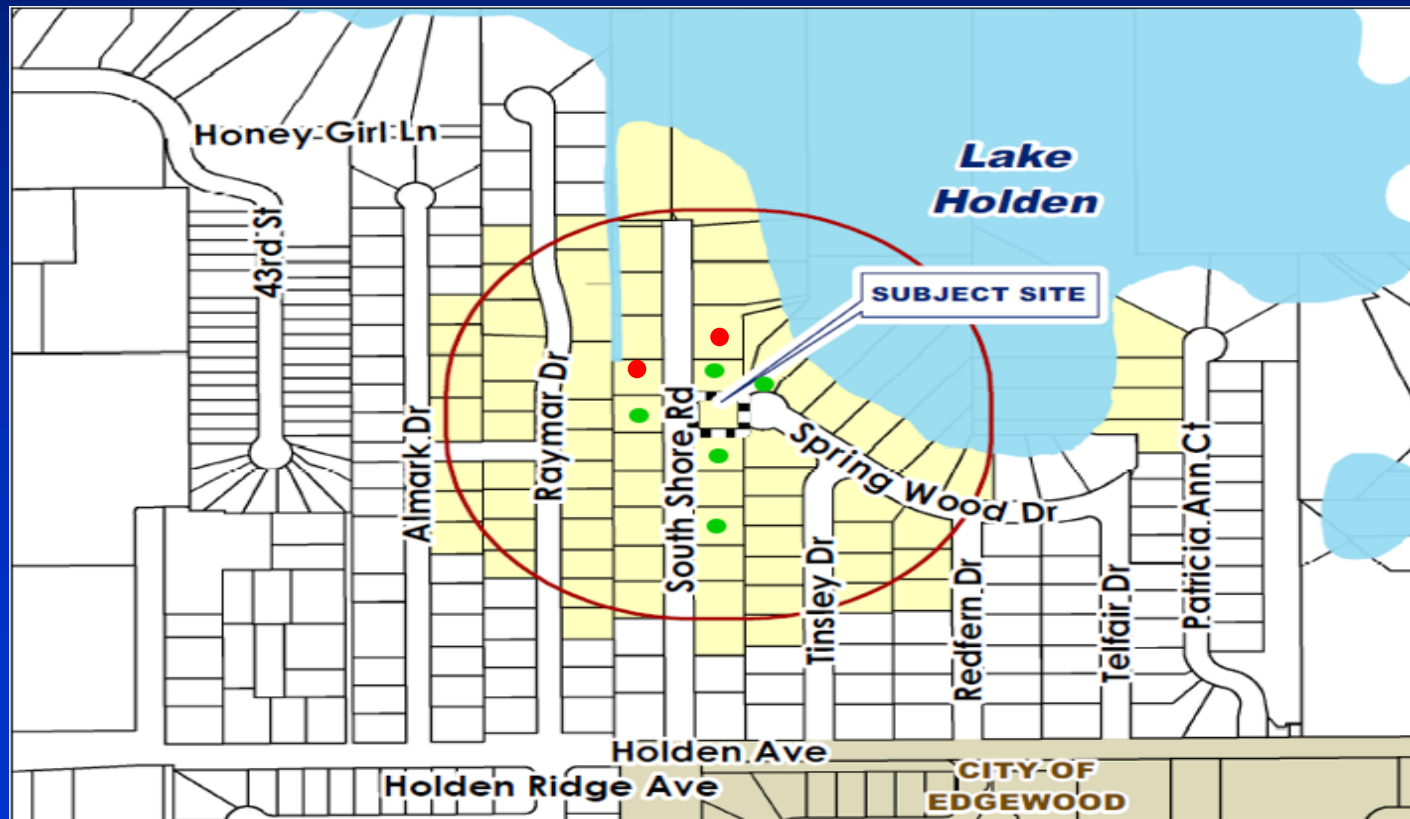
- Staff recommended denial of the Variance, as the request is self-created since there are other options to redesign and/ or reduce the footprint of the deck to meet code, would grant special privilege since there are other options, there would not be deprivation of rights, that the Variance is not the minimum necessary there as there are alternatives to eliminate the request and approval of the request will not be in harmony with the purpose and intent of the Code since the construction of a two-story deck will be significantly visible to the neighboring properties along Spring Wood Drive.





# Public Feedback

- Staff mailed a total of 120 notices to adjacent property owners in a 500 ft. radius
  - Staff received five (5) correspondences in favor of this request
  - Staff received two (2) correspondences in opposition to this request





## BZA Findings

- The BZA concluded that the approval of the Variance would not confer special privilege, was the minimum necessary, that the orientation of the house was not self-created, approval would allow improvements to the site in harmony with the purpose and intent of the Zoning regulations without any quantifiable negative impacts to the surrounding properties since there are two front yards on the property and recommended approval, subject to three conditions.



# Variance Criteria

## Section 30-43 (3), Orange County Code

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 Privilege 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



## Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions



# Conditions of Approval

- 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.**

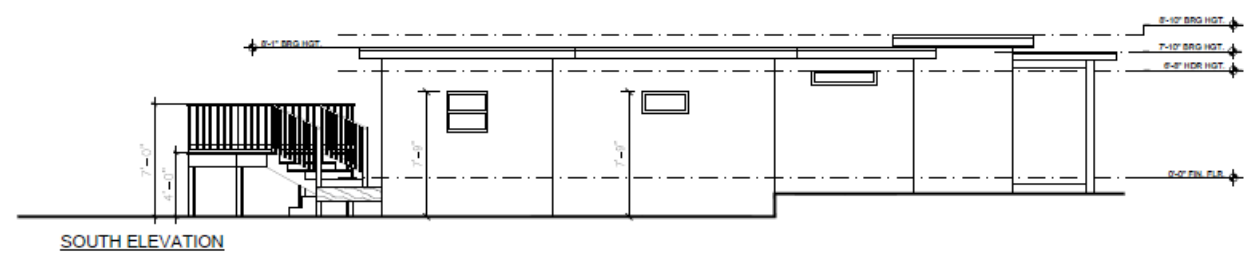
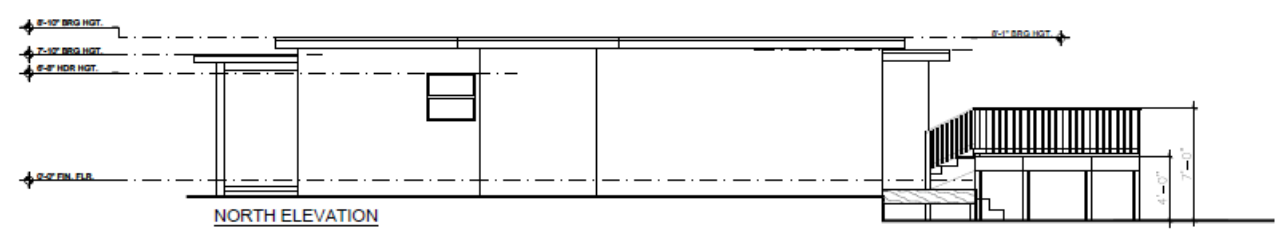
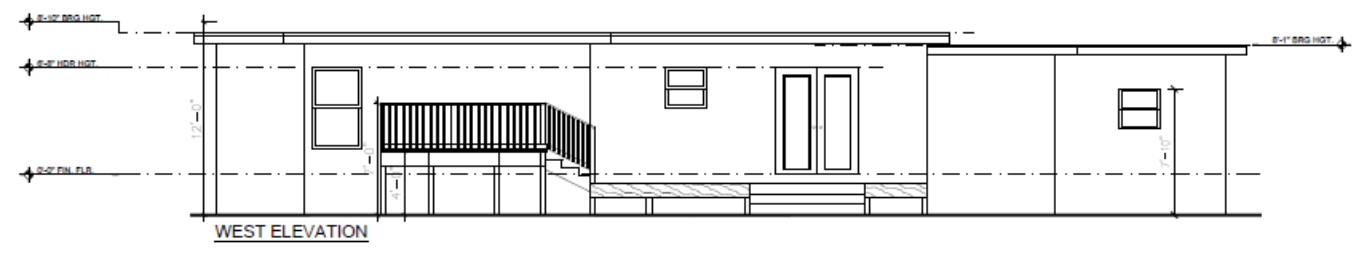
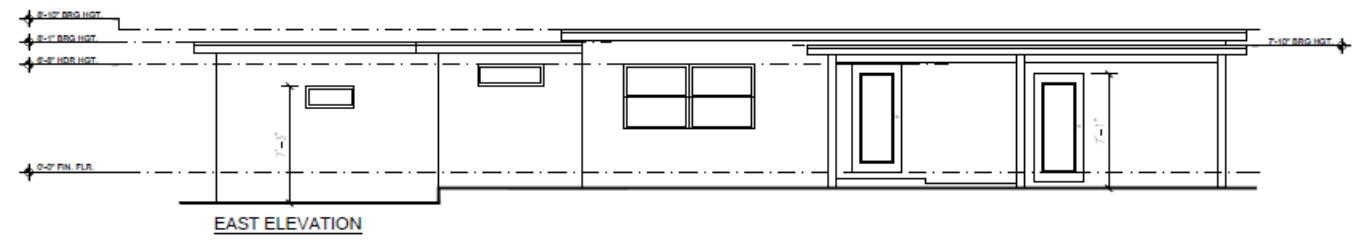


# Conditions of Approval

- 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.**

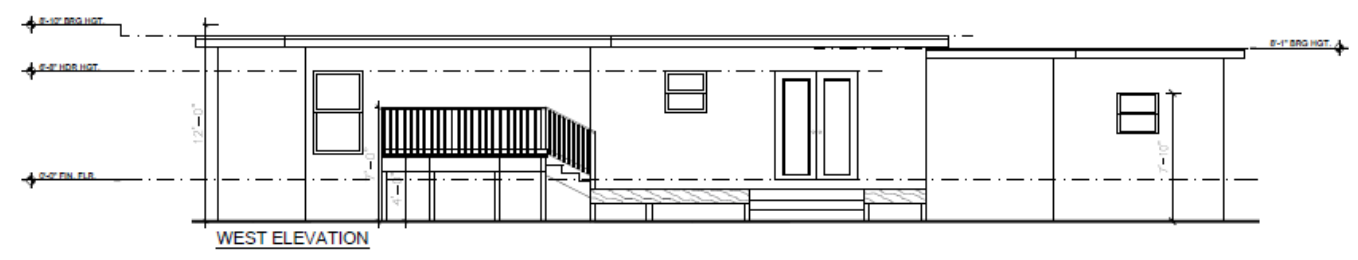
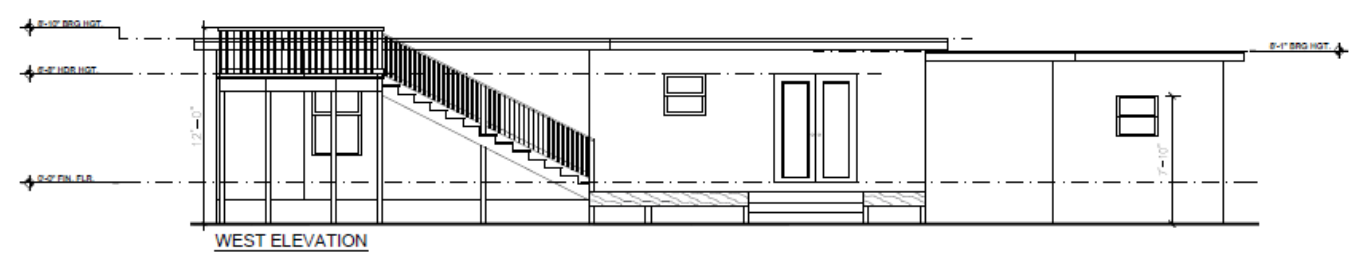
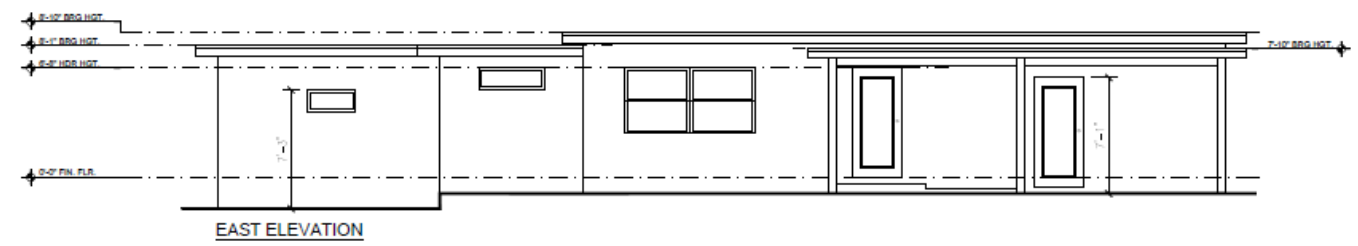
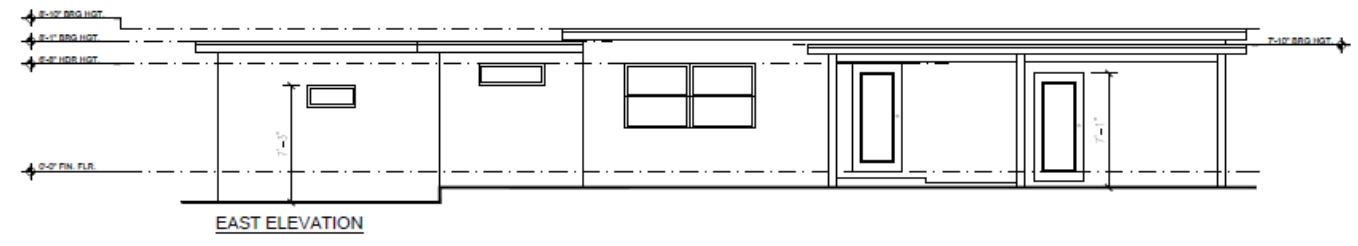


# Alternative Proposed Elevations for Deck





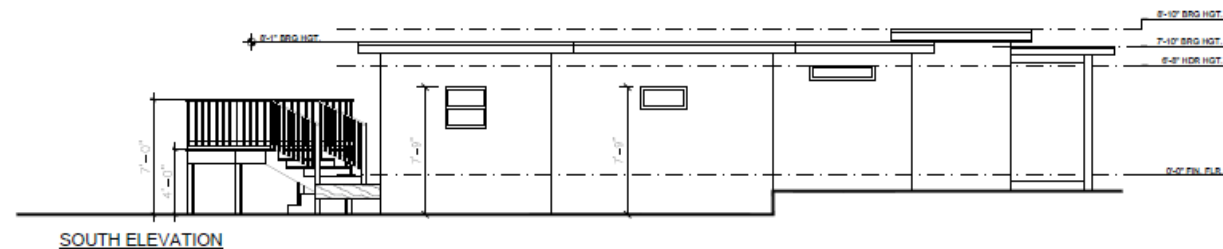
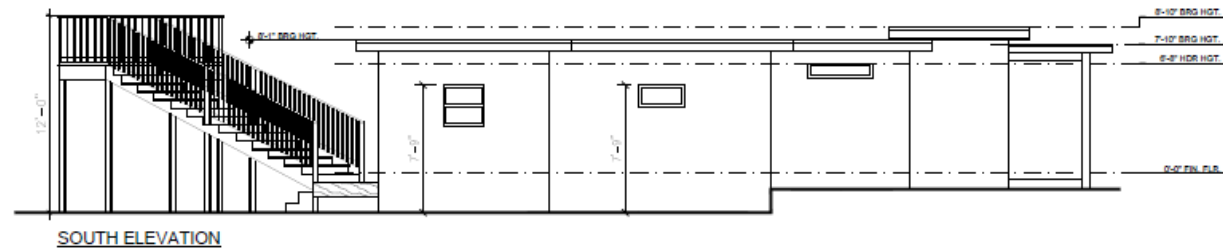
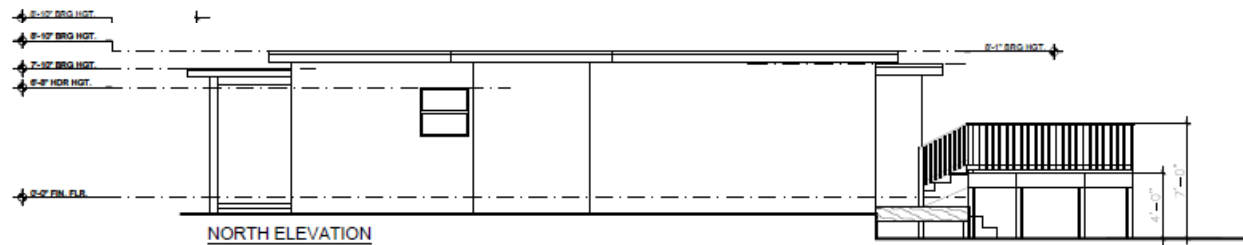
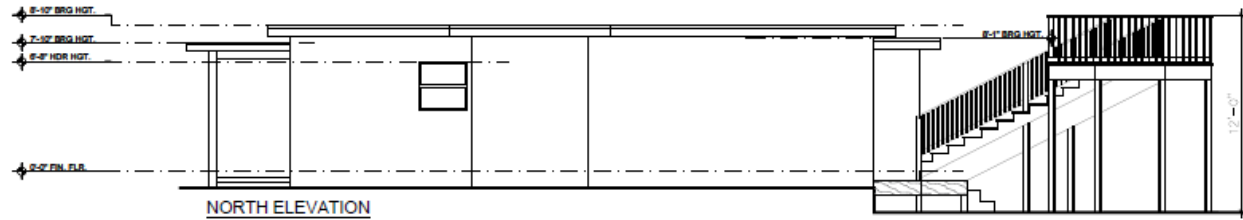
# Alternative Proposed Elevations for Deck







# Alternative Proposed Elevations for Deck





# Conditions of Approval

- 1. Development shall be in accordance with the site plan date stamped (Insert Date), 2024, and elevations dated (Insert Date), 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.**



# Conditions of Approval

- 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. The proposed deck, and any future alteration to the proposed deck, shall be subject to the maximum height of seven (7) feet as identified on elevations plan date stamped (Insert Date), 2024.**