

Justification Statement – June 17, 2022 Variance Request

301 8th Avenue North, Lake Worth Beach FL 33460

Giovanna Dominguez Timor/Gabriella Noel Mazzone, Resident/ Owners

21-01500005

* This Variance Request is a duplicate to Variance Request made in May 2021; which was heard by the HRPB on June 9th, 2021. The code allows the property owner to make application for a previously denied variance twelve (12) months after the date included on the result letter; which is June 23, 2022. See code section below:

(d) Variance denial. Any variance denied under this section may not be brought back for consideration for at least twelve (12) months following the date of the result letter of the appropriate review body's decision.

* There have been and continue to be special circumstances and conditions which exist and which are indeed peculiar and unique and that are not to be found in the area, nor that are the result of any action by us – the residents.

This home sits on the corner of 8th Avenue North just East of Federal Highway. It shares an alleyway with a Church located on Federal Highway. This alley leads to one of two "side yards" - this one being the only usable outdoor space available. Due to the design and position of the home, the home has no back yard. The "actual" back yard consists of 6.5 feet.

The front door of the home sits directly on 8th Avenue North. The only green space along the entire front of the home is approximately 8 feet wide and this "slice" of green space continues along 8th Avenue North until the end of the property at the alleyway. Adjacent to this slice of green space is a two car driveway that leads to the garage. On the other side of the driveway is found the only mature tree (Mahogany) on the entire property that can be used to sit under and enjoy the outdoors. This side yard is accessible both through the garage door and the rear kitchen door.

We are uniquely exposed to passing vehicular, bicycle and pedestrian traffic traveling both north and south on Federal Highway, as well as along 8th Avenue North and along the alley. We also contend with a parking lot through the adjacent church's fence located at the alleyway that provides zero visual screening from the aforementioned traffic. This condition is unique when compared to other properties in the area.

This entire boundary fence project was permitted, and approved. The section that is at a height of 6 feet starts on the south side of the property between our property and our only neighbor to the south and continues for 112 linear feet until it reaches the alley, where it continues along the alley to enclose this side yard until it ends at the visibility triangle that terminates along 8th Avenue North.

From the visibility triangle; which ends upon 8th Avenue North, and then east along the remaining 29 feet touching upon 8th Avenue North were we mandated to keep the height to four feet in order to avoid a 30 inch setback. There is no room on the property for this due to the location of the driveway, and the minimal green space, and the grade of the lot. A setback within this space would also injure the root system of our maturing trees and also force a break in the fence line that would also prevent the installation of a 3 foot wide gate at the edge of the walkway located on 8th Avenue North that we use to transport our refuse, vegetation bins, and recycling bins onto 8th Avenue North for pick up from their storage location on the south side of our home. (back yard 6.5 ft. wide)

This situation along this small section of fence forced us to endure a set of circumstances that have included theft, harassment and regular intrusion from the wondering public who leaned over that 29 foot section of fence to solicit us inside our own property and that have daily threatened our privacy and security. My daughter literally refused to spend time outside in order to avoid being cat called and harassed while hanging laundry, washing her car, or just sitting outside reading a book or taking sun.

While we have secured the support of a large number of City Officials, we are at a loss to understand why we have been unable to secure support for our situation through the use of the “spirit” of the code.

Finally in April 2021, we raised the height of the 29 foot section to 6 feet in conflict with the code and we were issued a violation within 18 hours.

In May 2021, we filed for a variance and attended the HRPB meeting on June 9th, 2021. Despite the merits of our case, our variance request was denied.

Since then, we have enjoyed both privacy and security along 8th Avenue North, and have continued to enjoy the positive comments about our home and fence from neighbors and passersby who continue to admire our home.

Since then, we have been compelled to respond to several efforts to force compliance; which has now led to the placement of a lien against our home that will serve to bankrupt me and my daughter especially given our current financial situation if not removed.

All of this has taken place despite a desperate need for privacy and security for two residents who have brought what is best about humanity to our community.

All of this has taken place because our house is uniquely different in several ways not found anywhere in the area and needs to be evaluated individually using the “spirit” of the code and in behalf of the residents who can be otherwise trapped and punished by it.

We have installed a privacy screen against the chain link fence belonging to the church with which we share the alley, with permission from the Pastor in order to secure some privacy from Federal Highway along the 16 foot opening to our driveway after we were also denied a permit for a Rolling Gate in September 2021. (See Photo)

We were advised that no permit could be issued due to an open code compliance case. We applied for the Rolling Gate Permit when our installer called to tell us he had secured a used 16 foot gate that had been rejected by another client, that he would sell to us at a great discount, but as soon as he heard that we did not

secure the permit, he sold it to someone else and so we lost a great opportunity for a Rolling Gate we could actually afford and that would complete our privacy and security efforts.

*The strict application of the provisions of this chapter will continue to deprive me and my daughter of reasonable use of our very limited outdoor space; which is doubly impacted by proximity to Federal Highway.

*Granting this variance will certainly be in accordance with the spirit and purpose of the chapter, and will certainly not be in any way injurious to either property, the surrounding neighborhood, nor in any way detrimental to the public welfare.

It is a fence project that has always been admired and that continues to be admired for its artistic beauty, and seamless continuity. It is more importantly necessary for the welfare of our family, who like every other family on earth; need to enjoy both privacy and security at home. Letters of support were previously submitted by our neighbors, and I am certain will be cheerfully submitted again to be read into the record. It is the minimum variance that will allow for the peaceful enjoyment of our single family property.

There are fourteen (14) photos attached to this packet for review. There is also a copy of the most recent revision request and supplement letter dated September 28th, 2020 that were part of an ongoing effort to seek help for our situation.