

My name is Louis Friend and I currently live at 209 Lake Terrace with my wife Emily who works as a dentist in Delray Beach. We purchased the home in 2019. The home was purchased with a preexisting, nonconforming pool located in the front of the home. The pool, and original entryway to the front of the home, is enclosed with a wooden fence (per LDR Section 4.6.15 (B)(2)). Currently, the main entryway into the home is through the carport at the west side of the residence. The location of the pool is unique and highly uncommon for the area. Most homes are accessed through a front entryway. We are requesting relief from LDR Section 4.6.9(C)(2)(a), which requires that single-family detached residences provide two spaces per dwelling unit outside the required 25 ft. front setback in the single-family residential zoning district. This will allow access to the residence from the front, without having to go through the pool area (which can be a safety concern for guests), or the side of the home. The proposed remedy would use the existing carport footprint, minimizing any impact to the neighbors and surrounding area.

Closing in the carport to create a proper front entrance will improve the overall function and exterior appearance, enhancing the home's curb appeal and help beautify the neighborhood. Granting this variance request will complement the single-family neighborhood.

I greatly appreciate the Board's time and consideration.

Best,



Louis and Emily Friend  
209 Lake Terrace  
Delray Beach, FL 33444

*For reference:*

**Sec. 4.6.9. - Off-street parking regulations.**

**(C)Number of parking spaces required.**

**(2)Requirements for residential uses.**

**(a)Single family detached residences.** Two spaces per dwelling unit. Tandem parking may be used in the Single Family (R-1) Residential Districts or Low Density Residential (RL) District. Required parking spaces shall not be located in the front setback or side street setback areas. For lots that are less than 60 feet wide and do not have alley access, one parking space may be located in either the front setback area or the side street setback area, provided that no more than 50 percent of the front and side street setback area may be improved for parking purposes. [Amd. Ord. 01-10 1/19/10] (Ord. No. 25-17, § 34, 7-18-17; Ord. No. 01-18, § 2, 2-6-18)

**From:** [Louis Friend](#)  
**To:** [Eassa, Elizabeth](#)  
**Subject:** Re: FW: Variance - 209 Lake Terrace  
**Date:** Monday, October 26, 2020 9:59:18 AM  
**Attachments:** [image002.png](#)  
[Variance 6. Letter of Justification.pdf](#)

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**\*\*Please be cautious\*\***

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Hi Elizabeth - I hope you enjoyed your weekend. Please see my responses below. I've also attached a revised letter of justification, which better parallels the narrative below. Happy to provide any additional information as needed.

Best,

Louis

(5) **Findings.** The following findings must be made prior to approval of a variance:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

The home was purchased with a preexisting, nonconforming pool located in the front of the home. The pool, and original entryway to the front of the home, is enclosed with a wooden fence (per LDR Section 4.6.15 (B)(2)). Currently, the main entryway into the home is through the carport at the west side of the residence. I am requesting relief on section 4.6.9(C)(2)(a), which requires front setback rules for residential parking spots, so I can close in my existing carport using the current footprint to create a functioning front entrance.

(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

The proposal is requesting relief from LDR Section 4.6.9(C)(2)(a), which requires that single-family detached residences provide two spaces per dwelling unit outside the required 25 ft. front setback in the single-family residential zoning district. This will allow access to the residence from the front of the structure.

(c) That the special conditions and circumstances have not resulted from actions of the applicant;

The home was purchased with the existing pool and fencing at the front of the residence. A variance is being requested to allow access to the residence from the front, without having to go through the pool area (which can be a safety concern for guests), or the side of the home.

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

The location of the pool is a unique hardship and highly uncommon for the area. Most homes are accessed through a front entryway. By enclosing my existing carport using the existing footprint, this will allow the ability to create a functioning front entrance into the home.

(e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Based on the property size and the amount of land available to allow for a functioning front entryway to the residence, this cannot be accommodated without eliminating the required parking spaces per code and without the approval of this variance request. The proposed remedy would use the existing carport footprint, minimizing any impact to the neighbors and surrounding area.

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Closing in the carport to create a proper front entrance will improve the overall function and exterior appearance, enhancing the home's curb appeal and help beautify the neighborhood. Granting this variance request will complement the single-family neighborhood.

On Fri, Oct 16, 2020 at 11:33 AM Eassa, Elizabeth <[eassae@mydelraybeach.com](mailto:eassae@mydelraybeach.com)> wrote:

As discussed, please see below.

**Elizabeth Eassa, AICP**

Senior Planner

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**From:** Eassa, Elizabeth

**Sent:** Friday, October 16, 2020 10:21 AM

**To:** [louisgfriend@gmail.com](mailto:louisgfriend@gmail.com)

**Subject:** Variance - 209 Lake Terrace

Mr. Friend,

Please provide a narrative that addresses the findings described in Section 2.4.7(A)(5). I have included the code section below for your convenience.

(5) **Findings.** The following findings must be made prior to approval of a variance:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

(c) That the special conditions and circumstances have not resulted from actions of the applicant;

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

(e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**Elizabeth Eassa, AICP**

Senior Planner

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