

**PALM BEACH COUNTRY ESTATES LANDOWNERS ASSOCIATION
OPPOSITION TO APPLICATIONS FOR ZONING VARIANCES
& CLASS A CONDITIONAL USE AS TYPE 2 CLF**

Banyan House 15551 79th Terrace North, ZV/CA 2018-01805
Hedge House 6861 Donald Ross Road, ZV/CA 2018-01804

**SEE REVERSE SIDE OF FLYER FOR INFORMATION ON
CONTACTING COUNTY OFFICIALS DIRECTLY**

PETITION

If you are interested in circulating and/or signing a petition prior to the July 3 Public Hearing on this matter, please email PBCEgroup@gmail.com.

BACKGROUND

The above addresses and application numbers are the subjects of proposed zoning variances and requests for approval as Type 2 Congregate Living Facilities (CLF), which would increase the current Type 1 maximum of 6 residents to a maximum of 14 residents, plus counselors and staff per property. These facilities currently provide rehabilitative services to adolescent boys through Family First Adolescent Services.

The PBC Zoning Commission will be conducting a Public Hearing on these applications on July 3, 2019 at 9:00 a.m. at the Vista Center Complex 2300 North Jog Road, Room VC-1W-47 Ken Rogers Hearing Room, West Palm Beach, FL. The PBC Board of Commissioners will conduct a Public Hearing on July 25, 2019 at 9:30 a.m. at the Governmental Center, 301 North Olive Avenue, County Commission Chambers, 6th Floor, West Palm Beach, FL.

Without the proposed variances, these properties would not qualify to be used as Type 2 CLFs. The applicant is asking for these variances and usage based on reasonable accommodations as mandated by the federal American with Disabilities and Fair Housing Acts. The Department of Justice (DOJ) guides the local government on how to determine if an accommodation is 'reasonable' by asking 2 questions. The one that is most relevant to our residents is: whether the request will "*create a fundamental alteration in the zoning scheme?*" If the answer is 'yes', then the requested accommodation is unreasonable. To determine if there is an alteration in the zoning scheme, the DOJ advises to consider whether the proposed use "*will have [any] more impact on parking, traffic, noise, and other typical concerns of zoning than an 'ordinary family'?*" The DOJ says if the answer to these is 'no', that the request is reasonable. DOJ specifies that the *scope and magnitude* of the requested accommodation as well as the *relevant features of the surrounding neighborhood* are factors to be considered.

SAMPLE LETTER AVAILABLE: [Contact PBCEgroup@gmail.com](mailto:PBCEgroup@gmail.com)

Palm Beach Country Estates is a low-density population neighborhood with only 18 properties on a typical two-sided block. Allowing use as a high impact type 2 CLF without improvements to the property

would significantly affect the relevant features of our neighborhood and would have many impacts well above and beyond that of a typical family by increasing the number of people on a typical block by approximately 33%.

NOTE: It is extremely important that our opposition to the change from a Type 1 CLF to a Type 2 CLF is not misinterpreted as attempting to deny treatment to the adolescents who are already receiving treatment at the existing Type 1 facilities. As reflected in our petition to the Palm Beach County Zoning, our opposition is limited in scope to the proposed zoning variances and conditional use as a Type 2 CLF and does not in any way seek to change the availability of services to residents of the Type 1 CLFs.

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WHAT TO DO

- Help spread the word to neighbors who may not be aware of this issue; give them this flyer. Have them email PBCEgroup@gmail.com to receive updates and a **copy of a sample letter to send**.
- Sign the petition. If you'd like to help circulate the petition, email PBCEgroup@gmail.com
- Contact the PBC Board of County Commissioners (BOCC) and the Zoning Commission (ZC):

Email the BOCC: BCC-allcommissioners@pbcgov.org

Email the ZC by sending to Jon MacGillis, Zoning Director jmacgill@pbcgov.org and request that he share your correspondence with Zoning Commission members.

- Make sure you are on the PBCE Landowners Association email list; to confirm whether you are on the list or to join, contact: PBCEgroup@gmail.com. Tell your neighbors to join the list too!
- Attend the Public Hearings on July 3 and July 25. Hearing times and places on front of flyer. If you wish to speak at the hearing, please arrive 30 minutes early to fill out a comment card. There is a 3 minute time limit, sometimes reduced to 90 seconds.