



Board of Adjustments Regular Meeting

Agenda

July 15, 2025 @ 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Call to Order**2. Consent Agenda**

- a. Approve the minutes of June 17, 2025. 1 minute

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker**4. Public Hearings (Public participation and comment on these matters must be in person.)**

- a. BOA #25-06. Request of Michael and Katrina Hammer for variance approval from Section 58-71(n)(2), to allow a 6-foot-high fence within the street-side yard in lieu of the maximum height of 3-feet for fences within street-side yards in conjunction with the proposed fence located at 2034 Cove Trail, zoned R-1A. 15 minutes

5. Non-Action Items**6. Staff Updates****7. Board Comments****8. Upcoming Agenda Items****9. Adjournment**



Board of Adjustments

agenda item 2.a

item type

Consent Agenda

meeting date

July 15, 2025

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of June 17, 2025.

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

June 17, 2025 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Robert Trompke, Aimee Hitchner, Jeanne Reynaud, Frank Pruitt, Jim Fitch, Christopher Morrison

Absent

Michael Clary

Staff Present

Director of Planning & Zoning Allison McGillis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Vice Chair Trompke called the meeting to order at 5:00 p.m.

2. Selection of Chair and Vice Chair

Motion made by Aimee Hitchner, seconded by Jeanne Reynaud, to nominate Robert Trompke as Chair of the Board. Mr. Trompke accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Michael Clary was absent from the meeting.)

Motion made by Aimee Hitchner, seconded by Jeanne Reynaud, to nominate Michael Clary as Vice-Chair of the Board. Mr. Clary was not present to accept the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Michael Clary was absent from the meeting.)

3. Consent Agenda

- a. Approve the minutes of April 15, 2025.

Motion made by Jim Fitch, seconded by Christopher Morrison, to approve the April 15, 2025 regular meeting minutes.

The motion carried unanimously by a 6-0 vote. (Michael Clary was absent from the meeting.)

4. Public Comments (for items not on the agenda): Three minutes allowed

for each speaker

No one from the public wished to speak. The public hearing was closed.

5. Public Hearings (Public participation and comment on these matters must be in person.)

- a. BOA #25-05. request of Z Properties for variance approval from Section 58-336 subsection (e)(1), to allow a 0-foot-wide landscape buffer area along Treat Way in lieu of the 8-foot minimum required to screen the vehicular use/parking area from the public right-of-way in conjunction with the proposed mixed-use development at 111 S. Knowles Avenue, zoned CBD.

Mrs. McGillis provided a summary of the item and indicated that it was a requested variance from the applicant's previously approved conditional use site plan. She noted that the property was located in the downtown Central Business District and was currently a vacant lot. She then reviewed the applicant's current proposed site plan and compared it to the previously approved site plan. She noted that the applicant was proposing to redevelop the parcel with a single-story commercial structure on the portion of the lot facing Morse Boulevard, a private swimming pool and amenity area with a pickleball court in the middle of the lot, and a single-family home in the back facing Treat Way. Mrs. McGillis indicated that the applicant's required parking is proposed along Treat Way and is designed for all of its six spaces to reverse into the right-of-way. She indicated that to allow for the proposed configuration, the applicant requested a 0-foot-wide landscape buffer space along Treat Way, although the required 8-foot landscape buffer was attainable on the previously approved site plan without reversing into the right-of-way. She then briefly reviewed a few existing properties that use Treat Way as an entryway and exit, such as the Edyth Bush building.

Mrs. McGillis indicated that staff believed the applicant did not meet the four criteria required to grant the variance requested because of the following:

- there are no special conditions and circumstances that arise from the lot that severely impact the site enough to justify a hardship,
- the proposal can be reasonably altered to meet the 8-foot landscape buffer requirement, without having to reverse into the right-of-way,
- the applicant's proposal is what severely limits their ability to meet all code requirements,
- and allowing the variance would open the door for other applicants for commercial properties to request either: (1) no landscape buffers along public rights-of-way; and/or (2) parking with a 0-foot setback that reverses directly into public rights-of-way.

Staff recommendation was for denial.

Discussion ensued about other surrounding properties being able to reverse into the right-of-way, who the parking would serve, whether there were any traffic studies done on the right-of-way, whether the six proposed parking spaces would be sufficient, whether the applicant had to provide the six parking spaces to meet code, alternate options for the project, whether the open exercise area was green space or hard surface, and whether staff had a preferred solution.

The applicant's attorney, Rebecca Wilson at 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. She noted that she and the applicant disagreed with the staff's recommendation for denial. She elaborated on why they felt that the code did not fit the situation in this instance and that the Board had the ability to grant the requested variance. She reviewed what the code stated regarding the required landscape buffer. She then explained why she and the applicant felt that Treat Way did not align with what constitutes a right-of-way and therefore, the code did not apply. She also noted the various letters of support received for the project.

The Board inquired with Attorney Wilson about whether there was a difference between the Edyth Bush building's parking set up and the applicant's request, the difference between the applicant's previously approved site plan and the proposed site plan, whether the proposed site plan would need to be reviewed by the Planning & Zoning Board, whether there was a landscape buffer on the Edyth Bush building, and whether variances were granted for the landscape buffer on the previously approved site plan.

No one from the public wished to speak. The public hearing was closed.

Several members of the Board expressed approval of the request.

Motion by Jeanne Reynaud, seconded by Christopher Morrison, for variance approval from Section 58-336 subsection (e)(1), to allow a 0-foot-wide landscape buffer area along Treat Way in lieu of the 8-foot minimum required to screen the vehicular use/parking area from the public right-of-way in conjunction with the proposed mixed-use development at 111 S. Knowles Avenue, zoned CBD.

The motion carried by a 5-1 vote. (In Favor: Jeanne Reynaud, Robert Trompke, Aimee Hitchner, Jim Fitch, and Christopher Morrison. Opposed: Frank Pruitt. Michael Clary was absent from the meeting.)

6. Non-Action Items

7. Staff Updates

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 5:37 p.m.

ATTEST:

/s/ Mary Bush, Recording Secretary



Board of Adjustments

agenda item 4.a

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

July 15, 2025

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA #25-06. Request of Michael and Katrina Hammer for variance approval from Section 58-71(n)(2), to allow a 6-foot-high fence within the street-side yard in lieu of the maximum height of 3-feet for fences within street-side yards in conjunction with the proposed fence located at 2034 Cove Trail, zoned R-1A.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicants and homeowners, Michael and Katrina Hammer, are requesting variance approval to allow a fence along the street-side lot line that is 6-feet tall in lieu of the maximum height of 3-feet. The property is zoned R-1A.

Variance Review Criteria:**Special Conditions and Circumstances**

In order for a variance to be granted, special conditions and circumstances must exist which are peculiar to the land, structure, or building involved and are not applicable to other land, structures, or buildings in the same zoning district.

The subject property is a unique corner lot with 266.5 feet of frontage along the northern portion of Temple Trail. The home on the lot was constructed in 1965. An existing wall, likely constructed originally with the house, exists along the northern third of the Temple Trail along the street-side lot line. Then there is the driveway, followed by an existing 3-foot-high chain-link fence backed by bamboo along the remainder of the Temple Trail frontage. The applicant is requesting to replace the existing chain link fence, which is a prohibited fence type, with a 6-foot white vinyl fence. The request is to provide some additional privacy from both vehicular and pedestrian traffic along Temple Trail, which serves as a busy cut-through between Winter Park and Maitland.

Because of the property's unique shape, the portion of the yard behind the proposed fence is the rear yard of the property. The swimming pool is located in this area, which requires a minimum 4-foot fence height to meet pool safety requirements. The portion of the property where the fence is proposed is also directly across the street from a City-owned parcel, which will be vacant in perpetuity as opposed to another private residence.

Deprivation of Rights

The second requirement for granting a variance request is that the literal interpretation of the provisions of the zoning code would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of Section 58-71(n)(2) allows for a maximum fence height of 3 feet for fences in street-side yards. Additionally, fences in street-side yards can be up to 6 feet in height if set back at least 10 feet from the property line.

The applicant is seeking the variance to add additional privacy along the busy street frontage and to meet pool safety requirements. Meeting the 3-foot height requirement limits the applicant's ability to achieve both of these goals. Additionally, because of the existing bamboo and oak trees clustered in the southern corner of the property, meeting the 10-foot setback requirement would be difficult. To achieve this requirement, the fence would have to be pushed and pulled around the vegetation as opposed to flush along the lot line, would be out of line with the existing wall on the northern side of the property, and would cut off a significant portion of the rear yard.

Actions of the Applicant

The special conditions and circumstances must not result from the actions of the applicant.

The lot was originally platted as two separate lots, which, at some point, were combined before the applicant purchased the property in 2017. The house, detached garage, and wall were all constructed in 1965. The swimming pool was constructed in 1995. All of these structures were built before the applicants' ownership of the property. The existing, nonconforming chain-link fencing also existed prior to the applicants' ownership.

Special Privilege

The last requirement necessary to grant a variance request is that the variance will not confer onto the applicant any special privilege denied by the zoning ordinance to other lands, structures, or buildings in the same zoning district. No nonconforming use of the neighboring lands, structures, or buildings in other zoning districts shall be considered grounds for the issuance of a variance.

Because of the lot's unique circumstances, including the existing wall on the northern portion of the property line, the need to properly secure the swimming pool, and the fact that the fence would face a vacant City-owned parcel as opposed to another private residence, as well

as the fact that stepping the fence back would be difficult due to the presence of the existing lot conditions, staff does not believe that the request would allow for a special privilege to any other lands, structures, or buildings in the same zoning district regarding the variances requested.

Summary

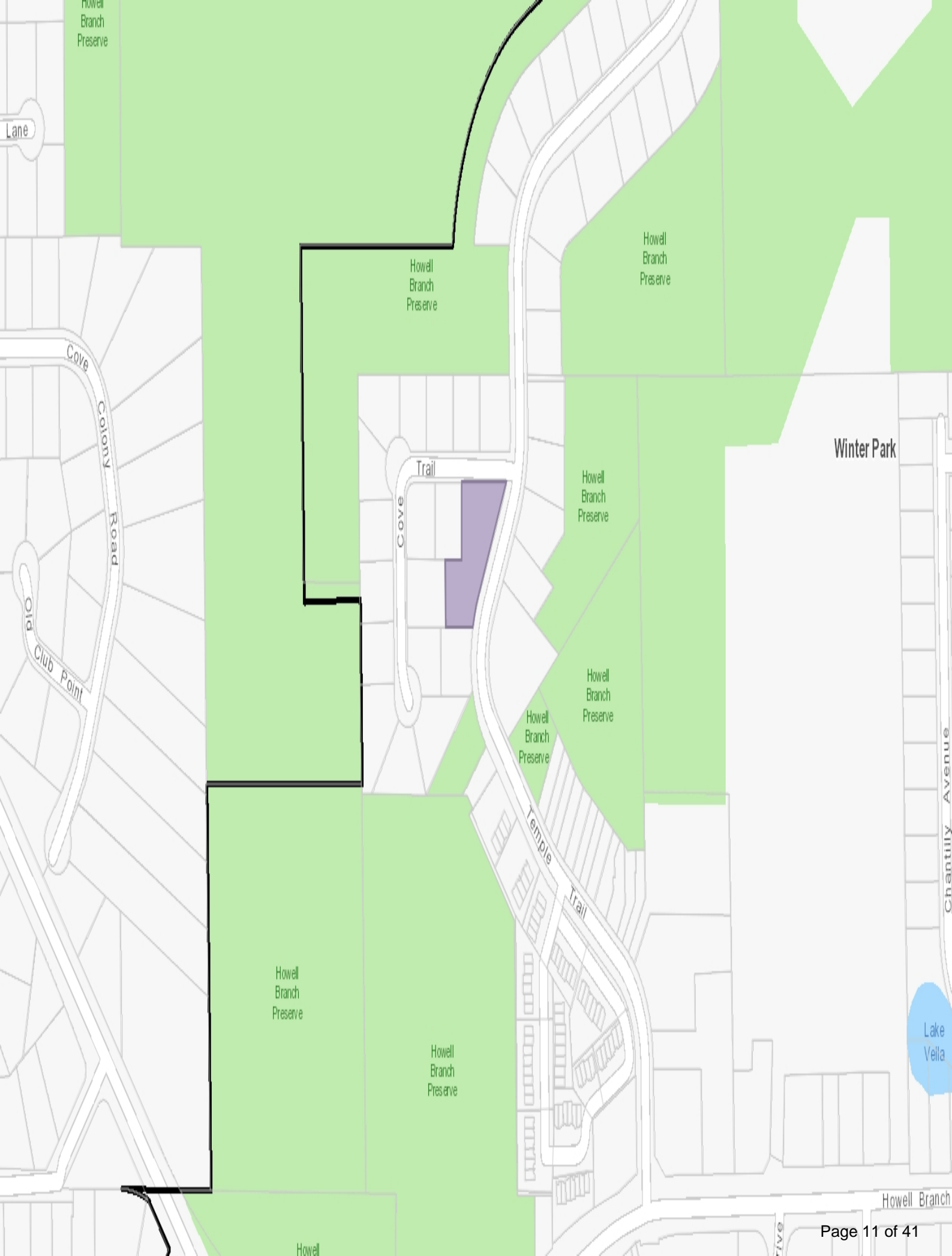
Staff believes that the applicant meets the four criteria required to grant the variance requested.

alternatives | other considerations

fiscal impact

attachments

1. 2034 Cove Trail - Area Map
2. 2034 Cove Trail - Aerial Map
3. 2034 Cove Trail - Neighbor Letter Map
4. 2034 Cove Trail - Site Plan
5. 2034 Cove Trail - Applicant Submittal
6. 2034 Cove Trail - Neighbor Signatures
7. Pic 1
8. Pic 2
9. Pic 3
10. Pic 4
11. Pic 5
12. Pic 6
13. 2034 Cove Trail - Applicant Presentation



Lane

Howell Branch Preserve

Howell Branch Preserve

Howell Branch Preserve

Cove

Colony Road

Trail

Cove

Howell Branch Preserve

Winter Park

PIO

Club Point

Howell Branch Preserve

Howell Branch Preserve

Temple

Trail

Howell Branch Preserve

Howell Branch Preserve

Chantilly Avenue

Lake Vella

Howell Branch



COVE TRAIL

COVE TRAIL

TEMPLE TRAIL

TEMPLE TRAIL

COVE TRAIL



COVETRAIL

Orange County

Winter Park

TEMPLETRAIL



PLAN SNAPSHOT REPORT BOA-2025-0006 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 06/12/2025
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Fees Paid	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Lewis, Nick	Approval Expire Date:

Description: We are applying for a variance to get a 6 foot white PVC fence in our backyard. Our property is unique in its layout as it's a double lot on a windy part of Temple Trail. A fence would not inhibit driving capabilities on Temple Trail.

We have 4 girls ages 17, 14, 13 and 10 who are in the backyard often with friends, in and out of the pool, and do not have the necessary privacy they need as young women. We are deprived of privacy as a family in general and we want to protect our children and their friends.

Pedestrians walk along the sidewalk outside our property often and can merely look into our backyard. Children walking or riding bikes by our yard often peer into our backyard out of curiosity as our yard and pool are very large. They could easily jump a chain link fence if not in the right state of mind and fall into our pool and drown.

City employees park across the street from our backyard in the vacant lot to do work on the bridge/canal (currently being built), tree work, powerlines, etc. Cars driving around the dangerous bend on Temple Trail coming from either direction could easily crash into our current chain link fence and into our yard. Whereas a proper fence would act as a little bit more of a visual deterrent.

Aesthetically, a 6 foot white fence would look extremely better than the current chain link fence. As you will see in pictures we have a huge wall bordering the front half of our house/yard and we simply want to match that.

When we originally purchased the house we planted bamboo along the chain link fence to see if that would help us with privacy. Over time it has grown and is lovely, but it definitely does not give enough privacy and now our children are older and our current situation is no longer appropriate.

Parcel: 302129212200170	Main	Address: 2034 Cove Trl Winter Park, FL 32789-1153	Main	Zone:
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Owner MICHAEL S HAMMER 2034 COVE TRL WINTER PARK, FL 32789-1153 Mobile: (407) 683-2328	Applicant Katrina Hammer 2034 Cove Trail Winter Park, FL 32789 Home: (407) 683-2329 Mobile: (407) 683-2329	Owner Katrina Hammer 2034 Cove Trail Winter Park, FL 32789 Home: (407) 683-2329 Mobile: (407) 683-2329
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Plan Custom Fields

Is the property on waterfront?	Section	Subsection
No	Is this property on historic registry or district?	Describe variance
No		<p>We are applying for a variance to get a 6 foot white vinyl fence in our backyard. Our property is unique in its layout as it's a double lot on a windy part of Temple Trail. A fence would not inhibit driving capabilities on Temple Trail.</p> <p>We have 4 girls ages 17, 14, 13 and 10 who are in the backyard often with friends, in and out of the pool, and do not have the</p>

PLAN SNAPSHOT REPORT (BOA-2025-0006)

necessary privacy they need as young women. We are deprived of privacy as a family in general and we want to protect our children and their friends.

How long have you owned the property? 8 years

How long have you occupied the property? 8 years

Pedestrians walk along the sidewalk outside our property often and can merely look into our backyard. Children walking or riding bikes by our yard often peer into our backyard out of curiosity as our yard and pool are very large. They could easily jump a chain link fence if not in the right state of mind and fall into our pool and drown.

City employees park across the street from our backyard in the vacant lot to do work on the bridge/canal (currently being built), tree work, powerlines, etc. Cars driving around the dangerous bend on Temple Trail coming from either direction could easily crash into our current chain link fence and into our yard. Whereas a proper fence would act as a little bit more of a visual deterrent.

Aesthetically, a 6 foot white fence would look extremely better than the current chain link fence. As you will see in pictures we have a huge wall bordering the front half of our house/yard and we simply want to match that.

When we originally purchased the house we planted bamboo along the chain link fence to see if that would help us with privacy. Over time it has grown and is lovely, but it definitely does not give enough privacy and now our children are older and our current situation is no longer appropriate.

Special Condition

We have a large double lot with a long (150 ft)

exposed stretch of yard extending along Temple

Trail allowing pedestrians, drivers, cyclists and city

PLAN SNAPSHOT REPORT (BOA-2025-0006)

workers a full view of our backyard. We have 4 daughters, ages 10, 13, 14 and 17, who enjoy swimming and playing in the backyard together and with their friends. Teenage boys have been known to ride by our house and yell/harass the girls when they are merely enjoying their backyard. This is not appropriate or safe.

Rights/Priv

We are deprived of the simple right of privacy and security on our own property. We are also denied the privilege of edifying our property in terms of making it more visually appealing with a high quality fence or wall that matches the wall on either side of the area in question.

Hardship

If we put up a 3 foot fence instead of a 6 foot fence it would not solve the privacy issue. Additionally, our 70 pound Weimaraner would easily jump the fence and get hit by a car on Temple Trail.

If we abide by the setback requirement and placed a fence 10 feet from our property line, we would lose a significant portion of our backyard and property value. It would also require cutting down 2 large, old oak trees.

Limited Variance yes

Attachment File Name	Added On	Added By	Attachment Group	Notes
chain link to be replaced.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
exposure from sidealk.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
exposure from sidewalk.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
full view of gym and backyard from sidewalk.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
Hammer Family.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
Hammer site plan.pdf	06/12/2025 20:39	Hammer, Katrina		Site Plan
Hammer Survey.pdf	06/12/2025 20:39	Hammer, Katrina		Survey
lovely wall on other side of driveway.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
manual gate pic.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
Noel, our 70 lb Weimaraner.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
pool fun showing areas of exposure.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
street view- showing nice wall vs. ugly chain link.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
Variance Checklist.pdf	06/12/2025 20:39	Hammer, Katrina		Signed Checklist
view from house pic 2.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
view from vacant lot across street.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
view walking from 7-11.jpg	06/12/2025 20:39	Hammer, Katrina		Site Plan
Signature_Katrina_Hammer_6/13/2025.jpg	06/12/2025 20:39	Hammer, Katrina		Uploaded via CSS
2034 Cove Trail - Site Plan.pdf	06/20/2025 16:42	Lewis, Nick		
Neighbor signatures.pdf	07/07/2025 8:28	Lewis, Nick		Neighbor Letters
2034 Cove Trail - Applicant Presentation.pptx	07/07/2025 8:28	Lewis, Nick		Applicant Presentation

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00061152	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00061152		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	06/12/2025	06/16/2025	06/20/2025	No	Yes

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date

PLAN SNAPSHOT REPORT (BOA-2025-0006)

Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	06/12/2025	06/16/2025	06/20/2025
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Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		06/20/2025 16:41	06/20/2025 16:41
Board of Adjustments Review v.1	Receive Submittal	06/12/2025 0:00	06/20/2025 16:40
Issue Invoice v.1	Generic Action		06/20/2025 16:41
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

Michael and Katrina Hammer

2034 Cove Trail

Winter Park, FL 32789

trinahammer@gmail.com

407-683-2329

6/17/2025

City of Winter Park Zoning Board of Directors

Planning and Zoning Division

401 S. Park Avenue

Winter Park, FL 32789

RE: Neighbor Approval for Variance to Permit 6-Foot Privacy Fence on Hammer Family Side Yard

Dear Zoning Board Members,

We are requesting a variance to the current fence height regulations to allow the installation of a 6-foot privacy fence around the backyard of our property located at 2034 Cove Trail.

We are the parents of four young daughters, and our backyard includes a pool where they frequently play and swim. A 6-foot fence would provide the necessary privacy and security for our family, allowing our children to enjoy the space safely and comfortably. In addition to the functional benefits, the proposed fence will be constructed with high-quality, visually appealing materials that complement the aesthetics of our home and neighborhood.

We have discussed this proposal with our neighbors, who have expressed their full support for the project. Their signatures are included below as confirmation of their approval.

We respectfully request the Board's consideration in granting this variance.

Thank you for your time and consideration.

Sincerely,

Michael and Katrina Hammer

Kim Mitchell

Kim Mitchell

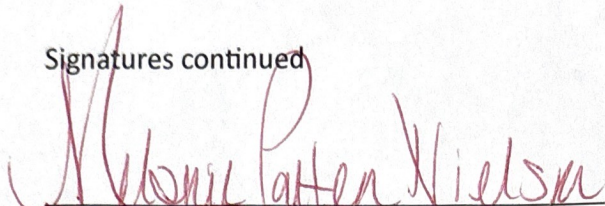
Clay Mitchell

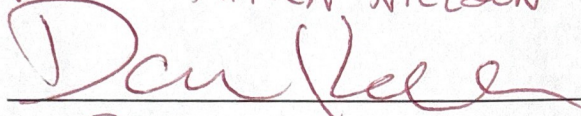
Kirk Malley

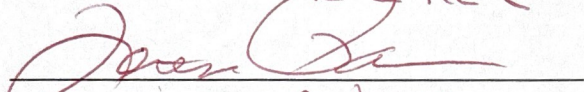
GRIER JOHNSON

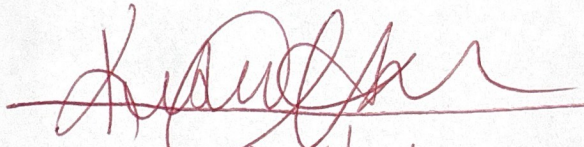
Kat Malley

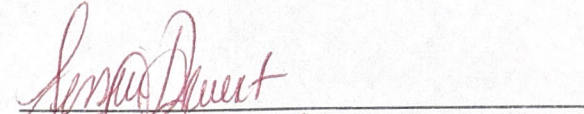
Signatures continued

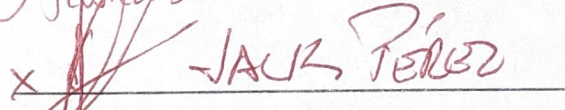

MELONIE PATTEN NIELSON


DANIEL KOEHLER

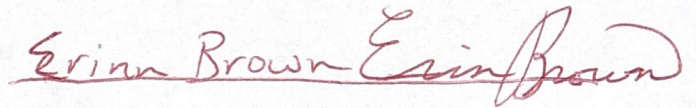

TERESA PAKER


KRISTEN HASH


JANNA DWANERT


JAUR PEREZ


ROBERT HELLEN


ERIN BROWN













Hammer Fence Variance

July 15, 2025

The Hammer Family

Mike

Trina

Evelyn (17)

Cathryn (14)

Haddie (13)

Ruby (10)



Noel

Our 3 year old, very active Weimaraner!



View in 2017 when we moved in



Safety, Security, Privacy

- Four ft chain link fence and shrubs offered no deterrence or privacy
- WP fence guidelines would not allow a viable replacement
- No restrictions on plant barriers, so we put in bamboo for some privacy
- Our growing girls, their friends, and our dog are often in backyard
- Still need deterrence from bad actors, harassment and unsolicited attention
- Our dog loves to annoy every person or pet walking by chain link fence
- A simple six foot privacy fence would give peace to passers-by and provide the safety, security and privacy we desire.

Current bamboo and residual exposed areas



(Cont)... safety, security, privacy



All of yard visible from outside...safety, security, privacy



(Cont)...safety, security, privacy



(Cont)...Canine Nuisance



disheveled and fragmented



Vs more attractive wall along our property (and neighbor's)



Unnecessary Hardship from Zoning Code Enforcement

- Our property is a peculiar double lot with a long stretch of backyard that is exposed to cars, cyclists, pedestrians and city workers along Temple Trail.
- We are deprived of privacy on our own property, which our neighbors commonly enjoy.
- This lack of privacy is a safety/security issue for our 4 daughters and others, something the city should not take lightly.
- Our peculiar lot and its exposure are not a result of any actions we have taken. It was an inherent attribute of the property at purchase.
- We will not be gaining any special privilege thru this variance that is denied to others in our same zoning district, and there will be no nonconforming use of the neighboring land/structures.

Why current permit guidelines would not suffice:

- A 3 foot fence would be shorter than the current fence.
- Our dog would easily jump the 3 foot fence and likely get hit by a car.
- A fence set back 10 feet from our property line would cut out a large portion of our backyard, decrease the value of our home, look aesthetically awkward (with bamboo on the outside), and would require relocating the deep well irrigation pump and cutting down 2 large oak trees.

Closing Thoughts

- Our neighbors have signed in support of a six foot fence with regard to privacy and aesthetics.
- The new fence would run along our current fence line and thus would not impair the visibility of drivers/cyclists or interfere with pedestrians in any way.

Thank you for your time and variance consideration. Thank you for caring about our right to privacy as a family, the safety/security of our children and their friends, and the appearance of our neighborhood.