

From: [COREY DANIELS](#)
To: [Kelly Ferraiolo](#)
Cc: [Corey](#); [Luisa Pichardo](#)
Subject: Daniels Pool Fence Barrier Seeking
Date: Tuesday, December 6, 2022 6:23:32 PM
Attachments: [Daniels Pool Fence Barrier .pdf](#)
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Re: Pool Barrier Fence

In 2020, I, Corey Daniels (Owner) had to remove the old screen enclosure due to deterioration (over 30 years old). My homeowner's insurance immediately requested that I install a permanent barrier around the pool; I was told a kiddie fence would not be acceptable. I wanted to install an ecstatically pleasing fence.

I was not aware that a permit was required at the time. During the construction of the subject fence, I did request from the City Building Department - the pool barrier requirements/guidelines (see dated email thread and packet). The subject fence has been constructed for over 2 yrs. The subject fence was constructed to code with exception of the climbable height (distance from the top of bottom rail to the top of top rail). The current climbable height is 42 inches but calling for an adjustment to 45 inches per permitting dept. The adjustment simply involves adding a cedar 4x4 to the top rail (see pic).

On 11/2022, I received a violation notice from the code enforcement (Ms. Stahl) stating that my fence was installed without a permit and that I needed to apply for a permit. Upon receiving the violation notice, I immediately drove up to the building dept. to inquire about getting a permit.

While speaking to one of the staff members in the City, I learned that the subject fence deviated from the list of approved fences impart. I was told that I would have to apply for approval through the Architectural Review Board.

POOL FENCE/GATE SPECIFICATIONS:

Dimensions:

The existing dimensions of the Pool Barrier fence consist of 3 sides and 2 single gate openings on north and south sides:

-South side: 33'-8" W x 48" H

-West side: 62'-9" W x 48" H

-North side: 27'- 7 1/2" W x 48" H (north Side 110 feet from - Face Right Way)

-North side gate: 48" x 36"

-South side Gate: 48" x 36"

-Gate railings: Wood cedar/Aluminum black/3/4 round pickets

-6 feet panel sections

-The fence posts consist of 4"x4" cedar post

-The fence/gate aluminum pickets spacing measures 4 inches spacing per code

Framing - Two Rail Fence/Gate Structure:

-Wood 4"x 4" Posts (Vertical)

- Wood Horizontal Railing (Top and Bottom)

-The subject fence/ gate construction/frame is consistent with the ARB 2 rail picket fence construction.

Fence / Gate Materials:

The Pool Barrier fence consists of a combination of both wood and aluminum construction/material which is consistent ABR approved Materials.

-All Wood Railing: Cedar

-Pickets: 3/4" - 3/4 round black aluminum Baluster Textured Matte

Fence / Gate Colors:

Fence /Gate colors are consistent with ARB approved colors.

-Wood Railings: Behr stain product - Clear #400

-Aluminum Pickets: Black in color

-Solar Light Post Caps: Black in color

-Post Lighting: Black in color

Fence Lighting:

The fence lighting consists of black vinyl 4x4 post caps solar lighting and black metal lighting. Metal post light sits every 3rd post 2 feet high from ground level. All material and color (Black) are consistent with ABR approved colors.

-Post Caps: Black Vinyl

-Post lighting: Black Aluminum

Fence Height:

The overall fence height (Top of Top rail to Ground) is 48" inches. An adjustment is calling for 4" inches increase/adjustment in height due to the climbable 45 inches height requirements. The current climbable height is 42 inches. Once the 4 inches adjustment is made, the overall fence height will be 52" inches which is consistent with ABR Approved height of 4ft to 6ft height.

Description of Fence Location:

The Pool Barrier Fence is located 95% directly behind Owner's home structure (west of the home structure). Southside of pool barrier sits 120 feet off property line shared by neighbor directly south of the subject fence and separated by 8 feet Podocarpus hedge that runs the length of the shared property line. The west side of subject fence sits 19 feet off shared

property line of the neighbor directly West of the subject fence and separated by 50 feet tall Eureka Palms that run the length of the shared property line. The north side of the fence sits 110 ft from right of way partial hidden from view: approximately 15 feet section visible from right of way.

From: [COREY DANIELS](#)
To: [Kelly Ferraiolo](#)
Cc: [Corey](#)
Subject: Justification Statement - Daniels Pool Barrier Fence
Date: Wednesday, December 7, 2022 2:44:50 PM

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Justification Statement:

1.) Yes, the Proposed request is consistent with the purpose, goal, objectives, and policies of the comprehensive plan.

2.) No, The Proposed request is not in conflict with any portion of Wellington's LDR. Yes, the requested is consistent with the purpose and intent of the LDR.

3.) The proposed request is compatible with existing uses (Permanent Pool Barrier Fence). Yes, the subject site is appropriate for the site and surrounding area. The subject Pool Barrier Fence serves to protect from unauthorized use of pool by immediately surrounding the pool; less fence exposure than the full yard fence (smaller immediate area). 95% of the subject fence is tucked away from view - immediately behind the owner's home (surrounded by 8 feet and 50 feet hedges); The other 5% is tucked away 110 feet from the right of way shadowed by 4 feet landscape hills in yard and 50 feet hedges that partially hide that certain north side. The subject fence is aesthetically pleasing and does not detract from the surrounding area. The subject fence has been constructed for over 2 years and has received compliments from neighbors (so they never knew there was a fence behind home).

4.) Yes, the proposed request is consistent with Wellington's neighborhood aesthetics. The subject fence is aesthetically pleasing and does not detract from the surrounding area. The subject fence has been constructed for over 2 years and has received compliments from neighbors (so they never knew there was a fence behind home). The subject fence does possess approved material (Wood and Aluminum), Colors (Clear cedar wood stain and black round Baluster/pickets), and overall height measure is 48 inches which is lower than the allowed 6 feet. The immediate neighbors liked that the owner did not enclose entire property off from the neighborhood.