

# 12145 Big Cone Court Alternative Design

# STAFF REPORT

**Petition Number(s)/Types:** 2023-0007-ARB

**Property Owner/** Daniel Ballinger and Kirby Lloyd  
**Applicant:** 12145 Big Cone Court  
 Wellington, FL 33414

**PCN(s):** 73-41-44-02-03-005-0380

**Future Land Use Designation (FLUM):** Residential D

**Zoning Designation:** Planned Unit Development (PUD)

**Acreage:** 0.29 Acres

**Request:** The owners are seeking Architectural Review Board (ARB) approval of an alternative design for an existing 12'x24' solid flat roof detached wooden shade structure that does not match the design of the principal structure.

**Project Manager:**  
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Adjacent Property	FLUM	Zoning
North	Residential D	PUD
South	Residential D	PUD
East	Residential D	PUD
West	Residential D	PUD

## **Site History and Current Request:**

The subject property is located at 12145 Big Cone Court within the South Shore No. 4 subdivision. The property was purchased by the applicant in 2022. The property consists of a single-family residence that was built in 1980, pool, and a detached shade structure. The shade structure existed when the property owner purchased the property in 2022. The date of installation of the structure is unknown.

The owner applied for building permit to replace a concrete paver deck (BP22-4945). Upon review of the permit, it was discovered that a building permit was not issued for the existing shade structure. The applicant then applied for a permit for the shade structure (BP22-6003), however it was returned by Zoning as it didn't meet the required setbacks and due to the size, did not match the materials of the principal structure. The owner has since applied for an Administrative Variance to allow for 14 inches (13%) reduction to the side setback. The application is currently in review and is awaiting ARB review of the alternative material request prior to approving the Administrative Variance.

## **Staff Analysis:**

Per Section 6.4.4.A.2 of Wellington's LDR, accessory structures such as freestanding garages, cabanas, or accessory dwellings, shall match the colors and materials of the principal structure. Any alternative design shall require ARB approval for aesthetic compatibility.

The approval of a 288 square foot solid roof detached wooden shade structure would not be injurious to the neighborhood as the structure is already existing and was constructed prior to the current owners purchasing the property in January 2022. No complaints have been received since the structure was constructed. Google Images show the structure existing in 2020. The structure is completely screened from the right-of-

way by a wooden fence and vegetation. In addition, the structure is parallel to the pool, so at the furthest point, the structure is setback over 18 feet from the side property line. The overall height of the structure is 12 feet to the roof peak, and 9'8" to the top of beam.

The proposed request is the minimum alternative needed to accomplish the aesthetic look the owner is attempting to achieve and would cause little to no visual effects on the neighboring properties as it is completely screened from view as noted above. The existing principal structure is constructed with stucco siding and an asphalt shingle roof. The shade structure is constructed of a metal roof with wooden posts. Although the structures do not match the principal structure, the structure resembles pre-fabricated shade structures that are usually purchased from hardware stores and are installed throughout properties within Wellington. The owner also had to hire an engineer to draw up plans for the existing structure for the building permit. The owner agreed in the Justification Statement provided that when the principal structure is reroofed, they will ensure the two structures roofs match.

**RECOMMENDATION:**

Staff recommends approval of Petition 2023-0007-ARB to allow an alternative design for a 12' x 24' solid roof detached wooden shade structure that does not match the design and materials of the principal structure, but is compatible with the character of the residence located at 12145 Big Cone Court, with the following conditions of approval:

1. An opaque fence and a hedge/landscaping along the north, east , and west property line is required and shall remain in place as long as the shade structure exists. The hedge shall be maintained at a height of eight (8) feet to screen the structure from view.
2. The approval is for 12' x 24' detached solid roof shade structure only. Any modification to the shade structure that increases the size or changes the alternative design and does not meet the requirements of the LDR would require ARB approval.
3. At the time the principal structure gets reroofed, the principal structure and shade structure roofs shall match.
4. The owner shall obtain all necessary permits for the shade structure.

**Exhibits:**

Exhibit A	Survey
Exhibit B	Existing Site Conditions
Exhibit C	Existing Shade Structure Engineered Drawings
Exhibit D	Justification Statement