

Exhibit D - Justification Statement

JUSTIFICATION STATEMENT

March 29, 2023

12145 Big Cone Ct

Wellington, FL 33414

Owner: Daniel Ballinger & Kirby Lloyd

To Whom It May Concern:

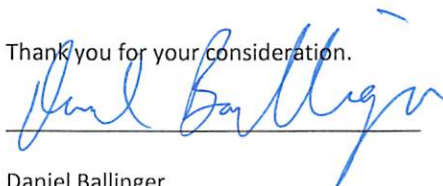
1. That special conditions and circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, structures, or buildings in the same district.
 - a. The prior owner of 12145 Big Cone Ct built a gazebo without any permits or inspections, and without disclosing it to us when we purchased the home. It was discovered that it was unpermitted while we were doing the right thing, which is pulling permits to redo our pool deck. That special conditions and circumstances do not result from the actions of the applicant.
2. That special conditions and circumstances do not result from the actions of the applicant.
 - a. The prior owner completed this work without a permit, and no knowledge of this was provided to the current owner at the time of their purchase.
3. That granting the variance request will not confer on the applicant any special privilege that is denied by the Comprehensive Plan and Zoning Code to other lands, buildings, or structures in the same zoning district.
 - a. This does not give any special privilege as other properties have been issued the administrative variance for reduced setbacks.
4. That literal interpretation and enforcement of the provisions of the LDR would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the LDR and would work an unnecessary and undue hardship.
 - a. The gazebo was in place and existing when the property was purchased by the current owner. It is enjoyed by the family on a daily basis. It only became an issue when we started pulling permits for re-doing the patio deck and were unaware of the situation.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - a. We are only requesting 1'1 1/2" which is only a 13% reduction when the code allows for a 15% reduction
6. That the granting of the variance is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and the LDR.
 - a. Granting of the variance is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and the LDR.
7. That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - a. This structure is screened from view in the rear of the property.

We have already spent thousands of dollars getting an engineer to come look at it, draw up plans, surveys etc. to again, be able to do the right thing and permit the structure.

The gazebo currently has a metal roof, and the home has a tile roof. The home is stucco, and the gazebo is built with all exposed wood. We are requesting the ARB to allow the gazebo to remain as it is aesthetically. Changing the roof to tile would be a large cost because it is so small, we would incur minimum charges; that's if we are even able to find a roofer willing to take on such a small job. Reroofing our main house would be very expensive and we are not able to do so at this time.

We propose that when our roof needs to be replaced, we can replace the gazebo at the same time to ensure the materials are a perfect match. We ask that you please allow us to leave the gazebo as is with its current materials. We have a 6' wood privacy fence and the gazebo cannot be seen from the road, so it does not disturb the aesthetics of the overall neighborhood and Village of Wellington.

Thank you for your consideration.



Daniel Ballinger



Kirby Lloyd