



**STAFF REPORT  
PLANNING & ZONING DIVISION  
November 28, 2018**

**ARB Number:** 18-102 (ARB 18-019)

**Project Name:** 1819 Moonflower Circle Alternative Design Standard

**Owner/Agent:** Marcelle Coicou  
1819 Moonflower Cir  
Wellington, FL 33414

**PCN:** 73-41-44-04-01-078-0160

**Existing Zoning:** AR/SE/PUD

**Future Land Use Designation:** Residential "D"

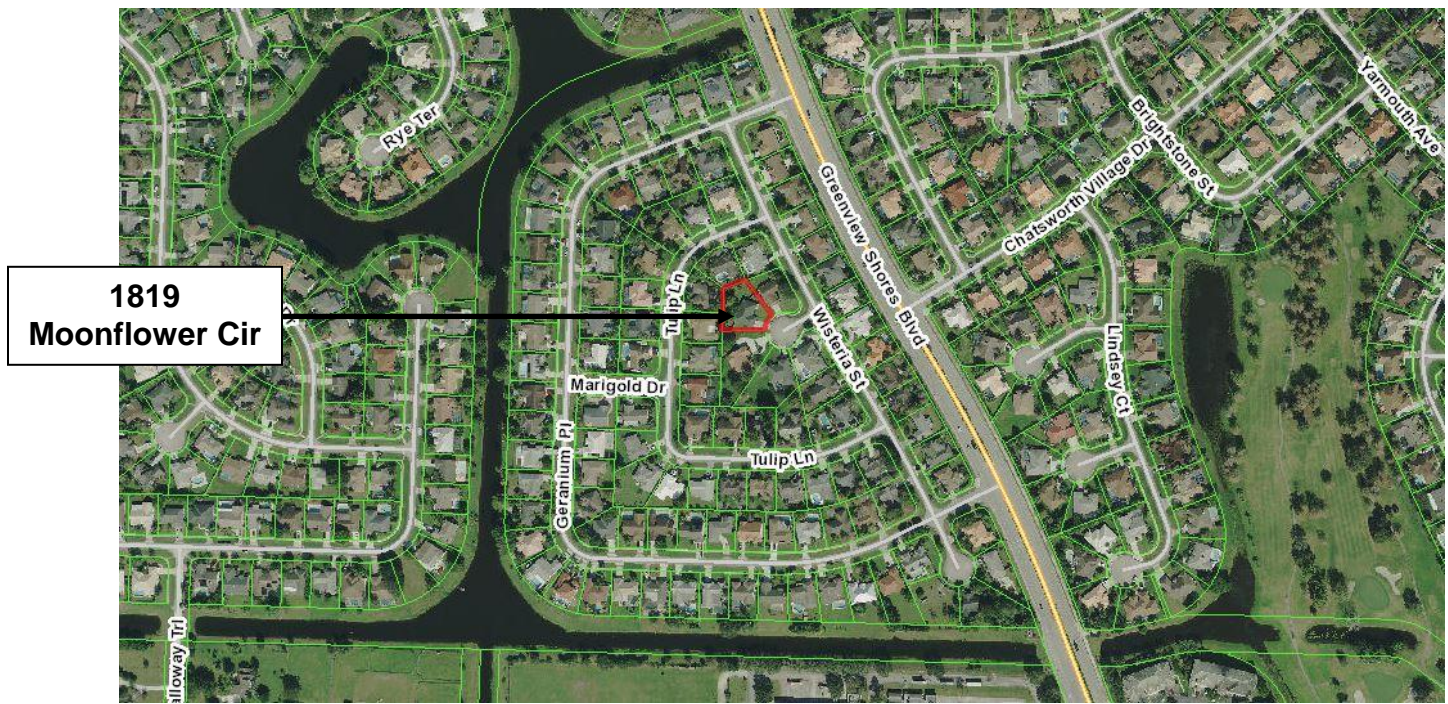
**Project Manager:** Branden Miller, Planner

**REQUEST:**

Marcelle Coicou, owner, is seeking Architectural Review Board (ARB) approval for an Alternative Design Standard at 1819 Moonflower Circle to allow approximately 75 linear feet of six (6) foot high white PVC privacy fence to enclose the back yard.

**LOCATION AND VICINITY:**

The property is located at 1819 Moonflower Circle, more specifically in the Sugar Pond Manor Subdivision in the cul-de-sac west of Wisteria Street and east of Tulip Lane.



### **BACKGROUND:**

The owner purchased the property on November 30, 2009. On October 23, 2017, the owner hired the neighbor's son to replace the fence which had been damaged by a hurricane. The neighbor's son presented the owner with a permit application which she signed and notarized, and was then under the impression that the fence installation was approved and permitted by the Village of Wellington. After the fence was installed, the owner received a letter from the Village of Wellington Code Compliance department on June 26, 2018 issuing her a stop work order for the white PVC fence. After the owner realized the fence application was never submitted, she decided to apply for a permit herself. On August 29, 2018, Building Permit #18-4063 was then submitted to complete the installation of a six (6) foot wood fence to enclose the backyard, and connect to the existing six (6) foot white PVC fence (Exhibit A). The fence was installed to replace the existing wooden fence which was damaged.

At the August 21, 2013 ARB meeting, the Board removed white colored PVC fence material from the Approved Fence Designs and Materials list.

The applicant applied for an Alternative Design Standard for 1819 Moonflower Circle on October 10, 2018 to allow approximately 75 linear feet of six (6) feet white PVC fence to enclose the backyard.

### **STAFF ANALYSIS:**

The ARB has the authority to review and adopt alternative designs, materials and colors for fences. The height of the existing fence complies with the Village fence standards Article

6.6.4. As previously stated, the white PVC fence color was removed from the Wellington ARB Approved Fence Designs and Materials at the August 21, 2013 ARB meeting.

The property is located at 1819 Moonflower Circle, more specifically in the Sugar Pond Manor Subdivision in the cul-de-sac West of Wisteria Street in the Moonflower Circle cul-de-sac (Exhibit B). The replacement of the existing white PVC fence would create undo financial hardship to the owner. Photographs of the existing fence are shown in Exhibit B.

A five (5) foot privacy wall, approximately fourteen (14) feet in length, exists on the east side of the home which significantly obstructs the view of the white PVC fence. On the west side of the home, a three (3) foot knee wall also helps to shield the white PVC fence from view. Hedging would be required for the fence (approximately 35 linear feet not including the gate) that faces the right of way. Staff recommends requiring installation of a tall hedge such as areca palms that would grow quickly and would screen the fence within a few months. The proposed hedging will reduce the visibility of the white fencing.

#### **SEC 6.5.19.D- CRITERIA FOR ALTERNATIVE DESIGN AND DEVELOPMENT:**

From Development Standards of Section 6.5.19.E and 6.5.19.F. Alternatives may be allowed by the Architectural Review Board for buildings and structures that do not meet the minimum development standards if:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.

This property is located in a cul-de-sac with four (4) other homes and no thru traffic. Not only will the fence rarely be seen, another homeowner in the cul-de-sac also has a white PVC fence (Exhibit D).

- b. The approval of alternative development standards will be consistent with the general intent and purpose of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This property is located in a cul-de-sac and has homes surrounding it on the sides and rear. The only portion of fence visible from the right of way is approximately thirty five (35) linear feet of white PVC fence. This can be screened from view with hedges.

- c. The approval of alternative development standards, if granted, is the minimum alternative that will make possible the reasonable use of the land, building or structure.

A brand new fence with well-maintained hedges offers privacy and security for the homeowner, as well as uniformity to the rest of the community as many homes have fences that are screened with landscaping and hedging.

#### **RECOMMENDATION:**

Staff recommends approval of Petition 18-102 (ARB 18-019) Alternative Design Standard at 1819 Moonflower Circle to allow approximately 75 linear feet of six (6) foot white PVC fence with the following conditions of approval:

1. The alternative fence design shall be maintained in good order and repair and shall be subject to the standards of Section 6.6.4 of Wellington's LDR.
2. A building permit is required.
3. Areca palms shall be placed every two feet on center at a minimum height of 36 inches upon planting for all fencing facing Moonflower Circle.
4. Replacement of the fence in the future would require use of ARB approved materials and colors.
5. Any changes to approved materials or colors without approval of the ARB will result in delay and/or denial of a building permit final.



# Exhibit A – Existing Fence Location

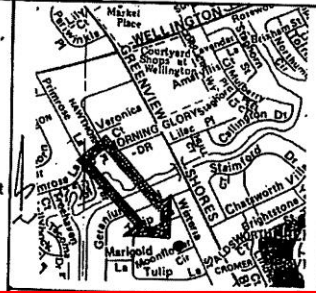
**Certified To:** Jorge I & Alicia Alvarez; Countrywide Home Loans, Inc., its successors and/or assigns; Benchmark Title Agency Inc.; Commonwealth Land Title Insurance Company.

**Property Address:** 1819 Moonflower Circle, Wellington, FL.

**Flood Zone:** "B" (FIRM 120192-0100B 10-15-82)

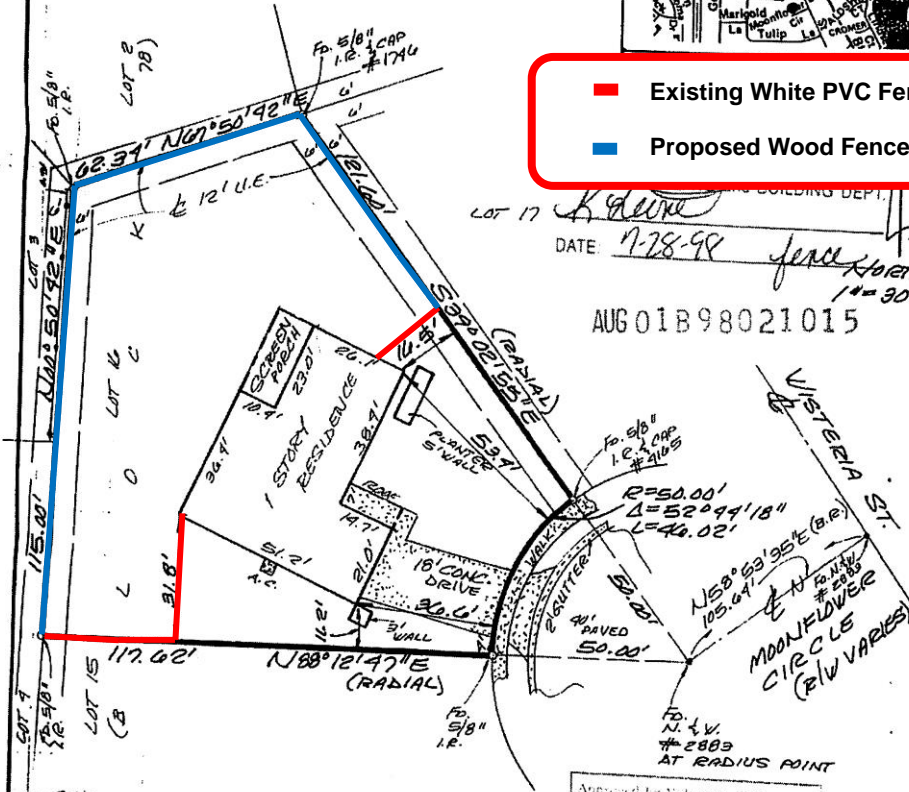
## Description:

Lot 16, Block 78, SUGAR POND MANOR OF WELLINGTON, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 30, Page 20.



■ Existing White PVC Fence

■ Proposed Wood Fence



DATE: 7-28-98  
AUG 01B98021015

- 1) Lands shown herein were not characterized by this Office for easements, rights-of-way, ownership or other limitations of record. This survey does not reflect or determine easements.
- 2) No underground improvements located unless shown.
- 3) All bearings and distances shown herein are as measured unless otherwise noted.
- 4) This survey is valid in accordance with F.S. 402.7842, for 90 days from survey date.
- 5) Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Surveyor, this instrument is for informational purposes only and is not valid.
- 6) This form "Certificate of Authentication" number is "TD 312".

<b>LEGEND</b>		
CLC - CALCULATED	FF - FINISHED FLOOR	BR - BEARING REFERENCE
CB - CONCRETE BLOCK STRUCTURE	FO - FOUND	ORB - OFFICIAL RECORD BOOK
CL - CENTERLINE	IP - IRON PIPE	PS - PLAT BOOK
CM - CONCRETE MONUMENT	IR - IRON ROD	PC - POINT OF CURVATURE
CONC - CONCRETE	IR & C - "N" IRON ROD W/ PLASTIC CAP	PCP - POINT OF COMPOUND CURVATURE
DE - DRAINAGE EASE	L - ARC LENGTH	PCC - PERMANENT CONTROL POINT
DF - DRAIN FIELD	MEAS - MEASURED	PDB - POINT OF BEGINNING
EE - AERIAL UTILITY WIRES	M&T - NAIL & TIN TAB	PDC - POINT OF COMMENCEMENT
EASE - EASEMENT	N&W - NAIL & WASHER	PRC - POINT OF REVERSE CURVATURE
ELEV - ELEVATION	N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM	PRM - PERMANENT REFERENCE MONUMENT

I HEREBY CERTIFY this survey meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

## BOUNDARY SURVEY

SCALE: 1" = 30'  
OR: J.A.R.  
FIELD: D.E.  
DATE: 5-28-98

**MILLER LAND SURVEYING**  
1121 LAKE AVE.  
LAKE WORTH, FLORIDA 33460  
561-586-2669

Robert A. Buggee  
Registered Land Surveyor, Florida Certificate No. 43302

REFERENCES  
541/38  
JOB NO.  
98-015-92  
S-27,079

**Exhibit B – 1819 Moonflower Cir**

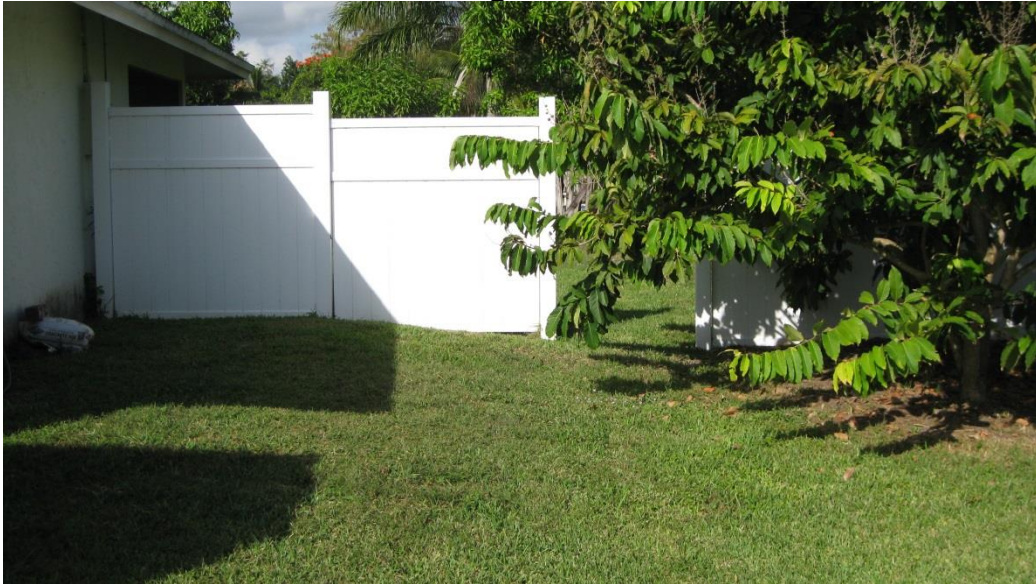




**Figure 1**



**Figure 2**



## Exhibit C - Justification Statement

Wednesday October 24<sup>th</sup> 2018

To whom may be of concern

On October 23<sup>rd</sup> of 2017 I had my neighbor's son begin to install the fence. This was due to the devastation that the hurricane left on my property. The fence had to be completely replaced. He quoted me 4,400 dollars to complete the task that included purchasing the materials and labor. Under the agreement he did present me with the permit application which I signed and had notarized, after which I returned to him so that he could have it filed with the village of Wellington. At that point I assumed that the permit had been approved and he began to do the work necessary to put up the fence. It wasn't until I received a letter from the village of Wellington citing a code compliance violation that I realized that he never filed the application for the fence. At that point I confronted him as to why the permit application was never given to the village of Wellington and he stated "that he gave it to his partner John to fax it over". It was at this point that I decided to submit the permit application for the fence myself. I also discovered that he installed the fence in the wrong color pursuant to the village of Wellington code. The fence meets the purposes, goals, objectives, policies of the Comprehensive Plan. The fence is not in conflict with any portion of Wellington's LDR while also being consistent with it's intent and purpose. The fence is compatible and consistent with all zoning use for site and surrounding area. The proposed fence is consistent with Wellington neighborhood aesthetics

Thank you for your understanding,

Marcelle Coicou  
1819 Moonflower Circle  
Wellington FL, 33414  
(561)-307-3806



## Exhibit D – Properties with Existing White Vinyl PVC Fences

