

FENCE ISSUES

To: Indian Summer Homeowners Association Residents
From: Indian Summer Homeowners Association Board of Directors
Re: Indian Summer HOA Fence Issues

The Board of ISHOA has heard from a number of homeowners who have questions about the rules for fences in Indian Summer. Given some misunderstandings that apparently are out in the Community, we want to take this opportunity to communicate how fence applications work and what the standards are for fences. We live in a lovely community and appreciate the efforts of you, our homeowners, who make this a great place to live. The Board is committed to supporting the standards that provide the backbone of the appearance of our community and support our property values.

The Architectural Review Board (ARB) is a group of five resident volunteers whose sole purpose is to implement the provisions of our CC&R's and preserve the excellent quality of our community. They are doing their very best to accommodate all resident improvement requests in a timely and responsible manner.

With respect to fences, under section 4.15 of our CC&Rs, any homeowner must get approval from the ARB prior to constructing any fence. If a homeowner's lot borders on a golf course fairway, green or tee, under section 4.08, there is a further 30 foot set back requirement. Under section 4.15, the ARB has discretion to approve or disapprove fences. This includes authority to conditionally approve a fence proposal. That is, the ARB can approve some parts, and disapprove other parts, of a particular fence proposal. The CC&Rs contain standards the ARB applies in reviewing a fence proposal. Section 4.15 says that fences are to be constructed in a good and workmanlike manner of suitable materials, are to be artistic in design and are not to detract from the appearance of any adjacent improvements. Section 4.04 adds that the ARB must consider such things as the harmony of the external design, location, building footprint and appearance in relation to surrounding structures and topography.

Under this authority, one of the factors that the ARB has applied in considering fence applications is our community standard of openness along our community streets. We have wonderful landscaping that makes our community attractive. Front fences can interrupt that look and feel. Another factor is safety to golfers, pedestrians, bikers, and drivers. Visibility can be an issue and fences right along sidewalks can pose a safety risk to bikers or persons walking along the sidewalk who might fall on the fence. For those and other reasons, the ARB generally has not approved fences that abut up against a sidewalk.

Retaining walls that promote landscaping in areas where natural sloping might otherwise make landscaping difficult do not impair the feel of openness in the same way fences can. There are cases in Indian Summer where there may be retaining walls close to or along a sidewalk. In those cases, there is generally either a 10 foot swale set back from the street that keeps the feel of openness, or the wall is low and graded into the landscaping in such a way that the openness is not compromised or there may be other circumstances that come into play.

We have heard from residents of Stonehaven that they have been told that under this standard, the fence behind their homes along Prestwick may have to be moved. This is

untrue. That fence was built by the developer to enclose a sub community within Indian Summer. It also does not abut the sidewalk and is landscaped.

In short, the ARB has worked to preserve the feeling of openness in our community and avoid the view of fences along sidewalks as you look down our streets. Approved fences have generally required setbacks so that the fence runs along the side and back lines of a lot and does not come further forward than the front of the home. The fences in Port Steward are a good example of this. This standard is typical in many nicer developments.

It is easy to apply for approval of a fence and we all appreciate the reasons why some homeowners want them. As long as the CC&R standards as applied by the ARB are complied with, fences will be approved, or will be approved subject to conditions to insure that they comply with our standards.

If you have any questions, please do not hesitate to contact any board member or member of the ARB.