

Wilson Farm HOA Board

Fence Guidelines

Effective date: October 15, 2012

Revision: 1.0

As more residents construct fences, there will likely be more requests to eliminate the 'alleyway' between adjacent fences by encroaching onto a neighbors lot to attach to their fence. This presents several issues such as the potential for disputes between subsequent owners.

The board has held discussions regarding the pros and cons of Architectural Requests (AR) that incorporate a neighbors existing fence and has come up with the following guidelines for approval:

1. The fence meets the covenant requirements as to materials, etc.
2. The fence complies with all local building codes.
3. The fence incorporates the house or a utility building (of 80 or more square feet) as a part of the fence.
4. If the fence crosses a property line to attach to an adjacent fence:
 - a. The encroachment must be five (5) feet or less
 - b. The neighboring lot owner must supply a letter acknowledging
 - i. their approval of the encroachment
 - ii. assumption of the liability for the portion of the fence on their property
 - iii. their agreement that disputes regarding ownership, liability, maintenance, etc. are strictly between the lot owners
 - c. The owner must supply a letter acknowledging
 - i. their responsibility to construct a replacement 'leg' on their property in the event the adjacent fence or encroaching portion is removed or if a subsequent owner objects to the attachment
 - ii. their agreement that disputes regarding ownership, liability, maintenance, etc. are strictly between the lot owners.

If the AR meets these conditions then it will be approved with the understanding that the AR Committee/Board has no authority to approve encroachments of one owner onto another owner's lot and subsequent disputes regarding ownership, liability, maintenance, etc. are entirely between the lot owners.

The neighboring lot owner will be provided copies of the AR and notified of the final disposition.