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## **Garden Appurtenances and Fences**

Adopted October 15, 1992

### **INTRODUCTION:**

The Conditions, Covenants and Restrictions for San Lorenzo Village Homes Association control the placement of Garden Appurtenances and Fences. Prior board policy followed the provisions of the CC&Rs, including the absolute prohibition on extending fences past the front or side line of a house. In the past few years we have had numerous requests, particularly from homeowners on corner lots, requesting a variance from the CC&Rs. Most of these requests are to allow a homeowner to expand their backyard for their children and/or privacy and security reasons. However, based on advice from our attorneys, the Board did not believe they had the authority to grant any variance. In the past, there have been several court decisions regarding enforcement of the CC&R's in similar circumstances. As a result, our attorney advised us that the Board may now consider reasonable requests for variances from these restrictions.

### **DEFINITIONS:**

**FENCE** - A fence is any structure constructed for the purpose of enclosing land that is closed a one or both ends including gates, or other closeable openings, and attached to a dwelling.

**OPEN FENCE** - An open fence is one in which similar parallel components (rails, pickets, fence boards, diagonal rails, etc.) Are no less than two (2) feet apart.

**CLOSED FENCE** - A closed fence is one in which similar parallel components are less than two (2) feet apart.

**GARDEN APPURTENANCE** - Garden appurtenances are structures, fences, plantings, walls, walkways, driveways, or other decorative elements in the front or side yard of a lot which are not attached to the dwelling, or any other structure. Carports or driveway covers are not garden appurtenances and must be approved in accordance with the board policies for such structure.

### **POLICY:**

1. Plans must be submitted in duplicate in accordance with the CC&Rs. A copy is returned to the owner and a copy is retained for the association's records. Any plans submitted for approval must be consistent with these guidelines and all appropriate ordinances of any local jurisdiction.

Each design and application is treated separately. As stated in the CC&Rs, approval of a particular design or plan for a lot does not constitute or imply acceptance of the same or similar designs or plans on other lots.



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2. CC&Rs state that garden appurtenances shall be set back ten (10) feet from the street line. Under certain circumstances, the Board may grant a variance for the setback of structures that are "open fences" and do not exceed three (3) feet in height.
3. The CC&Rs currently state that fences exceeding three (3) feet in height, whether open or closed, may not be erected, placed, or maintained on any lot between the front street line of such lot and the front line of the dwelling originally constructed on such lot by Declarant, or between any side street line of such lot and the nearest side line of such dwelling. However, due to recent court decisions, the Board believes it may permit some variance to this policy if to do so would promote or protect privacy, utility, or safety and would not unreasonably interfere with the rights, safety, or interests of other owners. No variance permitted by the Board, however, may allow a fence exceeding three (3) feet in height to be set back from any side street line less than fifteen (15) feet, or to extend beyond the front line of the dwelling.
4. Neighbor Approval: In cases where the Association determines the adjacent and surrounding neighbors will be substantially or materially affected by the improvement, it will require their review before final approval of plans.
5. No fence, including fences which are wholly or partly constructed of lath, may exceed six (6) feet in height.
6. Materials which are not acceptable for garden appurtenances or fences include, but are not limited to: chicken wire or other wire fencing; spiked, pointed, or otherwise dangerous materials; chain link fencing; materials not appropriate for outdoor use; plastic of any kind; and materials not of a permanent nature.
7. Fences shall be permanent in nature. No temporary fencing, including, but not limited to barricades, or fences conducted of unusual materials, will be permitted.

For an application call: 510-276-4554 or visit our website at: [www.slvha.com](http://www.slvha.com).

Adopted by the San Lorenzo Village Homes Association Board of Directors on October 15, 1992

Certified as a true copy

A handwritten signature in cursive script, appearing to read "Alan W. [unclear]".

Secretary of the Corporation