

## Variance Guidelines for Fences on Rear Down-Slopes

Section III G 3 b "Rear Yards" of the PC&R states:

In no event, shall rear yard fences be permitted except on the pad level; rear yard fences are specifically prohibited within the Maintenance District Easement.

Over the years, a number of owners have constructed rear yard fences on the slopes. It is uncertain how many of the fences have actually been approved by the HOA. The HOA continues to receive requests to place fences on these slopes. The most common reason for these requests is a desire to have a rear yard fence that does not block the owner's views. The concerns with these fences are that they can block neighbor's views or are not aesthetical pleasing.

All fences on slopes require a variance and Board approval. The following guidelines are offered to provide a consistent framework for the Board of Directors that decided to grant a variance.

1. Fences on the HOA maintained slopes will only be allowed on parcels that have down slopes at the rear of the property that is owned by the party applying for the variance and that are not visible from any street.
2. Fences on the HOA maintained slopes will only be allowed if all neighbors that can see the fence approve.
3. Fences on HOA maintained slopes shall not be placed lower than 25' from the top-of-slope.
4. The fence shall not be higher than 72".
5. Only split rail, chain link, wrought iron style, and other fencing that do not block views will be allowed.
6. Fence on HOA slopes must have at least a 3' wide gate to allow HOA maintenance crews access to the fenced slope.
7. The fence shall be screened with vegetation as much as possible.
8. Only HOA approved plants will be allowed in the fenced sloped area. The property owner will be responsible to water and maintain the area to the satisfaction of the HOA.
9. The owner must pay any cost associated with moving the HOA sprinkler system out of the fenced area.
10. The owner must sign an agreement and have it recorded with the County of San Diego that if these conditions are not maintained the fence will be removed and the area will revert to HOA maintained slopes. All cost to remove the fence and reestablish the HOA sprinkler system will be the responsibility of the owner.