

# **Beneva Pines Subdivision**

## **Interpretation of Fence Requirements**

**August 9, 2014 - Beneva Pines Homeowner's Association Board of Directors**

### **Introduction**

The "Amended and Restated Declaration of Covenants and Restrictions of Beneva Pines" document, dated July 14, 2005, states:

#### **ARTICLE VI, Use Restrictions:**

7. Walls, Fences, and Hedges. No wall, fence, or hedge shall be built or maintained in the front yard of any Lot, which for this purpose shall mean the area from the street up to the front edge of the residence on the Lot. Fences, walls, or hedges up to six (6) feet in height may be permitted along the rear lot lines of Lots located on the outer boundary of the Subdivision but not on interior lot lines bounding Lots in the Subdivision and not around the lake. Hedges and shrubs may be permitted along interior lot lines. In no event shall chain link fencing be permitted anywhere in the Subdivision. All fences, walls, shrubs or hedges permitted by this provision must be submitted to and approved by the Association as required elsewhere in this Declaration. The Association may construct and maintain a wall or hedge up to eight feet in height along the west boundary of the Subdivision (hereinafter the "Beneva Road Wall"). The Beneva Road Wall shall be maintained by the Association in good condition and appearance. The Association shall have an easement across each lot as is reasonably necessary to permit the construction and maintenance of the Beneva Road Wall. No owner shall alter the appearance or structure of the Beneva Road Wall. No wall, fence or hedge shall be maintained in such manner as to be unsightly.

### **Background**

Prior to 2005, the original Beneva Pines Covenants and Restrictions documents were ambiguously worded and difficult to enforce. The Beneva Pines Homeowner's Association (HOA) board worked with an attorney to amend the original Covenants and Restrictions documents. Those documents, dated July 14, 2005, were voted on and approved by the Beneva Pines HOA members.

When the documents were amended in 2005, existing fences were "grandfathered in." This is why some homes currently have fences that are not in compliance with the current Covenants and Restrictions document.

## New Fence Requests

When evaluating requests for new fences, the Beneva Pines board must follow the current Covenants and Restrictions document:

- Fences, walls, or hedges up to six (6) feet in height may be permitted along the **rear lot lines** of Lots located on the **OUTER boundary** of the Subdivision.
- Fences or walls **are NOT permitted** on **INTERIOR lot lines** bounding Lots in the Subdivision.
- Fences, walls, or hedges **are NOT permitted** around the lake.
- Chain link fences **are NOT permitted anywhere** in the Subdivision.

## Grandfathered Fences

As "grandfathered" fences (those along interior lot lines) age, **they may not be replaced**. In other words, "grandfathered" fences that border **interior** lots **cannot** be replaced by new fences. (They may be replaced, per the "Covenants and Restrictions" document, Article VI, paragraph 7, by hedges and shrubs.)