

**TOWN OF FAIRFAX
COUNCIL MEMBER REPORT**

To: Mayor and Town Council

Meeting Date: April 7, 2010

From: Council Member John Reed

Subject: Town Fence Height

There is currently a resurgent interest in Fairfax in gardening, driven by economic and ecological concerns. While rebuilding a fence in front of my property to the same height and in the same place, I was informed by the building inspector that it was out of compliance with the Town ordinance, and I would need to apply for a variance. The existing 4' fence had see-through deer netting extending it to 6'.

Upon discussing it with him and reading the ordinance, and then walking the neighborhood, it became clear that over 80% of properties were in violation, many to achieve the same result I desired, namely keeping deer out of the garden.

With an ordinance so widely disregarded, it begs the question of whether or not it should be modified to reflect the desires of the community, as is evidenced by the multitude of deer netting, arbors, entry ways, gates, hedges, and structures that are not in compliance and in fact give Fairfax much of its desirable character.

While the original intent of the law should not necessarily be disregarded, especially as it pertains to safety issues, modification seems warranted.

The Planning Dept says that they address violations on a "complaint basis" (or when they "notice" something) which leaves Town Staff enforcing potential grudge matches between neighbors and the like, or being perceived as selectively enforcing ordinances. This situation of course is bad for relations as a whole and should be alleviated.

§ 17.044.080 FENCES, WALLS, HEDGES AND BULKHEADS.

(A) A fence, wall, hedge or bulkhead, maintained so as not to exceed six feet in height, may be located along side and rear lot lines; provided that, fences, walls, hedges or bulkheads may be maintained at higher heights only after obtaining a variance from the Planning Commission.

(B) Fences, walls and hedges may be located in required yards as follows.

(1) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, they may be located in any yard or court.

(2) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located at any point to the rear of the front setback line.

(Prior Code, § 17.24.090) (Ord. 352, passed - -1973; Am. Ord. 461, passed - -1979)

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