

MEMO

To: Lana Jobes  
Richard Fawcett  
John Belcher  
Debbie Frazier  
Vincent Martinez

Fr: Gaye Belcher

Date: 09/13/22  
05/10/23

I would like to address the Board of Directors of Forest Glen regarding Article II, Section 10 - Building Location and Article III, Section 10(b) Fences, walls, hedges, or mass planting. The ARC committee and others have informed homeowners that fences must be located **15 ft** feet back from the front sides of any residence. After reading both sections of the covenants, I could not find where the **sides of the residences** are mentioned. What is mentioned is the front **building line of any residence. The Building Line is determined by the Front Lot Line minus the setback footage.** It appears that Article III, Section 10-b has been misinterpreted. The 15 ft. back from the front corners of a home is not correct. The correct measurement would be from the **building line.**

In Article II, Section 10 of the CC&R's clearly states that a building cannot be located on any lot nearer than 25 ft. from the **Lot Line.**

Florida Code defines a **lot line** as "**A line dividing one lot from another, or from a street or any public place.**"

In Article III, Section 10b of the CC&R's clearly states "No fences, walls, hedges or mass planting of any type shall be built further forward on a Lot than fifteen (15) feet behind the front **Building Line** of any residence..."

Florida Code defines a **building line** as "**The line established by law beyond which a building shall not extend, except as specifically provided by law.**"

According to the Florida residential building code, a **Lot Line** and a **Building Line** are two different lines. The developer of this community wrote in the CC&R's that the building line for a residence is 25 ft. from the **Lot Line.** For purposes of simplicity, the **lot line** I will discuss is the left **Front Lot Line** corner pin to right **Front Lot Line** corner pin. The front easement is not included in this discussion because the easements are off limits to construction.

Example: A Boundary Survey is used by a fence contractor to determine the boundary of the fence. Depending on the style of house in Forest Glen and lay of the lot, the left corner of the building may be 27 ft. from the left corner **Lot Line.** The right corner of the building may be 39 ft. from the right corner **Lot Line.**

Example cont.: The left side of the building sets 2 ft. back from the **Building Line (27 ft – 25 ft set back = 2 ft.)**. The fence can be installed **13 ft.** back from the left front corner of the house because of the actual building line was 27 ft. This puts the fence no further forward than 15 ft behind the front **Building Line**.

Example cont.: The right side of the building sets 14 ft back from the **Building Line (39 ft – 25 ft set back = 14 ft.)**. The fence can be installed **1 ft.** back from the right corner of the house because the building line was 14 ft. This puts the fence no further forward than 15 ft. behind the front **Building Line**.

Florida Code also states specific setbacks by the Governing zoning authority for corner lots with front and side facing streets which is not discussed in this memo.

As I said, Article III, Section 10-b has been misinterpreted. Telling a homeowner that a fence must be 15 ft. back from the front corners of a home is not correct. The correct measurement would be from the **building line**.

Kindest regards

Gaye Belcher