

AFFIDAVIT
FENCE – Zoning Chapter 301
OFFICE OF THE JACKSON TOWNSHIP ZONING DEPARTMENT
P. O. BOX 517
GROVE CITY, OH 43123

STATE OF OHIO)
COUNTY OF FRANKLIN) ss

(Name) _____ being first duly cautioned and sworn, according to law deposes that he/she plans to construct a **FENCE** on the property in a manner and style as described below and upon the attached Certificate of Zoning Compliance and that such fence will be located at the following property _____ (address).

_____ **Fence.** *“Affiant states he/she will construct a fence on the property listed above and that such fence shall be in conformity with the regulations of the applicable Sections of the Jackson Township Zoning Resolution; that such fence will not exceed 72” in height, and located upon the lot as permitted by Section 301.02; that such fence will not encroach upon the lot lines of adjoining properties or the public rights of way or any recorded easements; that such fence will be properly maintained so as not to create conditions which endanger the health, comfort, and safety of the public.”*

“Affiant further states and acknowledges that he/she has determined the exact location of the property lot lines and that such fence will not encroach upon the lot lines of adjoining properties, parcels of land, public rights-of-way or easements. Affiant states that he/she understands it is their duty to determine the exact location of their lot lines and easements.”

Affiant:

_____ (signature)

Sworn to before me and signed in my presence this _____ day of _____ 20_____

Notary

(Seal)

ZONING COMPLIANCE CHECK LIST – Fences & Property Lines

Trees, vegetation and fences on or near the property line can sometimes cause problems over maintenance responsibilities. The Township Zoning Code requires property owners to properly care for all landscape materials (trees, bushes, etc.) to remove dead or diseased trees and to maintain fences.

TREES & BUSHES

OWNERSHIP: It is commonly accepted law in all states, including Ohio, that the location of the trunk of the tree determines ownership. If the trunk stands wholly on the land of one property owner then the tree is wholly the responsibility of that property owner. A tree that straddles the property line is jointly owned and is called a “boundary tree” and both property owners must share in the maintenance of such trees.

ENCROACHMENT: An adjoining property owner has the legal right to cut limbs and branches that overhang the property line. However, if as a result of such cutting, the tree or bush is seriously damaged or killed, then the rightful owner has the ability to sue to recover the damage to the tree. In the event of a boundary tree, neighbors are encouraged to discuss the ownership and maintenance responsibilities. A neighbor may only trim those limbs that actually overhang the property line. Crossing onto your neighbor’s property to trim the branches is trespassing and illegal. Cutting down a healthy boundary tree without the consent of your co-owning neighbor may subject you to legal actions for damages.

FENCES

The Township Zoning Code provides regulations on the location, height and construction of fences. A fence is not permitted to encroach on the property line, and thus a modest setback from the lot line is often suggested...a few inches setback depending on the type of fence is considered normal. Fences cannot exceed 72” in height and must be properly maintained (broken or loose boards nailed or replaced, painted, stained, etc.) A fence that endangers the health, comfort, or safety of others may subject the property owner to zoning violations and prosecution. All new fences require a Zoning Permit approved by the Township prior to construction. In cases such as swimming pools, there are specific requirements that mandate the location and size of a fence. All wooden board style fences must be constructed so that the posts and supporting rails are facing inward....in other words the “good side faces out.”

FENCE REQUIREMENTS

- Six feet (6’) maximum height (72”), with all supporting members facing into your property and not visible from adjoining properties (**Sect. 301.02**).
- Five feet (5’) maximum height (60”) for fence in front yard area (forward of the building setback line) and such fence only be wood or metal decorative and not obstruct visibility. CHAIN LINK fencing in the front yard is PROHIBITED. (**Sect. 203.12**)
- Fence shall be properly maintained (**Sect. 301.02**).
- Fence shall not encroach onto the land of adjoining property owner (**Sect. 301.02**)
- A modest setback of three to six inches from the property line is recommended to avoid the possibility of property line disputes.

HELPFUL HINTS

- ✓ Be sure to know the exact location of the property line; obtain a boundary survey if necessary.
- ✓ Be proactive...remember the euphuism that “Good fences make Good neighbors!”
- ✓ Try to know your neighbor, be cordial, non-threatening and attempt open communication.
- ✓ A hastily constructed fence may be poorly constructed; take your time to do it right.
- ✓ A fence built to intimidate your neighbor could be considered a “spite fence” and subject you to legal prosecution to have the fence re-built according to code.
- ✓ Obtain an expert opinion from an arborist when concerned about the health of a tree.
- ✓ If there is a problem with your neighbor, document the problem with photographs and letters.
- ✓ Contact the Township Offices for assistance in resolving property line disputes.