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## Burbank resident fights city's limit on fence heights

By Jason Kandel, Staff Writer  
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It's almost as if Michael Scandiffio has become a character out of a Franz Kafka novel, embroiled in his own version of "The Trial."

The "fence police" are due at his Riverside Drive home after someone - he doesn't know who - reported that he had a hedge that was too tall, raising safety concerns.

The city of Burbank sent him a letter, ordering him to trim it or face the consequences. If he doesn't, he will be charged \$37 for each subsequent inspection until he complies.

"It's only a hedge," said Scandiffio, whose neatly clipped 8-foot-tall bush lines the front of his nearly \$1 million home in the exclusive Rancho Equestrian neighborhood. "It's Kafkaesque, Kafkaesque in the sense that you're in the dark. You don't know what's going on. You don't know the reason it was done or who did it. Why me out of 40,000 homes? It's like getting a rare disease."

Scandiffio has broken a Burbank municipal code section written in 1967 that puts height limits on walls, fences and hedges at 3 feet in front yards and 8 feet in backyards. The ordinance, similar to ones in place in dozens of California cities, helps "create a consistent development pattern and improve the aesthetic quality of the street-scape," the ordinance reads.

But as Scandiffio weighs whether to trim the 15-year-old hedge that gives him privacy and helps muffle noise from passing cars, Burbank, Glendale, and other cities are considering relaxing draconian hedge and fence ordinances to fit in with modern times.

"Perhaps the current standards are out of touch with community character and community values," Burbank Senior Planner Jeremy Ochsenbein said. "It's that kind of dividing point between individual property rights and a city's rights through zoning laws. ... Fences, to many, are a positive aspect of their property rights. Other people find them disagreeable. It's a matter of taste is what it comes down to."

Burbank only initiates a fence or hedge investigation if someone complains. Most of the couple of dozen residents found to be violating the ordinance annually comply by trimming their hedges, putting in shorter fences or applying for a variance to keep the current height, officials said.

In Glendale, officials are considering updating a 1922 ordinance that prohibits fences in front yards. Pasadena has a 4-foot fence limit, but its ordinance only addresses fences and walls, not hedges. Santa Monica has a 3.5-foot limit for fences in front yards and 8-foot limits for fences elsewhere on the property.

In Thousand Oaks, fences are limited to 3 feet. Its ordinance also regulates pilasters, ornamentation, colors and other materials.

Los Angeles has a 3.5-foot limit, but allows fences up to 6 feet in some neighborhoods for security reasons or based on city topography.

Like Burbank, L.A. initiates investigations based on complaints - but has several hundred a year, officials said. Most residents comply, but if they don't, the cases are referred to the City Attorney's Office, where they are usually resolved without prosecution.

"These ordinances on over-8(-foot) fences in the community have been debated several times over the last couple decades. But they still remain," said David Keim, chief of the Code Enforcement Bureau for L.A.'s Building and Safety Department. "They can be a visibility hazard. It can block light and ventilation. There's a whole host of reasons. There are arguments on both sides of this."

Charlotte Laws, a Valley Glen resident and member of the Greater Valley Glen Council, is pushing L.A. to change its rules on fences and hedges. She said the standards were put in place when crime was lower and when conformity was the norm.

"It's from a 'Leave It To Beaver' time," she said. "These laws need to be reviewed and revised to accommodate a homeowner's need for greater privacy, security and self-determination."

Scandiffio said he believes he's being singled out for "selective" enforcement because he and his wife spoke out against the ordinance at a Burbank City Council meeting in August. He has even circulated a newsletter to residents warning them about the ordinance.

"Your fences, walls, hedges and trees are at risk of becoming illegal," reads the newsletter by the Neighbors for the Environment, Privacy and Property Rights. "You may soon be ordered by the city to remove them. SOLUTION: Hire more police officers to fight crime and protect our privacy and property rights."

Jason Kandel, (818) 546-3306

[jason.kandel@dailynews.com](mailto:jason.kandel@dailynews.com)