

**COMMITTEE OF THE WHOLE - JANUARY 07, 2002**

**REQUEST FOR FENCE HEIGHT EXEMPTION**  
**17 EVITA CRESCENT**

**Recommendation**

The City Clerk recommends:

That the request for a fence height exemption be granted.

**Purpose**

To grant a fence height exemption pursuant to Section 3.5 of By-law 80-90, as amended.  
(Fence By-law)

**Background - Analysis and Options**

The owner of the subject property is requesting an exemption to the existing fence height restriction pursuant to Section 3.5 of By-law 80-90, as amended, to permit the maintenance of an existing wooden fence in the side yard. The fence by-law permits a fence height of six (6) feet in the side yard. The fence by-law permits a maximum fence height of six (6) feet in the side yard. The subject property has an elevation that slopes from south to north. In order to level off the elevation the owner constructed a retaining wall in accordance with Zoning By-law 1-88 approximately two (2) feet from his northern property line. The difference in elevation from the top of this retaining wall to the lot line is approximately one and one half feet (1 1/2). In order to provide privacy between his property and that of his neighbor be constructed a fence that measures 6 feet from the top of the retaining wall. The by-law requires that the fence be measured from finished grade. In this case finished grade is the grade at the property line. At this point the fence measures seven feet (7) six (6) inches. Prior to constructing the fence the owner obtained consent from the neighbor most affected by its construction. Evidence of consent is contained in the City's By-law enforcement file. Attached as Appendix "A" are photographs of the subject fencing. The originals will be available for Councils review, if required.

**Conclusion**

Based on staffs review of the fencing it is our respectful submission that the request for the exemption be granted.

**Attachments**

1. Photographs of the fence.

**Report prepared by:**

Joseph A.V. Chiarelli  
Manager Special Projects, Licensing and Permits

Respectfully submitted,

John D. Leach  
City Clerk

