

COMMITTEE OF THE WHOLE - NOVEMBER 5, 2007

FENCE HEIGHT EXEMPTION 117 WATERSIDE CRESCENT - WARD 1

Recommendation

The Director of Enforcement Services recommends:

That the fence height exemption application for 117 Waterside Crescent be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, 4 letters of objection have been received.

Purpose

This report is to provide information for the consideration of a fence height exemption application.

Background - Analysis and Options

The property owner of 117 Waterside Crescent has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 117 Waterside Crescent.

The Applicant is making application as a result of a neighbourhood complaint.

The By-law permits a fence height of 6 feet in rear yards. The Applicant had originally installed lattice panels to the existing 6 foot fence ranging in height from 9 feet 4 inches to 10 feet 4 inches, which was later removed in order to comply with the height restrictions pursuant to the Fence By-law 80-90.

The Applicant is requesting approval to construct/install lattice to the existing 6 foot fence on both sides of the interior side yard fence for a total height ranging in height from 6 foot 7 inches to 10 feet 2 inches in order to gain a sense of safety while using the existing above ground pool.

The area was inspected by Enforcement Services staff and there are no interior yard fences similar in height in the immediate vicinity. In this area there has been no similar fence height exemptions applied for in recent years.

There is no Site Plan registered for this property.

The fence height does not pose a potential sight line or safety issue.

The details outlined above do not support the approval of a fence height exemption for this location.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision as it speaks to Service Delivery and Community Safety.

Regional Implications

N/A

Conclusion

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case does not support the approval of a fence height exemption for this location.

Attachments

- 1) Area Map of Surrounding Streets
- 2) Site Plan
- 3) Photographs of Original Lattice Installed
- 4) Letter of Objection - 125 Waterside
- 5) Letter of Objection - 137 Waterside
- 6) Letter of Objection - Petition
- 7) Letter of Objection - Maple-Sherwood Ratepayers Association
- 8) Photographs of Existing Fence with Proposed Lattice

Report prepared by:

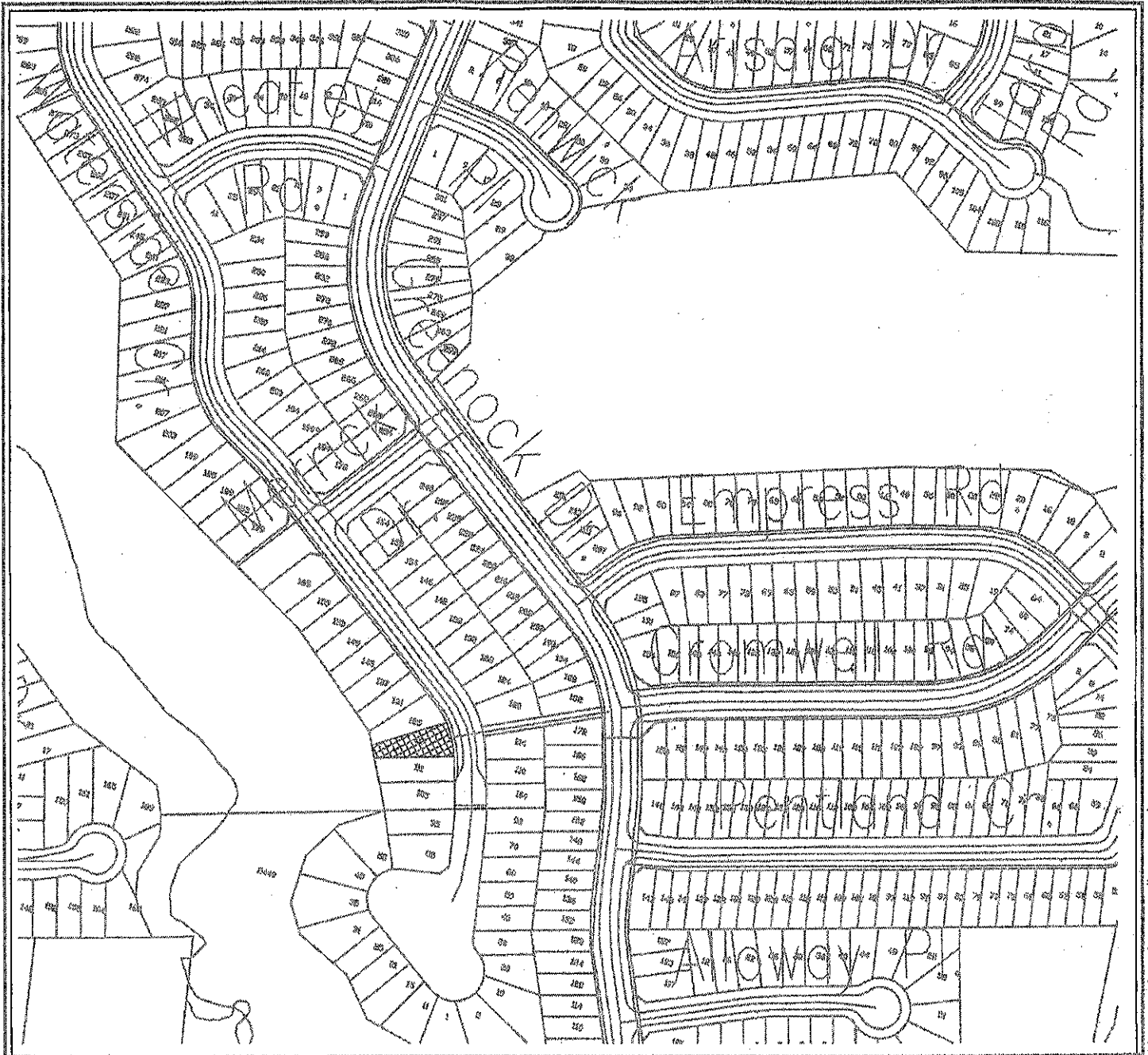
Janice Heron
Administrative Coordinator
Enforcement Services Department

Respectfully submitted,

Tony Thompson
Director, Enforcement Services

Janice Atwood-Petkovski
Commissioner of Legal
& Administrative Services and City Solicitor

ATTACHMENT No. 1



FENCE HEIGHT EXEMPTION

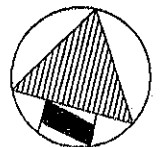
117 WATERSIDE CRESCENT

LOCATION : Part of Lot 17 AND 18, Conc. 4

LEGEND



SUBJECT LANDS



NOT TO SCALE

ATTACHMENT No. 2

BUILDING LOCATION SURVEY OF
LOTS 79, 80, 81, AND 82
PLAN 65M - 2664
 TOWN OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 Scale 1:250

VLADIMIR KRCMAR LTD. O.L.S. 1989.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SPANCY MONUMENT FOUND
- DENOTES STANDARD IRON BAR
- ▨ DENOTES IRON BAR
- ▧ DENOTES C.P. CROSS
- CC DENOTES DWELING UNDER CONSTRUCTION
- OC DENOTES CURB
- DENOTES VLADIMIR KRCMAR O.L.S.
- PL DENOTES PLAN 65M-2664
- VK DENOTES VLADIMIR KRCMAR O.L.S. FIELD NOTES

NOTE

BEARINGS ARE AZIMUTHIC AND ARE REFERRED TO THE WESTERLY LIMIT OF WATERSIDE CRESCENT AS SHOWN ON PLAN 65M-2664, HAVING A BEARING OF N 85° 57' 05" W.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 28th DAY OF JULY 1989.

Vladimir Krcmar
 VLADIMIR KRCMAR
 ONTARIO LAND SURVEYOR

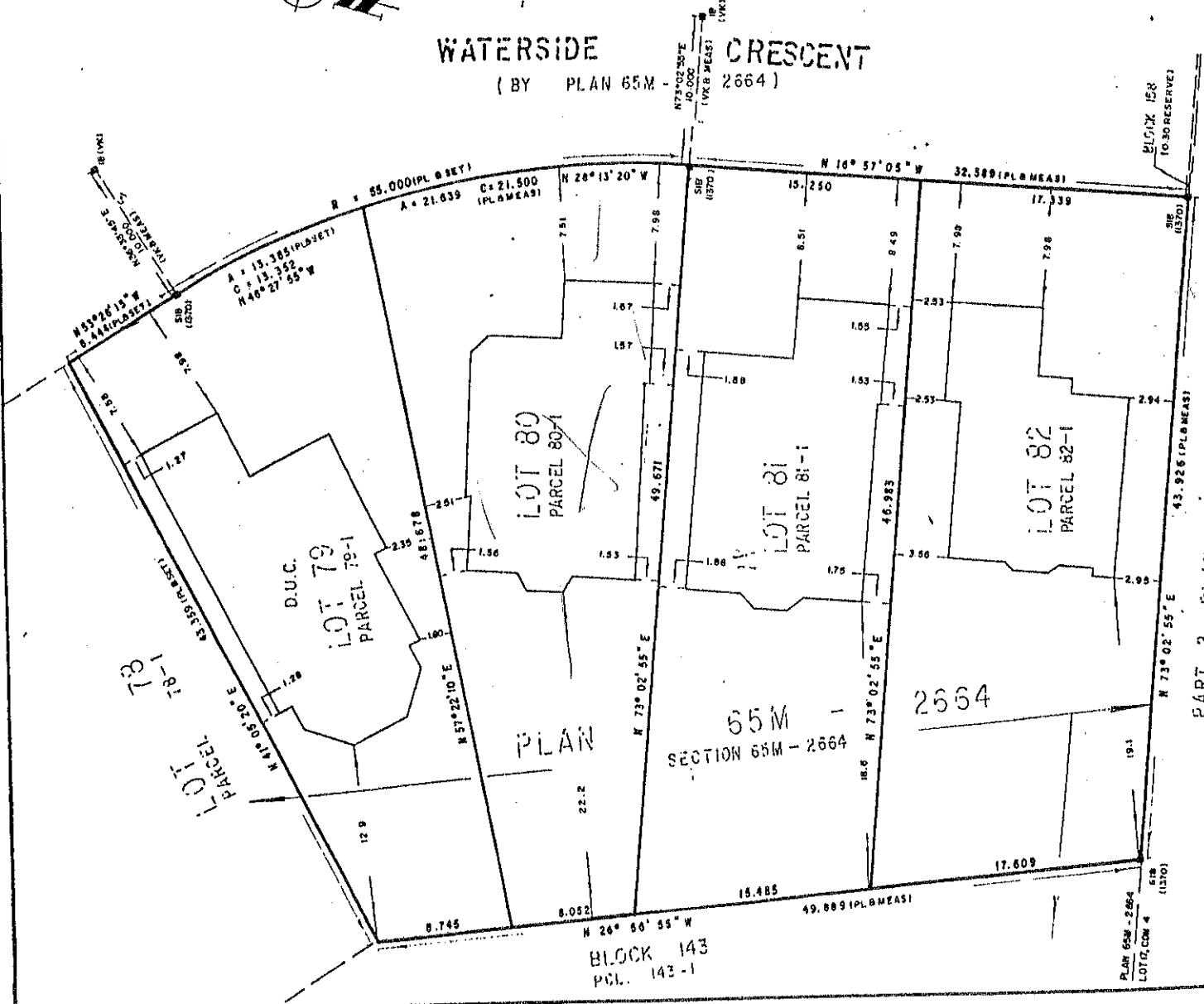
DATE 2007 31 19 89

VLADIMIR KRCMAR LTD. O.L.S.

VLADIMIR KRCMAR LTD.
 ONTARIO LAND SURVEYORS
 1137 CENTRE STREET, THORNHILL, ONTARIO, L4J-3M6
 TEL (416) 738-0033

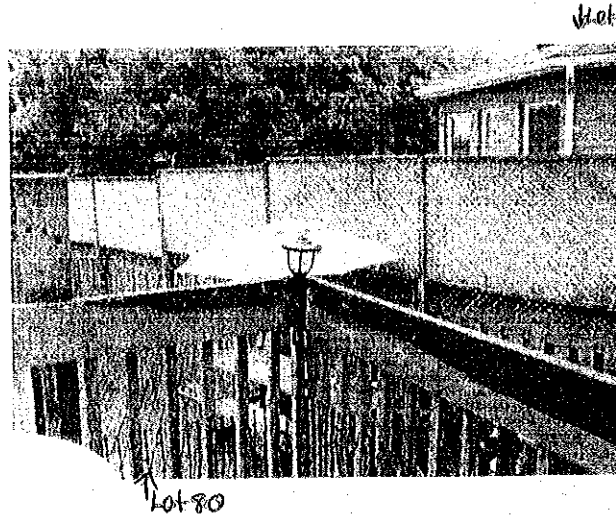
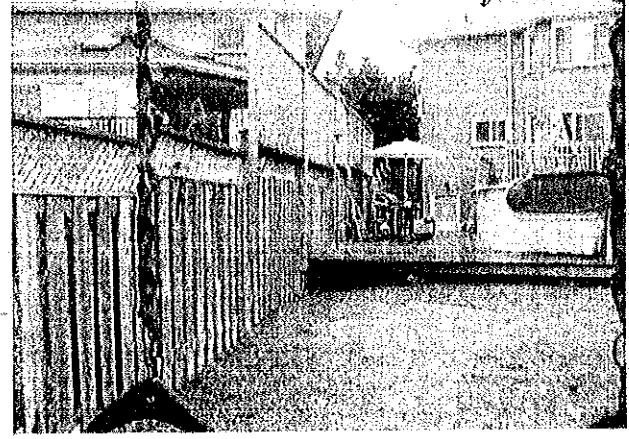
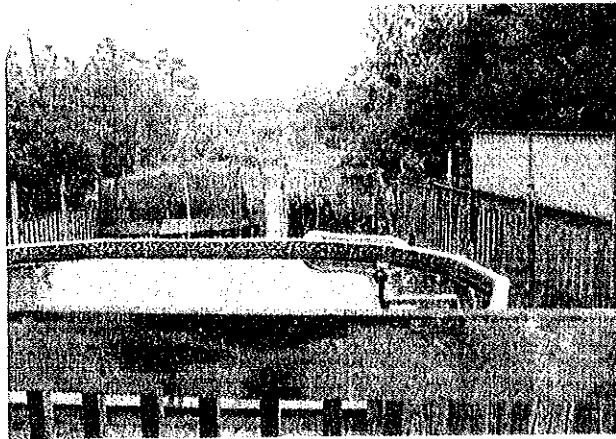
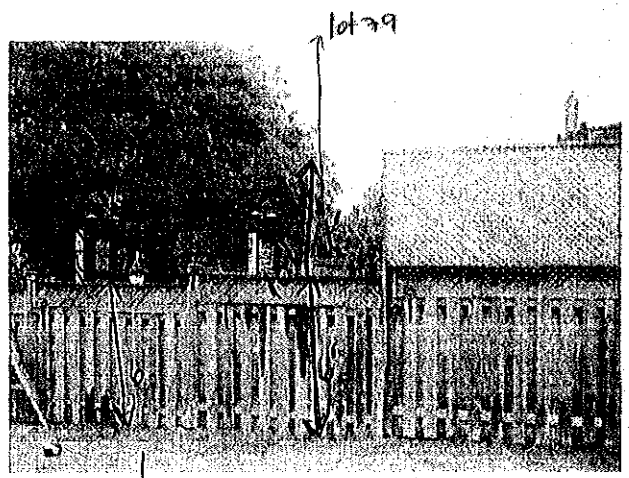
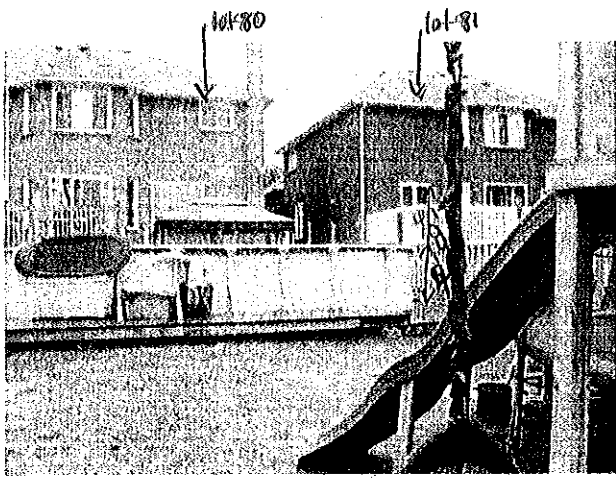
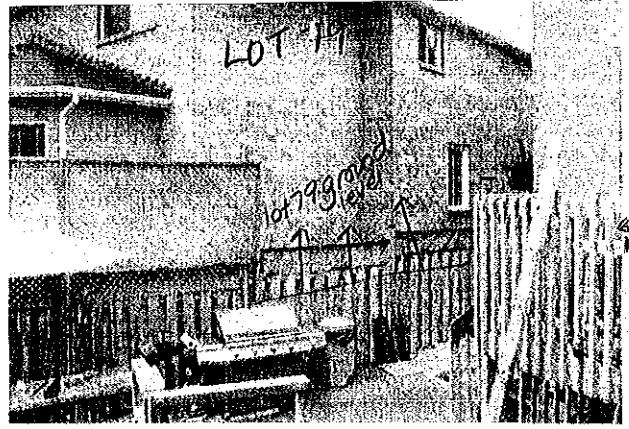
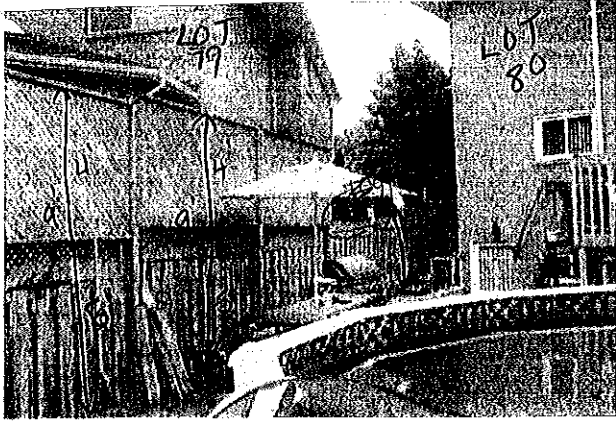
FIELD - JFR DRAWN - CS CHECKED - MS JOB NO. 88-214

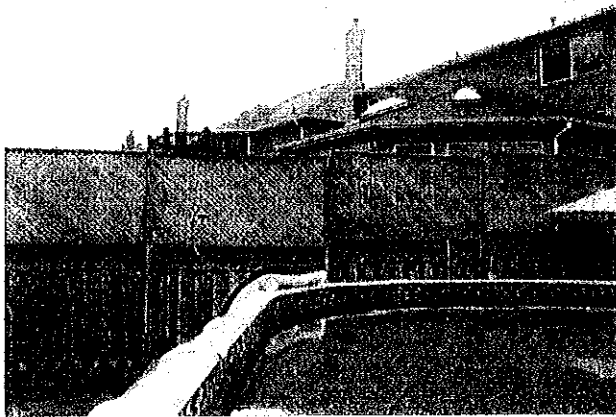
WATERSIDE CRESCENT (BY PLAN 65M - 2664)



PART 2, PLAN 65R - 9392
 INST. No 27862 CONCESSION
 PART OF LOT 17,

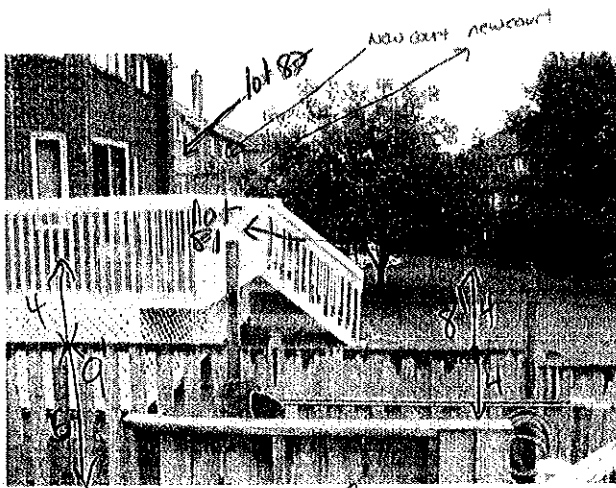
ATTACHMENT No. 3





lot 79

lot 80

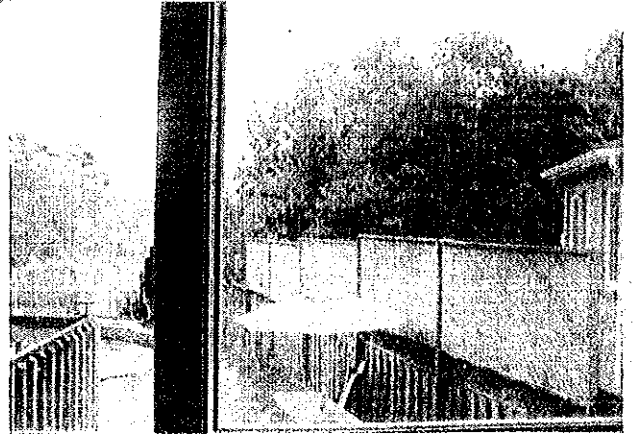


lot 80

new court

new court (with taping)

lot 80



lot 80

new court

ATTACHMENT No. 4

October 18, 2007

Tony Thompson, Director
Enforcement Services
CITY OF VAUGHAN

Re: REQUEST FOR FENCE HEIGHT EXEMPTION
117 Waterside Crescent (owned by the Safarians and is located on a ravine)

We vehemently oppose granting the said exemption to 117 Waterside Crescent for the following reasons:

1. The proposed fence will be an eyesore not only for us but for the public enjoying walks on the new walking trails in the ravine that the property backs onto and of which is in full view.
2. The fence will not conform to the standards of the neighbourhood and as such will negatively impact property values of the entire neighbourhood.
3. SECURITY:
 - a. In the past there have been several break-ins to homes along the ravine including our home;
 - b. Having a large vertical structure that obstructs the view would make our home more inviting to criminals;
 - c. Security professionals within the police force advised us that such structures pose a greater security risk and should be removed. Since these structures are discouraged by security professionals and the police, it does not make sense to even consider the creation of such a structure.
4. We have a garden to the south side of our house. It is the only place on our property where we've had any success growing a garden and so it's been designed into our landscaping. The proposed fence extension will block our garden's only source of sunlight.
5. The Safarians are proposing something that will have a negative impact on the Waterside area but **did not post a sign on their property informing the neighbourhood of their application** as they were legally obligated to do. This is unfair to those in the neighbourhood that would be affected but were not notified and therefore unable to respond.
6. There have been numerous visits from city by-law officials to the Safarian home this past summer regarding at least 6 separate issues all relating to infractions relating to structures within their backyard. History has shown that the Safarians

cannot be trusted to build a sound, safe structure and as such should not be given permission to repeat the very dangerous situation they created this past summer.

7. The present Fence By-law requires the maximum height to be between 5 and 6 feet when a pool is present on a residential property. This was set by the city for safety purposes without adding negative impact to neighbouring residents. We feel that this standard must be maintained as a neighbour who is directly affected. To do otherwise is unfair to law abiding citizens. The Safarians did not bother getting a permit and properly positioning their pool in the first place. They have had about 5 above ground pools over the past 5 years and each and every time they did not bother getting a permit despite being advised to do so. Had they gone through the proper legal channels, they would have known not to put their pool too close to the fence bordering their neighbour's property to the south of them. **They put in an illegal pool.** Now, instead of moving their pool, which is situated too close to the fence, they want to get around the law at the expense of the neighbours and visitors to the ravine. Do our laws mean nothing?

Under the circumstances to allow this amendment to pass is not in the interest of the neighbourhood, nor the public.

Respectfully yours,
(Immediate Neighbours to said property)



125 WATERSIDE CRESCENT
MAPLE, ON L6A 1V2

ATTACHMENT No. 5

Dear Mr. Thompson

Monday October 15, 2007

Re: request for fence height exemption

117 Waterside Crescent

OCT 16 2007

CHA
MENT

I am writing this letter to appose the request for the fence height exemption for the following reason. (1) I feel that allowing this exemption will make the area become an eye sore for neighbors to look at.(2) It will also devalue the houses in our area .(3) This height of fence doesn't conform to the rest of the neighborhood. (4) It may also be a safety risk. I understand that the reason for wanting this exemption to the by-law section 3.5 of bylaw 80-90 is because of their pool being too high. This issue should have been properly planed out before the above ground pool was installed and therefore I strongly disagree with any exemption to the fence by-law for the said reasons. If any questions please don't hesitate to call us at 905-832-5465.

Yours Truly

Gaetana Di Cecco
Mathew Di Cecco
Mathew & Gaetana Di Cecco

137 Waterside Crescent.

26A 1V2



NOTICE OF PETITION

A petition has been submitted with respect to the following matter and a copy is on file in the office of the City Clerk:

Agenda Item No.: 11

Item Name: FENCE HEIGHT EXEMPTION 117 WATERSIDE CRESCENT – WARD 1

Particulars of the Petition:

Dated: _____

No. of Signatures: 55

Submitted by: Residents of Waterside Crescent

For a copy of the petition contact:

**City of Vaughan, Clerk’s Department, 2141 Major Mackenzie Drive, Vaughan, L6A 1T1
Tel: (905) 832-8504 Fax: (905) 832-8535**

ATTACHMENT No. 7

Maple-Sherwood Ratepayers Association

Mr. Angelo DiNardo-President
182 Greenock Drive
Maple, Ontario L6A 1V1
Tel (905) 832-6542
Email angelodin@hotmail.com

RECEIVED

OCT 23 2007
CITY OF VAUGHAN
ENFORCEMENT
SERVICES

October 23, 2007

Mr. Tony Thompson
Director, Enforcement Services
The City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
Phone: (905) 832-8505
Fax: (905) 832-8546

Re: Request for fence height exemption

Location: **117 Waterside Crescent**

Dear Mr. Tony Thompson:

As president of the Maple-Sherwood Ratepayers Association I am requesting that the fence height exemption requested by the owner of 117 Waterside Crescent be denied.

The rear yard of this property is next to the Bartley Smith Greenway which is presently in the process of trail and green space improvements. I feel that the addition of side yard fences to this property with heights of up to 10 feet 2 inches would be an unsightly feature which would be clearly visible by users of this trail. This would be in opposition to the efforts of the Toronto Regional Conservation Authority to beautify the trail system.

The addition of fences higher than the maximum 6 feet allowed by the present city by-law serves no justifiable purpose even if the property presently contains a swimming pool. These visually unsightly enclosures would only send a negative message about our community to passers by.

For these reasons I ask that the Committee of the Whole turn down this request. I will not be able to attend the meeting dealing with this matter so I hope you will include this opposition in your report. I thank you for allowing me to make my comments concerning this issue.

Sincerely,



Angelo DiNardo
President of the Maple-Sherwood Ratepayers Association

cc. Clerks Department
Councilor Peter Meffe

ATTACHMENT No. 8

