

COMMITTEE OF THE WHOLE - OCTOBER 6, 2008

FENCE HEIGHT EXEMPTION – 75 PINEMEADOW DRIVE – WARD 3

Recommendation

The Director of Enforcement Services recommends:

That the fence height exemption application for 75 Pinemeadow Drive be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, one (1) objection has 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 75 Pinemeadow Drive 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 75 Pinemeadow Drive.

The Applicant is making application to permit an existing rear, interior side and front yard fence. The rear and interior yard fencing will eventually enclose a swimming pool.

The By-law permits a fence height of 4 feet in front yards measured from the front entrance of the property set back the furthest. The Applicant has installed a wrought iron fence, attached to a concrete pillar, in the front and interior side yard between the property of 75 Pinemeadow Drive and the neighbouring property of 81 Pinemeadow Drive. The wrought iron fence varies in height from 3.10 feet to 5.6 feet.

The cedar fence in the rear yard (west side) abutting 81 Pinemeadow Drive consists of 4 panels varying between 6.3 feet to 7.4 feet in height.

The rear yard fence (south side) varies in height from 6.4 feet to 6.10 feet.

The east side fence is in compliance with the 6 foot height maximum. The gate on the east side measures 6.11 feet.

The area was inspected by Enforcement staff and there is one fence similar in nature to that of the cedar fence, which the Applicant seeks exemption in the immediate area, located between 55 & 61 Pine Meadow Cres that is similar in height and design to the Applicant's

There are no site plans registered for this property.

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

The details outlined above 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.

There is no past precedence approved by Council for a fence of this height with this type of material/design in the immediate area.

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. The facts in this case supports the approval of a fence height exemption for this location.

Attachments

- 1) Map of area
- 2) Site Plan
- 3) Photos of existing fence/structure
- 4) Letter from Applicant
- 5) Letter of Conditional Support

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

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

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



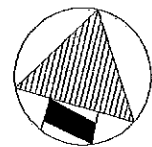
FENCE HEIGHT EXEMPTION 75 PINEMEADOW DRIVE

LOCATION: Part of Lot 15,
Concession 6

LEGEND



SUBJECT PROPERTY



NOT TO SCALE

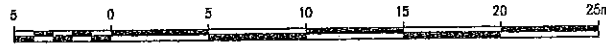
Drawing name: O:\Engineering Services\Design Services\Attachments\75 Pinemeadow Dr.dwg

SURVEYOR'S REAL PROPERTY REPORT
 PART 1
 PLAN OF
LOTS 15,16,17,18,19,20 AND 21
PLAN 65M-3319
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:300

METRIC
 DISTANCES SHOWN ON
 CONVERTED TO FEET &

NOTE
 BEARINGS ARE ASTRO
 LIMIT OF PINEMEADOW
 HAVING A BEARING OF

- LEGEND
- DENOTES SURV
 - DENOTES SURV
 - SIB DENOTES STAN
 - IB DENOTES IRON
 - 1370 DENOTES VLAD
 - CF DENOTES CONC
 - DUC DENOTES DWEL
 - P DENOTES PLAN
 - S DENOTES SET
 - M DENOTES MEAS
 - FF DENOTES FINISH
 - TFW DENOTES TOP

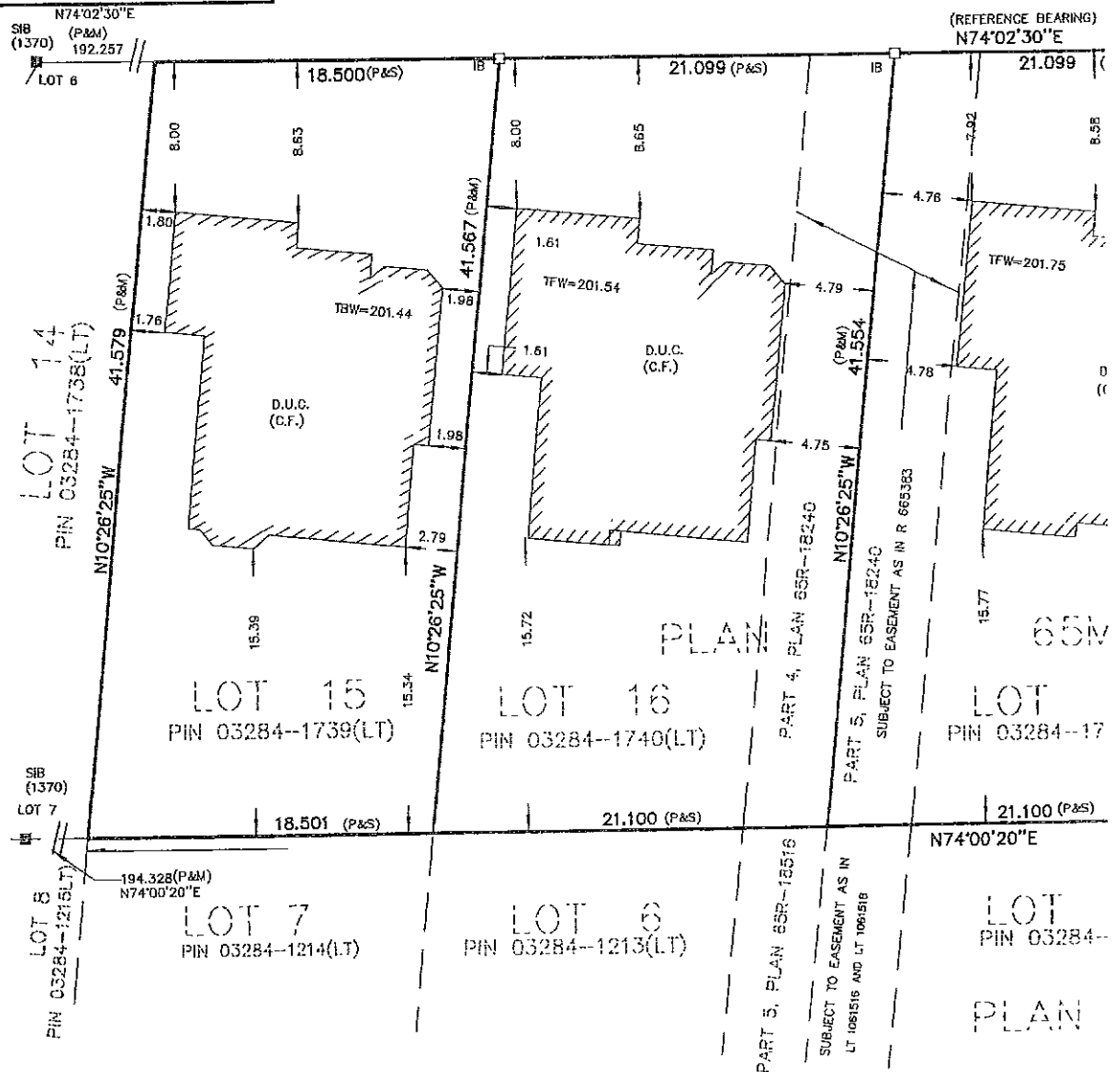


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ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1298308

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 in accordance with
 Regulation 1026, Section 29(3)

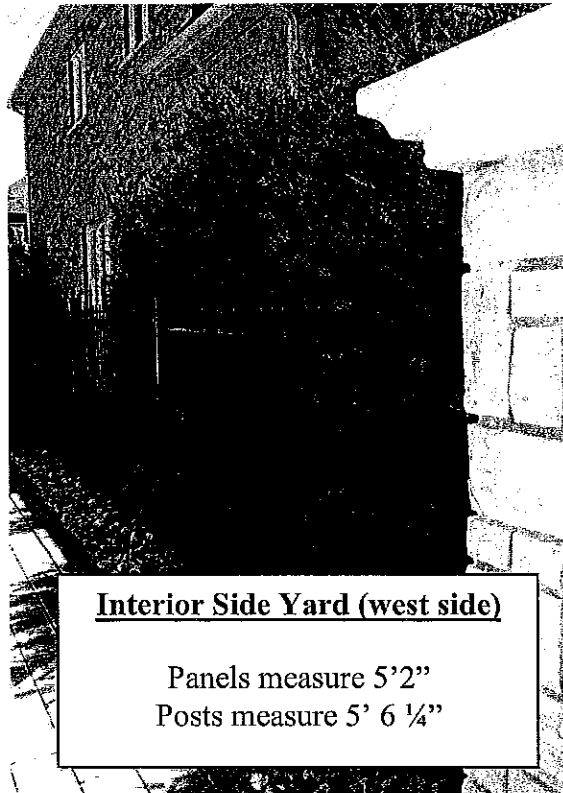
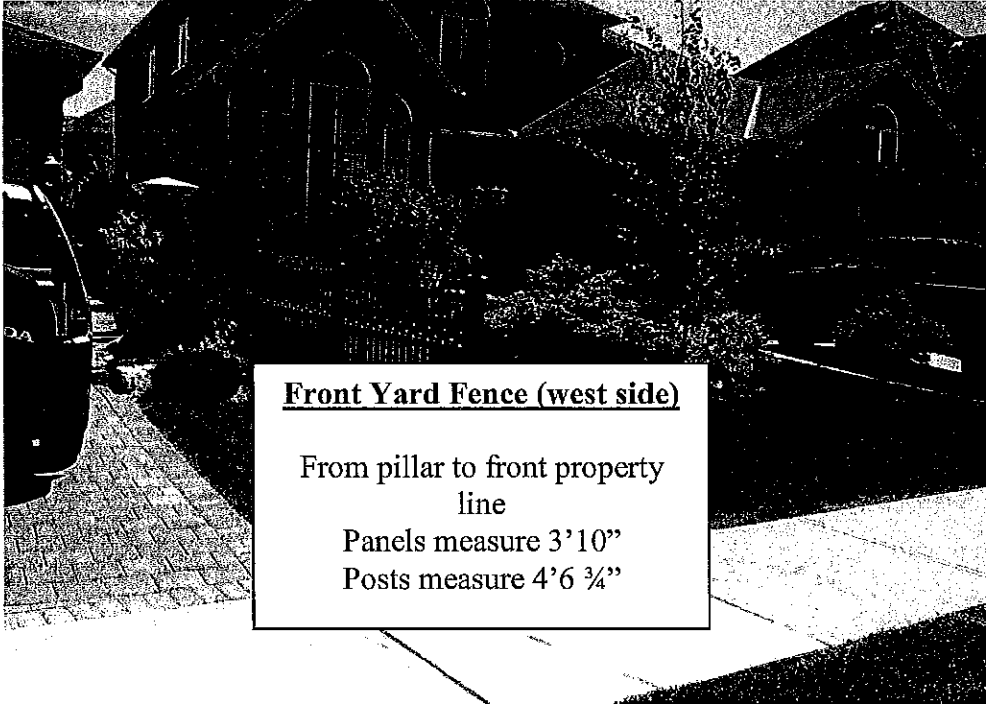
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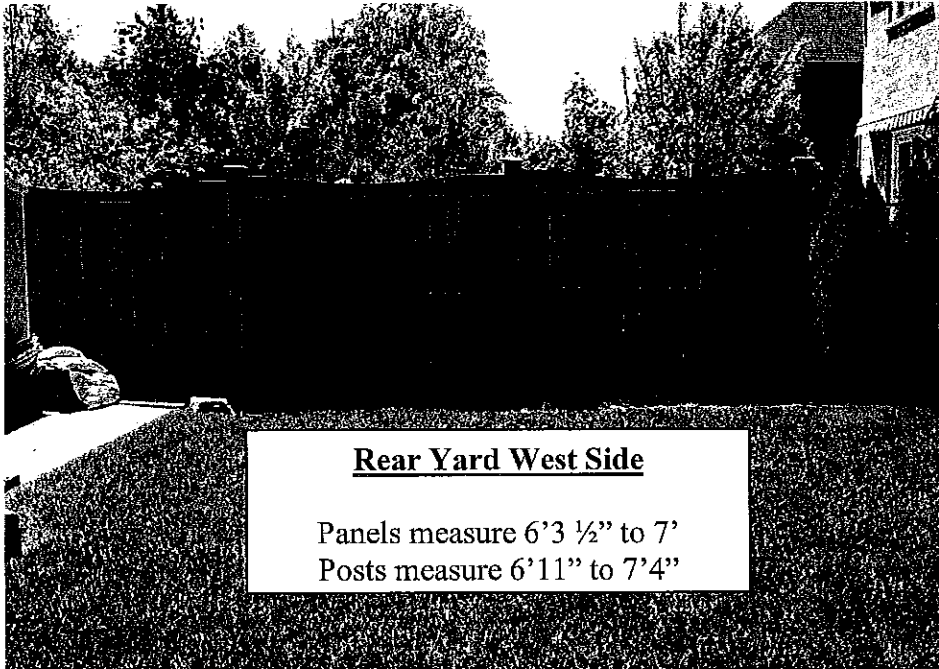


PART 2
 THIS PLAN MUST BE READ IN
 CONJUNCTION WITH SURVEY REPORT

ATTACHMENT No.3

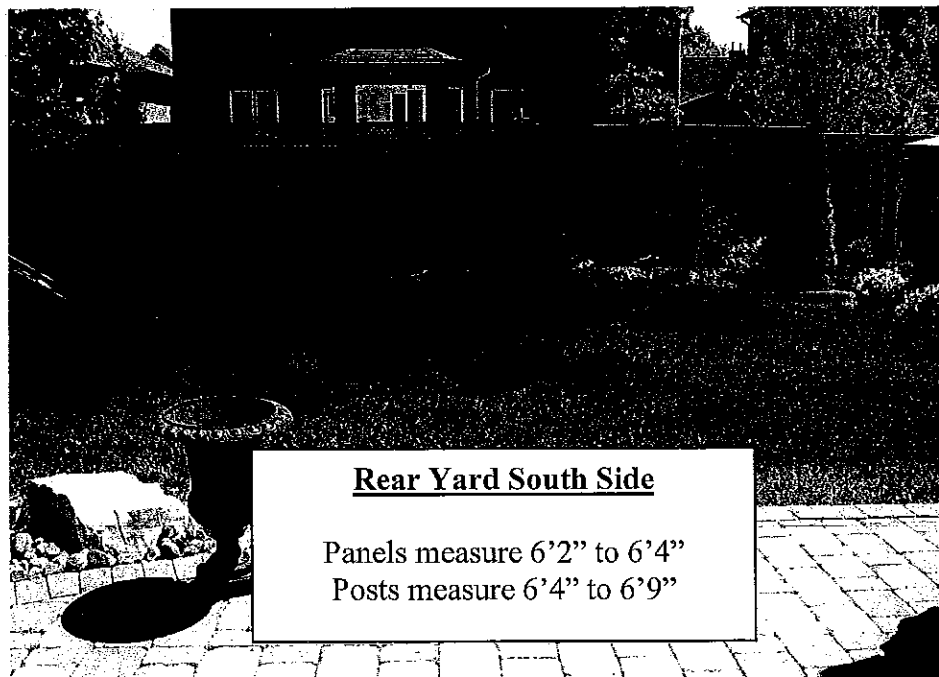
75 PINEMEADOW DRIVE FENCE HEIGHT EXEMPTION





Rear Yard West Side

Panels measure 6'3 1/2" to 7'
Posts measure 6'11" to 7'4"



Rear Yard South Side

Panels measure 6'2" to 6'4"
Posts measure 6'4" to 6'9"

Tuesday May 27th, 2008

**City of Vaughan
Enforcement Services Department**

**RE: Application for Fence Height Exemption
City of Vaughan By-Law 80-90
Residential Property**

Dwelling: 75 Pinemeadow Drive

Dear Ms. Janice Heron,

Our family has been a resident at the above noted address in the City of Vaughan for the past eight years. We moved to the City of Vaughan in the year 2000 to benefit from the many positive aspects of raising a family in an energetic, modern and electrifying City. During this time we have been involved with various activities that promote community living like playing soccer, swimming at the local city run pools and being an active participant in minor hockey. We have truly benefited from all that this great City has to offer a young family of four. During this time we have also made numerous friends within our community and continue to promote the positive aspects of keeping the City of Vaughan at the leading edge in regards to the maintenance and upkeep of our home which we take great honor and pride in. It has been during this same time span that we have decided to erect a cedar fence on our side of the property line (**west side of our property**) for several critical and essential reasons.

Firstly, our family is in the very early stages of planning to construct a swimming pool for our two small daughters. The fence we have erected (**west side of the home**) is the very first step in this process. This fence will provide added security, beauty and privacy when we final construct our swimming pool for recreational purposes. This is not only for our families' needs but other individuals who reside in the area as well. It is worth noting that there already exists an Iron fence which divides the property line between the neighbors. After great consideration my wife and I have decided to erect a Cedar fence on our side of the property line in the rear portion of our home (west side) for safety features, privacy and security. We have also inherited a wooden fence in the rear portion

of our home that stands 7 feet tall in height (72"-88"). Our family never had any hand in constructing or designing this wooden fence that we gratefully inherited from our neighbors to the back of us. A wooden fence that has been in clear view for approximately nine to ten years has recently become an issue to one particular neighbor. An issue I might add that was amplified due to the simple fact our family decided to build a new cedar fence on our west side of the property line. A cedar fence now that requires City approval for a height exemption is presented for consideration.

My wife and I have finally decided to erect a privacy fence (rear West side) to allow for much needed distance, safety and privacy. We have decided to listen to the sayings that outline, "The higher the fence the better the neighbor". The saying that "High" fences make good neighbors we believed would hold true in this instance as well. We were tired of the constant verbal abuse and harassment at the hands of our neighbors and felt we would all benefit from this new cedar fence in the short and long term.

The fence in the rear portion of our home located on the West side has been erected on our side of the property line and our family is requesting a height exemption from the City of Vaughan due to a complaint directed to the City (actual height 78 1/4 -88"). The purpose of this fence is for added safety, security, privacy, and piece of mind. I have also erected this cedar fence on the West side of our property to meet the same height requirements as a fence in the rear portion of my home which our family inherited when we moved in eight years ago. When the company was hired and the workers came out to erect my new fence it seemed only logical to build a fence that was esthetically similar in height to match the existing fence we had inherited eight years earlier (actual height 72"-88"). When the By-law enforcement officer brought this point of reference regarding the rear existing fence being in violation of City code as well, my neighbors' response was that she didn't have any problems with the height of the fence that my other neighbors built but I do have a definite problem with the fence that Mr. and Mrs. Venditti built. I find all of this information trivial due to the simple fact that there are multiple "By-law" violations surrounding my neighbors at but they are content with continuously finding faults with my family.

We have been subjected to very poor living conditions at the hands of our neighbors and we feel we cannot enjoy our home to its fullest. At this time we feel it is not morally or legally right!!


I am at a loss for words as to why this above noted fence is such a problem for my neighbors who have erected several "Very" thick and tall Cedars to cover the fence in its entirety. The fence in the rear portion of my yard is covered by several cedars that tower over the fence structure at 7 ½ feet. I cannot come to terms with how this fence can cause so much grief when for all intense purposes they cannot truly see the cedar fence I erected along the west side of my property. This will hold true for the front portion of my home as well. I have erected a five foot fence at the side of my yard--front area (**Iron-see through fence/ located at the side yard wrought iron fence 60 ¼-68 ½" instead of the required 4' requirement**) to connect my back fence to a Stone Column that my neighbor was complaining about due to the fact it was 1. It was an eye sore to my neighbor & 2. It was blocking her view of the front??? It is a mystery because once I applied for a City Permit to build my column (**that my neighbors forced me to do because of another complaint**) I also informed them that I was going to attach an iron fence to it as well. There seemed to be no problems for eight years until now! This problem was rectified I believed when my neighbor planted several very large cedar trees which have developed well beyond nine and ten feet respectively. I might also like to add that they have grown in size with no trimming or pruning. They have also been content with forgetting about the grass maintenance and general up-keep as well.

How can my fence in the side yard be of a problem to these individuals who cannot even see the fence at all? Why has it taken eight years for this fence in the front portion of my home which cannot even be seen by the human eye be a bother to my neighbors? Unfortunately, I do not have the answers to these questions at this time. I truly believe the reason stems much deeper than a wooden fence or its height.

It is for these various reasons that our family is requesting that the City of Vaughan allow this application for fence height exemption to be accepted and considered in front of Council.

I look forward to your response in the above noted matter and if you require any further information or clarification please feel free to contact me at your earliest convenience. I would like to take this opportunity to Thank you Ms. Heron for your time and consideration in this matter.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'Ben Venditti', with a large, stylized flourish at the end.

Mr. Ben Venditti
75 Pinemeadow Dr.
Woodbridge Ontario
L4L 9J4
905-264-1088

To: Mr Tony Thompson,
Director of Enforcement Services
The City Of Vaughan

September 16, 2008

RE: Request For Fence Height Exemption – 75 Pinemeadow Dr.

From: Anna & Paolo Primiani
#69 Pinemeadow Drive
Woodbridge, Ont. L4L 9L1
(905) 850-3321

Dear Mr. Thompson,

Both my husband and I are responding to the request for fence height exemption notice that was sent out by your department September 5, 2008. Please note we are in support of the application on the following conditions:

- 1.) We have no objection to the existing rear wooden fence; however, property owner has to complete staining and maintenance of entire fence on his side.
- 2.) We have no objection to the west side fence (rear yard-wood) that was recently constructed alongside existing wrought iron fencing; however, property owner has to be responsible for the staining and maintenance of the wooden fence on both sides.
- 3.) The gates on the east and west side of the property are to be approved as is and should home owner wish to replace gates, it should be replaced using the same material as wrought iron. Again home owner should be responsible to maintain the beauty of the wrought iron as outlined by the city and subdivision regulations.
- 4.) The front yard fence, the wrought iron that was currently installed on the west side of property, is also accepted as long as homeowner promises to make a commitment that the side front yard fence will remain wrought iron.

We will support application on condition that side yard fences not to be extended more than current existing fences without prior consent of the existing property and abutting property owner in writing.

Please note, any wooden fence and wrought iron fence maintenance is responsibility of property owner and access will be granted for maintenance purposes by abutting property owner. So if 75 Pinemeadow property owner wishes to install a wooden fence in the future throughout the property (even though there is already an existing wrought iron fence), it must be according to the laws and regulations set out by the city and subdivision. (i.e. 6ft.) height and the property owner residing at 75 Pinemeadow must promise to complete staining and maintenance of the wooden fence on **both sides**.

As taxpayers and dedicated home owners, we take pride in maintaining a beautiful home (Interior & Exterior). We decided to move to Woodbridge to purchase a home in Weston Downs because of the community commitment to keep the area clean and green. We purposely chose a home on Pinemeadow Drive believing it would reflect its name as it suggests a street surrounded by pine trees and the beauty of nature. After all it is located adjacent to the conservation land. Moreover, as responsible citizens we must keep our unique subdivision as green as nature and try not to enclose our community with artificial barriers. (i.e. wood, plastic and or iron products)

We take pride when we say "Vaughan is the City above Toronto".

Yours truly,

Anna Primiani & Paolo Primiani