

COMMITTEE OF THE WHOLE - JUNE 5, 2012

FENCE HEIGHT EXEMPTION - 58 COUNTRY DRIVE LANE – WARD 1

Recommendation

The Director of Enforcement Services recommends the following:

1. That the fence height exemption application for 58 Country Drive Lane be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius. At the time of this Report no objections had 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 58 Country Drive Lane has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90.

The By-law permits a fence height of 4 feet in front yards and 6 feet in rear yards. The Applicant has requested an exemption to permit an existing wood fence in the interior and rear yards and range in height from 6 feet 2 inches to 7 feet 3 inches and are shared between 5 adjoining neighbours. The front yard fence is constructed of wrought iron and measures 4 feet 2 inches.

There are no site plan requirements for fences for this location.

Relationship to Vaughan Vision 2020

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 supports a fence height exemption for this location at its current height.

Attachments

1. Map of surrounding streets
2. Photographs
3. Letter from Applicant with Photos

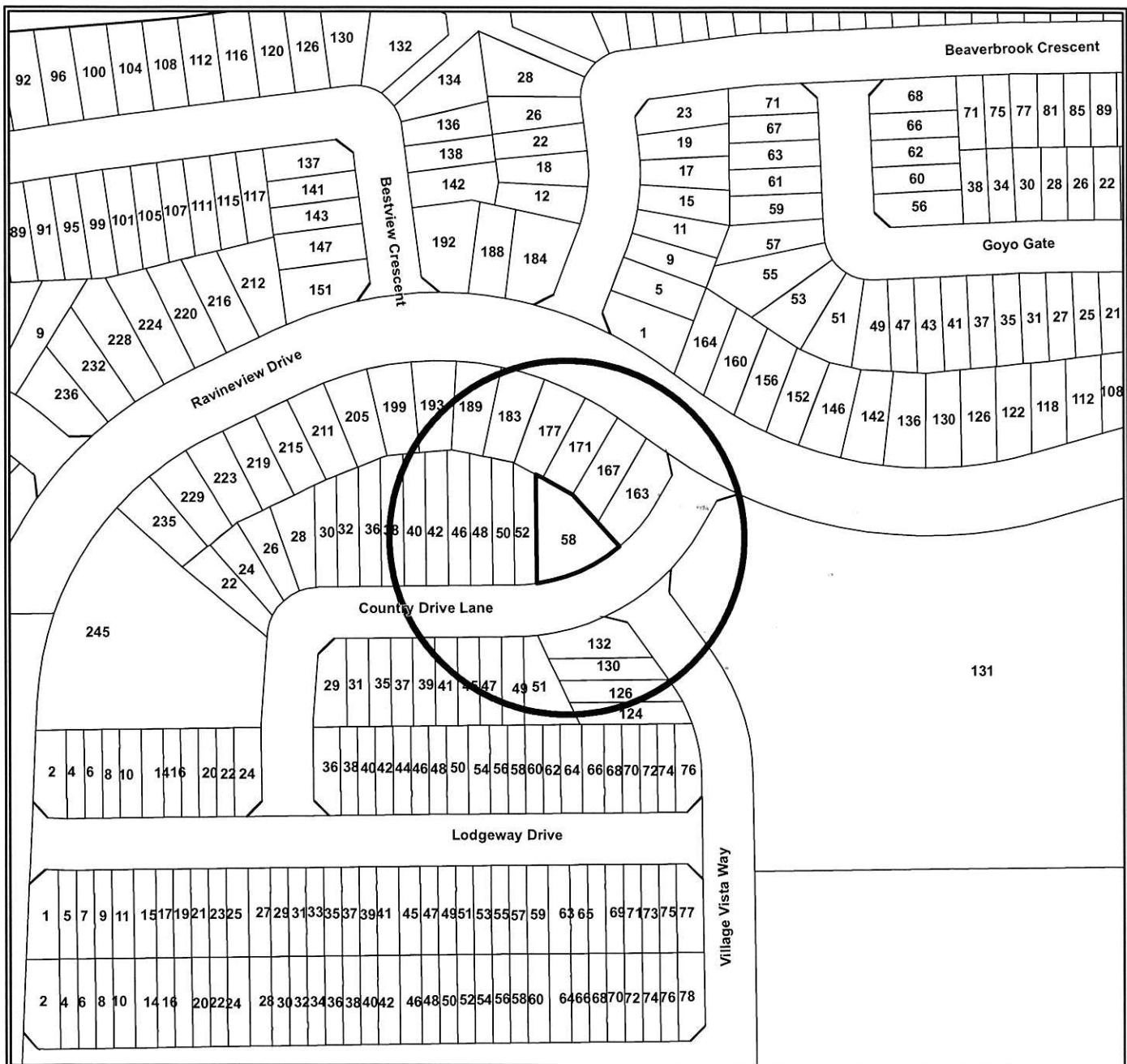
Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



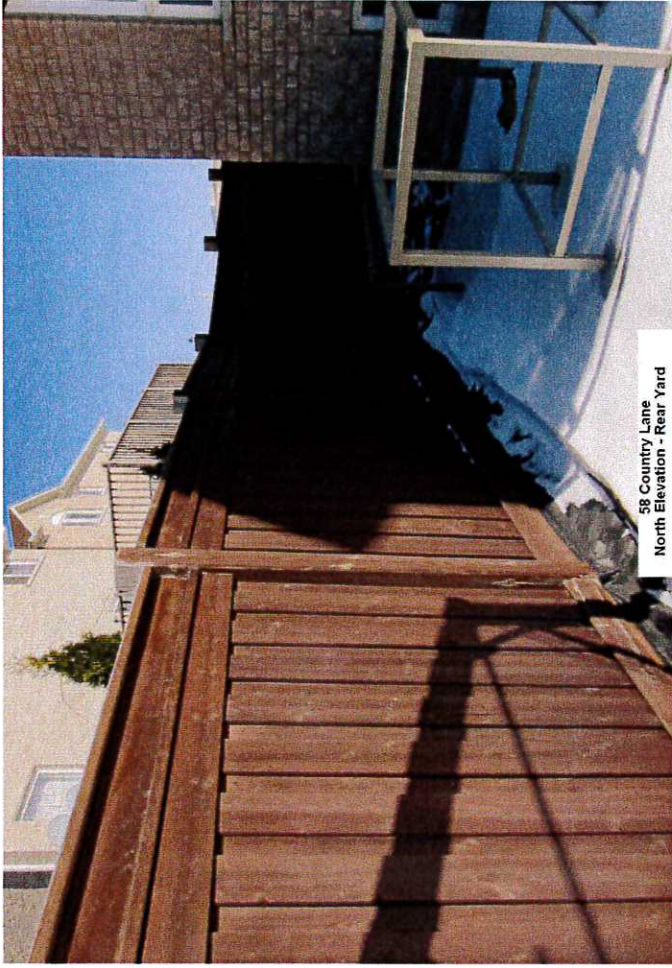
58 COUNTRY DRIVE LANE LOCATION MAP

LEGEND

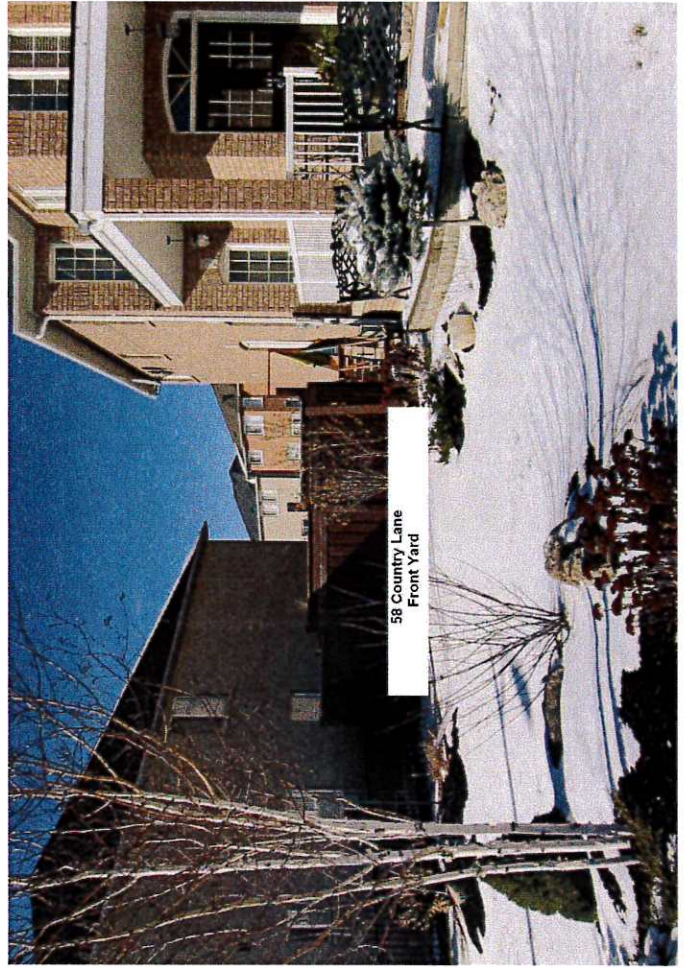
 60m RADIUS ADDRESS BUFFER


NOT TO SCALE

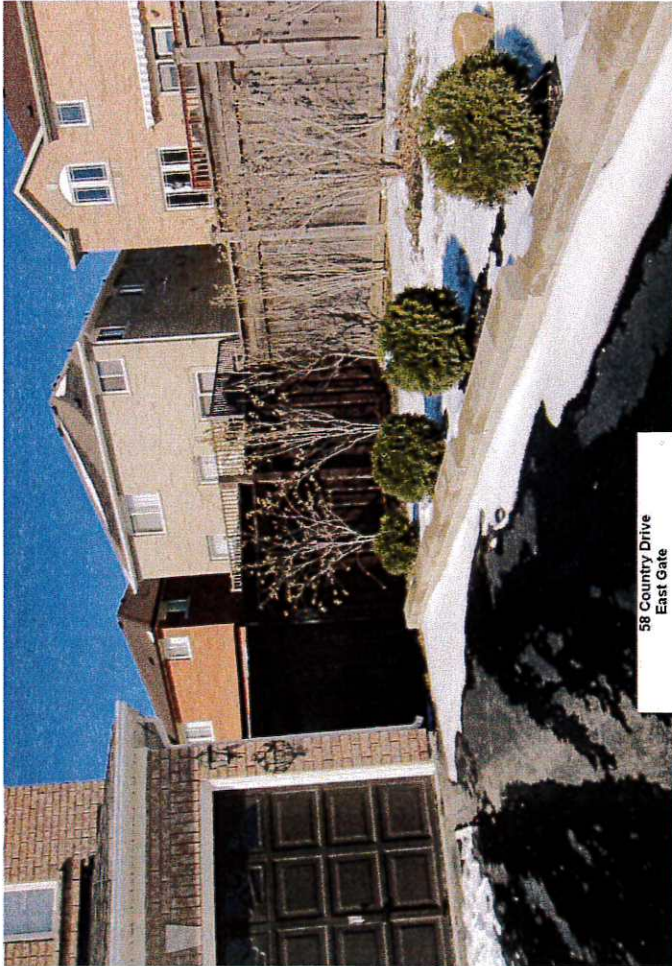
ATTACHMENT #2



58 Country Lane
North Elevation - Rear Yard



58 Country Lane
Front Yard



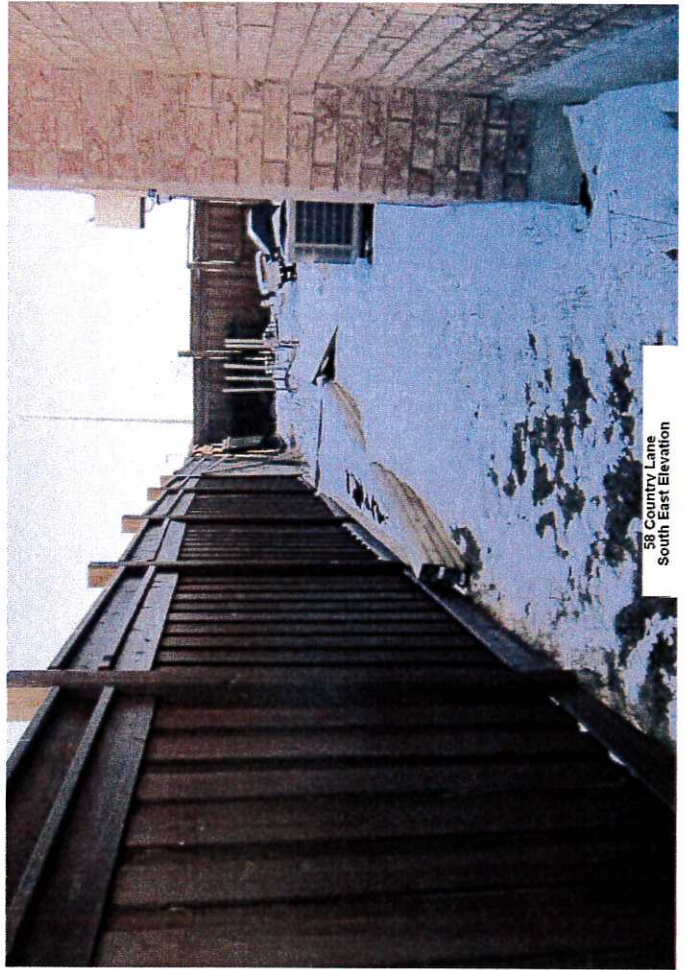
58 Country Drive
East Gate



58 Country Lane
West elevation - Rear Yard



58 Country Lane
West Elevation - Front Yard



58 Country Lane
South East Elevation

ATTACHMENT #3

Emilio Leonardis
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City of Vaughan
Enforcement Services Department
2141 Major Mackenzie Drive,
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L6A 1T1

Attn: Janice Heron
Office Coordinator
905-832-8505 x-8769

**Re: Fence Height Exemption for 58 Country Drive Lane, Plan 65M3556 Lot 364,
City of Vaughan**

To whom it may concern,

I am writing to you today to request an exemption to the height restrictions of the different fence areas on my property located at 58 Country Drive Lane in Maple, Ontario.

The officer, Gord Sherman, has been extremely helpful in this situation, and provided a significant amount of clarity and understanding in dealing with this manner.

As you can see from the plans and survey, the fences in question are shared with 5 separate neighbours. Since I am the common homeowner with all fences involved, I am taking carriage of this matter (including paying the fee) on all our behalves. I have corresponded with all neighbours in question, except the neighbour immediately next door on the west side on Country Drive Lane, and explained my intent to cover cost and file this appeal.

With regards to the aluminum fence shared with my neighbour on Country Drive lane, on the west side of the property:

In installing the fence this past summer, we took measures to ensure that we were in compliance with all city by-laws. This included contacting staff members at Vaughan City Hall and Councillor Iafrate office to make sure the fence we installed was within the law. **The main issue we inquired about was to make sure we were not too close to the

road, and away from our neighbours property. We also spoke directly with our neighbour, who in the end agreed on the fence, and the location as to where the fence would be located. The fence and installation was paid for entirely by myself, and was placed approximately 5" away from the property line on our land. Although the neighbours were not pleased that a fence was going up (as they had dogs who like to use our lawn and a flower bed that was on our property that had to be moved over to their side), we had never personally received any complaints with the fence once erected.

As I understand in discussion with the by-law officer, the issue in question involves the first two panels of the fence closest to the road, and that they are at the most 2" over the height limit. Since it was a pre-built manufactured fence, the height issue never crossed my mind. Since the grass levels are higher in that area (good supply of water through drainage) the installer must have put the fence up higher to accommodate. My first choice would be to leave the fence as it stand. Unless it is determined that the fence would be able to stand as is, I will commit to correct the deficiency to bring the fence up to code by reducing the fence height of the first two panels by two inches. I hope to take direction from the by law officer to ensure this would meet proper requirements. I will request however that I be granted an extension to the mid- late spring of 2012 to correct the fence height, as the installation required tiny Allen key bolts to adjust the height – and will be difficult to correct in the winter cold without risk to damaging the brackets.

With regards to the wooden fence that surrounds my property. It was revealed that several areas – depending on grading exceeded the height restrictions by approximately 7 inches. There are several areas I would like the committee to consider in this matter.

1. The fence was constructed as a partnership between myself and my neighbours. We shared the costs, and with my neighbour on the immediate west (Lot 363, also share our aluminum fence), we physically built the fence together ourselves.
2. With my neighbours on the north side - on Ravineview Ave, Lot #91 and #92 - for the most part I constructed and built the fence myself with their approval and guidance. I've communicated with all neighbours on Ravineview Ave, and they have communicated to me through fellow neighbours (one neighbour I have not been able to speak to directly) that they would like to keep the fence as it stands now. Without any changes. None of these neighbours complained about our shared fence (as they've explained) and do not wish to incur any additional expenses to rectify a problem between us, that neither of us has ever had.
3. When the fence was originally constructed, all height restrictions were taken into consideration. To the best of my ability, I made sure and they met code.
4. Water Issues: Soon after the fences were built, our shared back and side yards with the fence experienced 2-3 years of severe water run-off and build-up. Although the grading was designed to tunnel water into a neighbouring drain a few houses over, the significant grading drop downward from the homes on Ravineview created an excessive flow of water. This issue was documented by City of Vaughan officials, as all eaves troughs and rain water drainage system from the homes in question were eventually diverted forward (away from our

fence) towards the streets in the City's drains. The result however was significant impact on the grading level in our backyards of our fence.

5. Photos: The photos in question (taken this fall of 2011) show first hand proof of the water damage that impacted the grade of our backyards and side yards. Although the last couple of years with the diverted rain water has seen the grading level stabilized, those few years of significant excess water had dropped the grading in my backyard and side yard along the fence by in my estimations up to 10 inches. The photographs show the exposed concrete form used to hold the fence posts in place, that were at one point buried 1-4 inches below grade. If the grade was not impacted by the excess water run-off, the fence would meet code requirements.
6. To rectify the grade issue, I am currently constructing a patio in my backyard along the fence that would improve drainage and grading with river rock. I am not saying I would or have the ability to change the grade of the property, but the height of the fence from the patio would no longer show the fence exceeding the height restrictions to such a great extent, if at all. I'm made sure not to impact water flow, at great expense, and would not like to incur additional expenses by additional work to the fence.
7. I have not be able to supply a letter signed by all neighbours stating their satisfaction with the current fence in place, but can provide that to this committee if they feel it would be a deciding factor in this appeal.

I humbly request that an exemption be placed on the orders for my property at 58 Country Drive Lane, and all neighbouring properties who share my fence, and who have also received an order to comply.

I sincerely thank you for your time in reviewing this matter. If you should have any questions or concerns, please feel free to contact at any time to discuss the situation.

Sincerely

Emilio Leonardis



NOTED SIDE - BOARDWALK LOT 364 + LOT 92 - WIDE AVENUE * SLOPE



NORTH SIDE - BORDERLINE LOT 364 + LOT 92



NORTH WEST CORNER



NORTH WEST SIDE - LOT 364 + 363