

COMMITTEE OF THE WHOLE - JUNE 5, 2012

FENCE HEIGHT EXEMPTION - 127 MCMORRAN CRESCENT – WARD 5

Recommendation

The Director of Enforcement Services recommends the following:

1. That the fence height exemption for 127 McMorran Crescent be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius. Three objections have been received from residents of 117, 121 and 123 McMorran Crescent.

Purpose

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

Background - Analysis and Options

The property owner of 127 McMorran Crescent 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 6 feet in rear yards. The Applicant has requested an exemption to permit an existing rear yard wooden fence. The south side of the fence contains three panels measuring 8 feet 5 inches and 5 panels measuring 6 foot 3 inches (which abuts 123 McMorran Crescent).

This fence was brought to the attention of the Enforcement Services Department as a result of a complaint.

There are no site plan or safety concerns related to this application.

This application is beyond the delegated authority for fence height exemptions.

Relationship to Vaughan Vision 2020

This report is in keeping with 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 a fence height exemption for this location at its current height.

Attachments

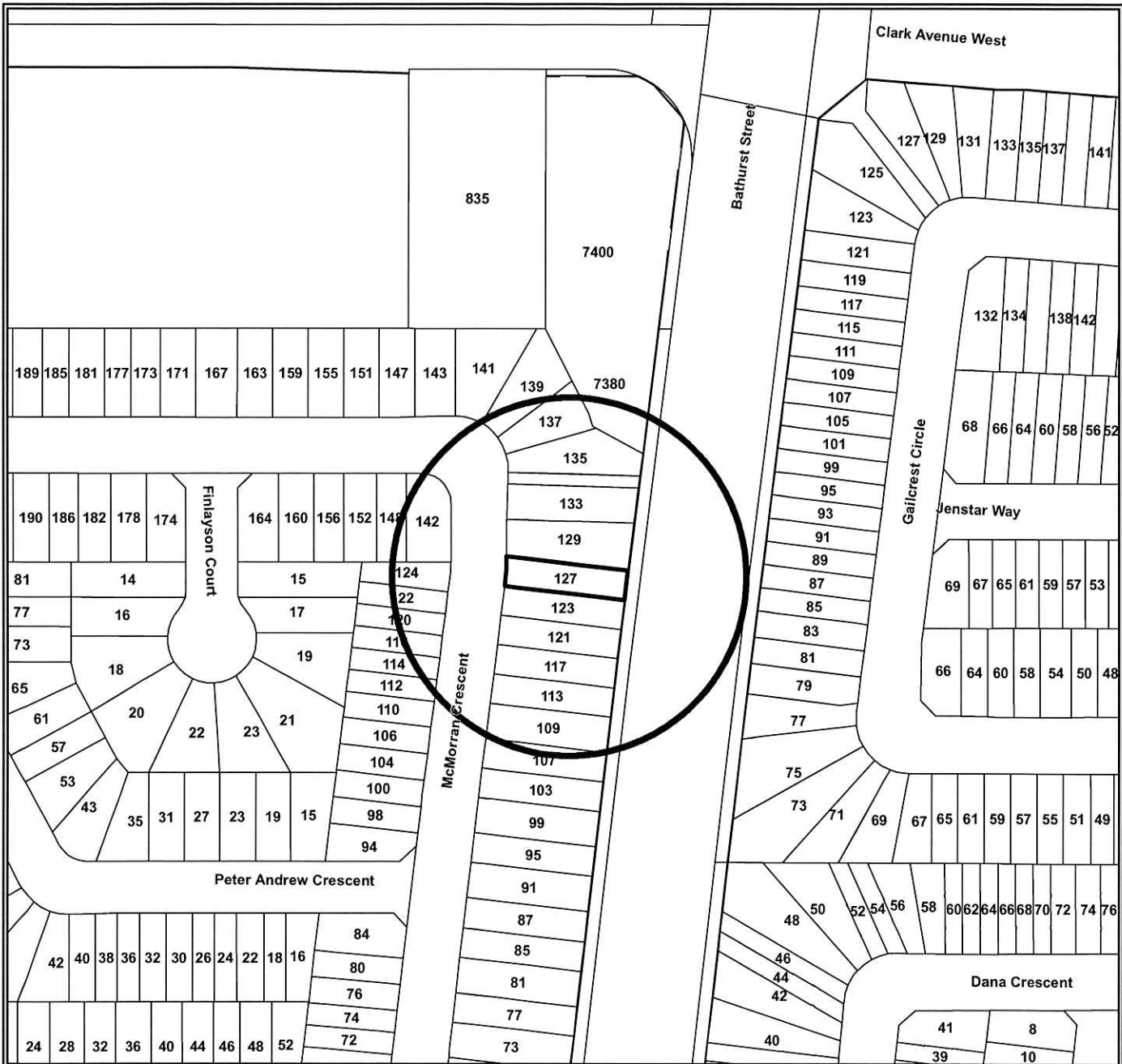
1. Map of surrounding streets
2. Photographs
3. Letters of Objection (X 3)

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

Tony Thompson
Director, Enforcement Services



127 MCMORRAN CRESCENT **LOCATION MAP**

LEGEND

 60m RADIUS ADDRESS BUFFER


NOT TO SCALE

ATTACHMENT NO. 2









Height - 125 cm

Heron, Janice

From: Linda Chan [linwbchan@gmail.com]
Sent: Sunday, May 20, 2012 8:06 PM
To: Heron, Janice
Cc: peterschan8@gmail.com
Subject: RE: REQUEST FOR FENCE HEIGHT EXEMPTION, 127 McMorran Crescent
Follow Up Flag: Follow Up
Flag Status: Completed
May 20 2012

To: Enforcement Services Department

From: Linda Chan, 117 McMorran Crescent, Thornhill ON L4J 2T4

We the owner of 117 McMorran Crescent do not agree with granting of height exemption from the current 6 feet standard as requested for 127 McMorran Crescent.

Thank you for your invitation to comment in this regard. Kindly acknowledge the receipt of this EMail by the Enforcement Department.

Linda Chan

PS: Please be advised that the Notice to 117 McMorran was not deposited to the mailbox. We only found it by accident lying on the walkway outside the front entrance. Should it be blown away or mixed up as junk mail, our feedback to this invitation would have been missed.

Heron, Janice

From: Lenie Samuels [lenie.stu@rogers.com]
Sent: Tuesday, May 15, 2012 8:16 PM
To: Heron, Janice
Subject: Fence Height Exemption - 127 McMorran Cres

Dear Ms Heron: We are Stuart and Lynda Samuels at 121 McMorran Cres. We do not understand why any household would want a fence 9 1/2 ft tall (3 1/2 feet over the restriction) on one side of their yard which would be an eyesore to the rest of the neighbours on that side and a fence of over 7 ft on the other side which would also be an eyesore. We certainly do not want to look to the north of us and see a monster fence. We enjoy our back yard and find it quite nice the way it is with the fences already at a 6 ft level. We understand that they have a hot tub and splash pool in their yard. We have a full size pool in our yard and certainly don't need a 7 - 9 ft fence to protect our privacy and do not understand why they feel the need for this added height. A 6ft privacy fence is certainly sufficient. What are they planning on doing in their yard?

I understand that 127 McMorran already has a 7ft fence down one side which is over the restrictions.

We therefore do not agree with this monster fence being erected.

;
Stuart and Lynda Samuels
121 McMorran Cres
Thornhill Ontario.
L4J 2T4

May 15, 2010

Michael & Wendy Herman
123 McMorran Crescent
Thornhill, Ontario L4J 2T4

Ms. Janice Heron, Office Coordinator
Enforcement Services Department
City of Vaughan

RE: REQUEST FOR FENCE HEIGHT EXEMPTION OF 127 McMorran Crescent

Dear Ms. Heron,

This is in response to the notification that was delivered to 123 McMorran Cres. sometime prior to the morning of May 15, 2010 stating that;

This is to inform you that the above noted property owner has applied to the City of Vaughan for a fence height exemption pursuant to Section 3.5 of By-law 80-90, the Fence By-law, to permit an existing rear yard fence ranging in height from 6 feet to 9 feet 5 inches on the south side of the property and 7 feet 2 inches on the north side.

We wish to respond by saying that we are against allowing a fence height exemption. Currently the fence on the south side of the subject property is already in violation of the fence height requirements as it ranges from over 9 feet by the East end of their house to 6 feet at the Bathurst St. delineation. This was already an issue with an enforcement action executed against the previous owner of the property and then never followed up by the enforcement division to ensure proper compliance with By-law 80-90.

On the grounds of being a good neighbour we didn't press this matter against the new owners as there is an elevated deck on the rear portion of their house and the 9 foot fence (where it meets the house wall and 8 feet in height prior to dropping to 6 feet) allows for them to have privacy. As it is, the fence at that height extends well beyond the end of their deck and its height is visually distressing while we are in our backyard and already disturbs the visual sightline of the rest of our side of the subdivision. Allowing the fence to a height of 9 feet 5 inches will disrupt our enjoyment of our backyard, serve to give us the feeling of lounging in an alleyway, disrupt the sightline and symmetry that other neighbours enjoy, setting a precedent for this neighbourhood along with possibly devaluing our property value.

In addition these neighbours choose the hours of 10 to 11 P.M. to start entertaining on their rear deck and have been asked on several occasions to keep the noise levels down. Allowing the fence to a height of 9 feet 5 inches will only serve to encourage a false sense of detachment in them from the neighbours while not acting as a significant form of sound abatement for us. Furthermore, if they chose a high point in the backyard grade to measure the 9 feet 5 inch level and then shoot a level line back towards their house then the fence will be over 12 feet in height where it meets their house.

Please find attached current photographs of our view of the subject fence. The black lines define the added area of our new view with fence at 9 feet 5 inches as taken from the mid-post.

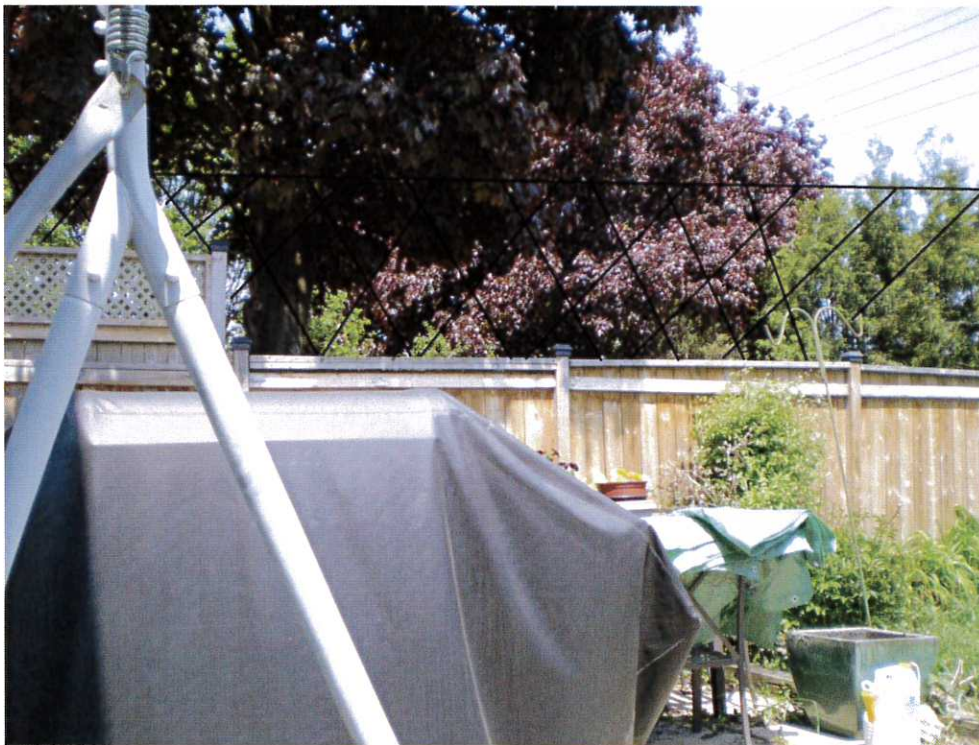
Regards,

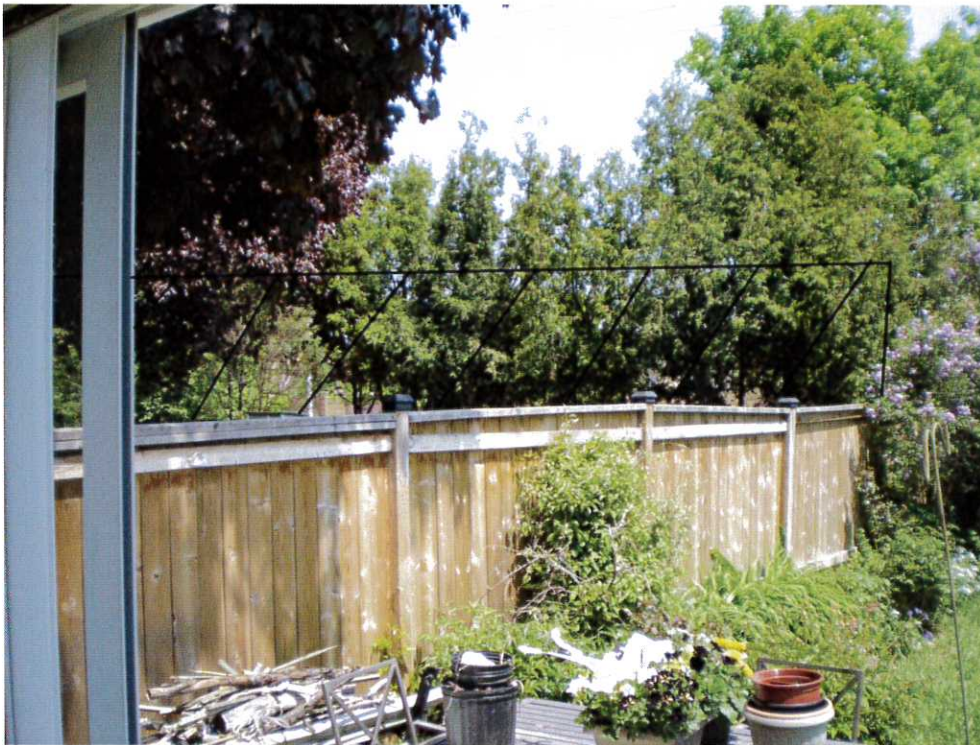
A handwritten signature in dark ink, appearing to read "Michael Herman", with a stylized flourish at the end.

Michael and Wendy Herman

Owners of 123 McMorran and current neighbours to 127 McMorran

cc: Alan Shefman, Ward 5 Councillor





Our view out of the kitchen sliding door.



Fence height at the nearest post is already at 8 feet and at 9 feet by house wall.



View from our upstairs bedroom.



Height of post by wall of house 127 McMorran.

