

COMMITTEE OF THE WHOLE - JUNE 5, 2012

FENCE HEIGHT EXEMPTION - 154 SAINT NICHOLAS CRESCENT – WARD 3

Recommendation

The Director of Enforcement Services recommends the following:

1. That the fence height exemption application for 154 Saint Nicholas Crescent 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 the submission of this report one objection had been received and one letter of support has been received from the neighbouring property at 150 Saint Nicholas Crescent, who shares the fence.

Purpose

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

Background - Analysis and Options

The property owner of 154 Saint Nicholas 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 2 interior yard fence panels to provide a sense of privacy due to an elevated rear yard deck.

This fence height violation was brought to the attention of the Enforcement Services Department as a result of a complaint. Staff attended the property and found the first panel has a sloped design topper, where at the lowest point measures 6 feet 1 inch, with the highest point measuring 7 feet 2 inches. The second panel has a leveled topper, which measures 7 feet 6 inches with a post measuring 8 feet.

There are no visibility issues from other properties. The fence is screened by the two homes and visibility is not possible from the rear yard properties due to a climbing shrub attached to the fence.

There are no site plan requirements for this property and no site line visibility issues.

This application exceeds the delegated authority for fence height exemptions.

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

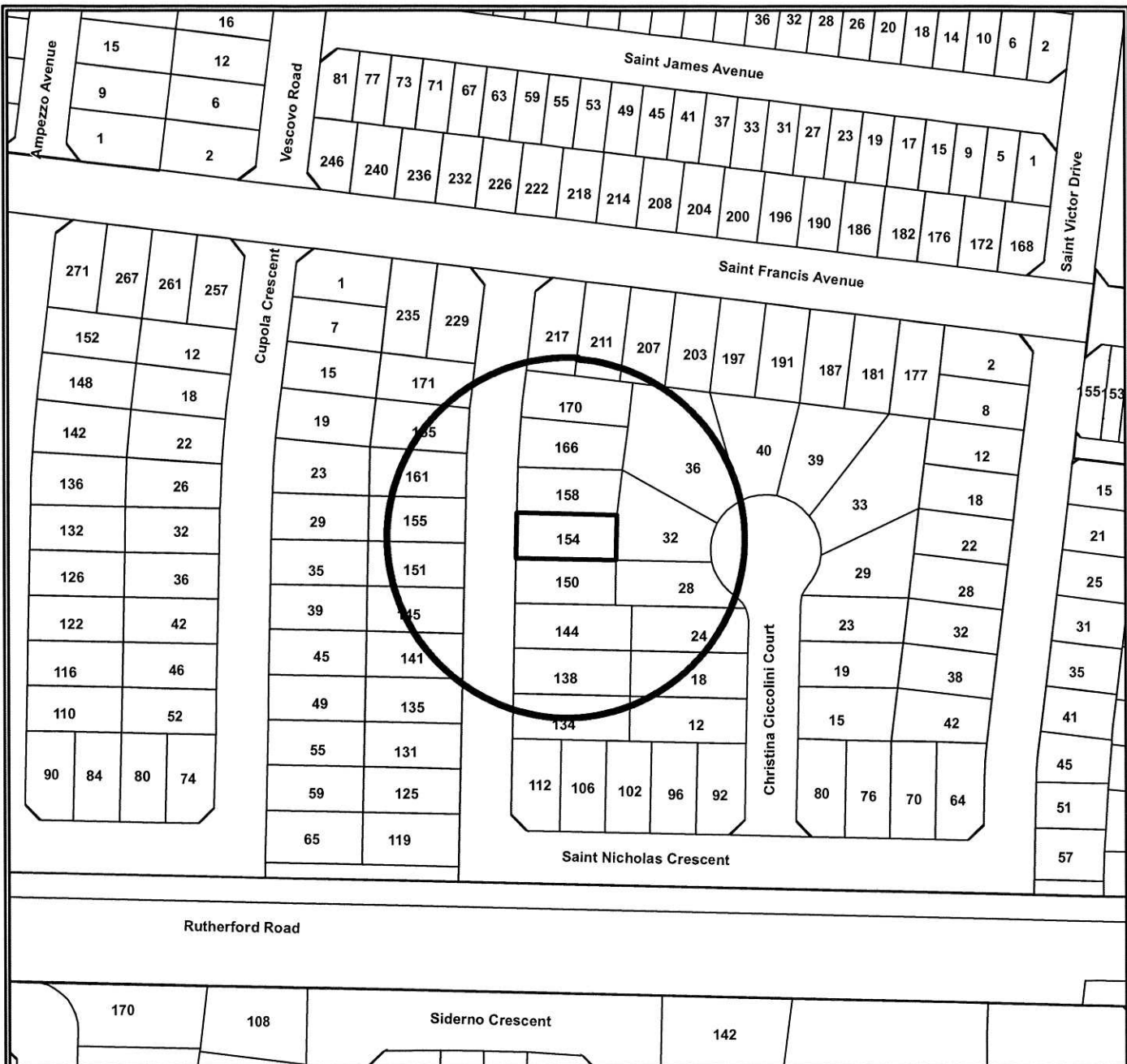
1. Map of surrounding streets
2. Photographs
3. Letter of Support (email from Max Denome X 2)
4. Letters of Objection (X 2)

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

Tony Thompson
Director, Enforcement Services



154 SAINT NICHOLAS CRESCENT **LOCATION MAP**

LEGEND

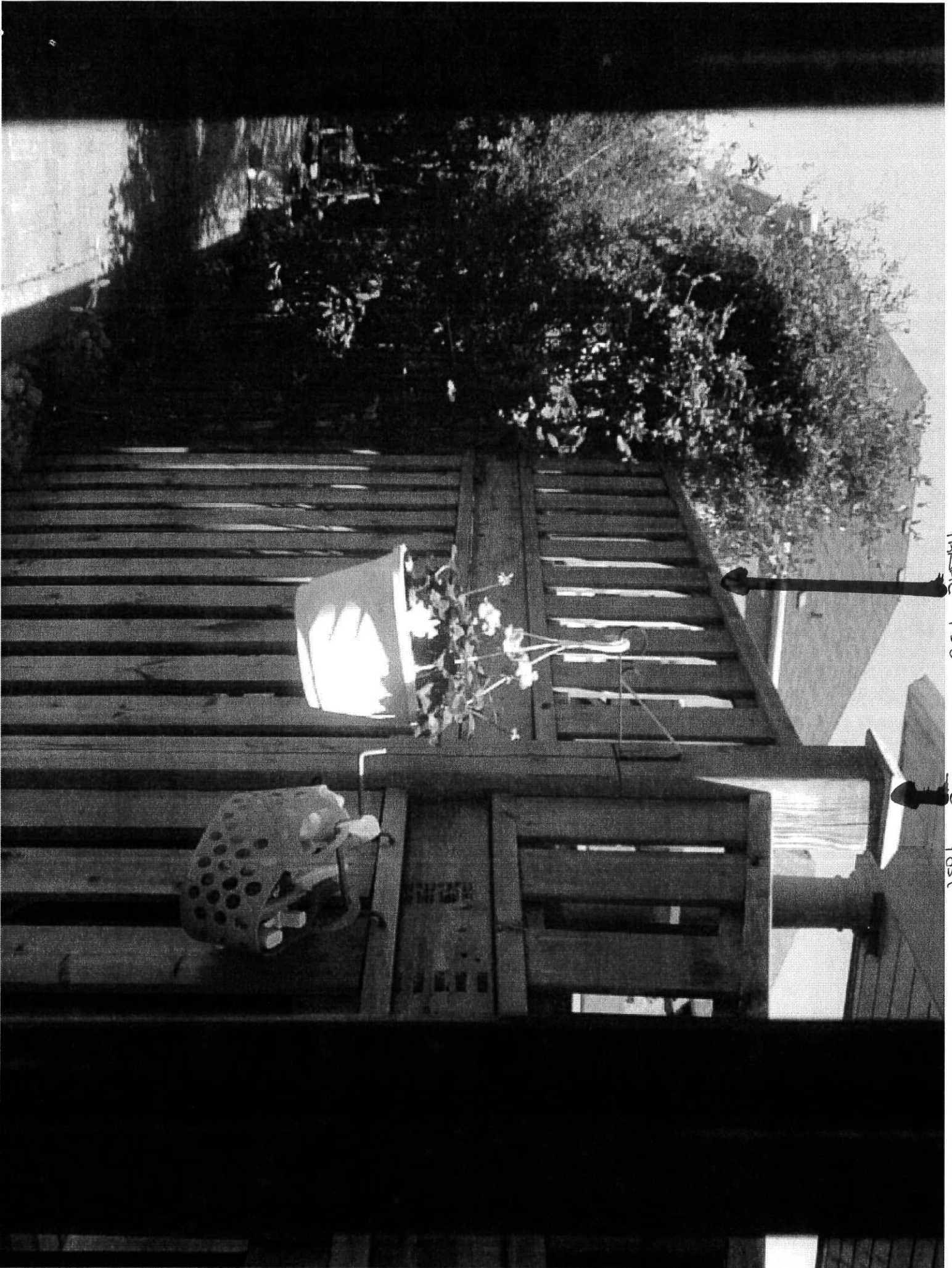
 60m RADIUS ADDRESS BUFFER


NOT TO SCALE



72" (height).

(width) 6' 08"



Passer 7.58"

8' Post

From: Booth, Christina <Christina.Booth@vaughan.ca>
Sent: Friday, October 07, 2011 2:59 PM
To: Max Denome
Subject: RE: Plan 65M3715 Lot 45 (154 Saint Nicholas Cres. City of Vaughan)

Good Afternoon Mr Denome

Only one application needs to be submitted

The application is available on line or you can come to 2141 Major MACKenzie Dr and pick one up at Enforcement Services

The application can be mailed or brought to enforcement services

I will then be asked to write a report with respect to the fence which will require me coming out to do a final set of measurements and take pictures

Once the application is rec'd then the time frame for compliance gets put on hold

Chances of success - that I cannot answer - if people come and object to the fence height then there may be an issue.

c

From: Max Denome [mailto:max.denome@svprx.ca]
Sent: October 5, 2011 10:03 AM
To: Booth, Christina
Subject: RE: Plan 65M3715 Lot 45 (154 Saint Nicholas Cres. City of Vaughan)

Good Morning Christina,

I have left messages on your work extension and would like to follow up with this email in response to the registered mail notice to my neighbor at Plan 65M3715 Lot 45 (154 Saint Nicholas Cres. City of Vaughan)

I am the next door neighbor at 150 Saint Nicholas Cres that share the fence that is in contravention of the height restriction. The section of heightened fence was agreed to between the Baldacchino's at 154 Saint Nicholas Cres and ourselves to provide some privacy on each of our open porches that face each other. We understand that we are responsible and of the two options provided, the removal would not be the option of choice and therefore we would like to proceed with an application in hopes to obtain a fence height exemption for this small section of fence between out porches. There are a few questions that I would like to ask in reference to this as follows.

- 1) Who has to complete the application and will this cover the adjoining neighbor?
- 2) How do we go about applying for this exemption?
- 3) What is the likelihood that it would not be approved?
- 4) How does the 14 day compliance apply if the application is made.

We obviously would like to deal with this immediately and do not want legal actions taken against us.

Thanking you in advance

Max Denomé

Tel: 905-713-2040 ext 217 or Fax: 905-713-1090

Please select **"Reply to All"** when responding to this email

SUMMIT VETERINARY PHARMACY INC.

25 Furbacher Lane, Aurora, Ontario, Canada L4G 6W3

Heron, Janice

From: Max Denome [max.denome@svprx.ca]
Sent: Tuesday, May 15, 2012 9:25 AM
To: Heron, Janice
Cc: max.denome@svprx.ca
Subject: Re; Request for fence extension 154 Saint Nicholas Crescent
Follow Up Flag: Follow up
Flag Status: Blue
Attachments: Max's Email.pdf

Dear Ms. Heron,

Please pass along the following as I will be out of town for the hearing on June 5th 2012. (Signed copy attached)

I am the resident of 150 Saint Nicholas crescent and the next door neighbor that directly shares the fence that is requested an exemption for the extension in height. The section of fence that we are looking for the height exemption is only a short section between the builder built raised concrete and covered porches at the rear of the house. These porches unfortunately due to the approved design directly face each other and offer little to no privacy due to the fact that these covered porches are well above the grade. The extended section for the exemption request is only along the length of the covered porch.

Thanking you in advance

Max Denomé

email max.denome@svprx.ca
150 Saint Nicholas Crescent
Woodbridge Ontario
L4H 3E6
Home (905) 553-2809
Mobile (416) 720-6686

5/18/2012

ATTENTION : JANICE HERON

Salvatore Ierullo
 158 Saint Nicholas Crescent
 Woodbridge, ON
 L4H 3E6
 Tel: (905) 653-9167

RECEIVED

MAY 22 2012
 CITY OF VAUGHAN
 ENFORCEMENT
 SERVICES

May 21, 2012

Dear Janice Heron:

Thank you for the information regarding my neighbour's situation. As a taxpayer of Vaughan, we all have to follow the By-laws of the City. My neighbour is no exemption to the rules regarding their fence. If the Fence By-law states: "No fence erected in an interior side yard shall not exceed 1.80 metres (6 feet) in height," then the citizens of Vaughan should abide by it. My neighbours' fence surpasses that height restriction by 14 inches. The fence has been built years ago without permission. By disregarding the Fence By-law, my neighbour insults the city's integrity by assuming exemption for no good reason at all.

In 2010, I had built a support apart from my fence to hang my basket of flowers. My neighbour, the applicant, who lives on 154 Saint Nicholas Crescent, logged a complaint to Sandra Lestan, one of your Provincial Offences Officer in the Enforcement Services Department. Although the support had nothing to do with my fence, I was forced to take it down or get fined.

Residents in the City of Vaughan have inspirations of building the perfect home as they continue to make their living here. Although the city's By-laws are not uniformly agreeable among all its residents, they are understandable.

The fence should be brought back down to its required height of 1.80 meters (6 feet) as the By-law states. By-laws of the City of Vaughan are for everyone who lives in Vaughan. Not the few who decided to break them.

Sincerely,



Salvatore Ierullo

Amato, Victoria

From: Heron, Janice
Sent: May 22, 2012 8:27 AM
To: Amato, Victoria
Subject: Fw: 154 Saint Nicholas Crest., Fence Height

Please print for me

Janice Heron
Office Coordinator
Enforcement Services Dept.
CITY OF VAUGHAN
(905) 832-8505

From: MARIA RODRIGUES [mailto:rolmars@rogers.com]
Sent: Monday, May 21, 2012 09:25 PM
To: Heron, Janice
Subject: 154 Saint Nicholas Crest., Fence Height

Enforcement Services Department
Attention: Janice Heron

Hi Janice, how are you? My name is Maria, and I reside @ 165 Saint Nicholas Crest. as per your request on 154 Saint Nicholas Crest., Fence Height, I will be glad to comment on this matter and if it's important too?

If the neighbour gets their request on this matter granted; I would also like to get the same privilege for one side of my Fence to be raised too? I never knew that this was possible to do? as I understood, the City will NOT Allow it? as in the past, a neighbour had done the same too, as decoration to their Fence and the City had asked them to take it down the extra Height, as per the request of the same neighbour that is now asking to raise it her self?

I Thank you for asking for my comments, this is how I feel about it, it will not be fair for some people to get permission and others Not.

Thank you again, if you like to contact me, please do not hesitate to do so, my day time number is 416-888-9157,

Maria Paltin