

COMMITTEE OF THE WHOLE - JUNE 5, 2012

FENCE HEIGHT EXEMPTION - 41 MARATHON AVENUE – WARD 4

Recommendation

The Director of Enforcement Services recommends the following:

1. That the fence height exemption application for 41 Marathon Avenue be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 meter radius. Three letters of objection have (one of which is from a direct abutting neighbour).

Purpose

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

Background - Analysis and Options

The property owner of 41 Marathon Avenue 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. The Applicant has requested an exemption to permit a front yard wrought iron fence located between 39 and 41 Marathon Avenue which separates the driveways. The fence ranges in height from 5 feet 1 inch to 6 feet 5 inches.

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

The Applicant provided a petition from 17 homeowners in the area who have no objections to the fence.

There are no site plan or safety concerns regarding this application

This fence exceeds 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. Letter from Applicant with Applicant Petition
4. Letters of Objection (X 3)

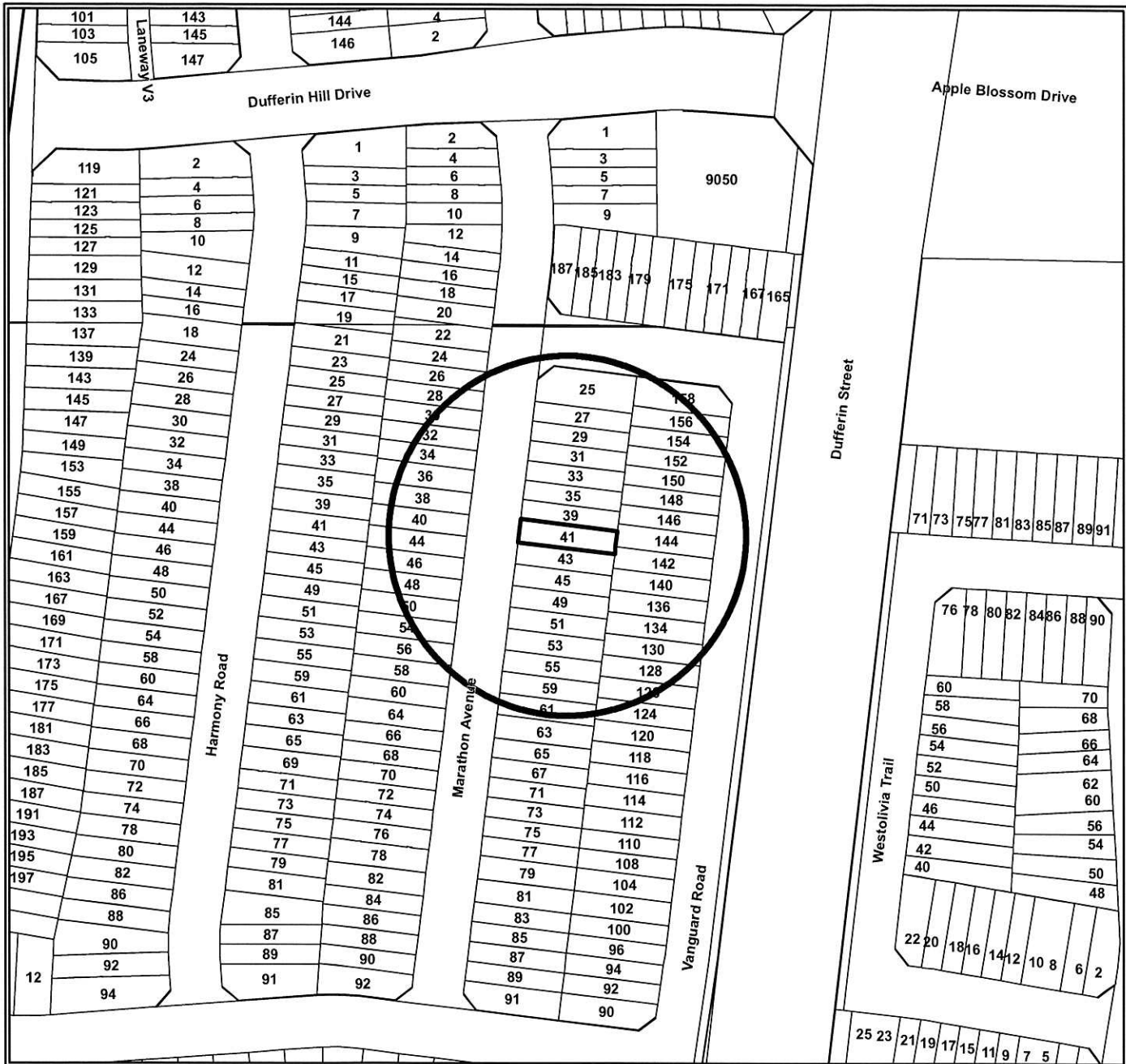
Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



41 MARATHON AVENUE LOCATION MAP

LEGEND

 60m RADIUS ADDRESS BUFFER


NOT TO SCALE





ATTACHMENT No. 3

Lucy [REDACTED] and John [REDACTED] reside at [REDACTED] Marthon Ave., Concord. [REDACTED]

In July 2010, we erected a fence on our driveway between our property and the [REDACTED] at [REDACTED] Marathon Avenue. The rot iron fence is over 5 ft high and consists of 4 posts and 4 panels. The fence was installed by Roma Fence. They measured our property to make sure the fence was installed the legal length, so we trusted their expertise with respect to the height as well.

The reason John and I installed the fence was to separate our property from [REDACTED] Marathon, due to the [REDACTED] using our driveway to park their vehicles, their friends vehicles, and visitors vehicles on our driveway. Maria [REDACTED] drove very quickly into her driveway, and used our driveway to do so. At times, we felt it was a safety issue when our child was playing on our driveway (even when we were outside supervising our child).

Several times a week my husband, would have to knock on the [REDACTED] door to tell them to move their vehicle or friends' vehicle from our driveway. Due to a history of very poor and tenuous relations with the [REDACTED], often they used profanity, or even got their friends to fight their battles, telling my husband to "f**k off". They knew this was our property; they knew we objected to them using our driveway, but continued to do so. They would have their friends answer the front door for them (not the [REDACTED]). My husband heard Maria [REDACTED] laughing and whispering from inside. Sometimes they would not answer. One time, my husband blocked their vehicle. Regrettably, we did not contact the city parking authority.

In 2007 my husband and I went the Justice of the Peace to obtain a Peace Bond against them and their friends who used to live behind us, (Vanguard Ave.), due to harassment, verbal abuse, and even property damage. The police were called several times when altercations became too much for us to deal with. A meeting will allow us to explain in greater detail the circumstances leading up to why we installed the fence. We can show you photos of how they parked on our driveway prior to installation of the fence.

This fence was necessary because it gave us peace of mind that the [REDACTED] would not infringe on our property as they please. It clearly defines our properties. Now they cannot use our driveway whenever they want to.

We have canvassed the neighbourhood to find out what other neighbours think of our fence, and did not receive any objections whatsoever! As a matter of fact, some told us the fence looks beautiful and elegant. We have submitted signatures for your review and if requested we can obtain more signatures. Initially people knocked on the [REDACTED]' door to enquire about the fence, thinking it was their's. We later found out Maria [REDACTED] told them she installed the fence. Since then, we put our house number on the fence post!

We like our fence, and would not do anything to disturb the neighbourhood. We take pride in beautifying our property. We do not wish to lower our fence and hope the city will make this exception to keep the fence as it stands. The history of the [REDACTED] has caused our family great anguish and this exception would give us peace of mind.

We would like to meet with a representative from the city to discuss this further.

DATE OF FORM: December 30, 2011

SIGNATURES SOUGHT BY: Lucy and John Kennedy [redacted] Marathon [redacted]

Please complete below if you are in AGREEMENT. There is no legal obligation by doing so.

THE METAL FENCE LOCATED AT 41 MARATHON AVE. IS ACCEPTABLE, DOES NOT OBSTRUCT VIEW OF TRAFFIC, OR PRESENT ANY PROBLEMS TO THE NEIGHBOURHOOD.

NAME:	# MARATHON AVE	PHONE NUMBER
Keren [redacted]	[redacted]	[redacted]
Golan [redacted]	[redacted]	[redacted]
Vanessa [redacted]	[redacted]	[redacted]
DIVINO [redacted]	[redacted]	[redacted]
GARRY [redacted]	[redacted]	[redacted]
ROSA [redacted]	[redacted]	[redacted]
Natalija [redacted]	[redacted]	[redacted]
Glukhovsky [redacted]	[redacted]	[redacted]
Eugene [redacted]	[redacted]	WITHHELD PHONE #
CAND [redacted]	[redacted]	WITHHELD PHONE #
Brian & SHARON	[redacted]	[redacted]
Asim [redacted]	[redacted]	[redacted]
Yoram [redacted]	[redacted]	[redacted]
Serguei [redacted]	[redacted]	[redacted]
EUGENIY [redacted]	[redacted]	[redacted]
Michael [redacted]	[redacted]	[redacted]
Zachar [redacted]	[redacted]	[redacted]

Dear Janice,

We received the letter regarding 41 Marathon Avenue and the fence height exemption.

We believe that there is a by-law for a reason and there should be no exceptions made for this property. Allowing this would only hinder the appearance of the neighborhood and may be a possible drop in our resale of the surroundings properties. We do not agree that they should be given the special treatment and the opportunity to keep the fence as this is not fair to the neighborhood.

If they are given the grant to do this then the city of Vaughan is giving the opportunity for others to do the same and break the by-laws.

The fence is one concern but our original complaint to the city was regarding the camera pointing to our property that is in the window of 41 Marathon Avenue.



We have two small children and we do not feel safe or comfortable with this camera pointing to our property. If there are cameras pointing to their own property then that we realize is legal but when we feel that our privacy in our own home is being invaded this is unacceptable.

We would like this camera looked into and taken down asap. It's in the far left window above the garage and they leave the blinds open a bit. We both work full time and have busy schedules especially with two small children so we haven't had time to follow up on further phone calls for this complaint.

Your home is supposed to be the one place you should feel comfortable in and this is making it very hard. We pay taxes and we want to live in a neighborhood with rules to keep everyone safe and equal.

Best Regards,

 
Mr. Harris  & Mrs. Francesca 

 Marathon Ave Vaughan, ON L4K 5G9


May 18, 2012

City of Vaughan
Enforcement Services
2141 Major MacKenzie Drive
Vaughan, Ontario
L6A 1T1

RE: 41 Marathon Avenue – Fence Height Exemption Request

Dear Council Committee;

We ask that you deny the request for the fence height exemption at the above noted address. We don't see the purpose of having a fence in between our driveways and really don't understand why they need a fence of that height. We are also puzzled as to why they did not contact the City of Vaughan to inquire about the height restrictions prior to installing it. They have been my neighbor for over 10 years and we have had many on-going issues with them, the fence violation being only one of them. Another concern regarding the fence is the resale of our house; we are concerned that when we are ready to move that this fence may cause a problem selling.

Should you have any further questions or concerns, please feel free to contact me.

Regards,

[REDACTED]
Tom & Maria [REDACTED]
[REDACTED] Marathon Avenue
Concord, Ontario L4K 5G8
Home: [REDACTED]
Work: [REDACTED]
Email: [REDACTED]

Amato, Victoria

From: Heron, Janice
Sent: May 22, 2012 8:28 AM
To: Amato, Victoria
Subject: Fw: Request for Fence Height Exemption

Ease print for me

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

----- Original Message -----

From: Johnson [REDACTED] [mailto:[REDACTED]]
Sent: Monday, May 21, 2012 09:20 PM
To: Heron, Janice
Subject: Re: Request for Fence Height Exemption

Dear Ms. Janice Heron:

On behalf of the residents of [REDACTED] Marathon Avenue, we would like to ask that the City of Vaughan deny the proposed fence height exemption brought forth by the residents of 41 Marathon Avenue.

The residents of [REDACTED] Marathon Avenue have collectively agreed that such a proposed fence height exemption will certainly cause an eye sore, in our marvelous neighborhood. Furthermore, we see no added benefit to having such a proposed fence.

Please let me know if you have any questions regarding the above.

Sincerely,

Hy Luong [REDACTED]
[REDACTED]