

COMMITTEE OF THE WHOLE - JUNE 5, 2012

FENCE HEIGHT EXEMPTION - 25 AND 31 FIORELLO COURT – WARD 3

Recommendation

The Director of Enforcement Services recommends the following:

1. That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 meter radius and three objections were received.

Purpose

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

Background - Analysis and Options

The property owners of 25 and 31 Fiorello Court have 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 Applicants have requested an exemption to permit existing rear yard wooden fencing ranging in height from 6 feet to 7 feet 5 inches.

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

Several homes in the immediate vicinity are of the same height and design as the fencing was installed by the same contractor.

There are no apparent site plan or safety impacts as a result of this application.

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

Attachments

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

Report prepared by:

Janice Heron
Office Coordinator, Enforcement Services


Respectfully submitted,

Tony Thompson
Director, Enforcement Services

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**ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM**

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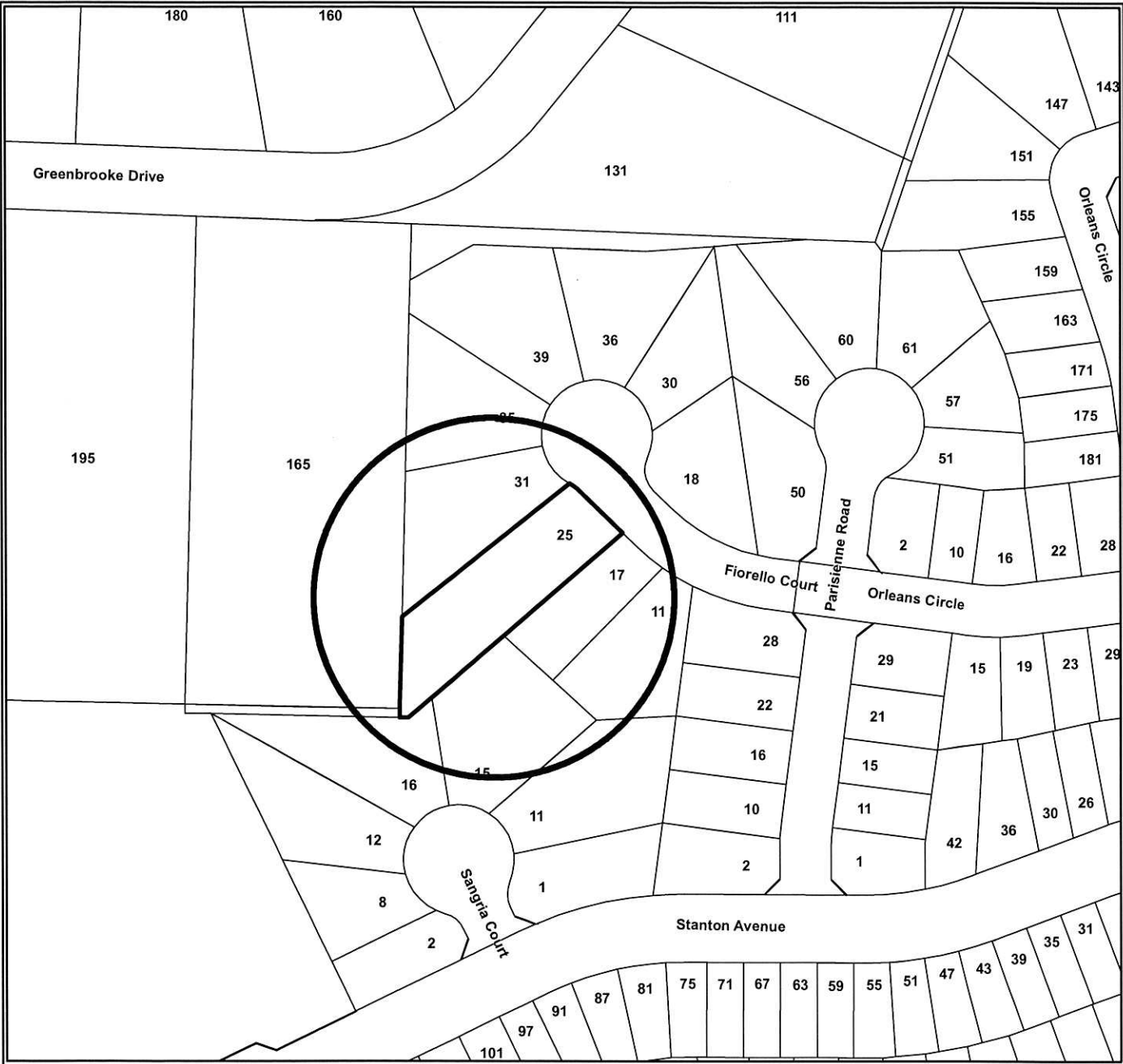


**THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR**
in accordance with
Regulation 1026, Section 29(3).

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ONTARIO LAND SURVEYORS
643 Chrislea Road, Suite 7
Woodbridge, Ontario L4L 8A3
Tel. (416) 635-5000 Fax (416) 635-5001
Tel. (905) 264-0881 Fax (905) 264-2099
Website: www.r-pe.ca
DRAWN: V.H.
JOB NO. 09-044
CHECKED: G.P./T.S.
CAD FILE No. 4160-80

CHECKED: G.P./T.S.
CAD FILE No. 4160-60



25 FIORELLO COURT
LOCATION MAP

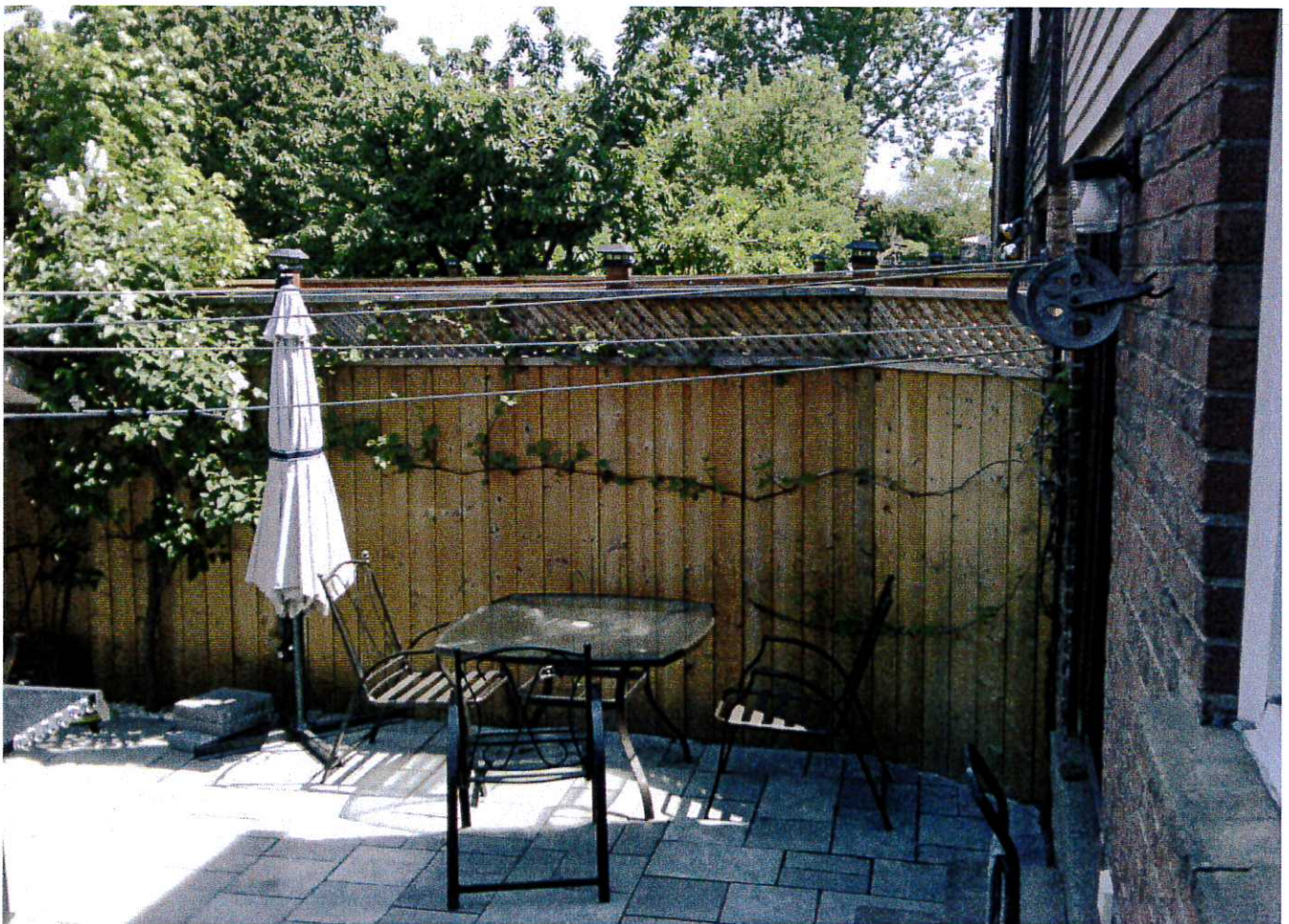
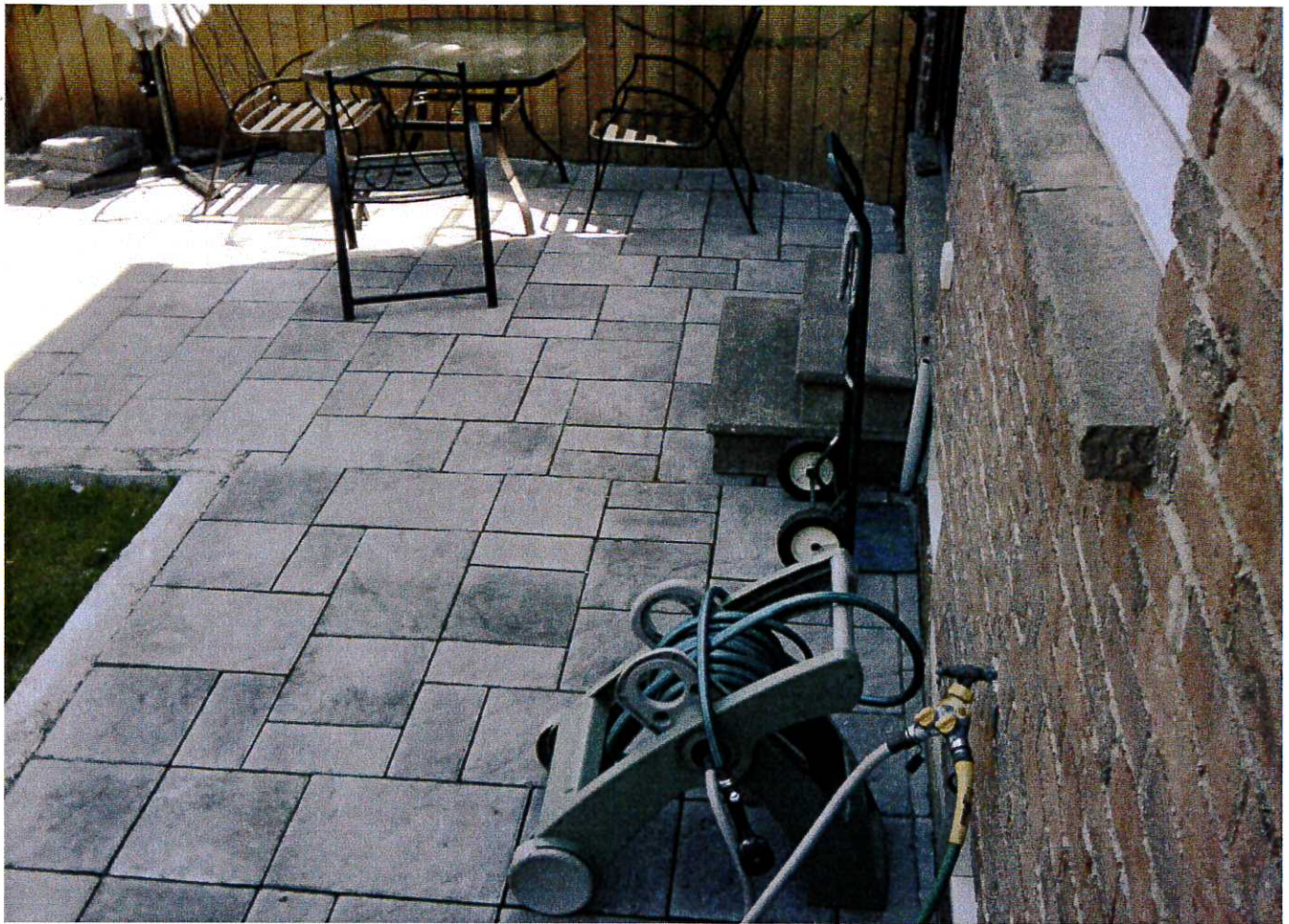
LEGEND

 60m RADIUS ADDRESS BUFFER


NOT TO SCALE







Heron, Janice

ATTACHMENT NO. 4

From: Huang, Leon [leon.huang@cgi.com]

Sent: Thursday, May 17, 2012 3:10 PM

To: Heron, Janice

Subject: RE Fence Height on Fiorello Court

To the attention of Janice Heron.

We, Leon and Quynh Huang of 11 Fiorello court is responding back to the letter issued by the City of Vaughan Enforcement Services. This is pertaining to the fence Height. Our contract with Galaxy Fence stated that the fence height would be 6 feet high. Understanding the grading of the land, some fence height might be higher. In the case where the fence height is 7 feet or more, we would like those fence panels reduced to no more than 6 feet 5 inches. As long as it is in keeping with the by-law for fence height.

Thank you,
Leon and Quynh Huang
11 Fiorello Court
Woodbridge
L4H 0V4
Home: 905-605-2231
Cell : 647-229-1037

5/17/2012

Mr. Mario Pacitto and Mrs. Filomena Pacitto
17 Fiorello Court
Vaughan, ON L4H 0V4

May 16, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

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

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

We, Mario and Filomena Pacitto, are property owners of 17 Fiorello Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

As adjoining property owners, we oppose the fence height exemption and would like to voice our concerns with the request for the proposed fence height exemption at 25 Fiorello Court.

At the time we contracted with Galaxy Fencing to complete the fence, all adjoining property owners, including the owners of 25 Fiorello Court agreed that the fence height for all properties would be six feet, as is stipulated in the contract with Galaxy. Unfortunately, at the time the fence was installed we were out of the country and were unable to voice our displeasure with the manner in which the fence was installed by Galaxy, in particular, the height of the fence. However, upon our return, we immediately notified all of our adjoining neighbours as well as Galaxy, that the fence was not completed properly due to the increased height of the fence.

Our concern is that the space between our side yard and that of 25 Fiorello Court is very narrow and to construct a fence that is greater than six feet, which is the maximum height under the current by-law, only makes matters worse, as the space feels very dark and enclosed. Furthermore, since our house is the smallest house of all the surrounding lots and is also a bungalow, the increased fence height makes our lot appear even smaller.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. If the height of the fence is raised it will not only change the appearance of our house but it will change the visible appearance and feeling of the streetscape. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

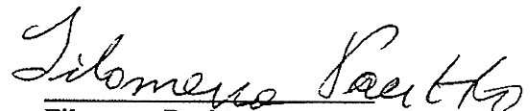
In addition, we would like to advise you that all of the affected property owners namely, Vittorio and Tuccia Ferrari (15 Sangria Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, have come to an agreement, whereby Galaxy will be cutting the fence height down to six feet for the rear lot and the lot on the opposite side of our house, as per the current by-law and the terms which were initially agreed upon when Galaxy was contracted to install the fences. (Please find attached a copy of the Contract) As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the opposite side and the rear yard fence.

Based on the above, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents and to not grant the fence height exemption.

Yours very truly,



Mario Pacitto



Filomena Pacitto



CHALDIE 416-791-0271
CARL 416-809-1926

Galaxy Fencing (905) 451-1663

Work Order

Client Name: MARIO Date: 1/9/11
Client Address: 17
Phone Number: _____ Alt Number: _____

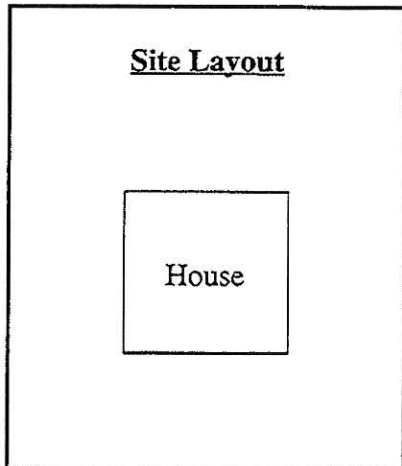
Post Size: 4x4 / 5x5 / 6x6

Fence Style: Private / Alt / Lattice
Board-on-Board / Tongue n' Grove

Height of Fence:
3ft / 4ft / 5ft / 6ft / 7ft / 8ft

Material: PT / Cedar / Trex / WI
Chain-Link / PVC / Snow Fence

Quantity and Cost



Shared Feet 386 @ \$ 34 /FT = \$ 13,124.00 9724
Unshared _____ @ \$ _____ /FT = \$ _____
of Gates _____ @ \$ _____ /FT = \$ _____
Dirt Rem. _____ @ \$ _____ /FT = \$ _____
Fence Removal _____ @ \$ _____ /FT = \$ _____
Extras/ _____
Notes/ 2x8 SCALOP
FRAME

GST# 803 203 876 RT 0001

* 25% payment due
after post installation

Down Payment 500

/TC = \$ 13,124.00 9724
H.S.T. = \$ 1,706.12 1264.12
/ TP = \$ 14,830.12 10988.12
Total = \$ 17,330.12

Date of Completion: _____ Method of Payment: _____

Date: 9/2/11 Customer Signature: [Signature]



Mr. Vittorio Ferrari and Mrs. Tuccia Ferrari
15 Sangria Court
Vaughan, ON L4H 0W2

May 17, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

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

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

We, Vittorio and Tuccia Ferrari, are property owners of 15 Sangria Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

We are opposed to the fence height exemption in light of the following reasons. As such, we do not feel the exemption should be granted.

At the time of installation, it was agreed between all adjoining property owners (including 25 Fiorello Court) and the fence contractor, Galaxy Fencing, that the fence would be installed at a height of six feet. Unfortunately, Galaxy Fencing installed the fence improperly as the height of the fence is beyond the agreed upon six feet and in some areas the fence is as high as eight feet from the ground.

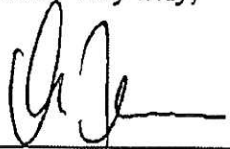
We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

In addition, we have recently come to terms with the other adjoining property owners, Mario and Filomena Pacitto (17 Fiorello Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, whereby Galaxy will be cutting the fence height down to six feet as per the current by-law and the terms which were initially agreed upon by us when Galaxy was contracted to install the fences. As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the rear yard fence, which will be cut back down to six feet.

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Based on the above, we do not feel the exemption should be granted and therefore, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents.

Yours very truly,



Vittorio Ferrari

Tuccia Ferrari