

COMMITTEE OF THE WHOLE - JUNE 18, 2007

FENCE HEIGHT EXEMPTION - 4 ELMBANK ROAD - WARD 5

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor and the Senior Manager of Enforcement Services recommends:

That the fence height exemption application for 4 Elmbank Road be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, no appeals have 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 4 Elmbank Road has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90, for the property located at 4 Elmbank Road.

The Applicant is making application prior to constructing the fence to permit the erection of a front yard fence.

The By-law permits a fence height of four feet in front yards. The Applicant proposes to construct and install a fence in order to provide a feeling of privacy and safety by enclosing both entrances to the driveway of the dwelling and to a future pool.

The property is situated on a corner lot (Centre St. & Elmbank Rd.). The sides and front of the proposed fence will be constructed of wrought iron and will be a maximum of 6 feet in height. The gates will reach a maximum height of 8 feet, attached to 6 foot cement pillars, located at both driveway entrances facing Elmbank Rd.

The area was inspected by Enforcement staff and adjacent fences are similar in height and design to the Applicant's. Fence heights in the immediate area range from 4 foot 4 inches to 7 foot 5 inches, cement/stone pillars range in height from 5 foot 5 inches to 8 foot 1 inch, and gates range from 5 foot 1 inch to 10 foot 6 inches.

There are no site plans registered for this property.

The fence height does not pose a potential sight line issue.

In this general area there have been 3 similar fence height exemptions approved in recent years.

The details outlined above support the approval of a fence height exemption for this location.

This application is outside of the parameters of the delegated authority recently passed by Council.

Relationship to Vaughan Vision 2007

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 does support the approval of a fence height exemption for this location.

Attachments

- 1) 60 Thornbank Road
Item 4, Report No. 4 of Committee of the Whole, January 30/05
Extract from Council Meeting - July 31, 1995
- 2) 20 Oakbank Road
Item 48, Report No. 37 of Committee of the Whole, June 26, 2006
- 3) 35 & 37 Thornbank Drive
Item 4, Report No. 71 of Committee of the Whole, September 25, 2000
- 4) Photos of other area fences

Report prepared by:

Janice Heron
Administrative Coordinator, Enforcement Services

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services
and City Solicitor

Tony Thompson
Senior Manager, Enforcement Services

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES JULY 31, 1995

MOVED by Councillor Green
seconded by Regional Councillor Frustaglio

THAT the Fence Height Exemption, 60 Thornbank Road, Thornhill, be reconsidered at this time.

CARRIED UPON TWO-THIRDS MAJORITY VOTE

**473. FENCE HEIGHT EXEMPTION
60 THORNBANK ROAD, THORNHILL**

Mr. Celeste Iacobelli, Counsel, Gambin Associates, appeared before Council in connection with the above matter.

MOVED by Regional Councillor Frustaglio
seconded by Councillor Green

THAT the request for a fence height variance with 4', 9" columns and a 4', 4" fence, as suggested by the applicant, be granted.

CARRIED AS AMENDED UPON A RECORDED VOTE

YEAS

NAYS

Regional Councillor Di Biase
Councillor Di Vona
Regional Councillor Frustaglio
Councillor Green
Mayor Jackson
Councillor Meffe

AMENDMENT

MOVED by Regional Councillor Di Biase
seconded by Councillor Green

THAT proper landscaping be provided; and

THAT no fixtures be added on top of the 4'9" height of the column.

CARRIED UPON A RECORDED VOTE

YEAS

NAYS

Regional Councillor Di Biase
Councillor Di Vona
Regional Councillor Frustaglio
Councillor Green
Mayor Jackson
Councillor Meffe

- b) A resident on behalf of the Thornhill/Vaughan Residents' Association and submitted a petition in opposition to the granting of the exemption and photographs of 60 Thornbank Road;
- c) Ms. Christine Smith, 80 Thornbank Road, and submitted a letter on behalf of Ms. Mary Clydesdale, resident of 18 Erica Road; and
- d) Mr. Terry Goodwin, 122 Thornridge Drive.

Council, at its meeting of January 30, 1995, amended the foregoing item as follows:

By deferring this matter to the Council meeting of February 13, 1995, to enable the solicitor for the owners of 60 Thornbank Road to meet with Councillor Green and area residents to discuss this matter further; and

By receiving the letter from Mr. Mathew Gotlieb and Ms. Virginia MacLean, solicitors for the owners of 60 Thornbank Road, dated January 27, 1995.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 26, 2006

Item 48, Report No. 37, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 26, 2006.

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**REQUEST FOR FENCE HEIGHT EXEMPTION
20 OAKBANK ROAD
THORNHILL, ONTARIO IN WARD 5**

The Committee of the Whole recommends:

- 1) That the fence height exemption for 20 Oakbank Road, be granted;
- 2) That the deputation of Mr. Rocco LoFranco, on behalf of Ms. Adrianna LoFranco, 20 Oakbank Road, Thornhill, L4J 2B9, be received; and
- 3) That the following report of the Senior Manager of Enforcement Services, dated June 19, 2006, be received.

Recommendation

The Senior Manager of Enforcement Services requests direction on this matter.

Economic Impact

Not Applicable.

Purpose

To consider the granting of a fence height exemption pursuant to Section 3.5 of By-law 80-90.

Background - Analysis and Options

The owner of the above noted property is requesting an exemption to the existing fence height restrictions pursuant to Section 3.5 of By-law 80-90 to permit the erection of a front yard fence. The applicant has constructed a wrought iron fence in the front yard exceeding the height requirement of 4 feet. The existing fencing is of open construction and measured 5'5" high, with the posts being 6'7" and the access gate measuring 8'9" from finished grade. The fence is constructed wholly on the complainant's property.

The applicant is requesting an exemption to permit the existing fence in order to provide a sense of safety and security to her property. The applicant indicates that there have been 2 attempts at vehicle thefts in one year together with damage to vehicles.

Enforcement Services became aware of the fence through the complaint process.

Relationship to Vaughan Vision 2007

The request is consistent with Section 1.0 - Service Delivery Excellence, sub-section 1.1.2. the review of community designs to ensure enhanced safety standards.

Conclusion

Council direction is required on the fence height exemption request.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 26, 2006

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Attachments

Appendix "A" - Photographs of existing fence & gate

Appendix "B" - Survey showing Lot 50 & Lot 49 Oakbank Road

Report prepared by:

Janice Heron

Administrative Coordinator, Enforcement Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

Item 4, Report No. 71, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 25, 2000.

4 REQUEST FOR FENCE HEIGHT EXEMPTION – 35 & 37 THORNBANK DRIVE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Legal Services, dated September 18, 2000:

Recommendation

The Director of Legal Services, in consultation with the Senior Manager of By-Law Enforcement, recommends that an exemption be granted to Fence By-Law 80-90, Section 3.2, for the front yard fences of 35 and 37 Thornbank Drive, Thornhill.

Background

A request was received from the agent for the owners for an exemption to the Fence By-law to allow a six foot fence across the front yards of the two above residences.

The request is for a fence design consisting of masonry pilasters with wrought iron fencing in between. The agent indicates that the scale of the fence and the use of natural stone for the pilasters is in keeping with other properties in and around the area.

A polling of the area indicates there are no objections from the surrounding neighbours.

An inspection by By-law Enforcement of the area found several similarly designed pilaster and wrought iron fencing designs on the same street.



14 ERICA RD.



43 THORN BANK



37 THORN BANK



35 THORN BANK



33 THORN BANK



23 THORN BANK



15 ELM BANK

