

COMMITTEE OF THE WHOLE - MAY 5, 2007

FENCE HEIGHT EXEMPTION – 45 FOXTRAIL CRESCENT – WARD 2

Recommendation

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

That the fence height exemption application for 45 Foxtrail Crescent be denied.

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 45 Foxtrail Crescent 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 45 Foxtrail Crescent.

The Applicant is making application to permit an existing rear yard fence/structure.

The By-law permits a fence height of six feet in rear yards. The Applicant has installed a wooden fence/structure along the rear yard, abutting the existing division fence in order to provide a feeling of privacy along the rear of the residence. The fence/structure measures 13 feet 2 inches wide and 8 feet high, with a decorative arch in the middle bringing the total height to 10 feet 2 inches.

The Applicant has requested to keep the existing fence/structure with a minimized height of 7 feet for the sides and 9 feet 2 inches for the decorative panel in the middle.

The area was inspected by Enforcement staff and there is an existing wooden fence along the rear of the property which measures 6 feet 4 inches, with one small iron panel measuring approximately 6 feet. There are no fence/structures similar in nature to that which the Applicant seeks exemption in the immediate area that are similar in height and design to the Applicant's.

There are no site plans registered for this property.

The fence height does not pose a potential sight line issue as it is in the rear yard.

In this general area there have been no similar fence height exemptions approved or denied in recent years.

The details outlined above do not support the approval of a fence height exemption for this location and there is no precedent for approving a fence of this height in this area.

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 not support the approval of a fence height exemption for this location.

Attachments

- 1) Map of area
- 2) Site Plan
- 3) Photos of existing fence/structure
- 4) Letter of Objection

Report prepared by:

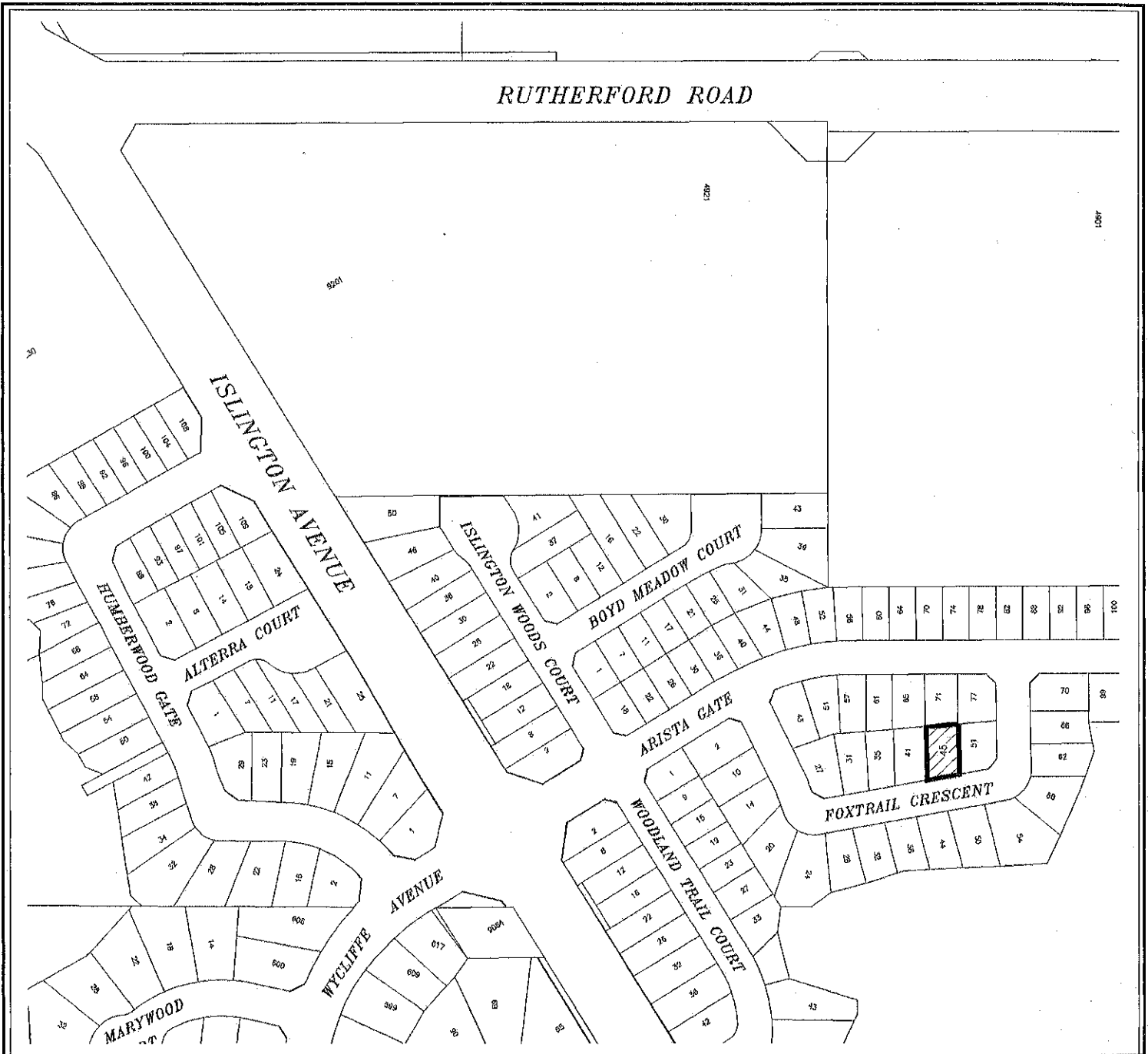
Janice Heron
Administrative Coordinator, Enforcement Services

Respectfully submitted,

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

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1

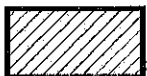


FENCE HEIGHT EXEMPTION

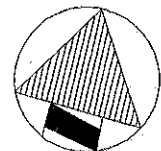
45 FOXTRAIL CRESCENT

LOCATION: Part of Lot 15,
Concession 7

LEGEND

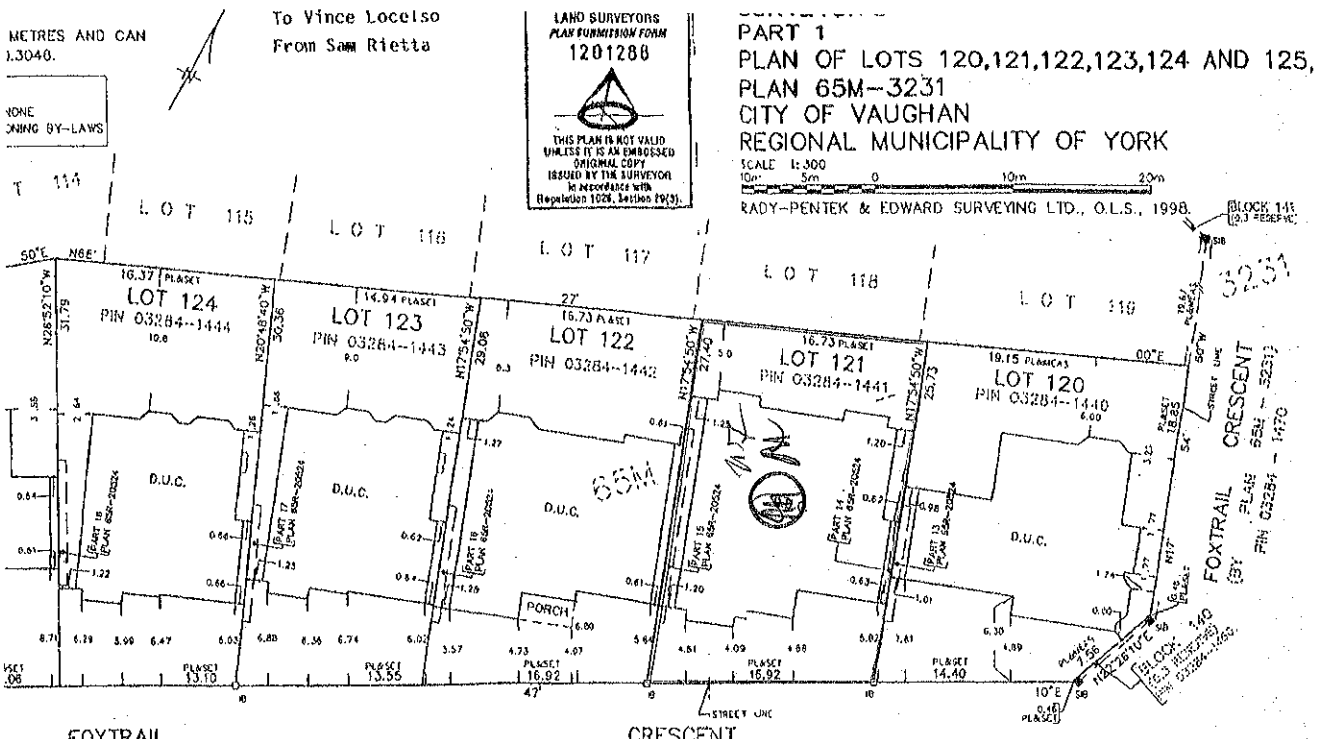


SUBJECT PROPERTY



NOT TO SCALE

ATTACHMENT No. 2



FOXTRAIL (BY PLAN 65M - 3231) PIN 03284 - 1470

CRESCENT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 26th DAY OF AUG., 1998.

DATE Sept 16th, 1998.

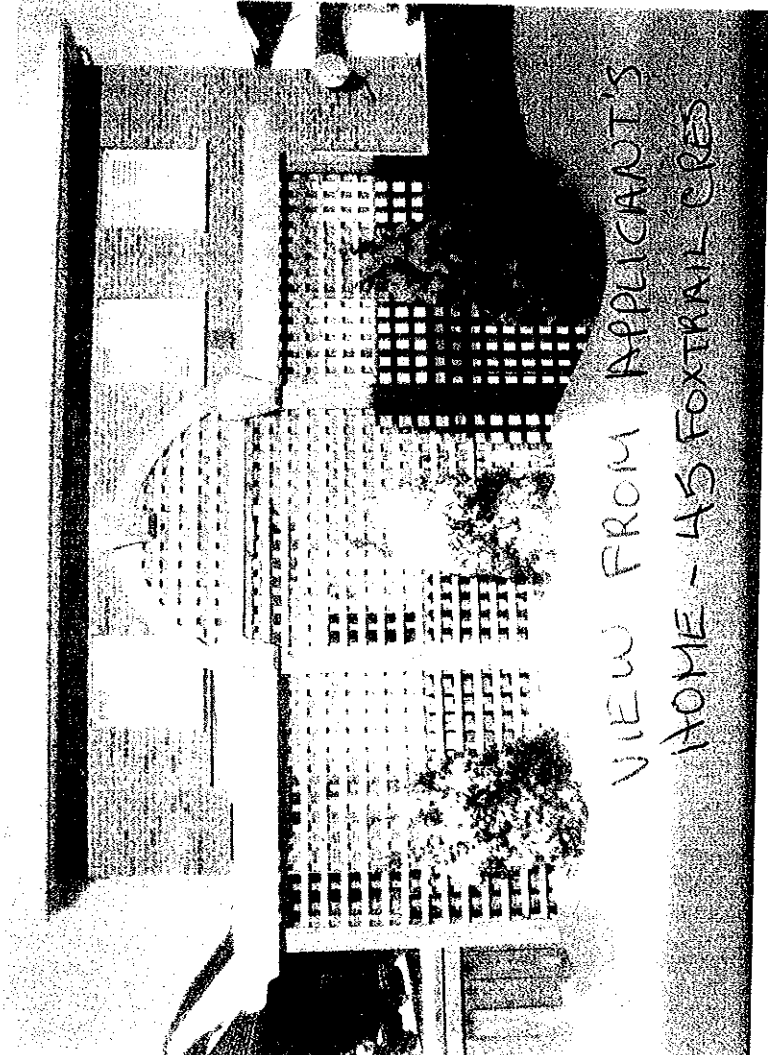
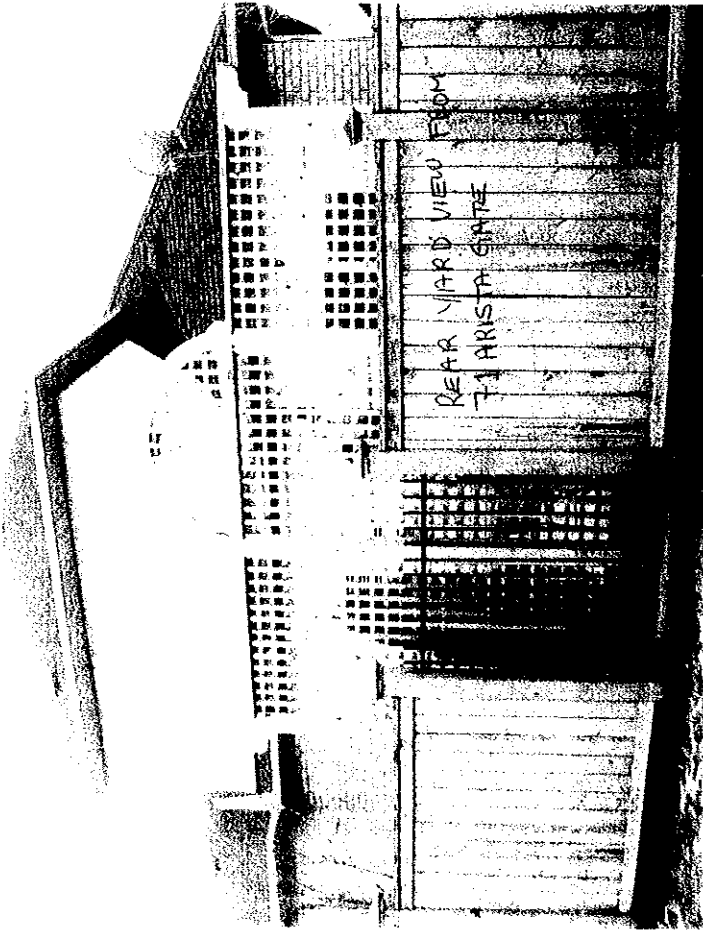
E. P. [Signature]

NOTES

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- PL DENOTES PLAN 65M-3231
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

fp RADY-PENTEK & EDWARD SURVEYING LTD.
ONTARIO LAND SURVEYORS
485 WILSON AVENUE, DOWNSVIEW, ONTARIO
635-5000

ATTACHMENT No. 3



ATTACHMENT No. 4

APR 18 2008
CITY OF VAUGHAN
ENFORCEMENT
SERVICES

71 Arista Gate,
Vaughan, Ontario
L4L 9H7

April 18th, 2008

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

Attention Mr. Tony Thompson, Director, Enforcement Services

Dear Sir:

Re: 45 Foxtail Crescent - Request for Fence Height Exemption

Please be advised that I am one of the registered owners of 71 Arista Gate and my rear yard directly abuts the rear yard of the above-noted property.

A fence that has been erected by the owner of 45 Foxtail Crescent which exceeds 9 feet in height, far in excess of the By-law which permits rear yard fences not to exceed 6 feet. The fence erected is of such large proportion and built in such a fashion that it is esthetically unsightly and offensive and gives the impression of being a "caged barrier". The fence erected is an unsightly interference with the quiet enjoyment of my property. The structure is totally out of character with all other fencing located in the neighbourhood.

It is my understanding that the property owner of 45 Foxtail Crescent 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 fence/structure in the rear yard at a height of 9 feet, 2 inches. The current by-law is applicable to all residents of the City of Vaughan

I object to any exemption to the current by-law as there is no justification for the relief sought to be granted in the current circumstances.

A photograph of the structure erected is attached.

Yours truly,


Alfonso Criminisi