

COMMITTEE OF THE WHOLE - MAY 5, 2007

FENCE HEIGHT EXEMPTION – 143 RUSSET WAY – WARD 3

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 143 Russet Way be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, one (1) objection has 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 143 Russet Way 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 143 Russet Way.

The Applicant is making application to permit an front yard fence.

The By-law permits a fence height of 4 feet in front yards measured from the front entrance of the property set back the furthest. The Applicant has installed a wooden fence panel and a decorative iron fence imbedded in concrete in the front yard between the property of 143 Russet Way and the neighbouring property of 139 Russet Way in order to provide a feeling of privacy. The fence measures approximately 14.4 feet in length from the front entrance of 143 Russet way and 6.1 feet in height.

The area was inspected by Enforcement staff and there are no fences 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.

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.

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

There is no past precedence approved by Council for a fence of this height with this type of material/design in the immediate area.

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:

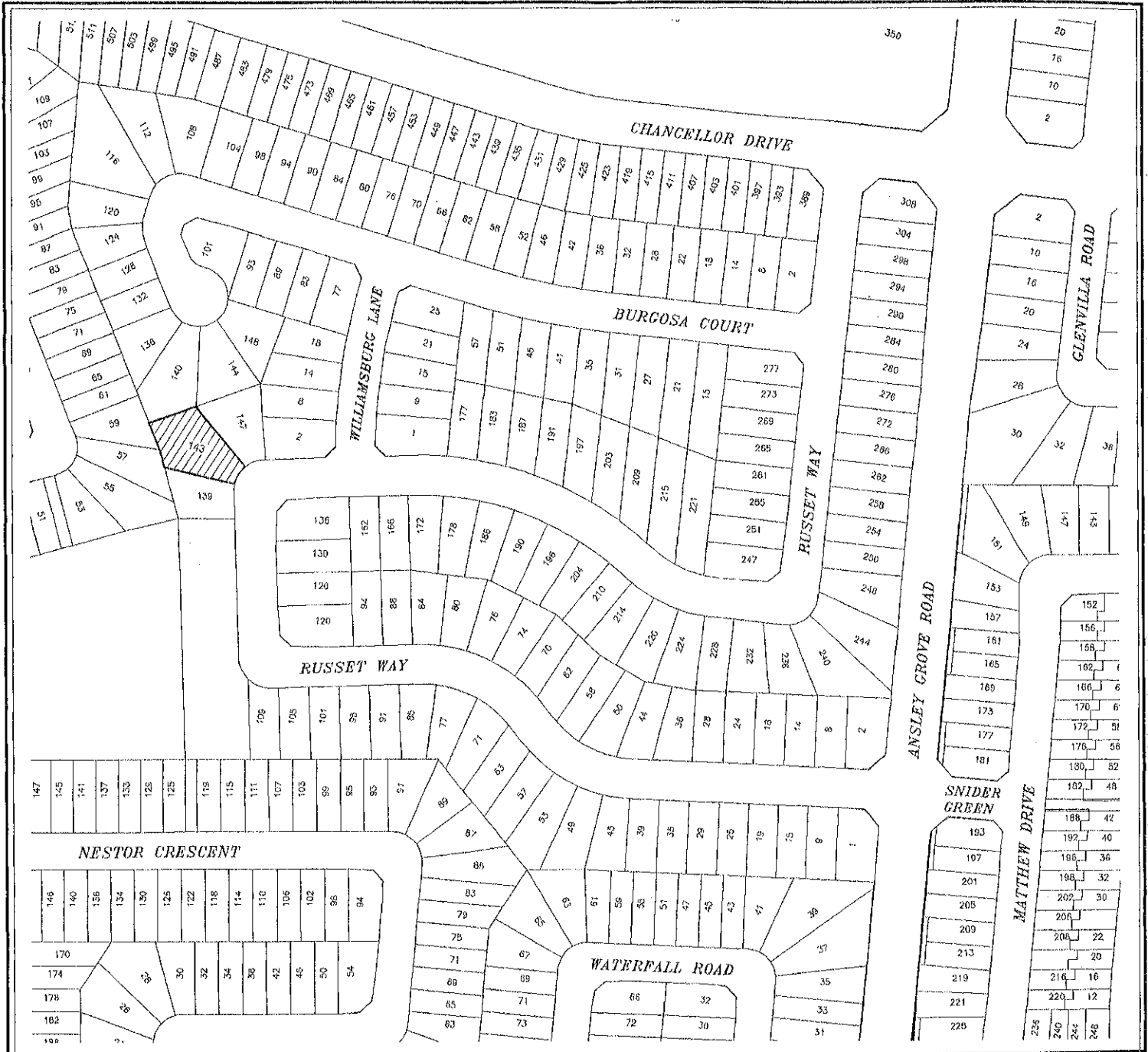
Janice Heron
Office Coordinator, Enforcement Services

Respectfully submitted,

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

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



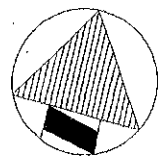
FENCE HEIGHT EXEMPTION 143 RUSSET WAY

LOCATION: Part of Lot 8,
Concession 6

LEGEND



SUBJECT PROPERTY



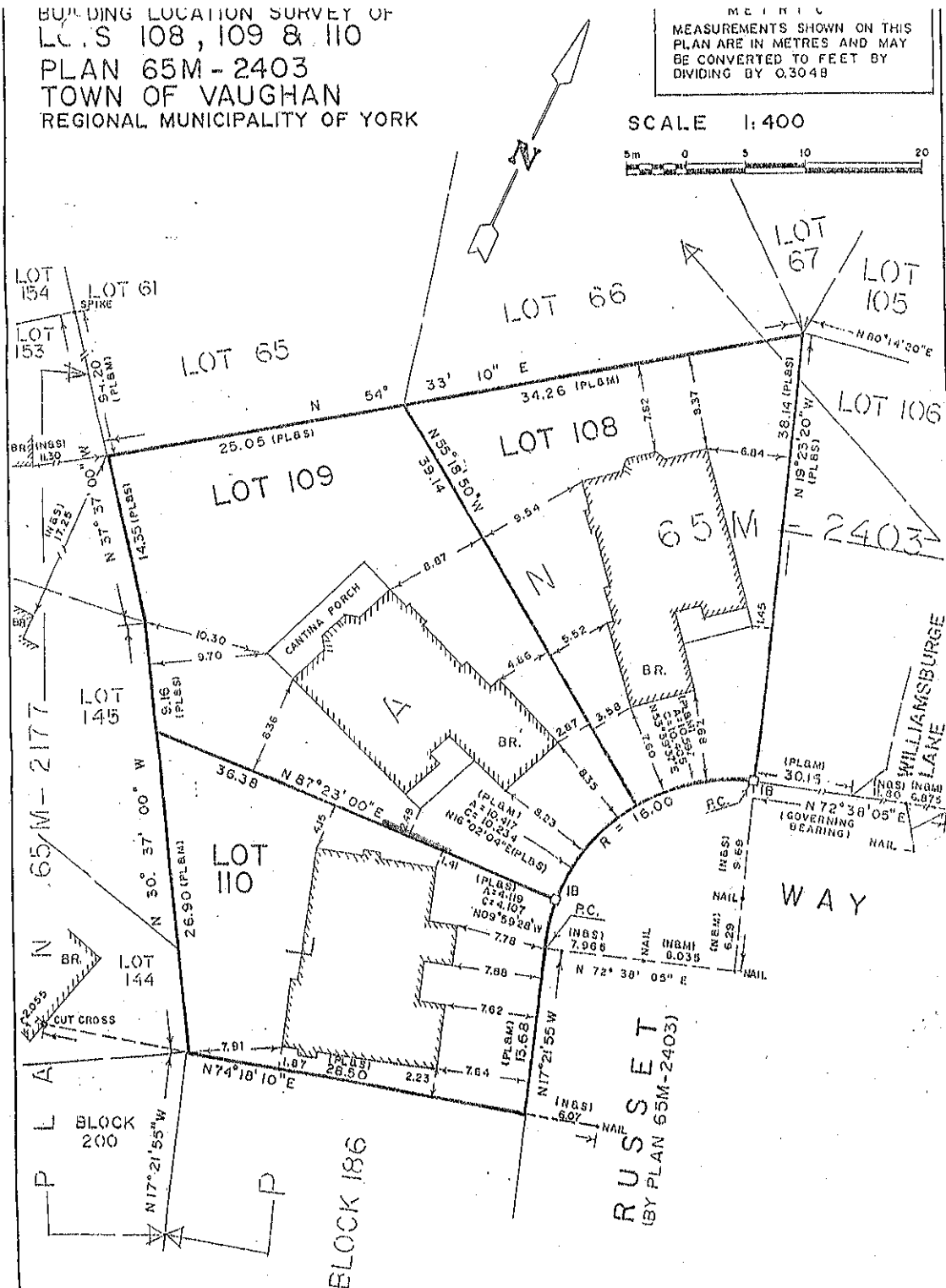
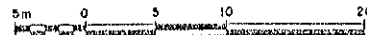
NOT TO SCALE

ATTACHMENT No. 2

BUILDING LOCATION SURVEY OF
 LOTS 108, 109 & 110
 PLAN 65M-2403
 TOWN OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK

MEASUREMENTS SHOWN ON THIS
 PLAN ARE IN METRES AND MAY
 BE CONVERTED TO FEET BY
 DIVIDING BY 0.3048

SCALE 1:400



ALL FOUND MONUMENTS ARE BY
 E.W. PETZOLD LTD., O.L.S.
 UNLESS OTHERWISE SHOWN

NOTES

BEARINGS ARE ASTRONOMIC AND ARE
 DERIVED FROM THE NORTH LIMIT
 OF RUSSET WAY AS SHOWN ON
 REGISTERED PLAN 65M-2403

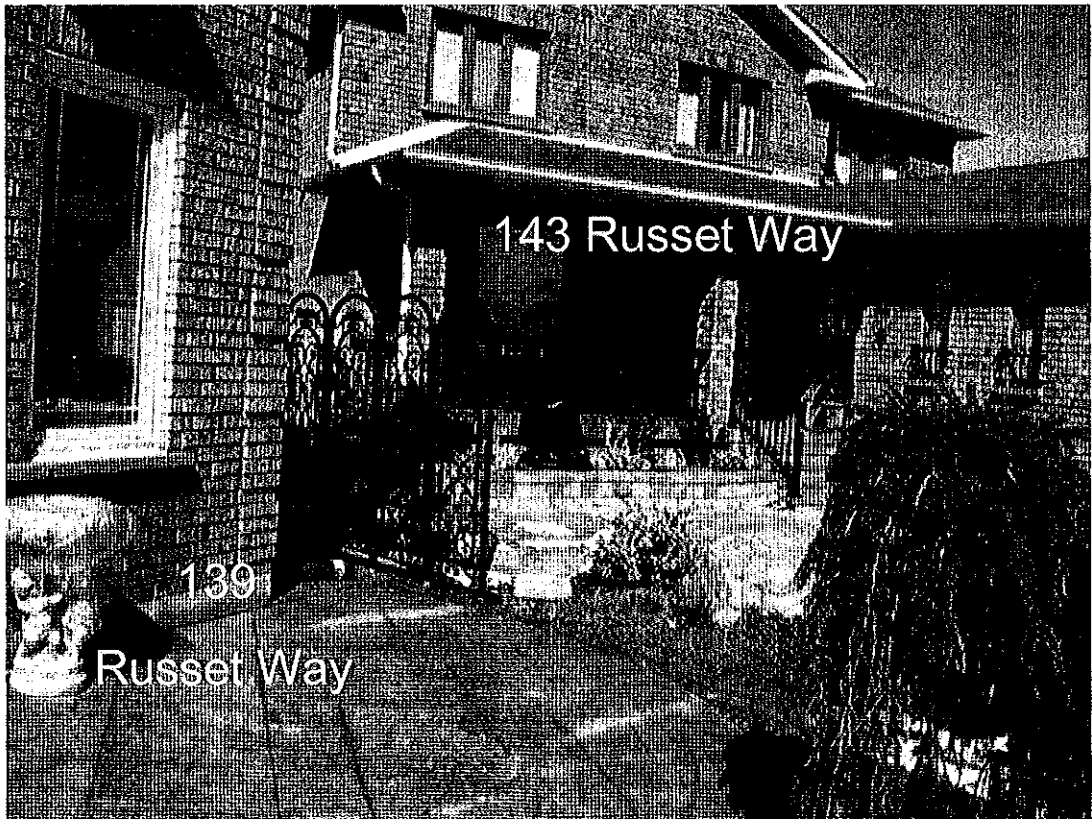
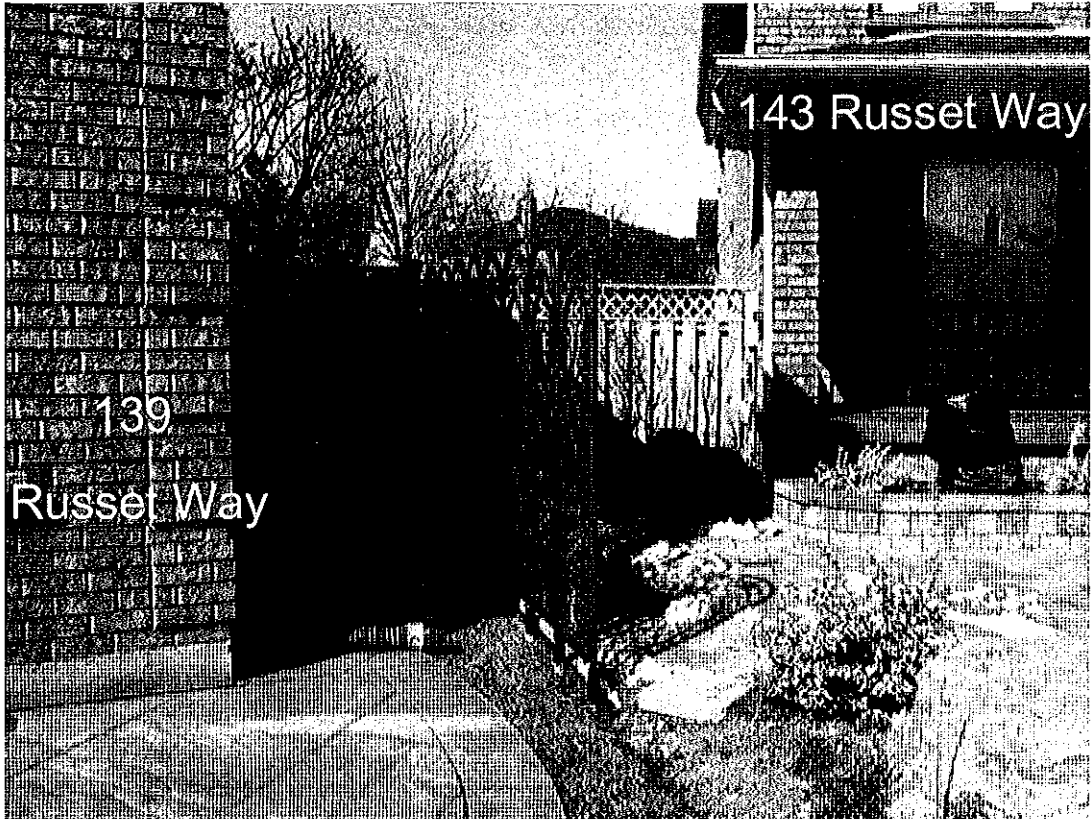
LEGEND

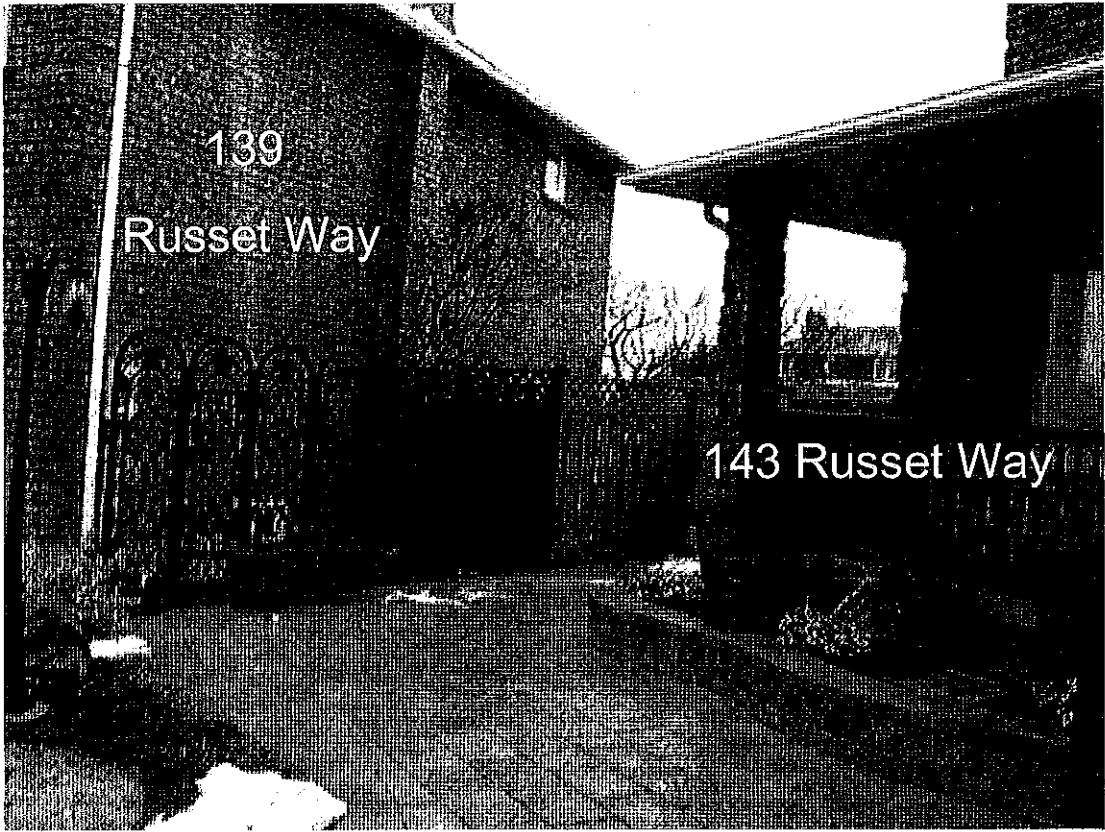
- DENOTES SURVEY MONUMENT SET
- ⊕ DENOTES SURVEY MONUMENT FOUND
- ⊙ DENOTES STANDARD IRON BAR
- ⊠ DENOTES IRON BAR
- N DENOTES NOTES BY R.SALMA CO. LTD., O.L.S.
- S DENOTES SET
- M DENOTES MEASURED
- C DENOTES CALCULATED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY:
 THAT THE FIELD SURVEY REPRESENTED
 ON THIS PLAN WAS COMPLETED ON THE
 23rd DAY OF FEB., 1987

ATTACHMENT No. 3





ATTACHMENT No. 4

RECEIVED

April 12, 2008

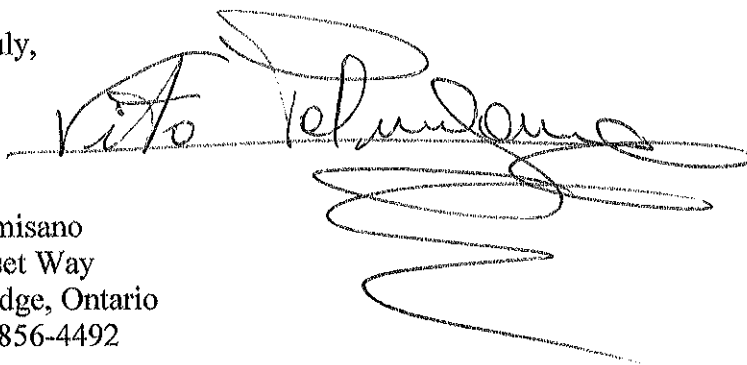
APR 15 2008
CITY OF VAUGHAN
ENFORCEMENT
SERVICES

Dear Tony Thompson,

My name is Vito Palmisano and I live at 139 Russet Way in Woodbridge. I am writing to you because I had a problem with a the resident next to me (143 Russet Way) who put in an iron fence in the front side yard which is over height according to the City of Vaughan By- law Section 3.5 By-law 80-90. We were paid a visit by Maria DaCosta (Provincial Offences Officer) with the City of Vaughan last year and when she inspected the fence she concluded that it was against the By-law and it needed to come down. Then a few days ago we received a letter from Janice Heron (Enforcement Services Department) stating that this matter will be heard by a Committee on Monday May 05, 2008 and every resident of the area is free to come to express their opinion. I have two problems with this: 1. This matter is my problem and the other residents of the area really have no interest in the matter. 2. If this fence is against the By-law why is it still up and what precedence will you be setting for the city if it is exempted. Am I right to say that people need to get permission from the City of Vaughan for any work or exemption they might have before work is done not after? If the height of this fence is against the By-law and your committee approvals it then it will be my understanding that we are free to put up any fence with no height limitation on our property.

I look forward to hearing you opinion on this matter and I have confidence in the City of Vaughan to make the right decision.

Yours truly,

A handwritten signature in black ink, appearing to read "Vito Palmisano", written over a horizontal line. The signature is stylized and includes several loops and flourishes.

Vito Palmisano
139 Russet Way
Woodbridge, Ontario
Tel-905-856-4492