

COMMITTEE OF THE WHOLE - MARCH 31, 2009

FENCE HEIGHT EXEMPTION REQUEST – 179 WEAVER COURT – WARD 1

Recommendation

The Director of Enforcement Services recommends:

1. That the fence height exemption application for 179 Weaver Court be denied.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, objections to the fence height exemption application 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 179 Weaver Court 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 179 Weaver Court.

The Applicant is making an application to permit an existing front yard fence with 4 ½ panels ranging in height from 5 feet 11 inches to 6 feet 8 inches and support posts ranging in height from 6 feet 1 inch to 7 feet 7 inches which has been constructed between the properties of 181 Weaver Crt and 179 Weaver Crt.

The By-law permits a fence height of four feet in front yards.

Enforcement Officers attended the location due to a complaint. A Notice of Violation was issued to the homeowners outlining contravention of City of Vaughan By-law 80-90 and asking for compliance being to reduce the height of the fence so that it conforms to the By-law requirements.

Further inspections revealed no compliance with the By-law and the matter was brought before the courts.

The first court appearance was in November 2008 and the fence height exemption application was submitted to the City after the homeowners were made aware of their impending court date.

The area was inspected by Enforcement staff and there are no similar front yard fences similar in height to the Applicant's.

The fence height does not pose a site line issue.

In this general area there has not been any similar fence height exemptions approved in recent years.

The details outlined above do not support the approval of a fence height exemption for this location.

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

Relationship to Vaughan Vision 2020/Strategic Plan

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) Fence Plan
- 4) Photos of existing Fence
- 5) Objections

Report prepared by:

C. Booth, Property Standards Officer
Ext: 8682

Respectfully submitted,

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

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



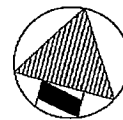
FENCE HEIGHT EXEMPTION 179 WEAVER COURT

LOCATION: Part of Lot 26, Conc. 8

LEGEND



SUBJECT LOT



NOT TO SCALE

Drawing name: C:\Engineering Services\Design Services\BYLAW\Attachments\179 Weaver Ct.dwg

1/2

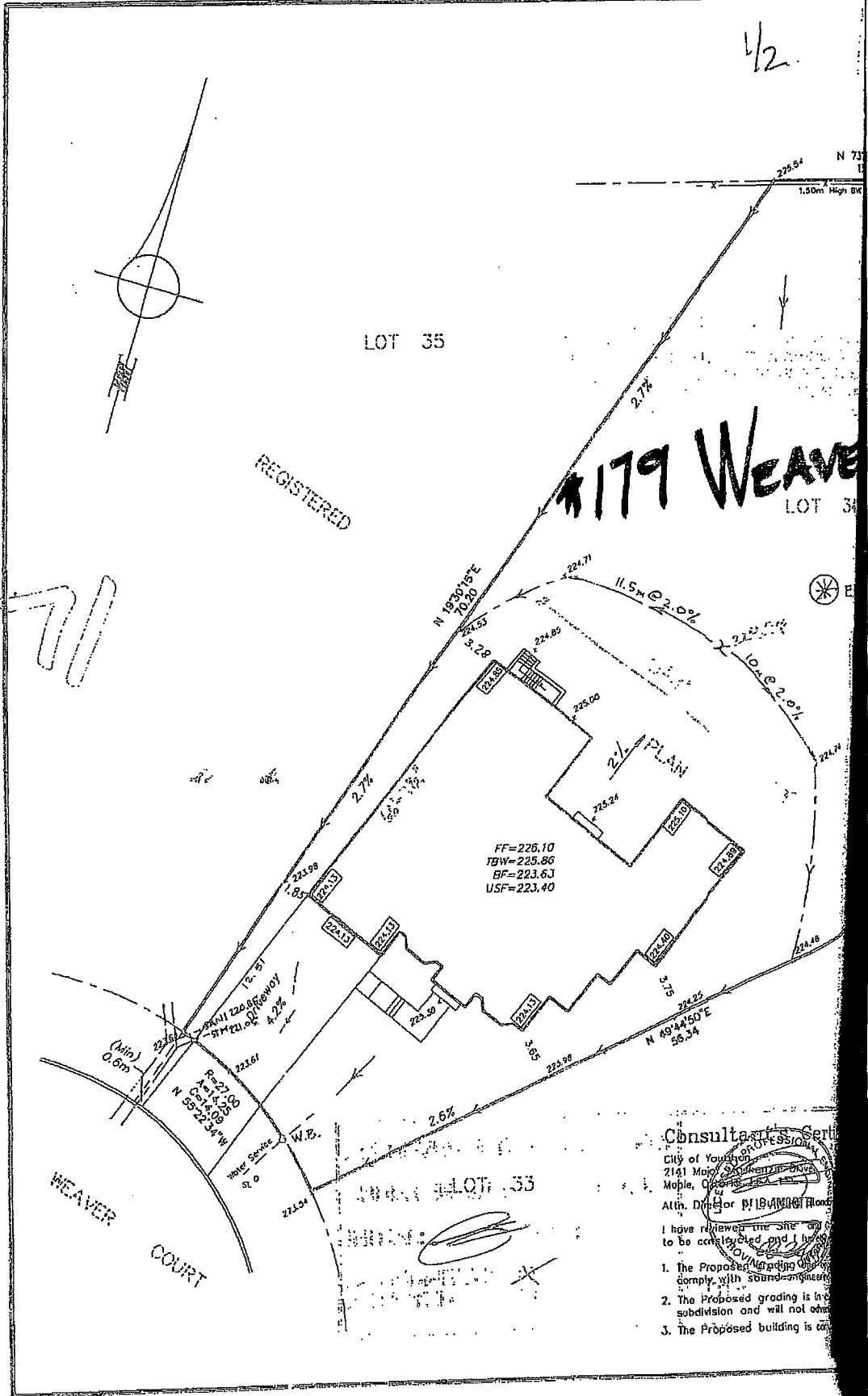
LOT 35

REGISTERED

179 WEAVER

LOT 34

71



FF=226.10
 BW=225.86
 BF=223.6J
 USF=223.40

Consultant's Certificate

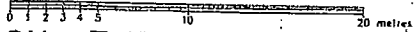
City of Vancouver
 2141 Main Street
 Maple, British Columbia
 Attn: Director of Building

- I have reviewed the site plan and to be constructed and I hereby certify that:
1. The Proposed grading complies with sound engineering practice.
 2. The Proposed grading is in accordance with the subdivision and will not otherwise be affected.
 3. The Proposed building is in accordance with the zoning by-law.

WEAVER COURT

LOT 35

GRADING PLAN OF
 LOT 34
 REGISTERED PLAN 65M-3466
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK

SCALE 1:250


Otto Ertl
 Ontario Land Surveyor
 2001






Aug 24/01 *R*

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Notes

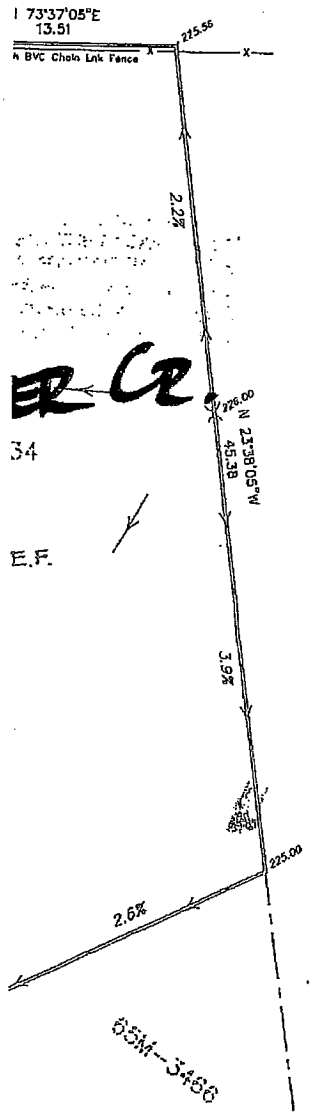
1. THE BUILDER SHALL ENSURE THAT THE SITE PLAN COMPLIES WITH THE APPLICABLE ZONING BY-LAWS AND ANY RESTRICTIVE CONDITIONS IMPOSED BY THE GOVERNING SUBDIVISION AGREEMENT
2. THE BUILDER SHALL CHECK AND VERIFY ALL PREDETERMINED AND PRESCRIBED GRADE AND SERVICE ELEVATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
3. THE BUILDER SHALL CHECK AND VERIFY ALL SERVICE AND UTILITY LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE BUILDER SHALL BE RESPONSIBLE TO HAVE ANY CONFLICTING SERVICE OR UTILITY RELOCATED AT ITS OWN EXPENSE. THE MINIMUM CLEARANCE FROM EXISTING SERVICES/UTILITIES TO PROPOSED BUILDING-RELATED WORKS INCLUDING DRIVEWAYS IS 1.0m
4. FOOTINGS SHALL BEAR ON NATURAL UNDISTURBED SOIL OR ROCK AND BE A MINIMUM OF 1.22m BELOW FINISHED GRADE UNLESS OTHERWISE SPECIFIED BY A GEOTECHNICAL ENGINEER. FOOTINGS LOCATED ADJACENT TO REAR LOT CATCHBASIN LEADS OR OTHER MUNICIPAL SERVICES SHALL BE EXTENDED TO AN ELEVATION EQUAL TO THE BASE OF PIPE LEAD OR SERVICE EXCAVATION, UNLESS OTHERWISE APPROVED BY THE CITY.
5. THE BUILDER IS ADVISED THAT THE LOT MAY BE GRADED WITH "ENGINEERED FILL" AND IS RESPONSIBLE TO ENGAGE A GEOTECHNICAL ENGINEER TO INSPECT, SUPERVISE AND PROVIDE RECOMMENDATIONS FOR THE CONSTRUCTION OF BUILDING FOUNDATIONS
6. ALL FRONT AND REAR YARDS SHALL BE GRADED AT A 2% TO 5% GRADIENTS WITHIN 6.0m OF THE DWELLING UNIT, UNLESS OTHERWISE NOTED. WHERE ADJACENT DWELLING SEPARATION IS < 1.8m, THE MINIMUM SIDE YARD SWALE GRADIENT IS 2.5% FOR REAR TO FRONT GRADING LOTS, THE MAXIMUM SIDE YARD SWALE GRADIENT IS 3.5% MINIMUM AND MAXIMUM SWALE DEPTHS ARE 150mm AND 300mm, RESPECTIVELY.
7. THE MAXIMUM ALLOWABLE SIDE AND REAR YARD SLOPE IS 3:1 (HORIZONTAL TO VERTICAL) WITH MAXIMUM ELEVATION DIFFERENCES OF 2500mm AND 600mm, RESPECTIVELY. BOUNDARY SLOPES SHALL BE LOCATED ON THE LOWER PROPERTY AND 0.3m MIN. CLEAR FROM PROPERTY LINE.
8. THE MAXIMUM DRIVEWAY SLOPE IS 8%. DRIVEWAYS SHALL BE SETBACK A MINIMUM OF 1.0m FROM ALL ABOVE GROUND SERVICES, UTILITIES OR OTHER OBSTRUCTIONS AND SHALL NOT BE DEFLECTED TO MEET CLEARANCE REQUIREMENTS.
9. RETAINING WALLS WITH EXPOSED FACE HEIGHTS > 600mm SHALL BE DESIGNED AND CERTIFIED BY A PROFESSIONAL ENGINEER AND FURNISHED WITH A SAFETY HAWAORIL PER OBC SECTION 9.8. WALL HEIGHTS GREATER THAN 1.0m SHALL COMPLY WITH ZONING BY-LAW 1-88 AND BE FURNISHED WITH A SAFETY GUARD RAIL PER OBC SECTION 9.8
10. ROOF LEADER DRAINS SHALL DISCHARGE TO GROUND VIA CONCRETE SPLASH PADS AND INTO SWALES CONVEYING DRAINAGE TO STREET-LINE. ROOF LEADER DRAINS SHALL NOT BE CONNECTED TO THE STORM SEWER, SHALL NOT BE PERMITTED AT THE REAR OF DWELLING AND SHALL NOT CONFLICT WITH WALKWAYS.
11. WATER SERVICE BOXES LOCATED WITHIN DRIVEWAY LIMITS SHALL BE FURNISHED WITH FROG COLLARS PER CITY SPECIFICATIONS, UNLESS OTHERWISE REQUIRED TO BE RELOCATED OUTSIDE THE DRIVEWAY LIMITS.

SL	DENOTES	STREET LIGHT
WK	"	WATER KEY
CTV	"	CABLE TV BOX
CB	"	CATCH BASIN
MH	"	MANHOLE
INV	"	INVERT
		DIRECTION OF FLOW
		EXISTING GRADE
		PROPOSED GRADE
	E.F.	ENGINEERED FILL
	W.B.	WATER BOX.

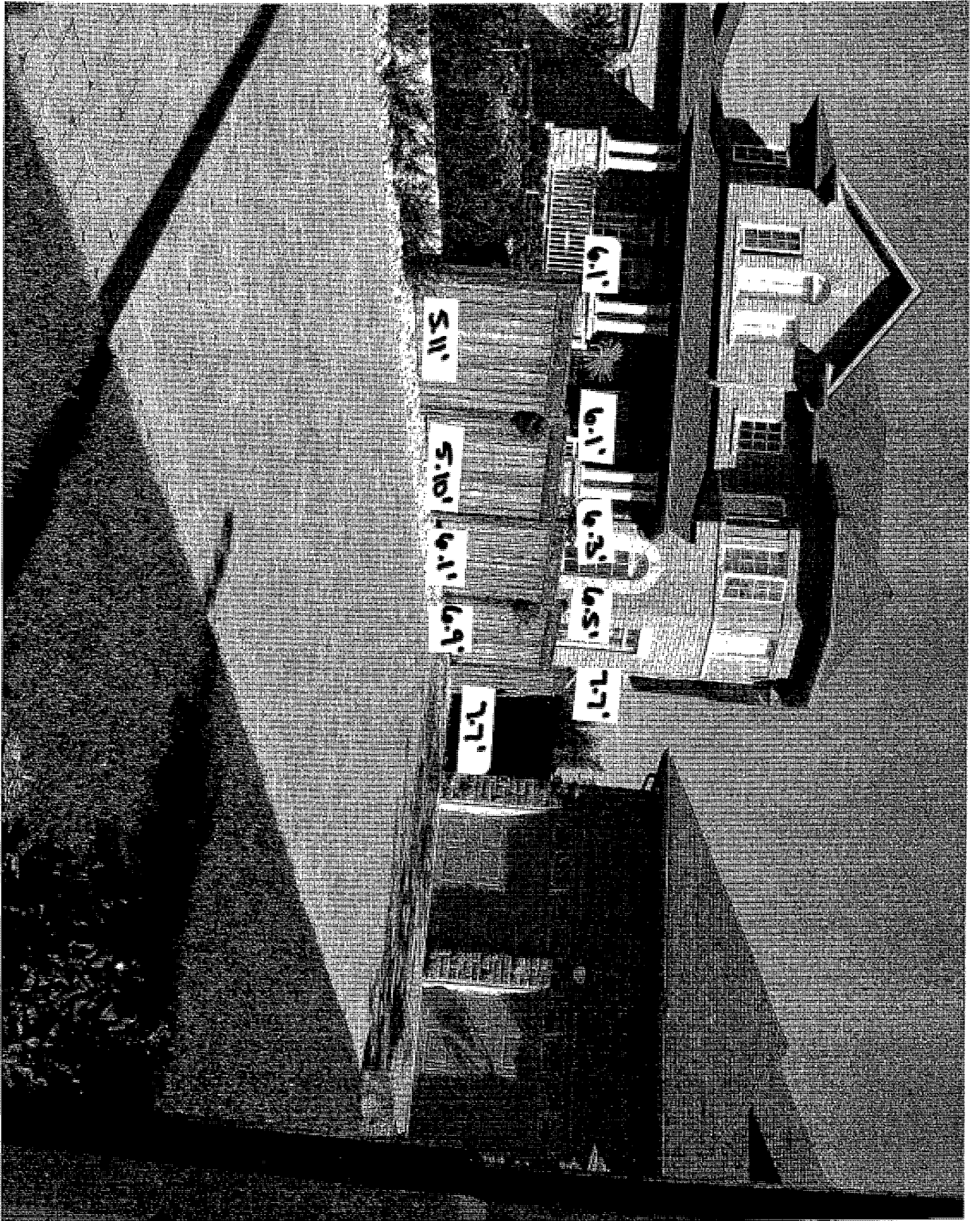
Otto Ertl
 Ontario Land Surveyor
 1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
 TELEPHONE (905) 731-7834

22/08/01
 Revisadas Per Ander comments

DRAWING No. 1161 PROJECT No. 1161



ificate
 Grading Plan for the proposed building certify that:
 urban drainage works principals.
 conformity with the grading plan approved for this effect adjacent lands.
 atible with the proposed grading.
 ANDER ENG. LTD.



171 Weaver Court
Box 864
Kleinburg, ON
LOJ 1CO

The City of Vaughan
2141 Major Mackenzie Drive
Vaughn, Ontario
Canada L6A 1T1

RECEIVED

MAR 12 2009
CITY OF VAUGHAN
ENVIRONMENTAL
SERVICES

March 12, 2009

RE: REQUEST FOR FENCE HEIGHT EXEMPTION

179 Weaver Court

Dear C. Booth or Janice Heron:

Thank you for informing us of the application put forth by the above noted property owner for a fence height exemption pursuant to Section 3.5 of By-law 80-90, the Fence By-law, to permit the installation of a wood fence in the front yard exceeding 4 feet in height as per the By-law requirements.

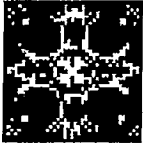
We are the residents and owners of the property of 171 Weaver Court. Upon purchasing our home seven years ago, we were told by the builder that the subdivision would be architecturally controlled thus making sure that the homes appeal would be kept aesthetically pleasing and that there were by-laws in Vaughan in place to protect any deviances.

Last year, it seemed that the property owners of 179 Weaver Court disrespected the intentions of the builder and dismissed the Vaughan By-laws by building the 6-8 feet wood fence on the front of the property. **This is an eye soar to our court aesthetic look.**

We find this quite disturbing that the by-laws in place are being questioned by the owner after the fence was built and that this matter will be heard by a Committee in Council Chambers. **We, as tax payers have great reservations and do not agree with the wood fence and height exemption.** We would hope that the Council Chamber will look at this matter very diligently as to making sure that this by-law is protected.

Sincerely,

Owners of 171 Weaver Court



**LILIAN
GIANFORCARO**

**183 Weaver Court
Kleinburg, Ont.
L0J 1C0**

March 17, 2009

**Tony Thompson
Director Enforcement Services
City of Vaughan**

RE: MARCH 31ST HEARING BY-LAW ENFORCEMENT 179 WEAVER

Dear Mr. Thompson & City Councillors:

This is to inform you, I oppose the application for a FRONT YARD BOARD FENCE HEIGHT EXEMPTION at 179 Weaver Court for the following reasons:

- 1) EXCEEDS EXISTING 4 FOOT BY-LAW BY UNREASONABLE EXCESS**
- 2) FENCE IS NOT CONDUCIVE TO EXISTING RESIDENTIAL SURROUNDINGS**
- 3) FENCE IS A SAFETY AND SECURITY ISSUE**
- 4) IT IS A HUGE EYE SOAR NOW AND WITH TIME WILL FURTHER DETERIORATE**
- 5) DEPRECIATES VALUES OF HOMES IN THE AREA**
- 6) SETS PRECEDENCE FOR ALL RESIDENTS OF VAUGHAN**
- 7) THERE IS NOTHING TO HIDE WITH THIS EXORBITANT HEIGHT ONLY A PERSONAL AGENDA AND JUVENILE FEUD**


The fence is a safety and security issue as it blocks vision of both large SUV's as well as children running out. The fence is huge enough to fully block an adult even at it's lowest point 5 feet 10 inches .

This type of fence requires ongoing maintenance especially since it is south-west facing not cedar and has no access from the property next to it.

My preference is not to have a board fence that deteriorates instead of a metal even at the 4 foot height, however if any neighbour feels a fence necessary the existing 4 foot maximum by-law is more than reasonable. Beyond this is excessive.

I thank you for your consideration and for enforcing the existing by-law to protect THE LAW ABIDING RESIDENTS of Vaughan and avoid manipulation of our system.

Lilian Gianforcaro

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Op

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RE: Hearing 179 Weaver Front Fence

From: **VERA LIPSS** (lipss4life@hotmail.com)

Sent: March 13, 2009 10:59:27 PM

To: lilian (corre@sympatico.ca); tony.thompson@vaughan.ca; peter.meffe@vaughan.ca
LIPSS (lipss4life@hotmail.com)

My name is Vera Dedonato, I live at 176 Weaver Crt in Kleinburg. I am sending you to advise you of how unhappy I am with the town of Vaughan. I am referring to the front of 179 Weaver Court. As a resident of this neighbourhood I have done many renovations worth thousands of dollars on landscaping. I have always followed the by-laws. A resident of 179 Weaver Court has put up a fence that is 6ft in total. The by-law permits that a fence 4ft tall they are not abiding by the laws and I don't understand why the town is allowing this to occur. I expect the town not to use our tax dollars unnecessarily allowing this resident to continue to do as he wishes. We all abide by the by-laws so should they. These are our homes and we are keeping a high standard in our community. This fence is an eyesore.

Ms. Vera DeDonato.

From: corre@sympatico.ca
To: lipss4life@hotmail.com
Subject: Hearing 179 Weaver Front Fence
Date: Fri, 13 Mar 2009 15:55:55 +0000

Hi Vera

RE: Hearing March 31, 2009 - Front Fence 179 Weaver court

Tony Thompson, Director Enforcement Services - No later than 12:00 noon
Tuesday March 17th, 2009.
By-Law 80-90 Section 3.5

email: tony.thompson@vaughan.ca

cc: peter.meffe@vaughan.ca

Messenger has tons of new features that make chatting more fun. [Click here to learn](#)

RECEIVED

March 16, 2009

MAR 17 2009
CITY OF VAUGHAN
ENFORCEMENT
SERVICES

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

Caterina & Luigi Bitonte
187 Weaver Court
Kleingburg, Ontario L0J 1C0
Tel. (905) 893-7871

Attention: Mr. Tony Thompson – Director, Enforcement Services

RE: Request for Fence Height Exemption – 179 Weaver Court, Kleinburg, Ontario

Dear Mr. Thompson,

We are the homeowners of 187 Weaver Court (two doors away from said property) and such we wish to express our concerns in regards to the height of the wooden fence that was installed in the front yard at 179 Weaver Court.

Our family moved into the home which is situated in the centre of a court in the summer of 2004 and since we have spent over \$100,000.00 in landscaping improvements. The rest of the homeowners in the court have done the same and the area looked esthetically pleasing. The installation of the fence has changed the look dramatically, especially as you are driving around the court from the right side and the fence is visible in its entirety.


The said wooden fence can be seen from all sides of the court due to its extreme height and it stands out like a sore thumb. It makes the area unappealing and will affect resale values and time frame of sale for all neighbouring homes.

When driving towards the court the fence can be seen from quite a distance away due to the size, layout of the homes and the shape of the lots.

When we walk down our front steps to get into the car or to go to the back of the house we are immediately faced with looking at the fence due to the fact that our walkway faces directly in its direction. It is the first thing we see when come out of the house and the last thing we see when we come home.

Whenever we have company come to visit we are posed with the question "What's with the fence next door"? We have a difficult time responding as we don't want to tell stories out of school. It is very noticeable to strangers, and we are forced to look at it on the daily basis. A fence of this height and presence does not belong in our upscale neighbourhood.

Yours truly



Caterina & Luigi Bitonte

Hand deliver 3/17/09 and by email to tony.thompson@vaughan.ca cc to peter.meffe@vaughan.ca and cc bernie.divona@vaughan.ca 3/16/09 2:20 pm


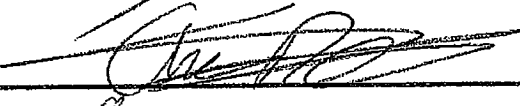
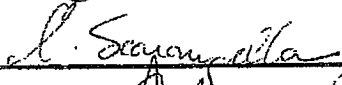
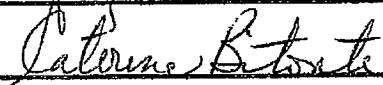


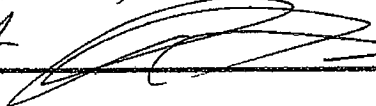
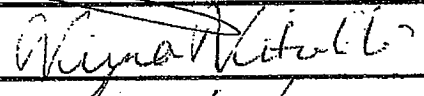
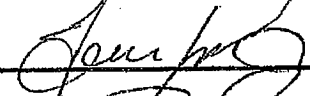


RECEIVED

MAR 17 2009
CITY OF VAUGHAN
ENFORCEMENT
SERVICES

PETITION AGAINST EXCESSIVE FENCE HEIGHT - 179 WEAVER COURT

BY-LAW 80-90 SECTION 3.5

WE RESIDENTS OF WEAVER COURT REQUEST THAT VAUGHAN COUNCIL ENFORCE
THE EXISTING BY-LAW FOR A FRONT FENCE TO BE A MAXIMUM OF 4 FEET TOTAL

NO.	NAME	SIGNATURE	COMMENTS?
183	L. GIANNORRANO		905-893-7887
176	A DeDonato		
152	C. Scaramella		
187	Weaver Court - Caterina Bionte		
171	Weaver Court - DeCubito		
151	Weaver CRT - R. Chelillo		
188	WEAVER CRT		
180	WEAVER CRT	VIKINA UTULLO	
144	Weaver CRT	Tommy Le	
163	WEAVER CRT	Jerry Zepheri	
157	WEAVER CRT	PAUL RANTIERI	

Thompson, Tony

From: VERA LIPSS [lipss4life@hotmail.com]
Sent: March 13, 2009 18:59
To: lillian; Thompson, Tony; Meffe, Peter; VERA LIPSS
Subject: RE: Hearing 179 Weaver Front Fence

My name is Vera Dedonato, I live at 176 Weaver Crt In Kleinburg. I am sending you this email to advise you of how unhappy I am with the town of Vaughan. I am referring to the front fence at 179 Weaver Court. As a resident of this neighbourhood I have done many renovations and spent thousands of dollars on landscaping. I have always followed the by-laws. A resident of 179 Weaver Court has put up a fence that is 6ft in total. The by-law permits that a fence should be 4ft tall they are not abiding by the laws and I don't understand why the town is allowing this to occur. I expect the town not to use our taxes dollars unnecessarily allowing this resident to continue to do as he wishes. We all abide by the by-laws so should they. These are million dollar homes and we are keeping a high standard in our community. This fence is an eye sore.

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email: tony.thompson@vaughan.ca

cc: peter.meffe@vaughan.ca

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2009-03-17

FAX COVER SHEET

DATE: March 16, 2009

TO: TONY THOMPSON -- DIRECTOR, ENFORCEMENT SERVICES
The City of Vaughan

FROM: CATERINA BITONTE

RE: REQUEST FOR FENCE HEIGHT EXEMPTION -- 179 WEAVER COURT,
KLEINBURG

COMMENTS: See attached letter regarding fence exemption requested

Thanks

Caterina Bitonte

Call (647) 241-7015 if 2 pages are not received.

March 16, 2009

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

Caterina & Luigi Bitonte
187 Weaver Court
Kleinburg, Ontario L0J 1C0

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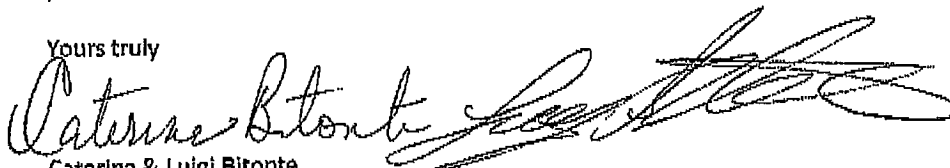
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Caterina & Luigi Bitonte

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