

COMMITTEE OF THE WHOLE - MARCH 31, 2009

FENCE HEIGHT EXEMPTION REQUEST – 63 JOHNSWOOD CRESCENT – WARD 3

Recommendation

The Director of Enforcement Services recommends:

1. That the fence height exemption application for 63 Johnswood Crescent be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, no objections 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 63 Johnswood 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 63 Johnswood Crescent.

The Applicant is making an application for a proposed rear yard fence along the West Side property line only 7 feet 3 inches in height by adding 1 foot 3 inch lattice to the existing 6 foot fence in order to provide a feeling of safety and security around an existing pool.

The By-law permits a rear yard fence height of 6 feet in rear yards.

The area was inspected by Enforcement staff and there is one other rear yard fence similar in height to the applicant's where a fence height exemption was approved by Council on June 9, 2003 (Item 6, Report No. 45)

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

The details outlined above do 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 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

Report prepared by:

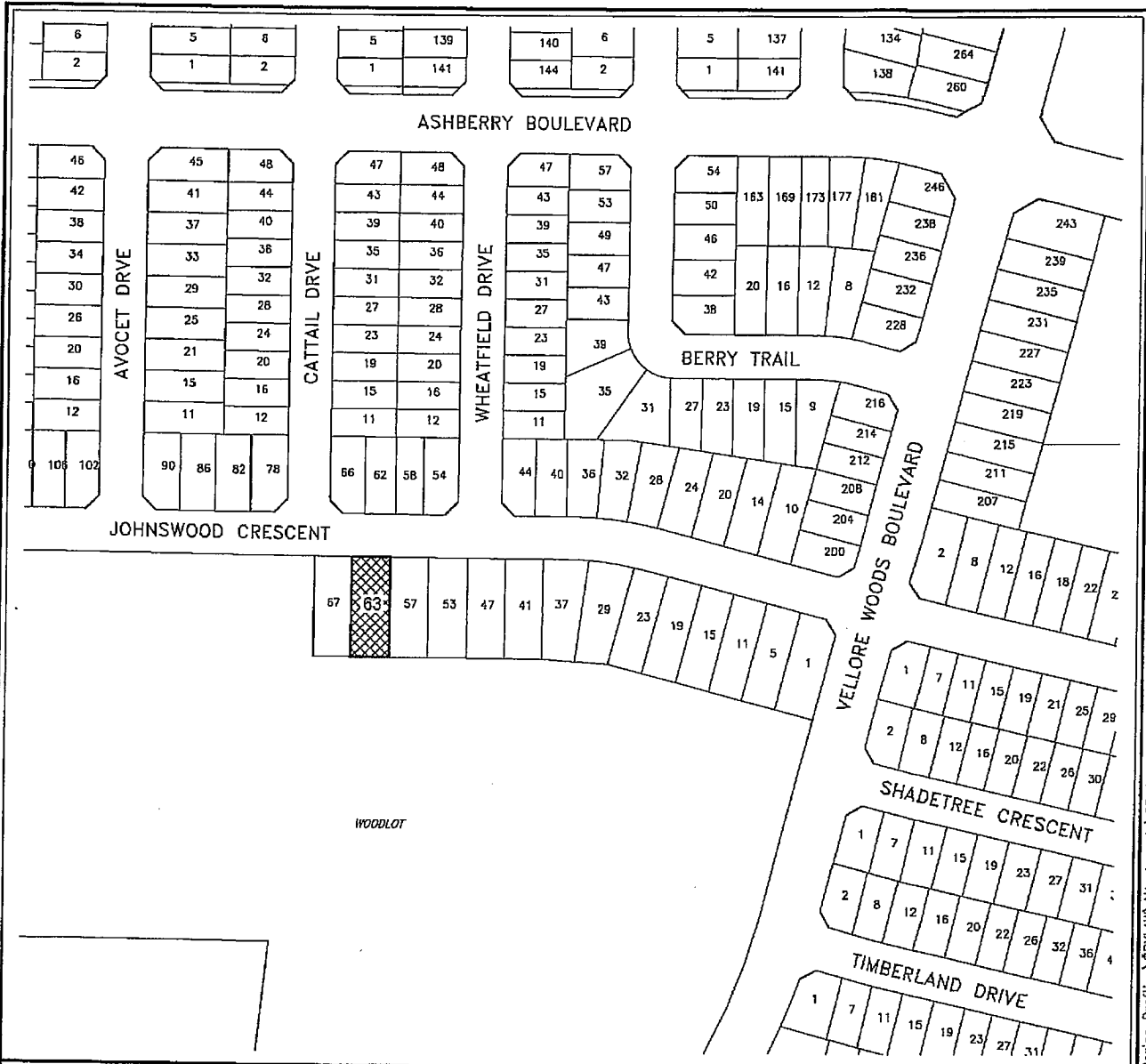
C. Booth, By-law Enforcement Officer
Ext: 8682

Respectfully submitted,

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

Tony Thompson
Director, Enforcement Services

ATTACHMENT No. 1



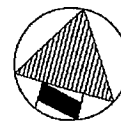
FENCE HEIGHT EXEMPTION 63 JOHNSWOOD CRESCENT

LOCATION: Part of Lot 17, Concession 5

LEGEND



SUBJECT LOT



NOT TO SCALE

Drawing name: O:\Engineering Services\Design Services\BYLAW Attachments\63 Johnswood Cr.dwg

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOT 156
PLAN 65M-3417
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

PART 2 (SURVEY REPORT)
 REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

SCALE 1:300
 10m 5m 0 10m 20m 30m 40m

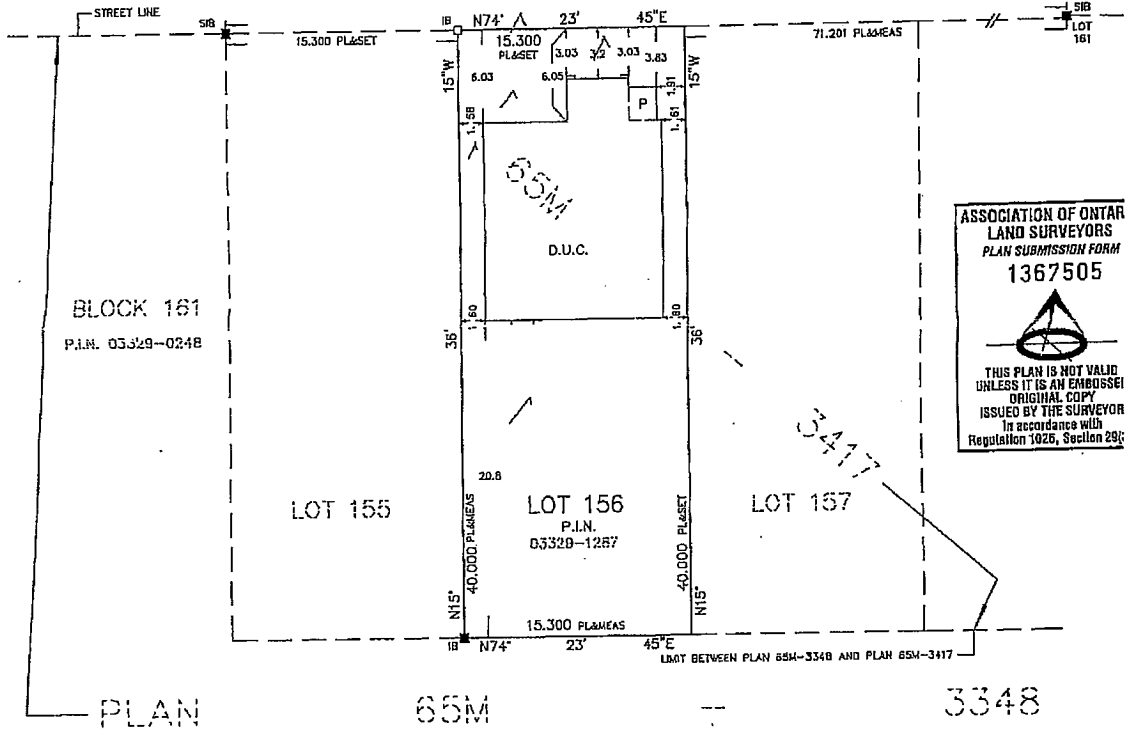
RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S., 2001.

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



PLAN

JOHNSWOOD CRESCENT
 (BY PLAN 65M - 3417)



ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
1367505

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1926, Section 29.

NOTES

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- PL DENOTES PLAN 65M-3417
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- P DENOTES PORCH

ALL FOUND MONUMENTS BY VLADIMIR KRCHAR LTD., O.L.S.
 ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF JOHNSWOOD CRESCENT AS SHOWN ON PLAN 65M-3417 HAVING A BEARING OF N74°23'45"E

THIS REPORT WAS PREPARED FOR ARISTA HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

©RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2001

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. 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.
 2. THE SURVEY WAS COMPLETED ON THE 5TH DAY OF July, 2001
 DATE Aug. 27, 2001.

Joseph Rady-Pentek
 JOSEPH RADY-PENTEK
 ONTARIO LAND SURVEYOR



RADY-PENTEK & EDWARD SURVEYING L
 ONTARIO LAND SURVEYORS
 465 WILSON AVENUE, DOWNSVIEW, ONTARIO
 Tel. (416)635-5000 Fax (416)635-5001
 E-Mail: rposturvey@home.com
 DRAWN: G.P. CHECKED: J.R.P.
 CAO FILE: 3417-156 JOB No. 00-170

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 9, 2003

Item 6, Report No. 45, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 9, 2003.

6 **REQUEST FOR FENCE HEIGHT EXEMPTION**
23 JOHNSWOOD CRESCENT

The Committee of the Whole recommends:

- 1) That the fence height exemption be granted;
- 2) That the Local Councillor meet with the affected parties and report on the results of the meeting at the Council meeting of June 9, 2003;
- 3) That the following report of the City Clerk, dated June 2, 2003, be received;
- 4) That the following deputations, written submissions and photographs, be received:
 - a) Mr. Paul Lawson, 23 Johnswood Crescent, Woodbridge, L4H 2K7, applicant, written submission from area residents, dated June 1, 2003, and photographs submitted; and
 - b) Mr. Dario Gabrovec, 19 Johnswood Crescent, Woodbridge, L4H 2K7, and written submission, dated April 17, 2003; and
- 5) That the written submission of Mr. Giuseppe DiGravino, 29 Johnswood Crescent, Woodbridge, L4H 2K7, be received.

Recommendation

The City Clerk recommends:

That direction be provided on this matter.

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 maintenance of an existing rear yard fence. The by-law permits a fence height of 6 feet in the rear yard. The subject fencing measures 8 feet 6 inches measured from finished grade. The applicant cites privacy as the need for such a fence.

His next door neighbour has recently constructed a raised concrete balcony at the back of his home elevated approximately 4 feet 6 inches off the ground. Without the 8 feet 6 inches fence the neighbour, while standing on the deck, is able to look straight into the applicants home either through the rear sliding doors or through two existing windows. The applicant has provided a letter from an adjoining neighbour who has experienced the same privacy issues prior to the fence being erected. A copy of the letter will be provided to Members of Council at the meeting.

Conclusion

Council direction is required on the fence height exemption request.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 9, 2003

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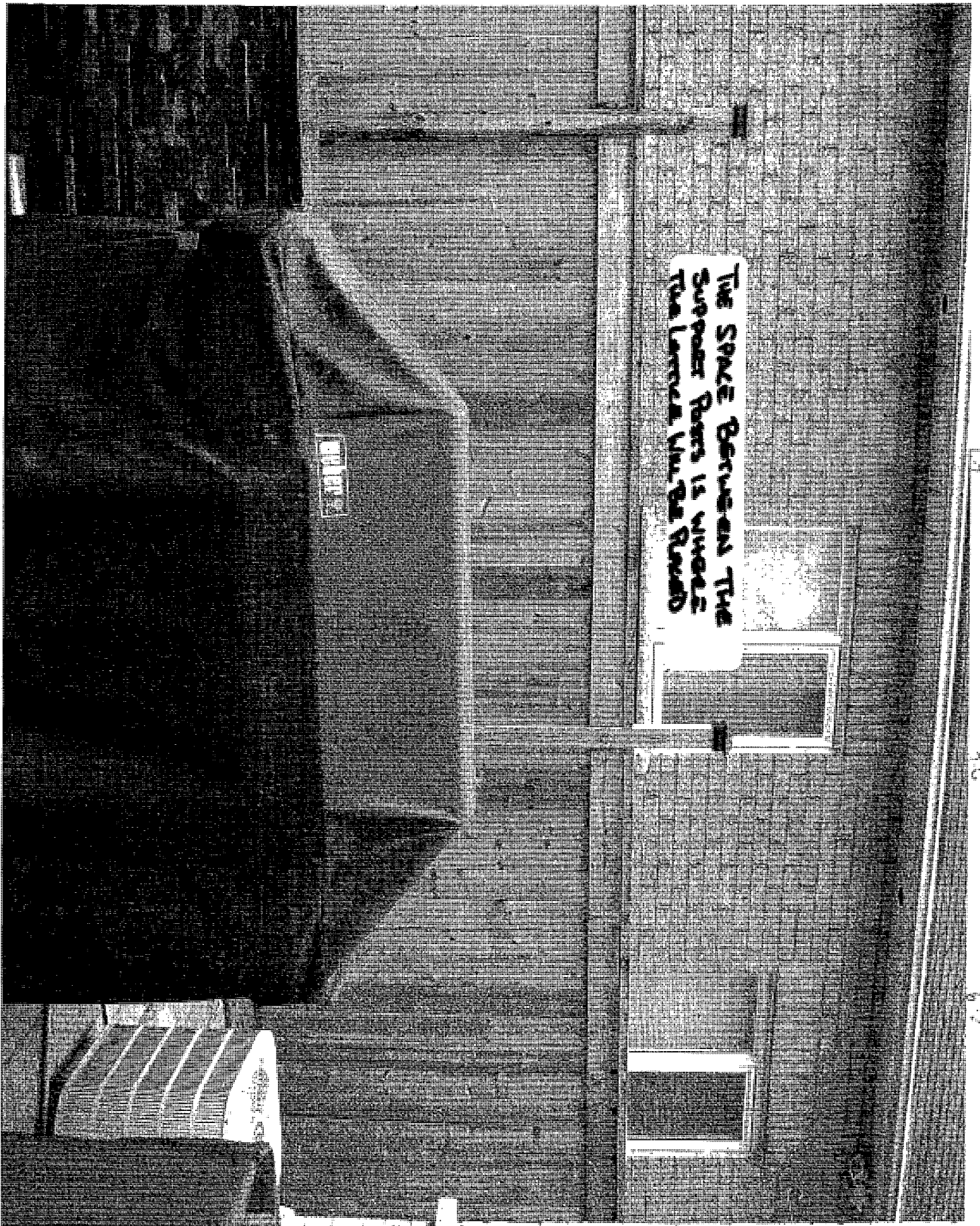
Item 6. CW Report No. 45 – Page 2

Attachments

None

Report prepared by:

Joseph A.V. Chiarelli
Manager Special Projects, Licensing & Permits



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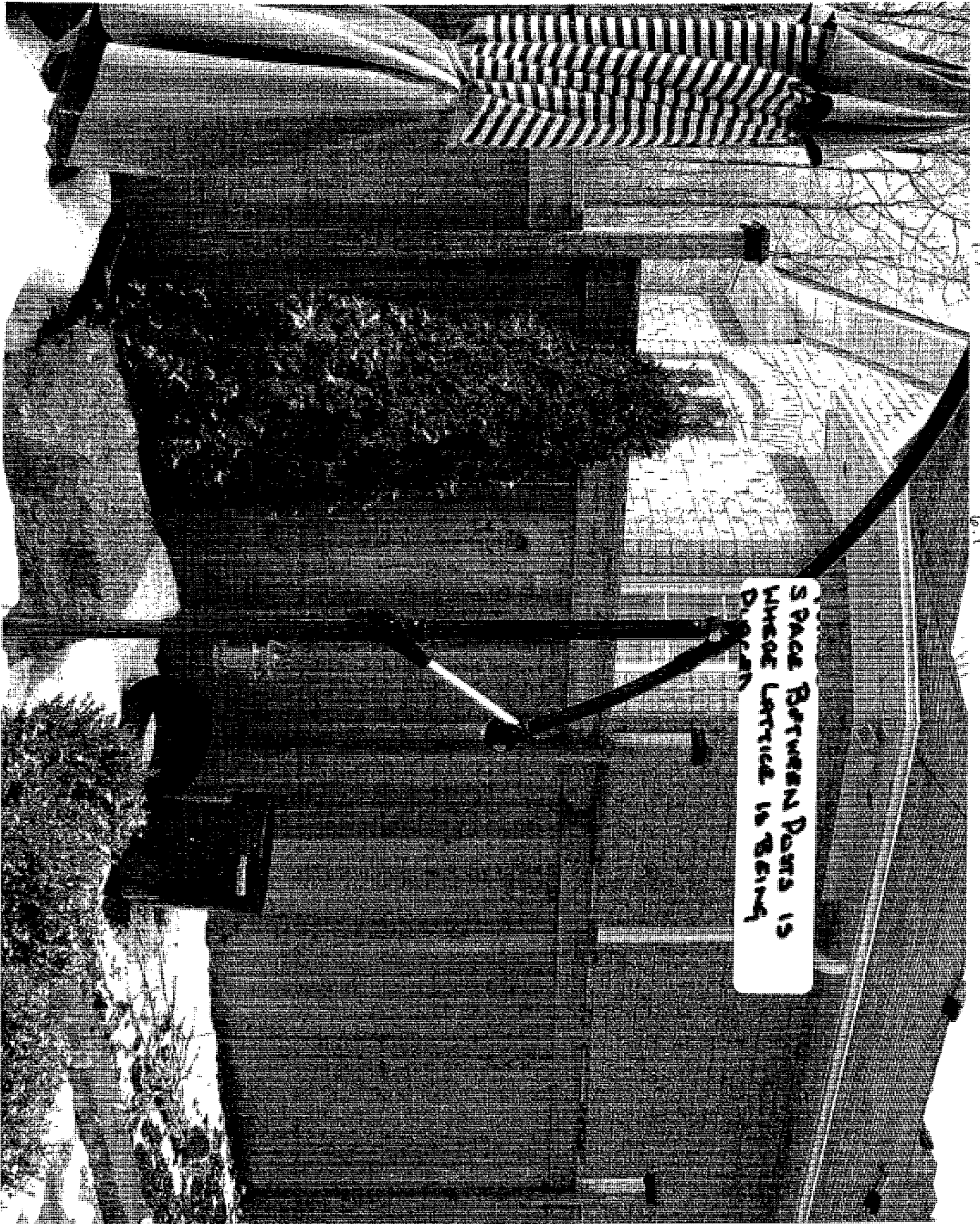
SPACE BETWEEN RAILS IS
WHERE LATTICES WILL BE
PLACED

2.2

4.2

1.4

6.2



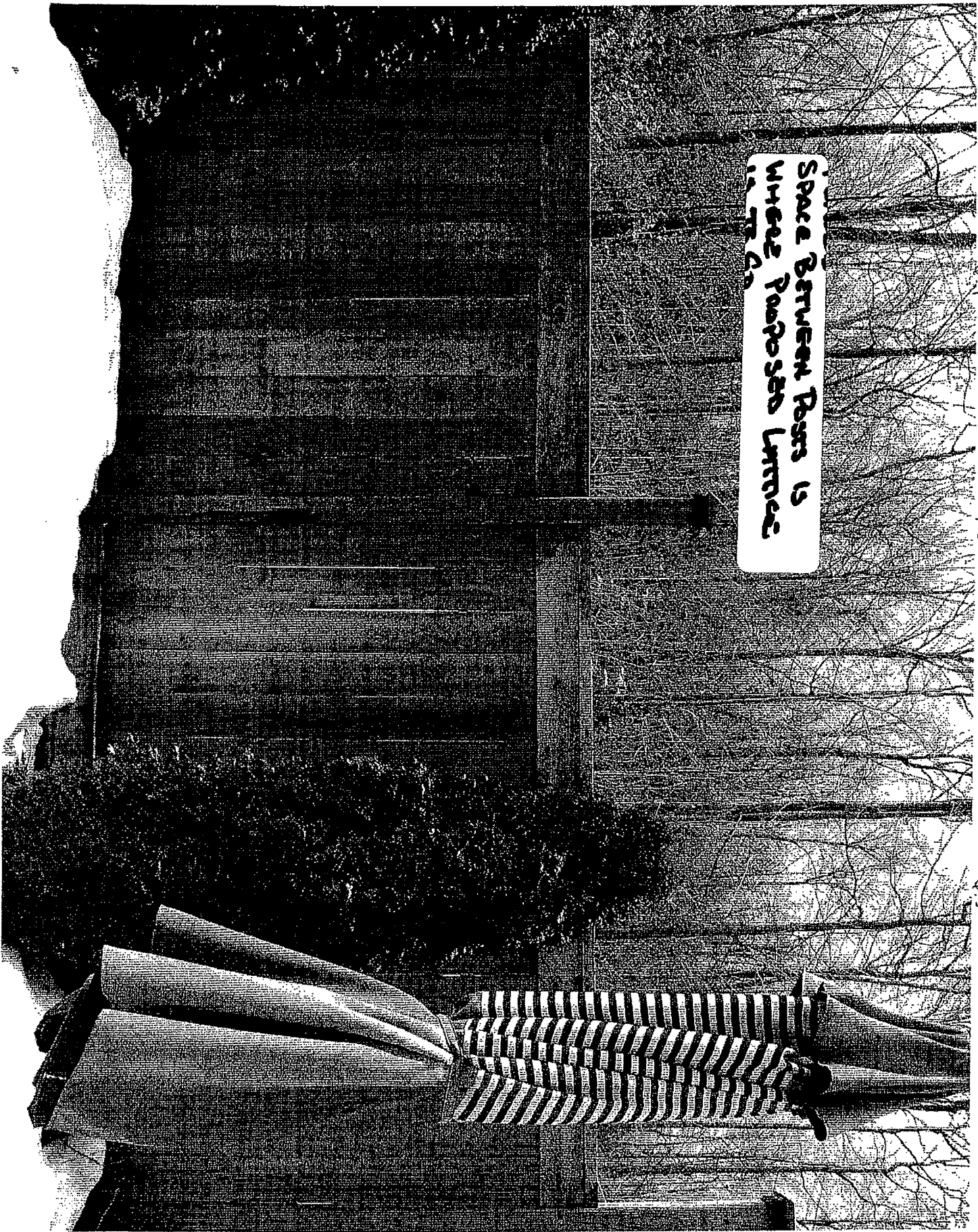
SPACE BETWEEN POSTS IS
WHERE LATTICE IS BEING
DUG OUT

Space Between Posts is
Where Paddles Latched
in the Air

6-1

7-8

6-2



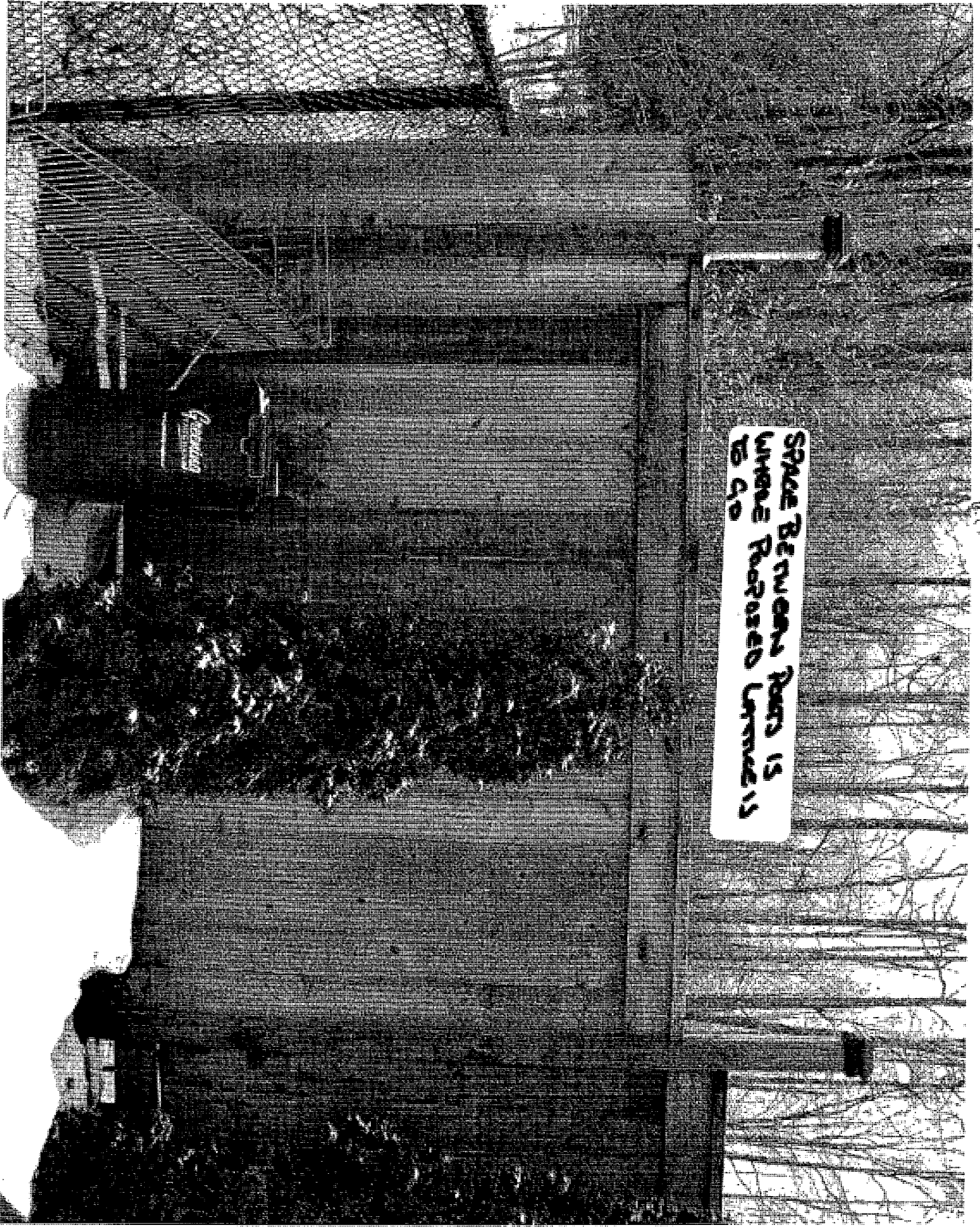


SPACE BETWEEN PARTS IS
WHERE LATTICE IS TO GO

65

69

79



SPACE BETWEEN PAVES IS
W/HERE PROPOSED CURBWISE IS
TO GO

73

1.1