

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012**

Item 33, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 30, 2012.

**33                      FENCE HEIGHT EXEMPTION – 113 BOB O'LINK AVENUE - WARD 5**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Acting Director of Enforcement Services, dated October 16, 2012:**

**Recommendation**

The Acting Director of Enforcement Services recommends the following:

1.        That the part of the application to permit a rear yard wooden fence ranging in height from 5 feet 11 inches to 6 feet 8 inches be approved; and
2.        That the part of the application to permit a front yard wooden fence ranging in height from 6 feet to 7 feet 8 inches (including posts) be denied; and
3.        That the part of the application to permit a rear yard wooden fence with posts ranging in height from 7 feet 5 inches to 7 feet 8 inches be denied; and
4.        That the fence posts in the rear yard be reduced to a maximum of 2 inches above the wooden fence panels which are attached to them, bringing the posts to a total height ranging from 6 feet to 6 feet 10 inches.

**Economic Impact**

N/A

**Communications Plan**

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 metre radius, one petition with 5 signatures objecting to the fence height exemption for the front and side yard fence was received.

**Purpose**

This report is to provide information for the consideration of a fence height exemption application.

**Background - Analysis and Options**

This fence height violation was brought to the attention of Enforcement Services as a result of a complaint.

The property owner of 113 Bob O'Link Avenue has applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90.

The By-law permits a fence height of 4 feet in front yards and 6 feet in rear yards.

The Applicant has requested an exemption to the Fence By-law to provide a sense of privacy and as a barrier to the noise in the park as follows:

1.        for an existing rear yard fence ranging in height from 5 feet 11 inches to 6 feet 8 inches with posts ranging in height from 7 feet 3 inches to 8 feet 3 inches.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012**

#### **Item 33, CW Report No. 39 – Page 2**

2. for a front yard wooden fence ranging in height from 6 feet to 6 feet 5 inches with posts ranging in height from 7 feet 5 inches to 7 feet 8 inches.

Enforcement Services staff inspected the Applicant's property, which abuts a parkette on the south side and a railway line to the rear. The property has a unique feature in that it slopes upwards from the street line to the rear property line.

There was a requirement when the subdivision was constructed for the erection of a chain link fence along the south property line, abutting the parkette and along the west property line a noise attenuation fence. Both of these fences are still in place. The homeowner has erected the wooden fence inside the property line.

Staff advises that the current fence height in the front yard could pose a sight line obstruction of individuals using the walkway from the park to the sidewalk when exiting the applicant's driveway.

In the petition it was noted the fence may encourage other activity in the parkette due to the additional screening and neighbours could no longer monitor for safety issues.

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

#### **Relationship to Vaughan Vision 2020**

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 supports a rear yard fence height exemption at its current height (save and except for the posts which need to be reduced to no more than 2 inches above the panels) and does not support a front yard fence height exemption. Therefore, the front yard fence requires removal or reconstruction to no more than 4 feet in height as per By-law 80-90.

#### **Attachments**

1. Map of area
2. Photographs
3. Petition Letter of Objection

#### **Report prepared by:**

Janice Heron  
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.)