CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012

Item 41, Report No. 33, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on September 25, 2012, was dealt with by approving:

By approving:

That consideration of this matter be deferred to the October 16, 2012 Committee of the Whole meeting; and

That the following Communications be received:
C15. Mr. Frank Torchia, Gray & Associates, Barristers & Solicitors, Zenway Boulevard, Vaughan; and
C17. Mr. Michael DeGasperis, Arista Homes, Applewood Crescent, Vaughan.

41 FENCE HEIGHT EXEMPTION – 25 AND 31 FIORELLO COURT – WARD 3

The Committee of the Whole recommends:

1) That this matter be reconsidered;

2) That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved;

3) That the following resolution submitted by Councillor DeFrancesca, dated September 4, 2012, be received;

4) That the following deputations and Communication be received:

1. Mr. Steve Papadopoulos, Fiorello Court, Vaughan, and photographs;
2. Mr. Fabian Dasilva, Fiorello Court, Vaughan, and aerial maps and photographs; and
3. Mr. Frank Torchia, Gray & Associates, on behalf of Mr. Mario Pacitto, Fiorello Court, Vaughan, and Communication C11, dated August 30, 2012; and

5) That the following Communications be received:

C6. Mr. Joey Furfari, Furfari Paving Ltd., dated August 28, 2012;
C7. Vittorio and Tuccia Ferrari, Sangria Court, Vaughan, dated August 28, 2012;
C10. Leon and Quynh Huang, Fiorello Court, Woodbridge, dated August 29, 2012;
C12. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012;
C13. Director of Legal Services, dated August 31, 2012; and
C14. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012.

Member's Resolution

Submitted by Councillor Rosanna DeFrancesca

Whereas, the owners of 25 and 31 Fiorello Court had applied for a fence height exemption, to permit an existing rear yard wooden fence ranging in height from 6 feet to 7 feet 5 inches; and

Whereas, Council denied this request at the June 26, 2012 Council meeting (Item 41; CW Report No. 25) and

Whereas, the residents of 25 and 31 Fiorello Court were not aware that their presence would have been beneficial in order for this fence height exemption to be approved;

…/2

It is therefore recommended:

1) That this matter be reconsidered;

2) That deputations be received; and

3) That Council consider and approve the following:

That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

Attachments

1. Council Extract, Item 41, CW Report No. 25.

(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.)

MEMBER'S RESOLUTION

Date:	**SEPTEMBER 4, 2012 – COMMITTEE OF THE WHOLE**
Title:	**FENCE HEIGHT EXEMPTION – 25 AND 31 FIORELLO COURT – WARD 3**
Submitted by:	**Councillor Rosanna DeFrancesca**

Whereas, the owners of 25 and 31 Fiorello Court had applied for a fence height exemption, to permit an existing rear yard wooden fence ranging in height from 6 feet to 7 feet 5 inches; and

Whereas, Council denied this request at the June 26, 2012 Council meeting (Item 41; CW Report No. 25) and

Whereas, the residents of 25 and 31 Fiorello Court were not aware that their presence would have been beneficial in order for this fence height exemption to be approved;

It is therefore recommended:

1) That this matter be reconsidered;

2) That deputations be received; and

3) That Council consider and approve the following:

That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

Respectfully submitted,

Councillor Rosanna DeFrancesca
Ward 3 / Woodbridge Vellore

Attachments

1. Council Extract, Item 41, CW Report No. 25.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 26, 2012

Item 41, Report No. 25, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 26, 2012.

41 FENCE HEIGHT EXEMPTION - 25 AND 31 FIORELLO COURT – WARD 3

The Committee of the Whole recommends:

1) That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be denied;

2) That the following report of the Director of Enforcement Services, dated June 5, 2012, be received;

3) That the deputation of Mr. Frank Torchia, 17 Fiorello Court, Vaughan, L4H 0V4, on behalf of Mr. Mario Pacitto, be received; and

4) That Communication C14 memorandum from the Director of Enforcement Services, dated June 6, 2012, be received.

Recommendation

The Director of Enforcement Services recommends the following:

1. That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

Economic Impact

N/A

Communications Plan

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 meter radius and three objections were received.

Purpose

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

Background - Analysis and Options

The property owners of 25 and 31 Fiorello Court have 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 6 feet in rear yards. The Applicants have requested an exemption to permit existing rear yard wooden fencing ranging in height from 6 feet to 7 feet 5 inches.

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

Several homes in the immediate vicinity are of the same height and design as the fencing was installed by the same contractor.

There are no apparent site plan or safety impacts as a result of this application.

…/2

Relationship to Vaughan Vision 2020

This report is in keeping with 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 fence height exemption for this location at its current height.

Attachments

1. Site Plan
2. Map of surrounding streets
3. Photographs
4. Letters of Objection (X 3)

Report prepared by:

Janice Heron
Office Coordinator, 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.)

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 66 AND 67
PLAN 65M–4160
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300
10m 5m 0 10m 20metres

RADY–PENTEK & EDWARD SURVEYING LTD., O.L.S.

METRIC

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

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 22 DAY OF FEB., 2010

DATE MARCH 9, 2010

J. SINGH
ONTARIO LAND SURVEYOR

NOTES

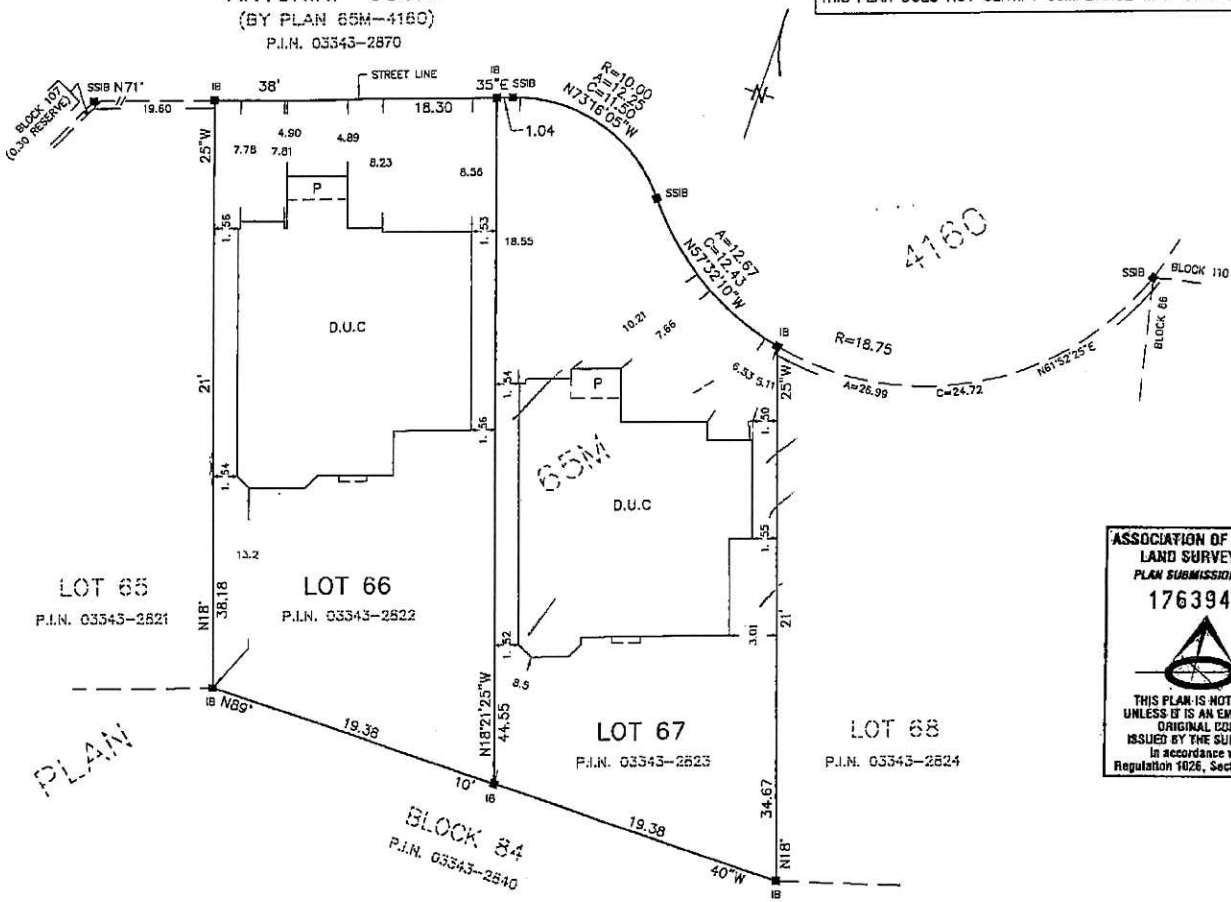
□	DENOTES MONUMENT SET
■	DENOTES MONUMENT FOUND
IB	DENOTES IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
D.U.C.	DENOTES DWELLING UNDER CONSTRUCTION
P.I.N.	DENOTES PROPERTY IDENTIFIER NUMBER
P	DENOTES PORCH

ALL FOUND MONUMENTS BY RADY–PENTEK & EDWARD SURVEYING LTD., O.L.S.

ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHEASTERLY LIMIT OF ANTONINI COURT AS SHOWN ON ON PLAN 65M–4160 HAVING A BEARING OF N71°38'35"E.

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



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

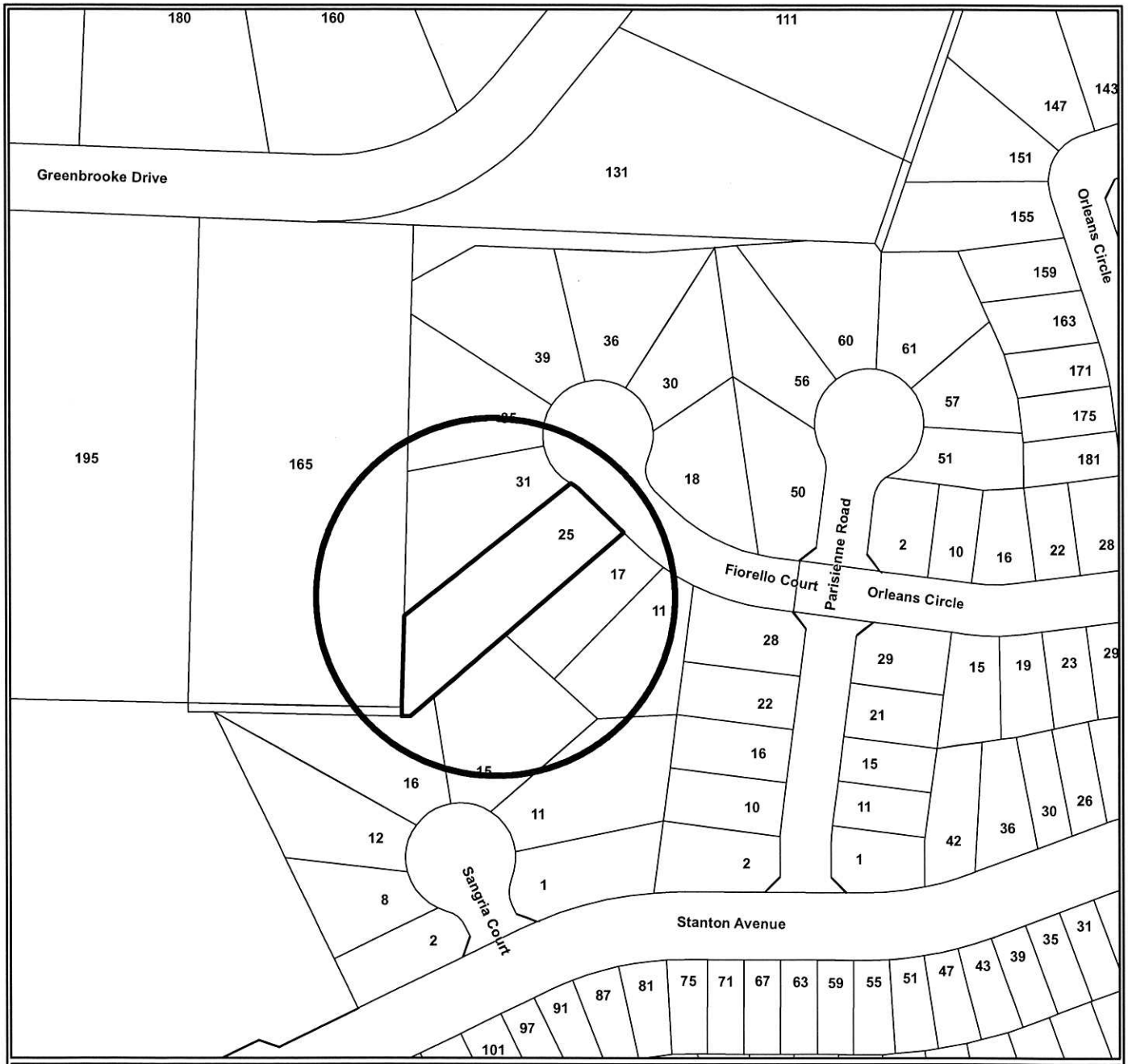
ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
1763940
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).

RADY–PENTEK & EDWARD SURVEYING LTD.
ONTARIO LAND SURVEYORS
643 Chrislea Road, Suite 7
Woodbridge, Ontario L4L 8A3
Tel.(416)635–5000 Fax (416)635–5001
Tel.(905)264–0881 Fax (905)264–2099
Website: www.r–pe.ca

DRAWN: V.H. CHECKED: G.P/T.S.
JOB No. 09–044 CAD FILE No.4160–60

ATTACHMENT NO. 1

ATTACHMENT NO. 2



25 FIORELLO COURT
LOCATION MAP

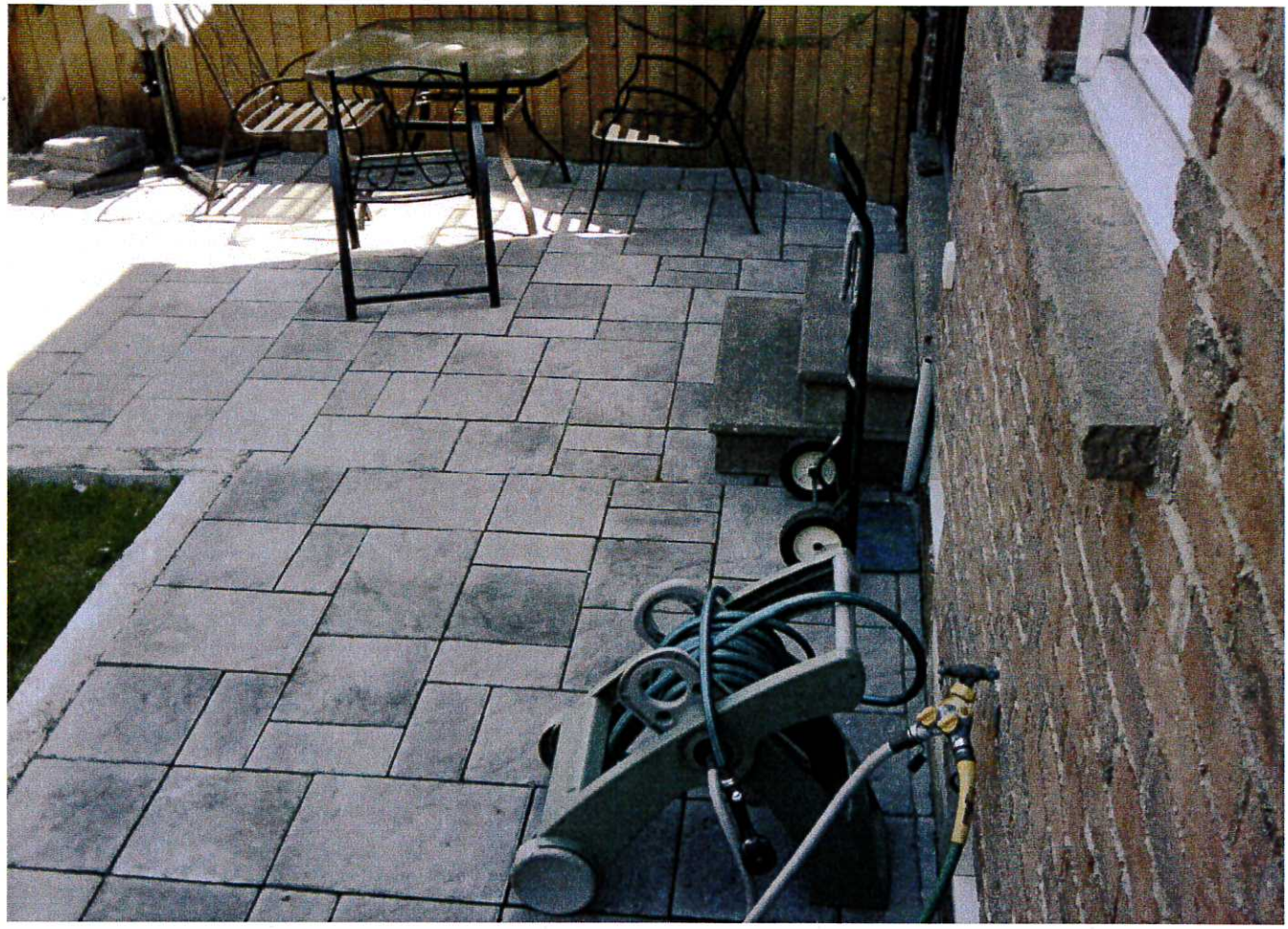
LEGEND

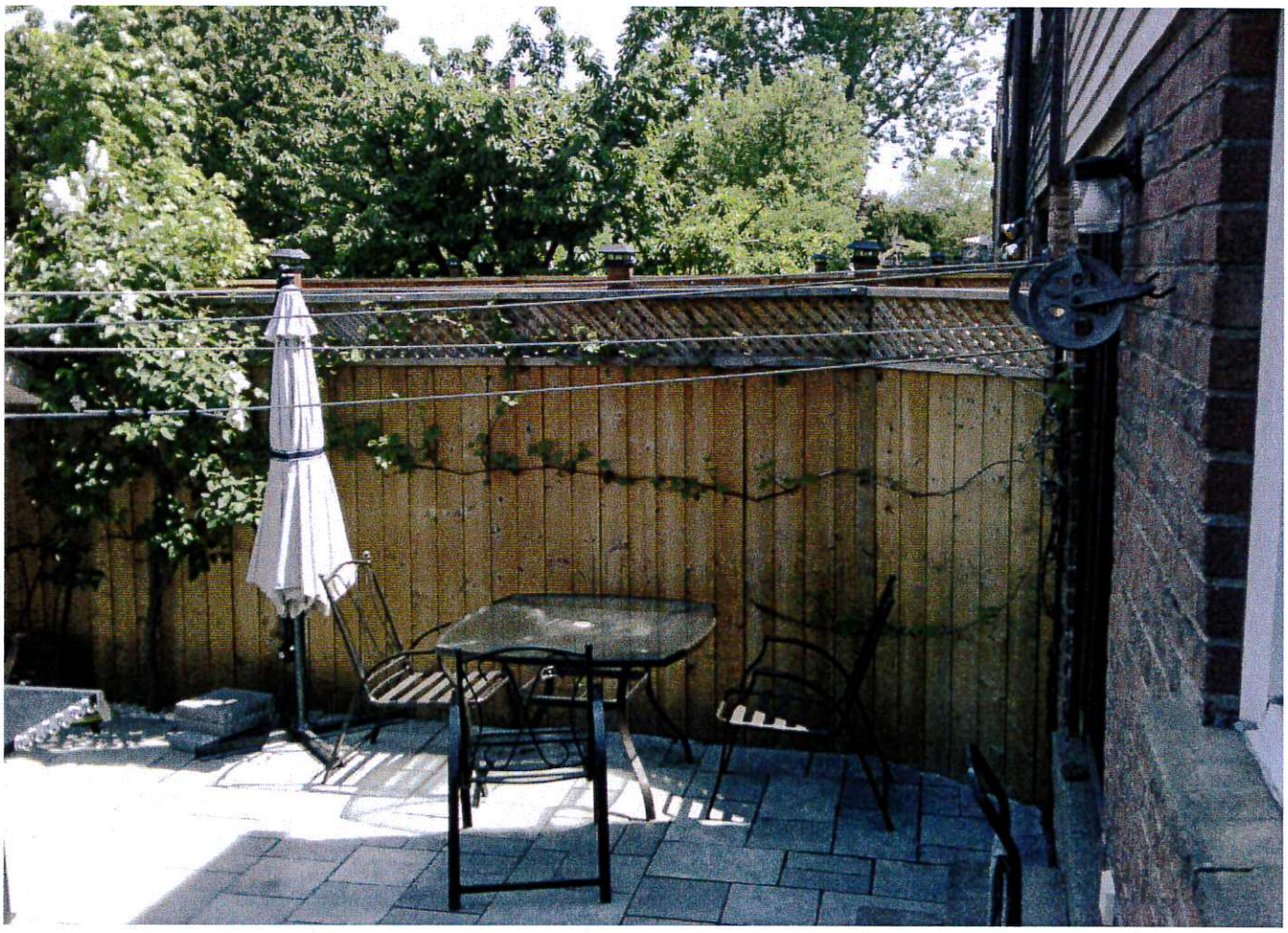
60m RADIUS ADDRESS BUFFER

NOT TO SCALE

O:\Engineering Services\Infrastructure Management\Infrastructure\$$PROJECTS\ATTACHMENT_TEMPLATE\ENFORCEMENT ADDRESS BUFFER.jpg

ATTACHMENT NO. 3





Heron, Janice

ATTACHMENT NO. 4

From: Huang, Leon [leon.huang@cgi.com]
Sent: Thursday, May 17, 2012 3:10 PM
To: Heron, Janice
Subject: RE Fence Height on Fiorello Court

To the attention of Janice Heron.

We, Leon and Quynh Huang of 11 Fiorello court is responding back to the letter issued by the City of Vaughan Enforcement Services. This is pertaining to the fence Height. Our contract with Galaxy Fence stated that the fence height would be 6 feet high. Understanding the grading of the land, some fence height might be higher. In the case where the fence height is 7 feet or more, we would like those fence panels reduced to no more than 6 feet 5 inches. As long as it is in keeping with the by-law for fence height.

Thank you,
Leon and Quynh Huang
11 Fiorello Court
Woodbridge
L4H 0V4
Home: 905-605-2231
Cell : 647-229-1037

Mr. Mario Pacitto and Mrs. Filomena Pacitto
17 Fiorello Court
Vaughan, ON L4H 0V4

May 16, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

Enforcement Services Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

---

We, Mario and Filomena Pacitto, are property owners of 17 Fiorello Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

As adjoining property owners, we oppose the fence height exemption and would like to voice our concerns with the request for the proposed fence height exemption at 25 Fiorello Court.

At the time we contracted with Galaxy Fencing to complete the fence, all adjoining property owners, including the owners of 25 Fiorello Court agreed that the fence height for all properties would be six feet, as is stipulated in the contract with Galaxy. Unfortunately, at the time the fence was installed we were out of the country and were unable to voice our displeasure with the manner in which the fence was installed by Galaxy, in particular, the height of the fence. However, upon our return, we immediately notified all of our adjoining neighbours as well as Galaxy, that the fence was not completed properly due to the increased height of the fence.

Our concern is that the space between our side yard and that of 25 Fiorello Court is very narrow and to construct a fence that is greater than six feet, which is the maximum height under the current by-law, only makes matters worse, as the space feels very dark and enclosed. Furthermore, since our house is the smallest house of all the surrounding lots and is also a bungalow, the increased fence height makes our lot appear even smaller.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. If the height of the fence is raised it will not only change the appearance of our house but it will change the visible appearance and feeling of the streetscape. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

In addition, we would like to advise you that all of the affected property owners namely, Vittorio and Tuccia Ferrari (15 Sangria Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, have come to an agreement, whereby Galaxy will be cutting the fence height down to six feet for the rear lot and the lot on the opposite side of our house, as per the current by-law and the terms which were initially agreed upon when Galaxy was contracted to install the fences. (Please find attached a copy of the Contract) As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the opposite side and the rear yard fence.

Based on the above, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents and to not grant the fence height exemption.

Yours very truly,

Mario Pacitto

Filomena Pacitto

CLAUDIO 416-791-0271
CARLO 416-809-1926

Galaxy Fencing
(905) 451-1663

Work Order

Client Name: MARIO **Date:** 1/9/11

Client Address: 17

Phone Number: _____ **Alt Number:** _____

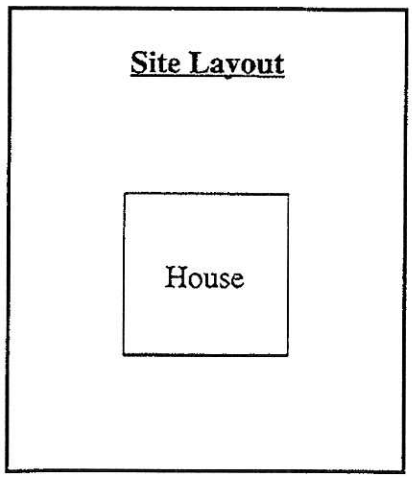
Post Size: 4x4 / 5x5 / (6x6)

Fence Style: Private / Alt / Lattice
Board-on-Board / (Tongue n' Grove) 1"

Height of Fence:
3ft / 4ft / 5ft / (6ft) / 7ft / 8ft

Material: PT / (Cedar) / Trex / WI
Chain-Link / PVC / Snow Fence

Site Layout



Quantity and Cost

Shared Feet 286 @ $ 34 /FT = $ 13,124.00 9724

Unshared _____ @ $ _____ /FT = $ _____ _____

# of Gates _____ @ $ _____ /FT = $ _____ _____

Dirt Rem. _____ @ $ _____ /FT = $ _____ _____

Fence Removal _____ @ $ _____ /FT = $ _____ _____

Extras/_____ _____ _____

Notes/ 2X8 SCALLOP FRAME

/TC = $ 13,124 9724

H.S.T. = $ 1,706.12 1264.12

/ TP = $ 14,830.12 10988.12

Total = $ 14,830.12

GST# 803 203 876 RT 0001

* 25% payment due after post installation * Down Payment 500

Date of Completion: _____ Method of Payment: _____

Date: SEPT 1/2011 Customer Signature: _____

Mr. Vittorio Ferrari and Mrs. Tuccia Ferrari
15 Sangria Court
Vaughan, ON L4H 0W2

May 17, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

Enforcement Services Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

We, Vittorio and Tuccia Ferrari, are property owners of 15 Sangria Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

We are opposed to the fence height exemption in light of the following reasons. As such, we do not feel the exemption should be granted.

At the time of installation, it was agreed between all adjoining property owners (including 25 Fiorello Court) and the fence contractor, Galaxy Fencing, that the fence would be installed at a height of six feet. Unfortunately, Galaxy Fencing installed the fence improperly as the height of the fence is beyond the agreed upon six feet and in some areas the fence is as high as eight feet from the ground.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

In addition, we have recently come to terms with the other adjoining property owners, Mario and Filomena Pacitto (17 Fiorello Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, whereby Galaxy will be cutting the fence height down to six feet as per the current by-law and the terms which were initially agreed upon by us when Galaxy was contracted to install the fences. As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the rear yard fence, which will be cut back down to six feet.

Based on the above, we do not feel the exemption should be granted and therefore, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents.

Yours very truly,

Vittorio Ferrari

Tuccia Ferrari

2751 Markham Rd.
Scarborough, Ontario M1X 1M4
o: 416.293.1369 | f: 416.293.3007 | e: JoeyFurfari@bellnet.ca

-----Original Message-----
From: Joey Furfari
Sent: Monday, August 27, 2012 10:11 AM
To: Joey Furfari
Subject: Fiorelli crt

GRAY & ASSOCIATES

Barristers & Solicitors
Unit 37
111 Zenway Boulevard
VAUGHAN, Ontario
L4H 3H9

Telephone (905) 264-1040
Toronto Line (416) 410-1208
Fax (905) 264-7080

Reply to: Frank Torchia
Assistant: Elena Tchervatiouk

September 24, 2012

DELIVERED BY EMAIL: Jeffrey.Abrams@vaughan.ca

URGENT

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

C 15
Item # 41
Report No. 33
Council - Sept 25/12.

Attention: Jeffrey A. Abrams

Dear Sir:

RE: Item 41, Report No. 25
Committee of the Whole Hearing – June 5 and September 4, 2012
Fence Height Exemption Application – 25 Fiorello Court, Vaughan

---

Further to the above-noted Application, we wish to advise you that we represent Mr. Mario Pacitto, resident of 17 Fiorello Court.

As expressed by Mr. Pacitto in his letters to Ms. Heron and the Enforcement Services Department in relation to the above referenced hearings, he is vehemently opposed to the application for the reasons set out in his letters, which are enclosed herein for your reference.

At the hearing of June 5, 2012, the Committee had recommended that the fence height application be denied and as such, Council adopted the recommendation in its meeting of June 26, 2012. Thereafter, the matter was brought back to the Committee for reconsideration on September 4, 2012 at the request of Councillor Rosanna DeFrancesca. Consequently, on September 4, 2012, the Committee voted to reverse the decision of June 5th and recommended that the application be approved.

Mr. Pacitto does not agree with the most recent recommendation put forth by the Committee and feels that the decision was based on facts that may not be entirely accurate. In particular, it was expressed by the applicant that the entire subdivision had rear yard fencing installed by the developer at a height that was significantly higher than that allowed under By-Law 80-90. In reality, this is not the case. According to measurements taken by Mr. Pacitto and as indicated by the developer in their letter to council dated August 31, 2012, the rear yard fencing complies with the by-law, save and except for any acoustical fencing, which was purposefully erected to stand at a higher level.

In addition, the portion of the fencing in the subdivision that sits above the height stipulated by the by-law was improperly installed by the same contractor hired by each of the individual home owners. As a result of the incorrect installation, the contractor has given all home owners a letter stating that he will be responsible for any corrective work, if the City requires the fence to be cut down, as per the by-law.

Mr. Pacitto would like to stress that he has approached the applicant to try and resolve the issue amicably and reasonably (as was suggested Committee members), and in doing so, he has agreed to make some concessions and have the fence remain at a maximum height of six feet (6'6") six inches. Unfortunately, the applicant is not willing to make any concessions on his part and therefore, Mr. Pacitto is forced to express his displeasure to the City.

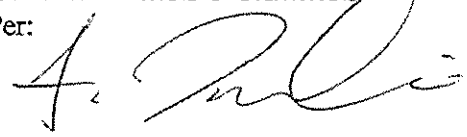
It is only fair that if one property owner wants to make changes to a fence, which is shared with a neighbouring property owner, and the neighbouring owner does not agree with such change, the by-law should prevail, rather than the decision being thrust upon him. Moreover, to allow this decision would mean that the contractor would be relieved from any wrongdoing and the property owner would be stuck with a product that was never agreed upon namely, a higher fence.

As part of the Committee's reasoning, they expressed that there job is to make decisions and as such, they need some flexibility in the interpretation of the by-laws. Mr. Pacitto understands this and appreciates the role that the Committee plays in shaping the City's by-laws. However, this issue deals with two neighbours holding different points of view and the Committee should not be favouring one constituent in favour of the other. The result should be fair and means that the City by-law should prevail.

We hope to have conveyed to you that although this matter may seem trivial in nature, it means a great deal to Mr. Pacitto and we hope that Council will take this letter into serious consideration before adopting the recommendation.

Yours very truly,

GRAY & ASSOCIATES
Per:



Frank Torchia
/et
Encl.

ARISTA HOMES
Innovation in Design™

September 24th, 2012

C 17
Item # 41
Report No. 33
Council - Sept 25/12

VIA EMAIL AND HAND DELIVERED

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

ATTENTION: CLERKS DEPARTMENT

RE: COMMITTEE OF THE WHOLE – SEPTEMBER 4th, 2012 ITEM #41
FENCE HEIGHT EXEMPTION - 25 AND 31 FIORELLO COURT
CORRECTIONS & CLARIFICATIONS

Please find attached a Letter of Certification from the legal surveyors of Rady-Pentek & Edward Surveying Ltd.

Included in this letter are specific measurements of all fences installed by the Developer's contractor within the above captioned subdivision. The Ontario Land Surveyor verifies and certifies that all fences installed by the Developer are as per the approved engineering drawings and Subdivision Agreement.

Therefore, staff and/or others may have provided you incorrect and misleading information that the Developers or Builders have installed fences that materially exceed the By-Laws or site specific agreements. This is obviously incorrect and may actually be malicious and intentional for either selfish or veiled motives.

In our opinion, the fences installed at 25 and 31 Fiorello Court significantly exceed the height restrictions within your by-law and were installed with complete knowledge of this breach. Such fences and exemptions are in no way consistent with the approved engineering drawings, Subdivision Agreement, or the Architectural Control of the subdivision.

RECEIVED
SEP 25 2012
CLERK'S DEPT.

.../2

Council should also be very concerned about setting a precedent when it comes to the "Assumption" of the subdivision, i.e. will the City be allowing others to install fences at whatever heights, colours, materials that they wish? Will the City be allowing curb-cuts and driveways that exceed the By-Law? How about hard-landscaping that breaches the requirements? Will the City allow catch basins or water-courses to be compromised? etc... As you know, these are all very real potential infractions that we must all deal with at the appropriate time. By allowing such exemptions to one or two homeowners now, will set such an erroneous precedent that will serve to be irreversible, and expose the City, the Developer, and the Builders to other serious challenges.

We therefore suggest that you give this matter some very serious thought, and strongly suggest that you **deny** the aforementioned fence height exemptions.

Notwithstanding the above, we also wish to clarify that Arista Homes did not install any of the fencing within this subdivision. Arista Homes also takes great exception to some of the comments and allegations made by either staff, the deputations, and/or members of council. We hereby request that such false comments and allegations be retracted forthwith, and a written apology be submitted to the Developer and Builders within this subdivision.

Thank you for your serious consideration to all of the information contained herewith.

Yours truly,
ARISTA HOMES LTD.

Michael DeGasperis
President & CEO

Attach:
Cc: Greenbrooke Developments Inc.
Fieldgate Homes

Paul Edward, B.Sc., O.L.S.
George T. Singh, B.Sc., P.Eng., O.L.S.
Youssef Wahba, B.Sc., O.L.S.

Ross DenBroeder, B.Sc.E., O.L.S.
Paul Madeira, C.E.T.
Chris Wahba, B.Sc., O.L.S., O.L.I.P

Rady-Pentek & Edward Surveying Ltd.
Ontario Land Surveyors

643 Chrislea Road, Suite 7, Woodbridge, Ontario, L4L 8A3 www.r-pe.ca
Tel: (416) 635-5000, Fax: (416) 635-5001
Tel: (905) 264-0881, Fax: (905) 264-2099

September 24th, 2012

VIA EMAIL & REGULAR MAIL

Greenbrooke Developments Inc.
100 Zenway Blvd
Woodbridge, Ontario
L4H 2Y7

ATTENTION: MR. SAM SPERANZA

Dear Mr. Speranza:

RE: FENCE HEIGHTS VAUGHAN VALLEY ESTATES SUBDIVISION
REG PLAN 65M-4106 – GREENBROOKE DEVELOPMENT
COLD CREEK ESTATES

As per the attached field note, we have site measured the height of the privacy fencing and acoustical fencing within the above mentioned subdivision that has been installed by your forces and certify them as follows;

- Our measurements show that the privacy fence heights vary between 6'0" (1.83 metres) to 6'5" (1.96 metres) due to grade conditions.

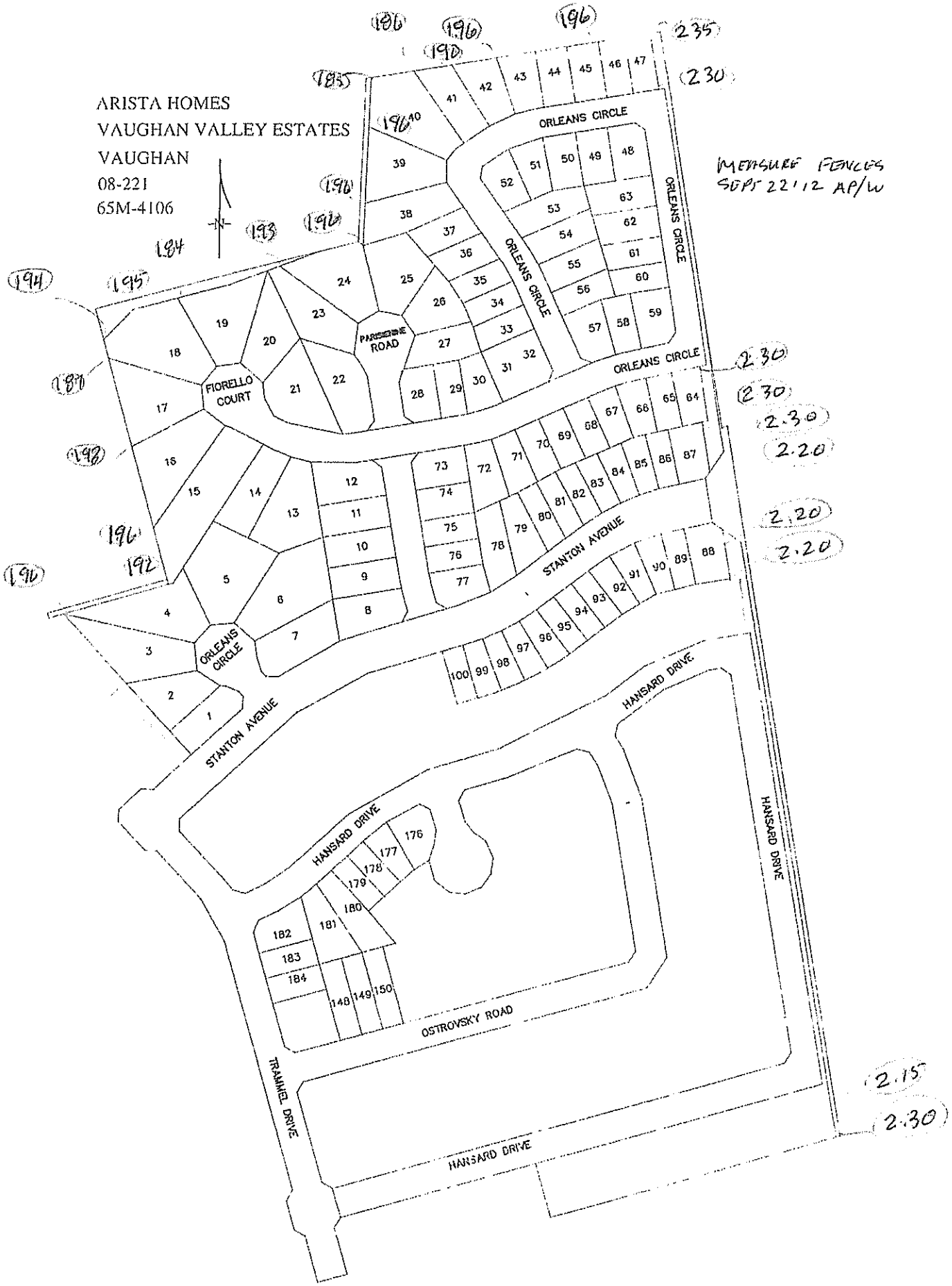
- As to the acoustical fencing (at Weston Road), it varies from 6'7" (2 metres) to 8'3" (2.5 metres).

We have reviewed the acoustical fencing heights as set out in the approved engineering drawings as well as the Subdivision Agreement and the site measurements verify that these fence heights comply with the requirements.

Yours truly,
Rady-Pentek & Edward Surveying Ltd.

Paul Edward,
Ontario Land Surveyor

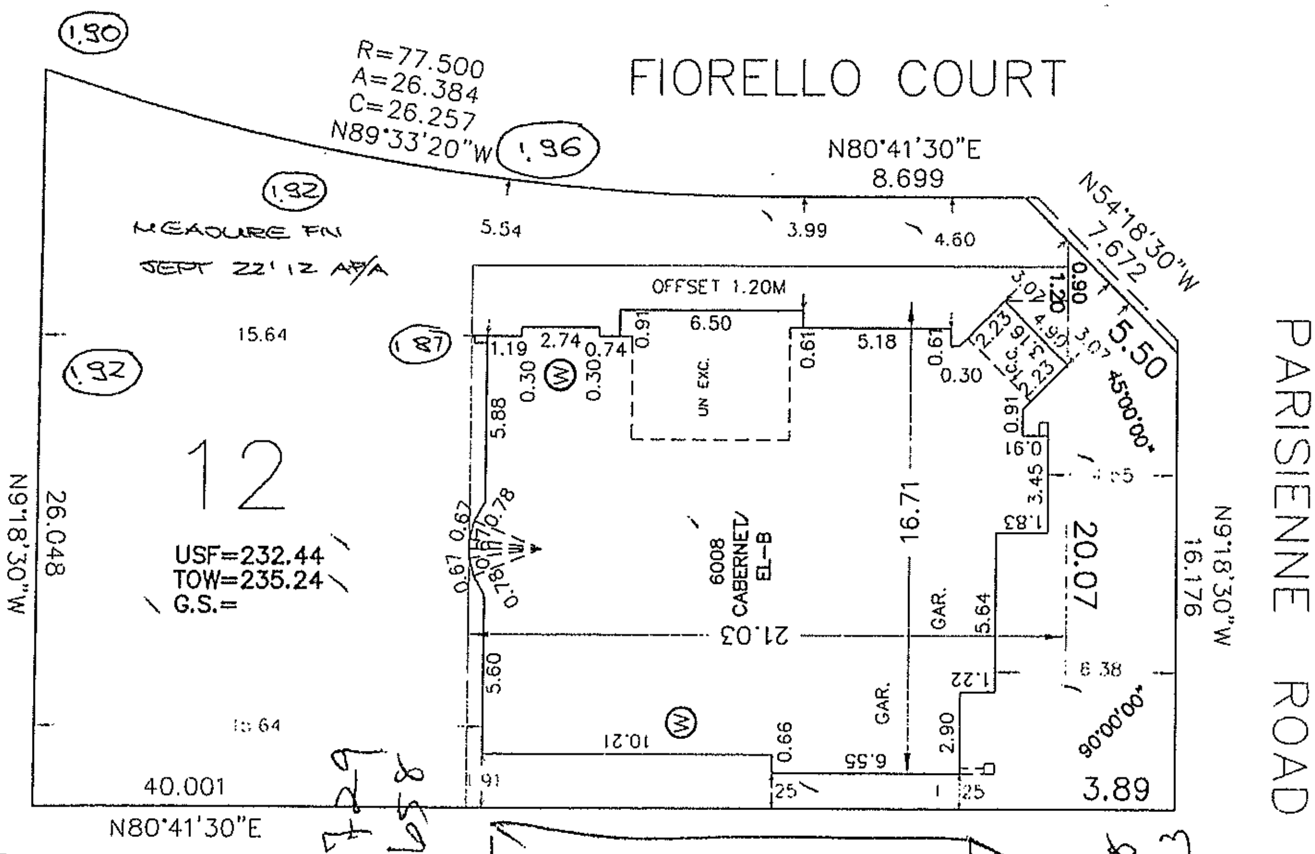
cc: Arista Homes
Fieldgate Developments


ARISTA HOMES
VAUGHAN VALLEY ESTATES
VAUGHAN
08-221
65M-4106
ORLEANS CIRCLE
FIORELLO COURT
PARSONE ROAD
STANTON AVENUE
HANSARD DRIVE
OSTROVSKY ROAD
TRAMMEL DRIVE
MEASURED FENCES
SEPT 22/12 AP/W
2.30
2.20
2.15

60' = 1.83 M

LOT 12

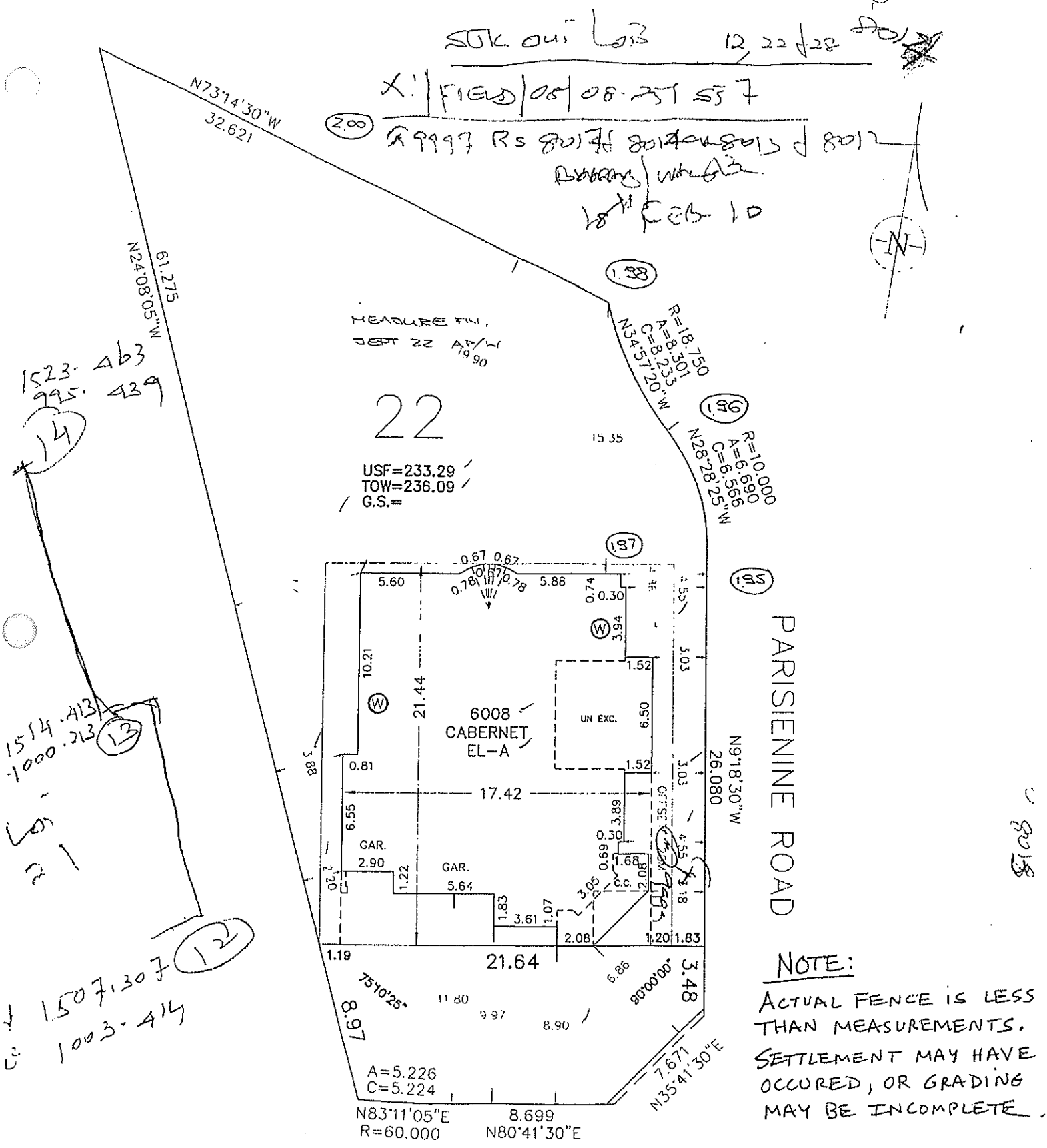
LOT 22



NOTE:
ACTUAL FENCE IS LESS THAN MEASUREMENTS. SETTLEMENT MAY HAVE OCCURED, OR GRADING MAY BE INCOMPLETE

X: \FIELD\UPLOAD\08\08-221\08-221JJ.SDR/CSV

THIS PAGE SHOWS LOT 12 PLAN 65M-4106	ARISTA HOMES	MS CAD FILE 08-221	PAGE	NOTES	DATE DEC 21/05	NAME GARY
RADY-PENTEK & EDWARD SURVEYING LTD. 643 CHRISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3 TEL (416)635-5000	VAUGHAN VALLEY EST VAUGHAN	CAD FILE 08-221	JOB No. 08-221	CALCS / CHECK / STAKE OUT / FOOTINGS / NOTE FINAL / FIELD FINAL		



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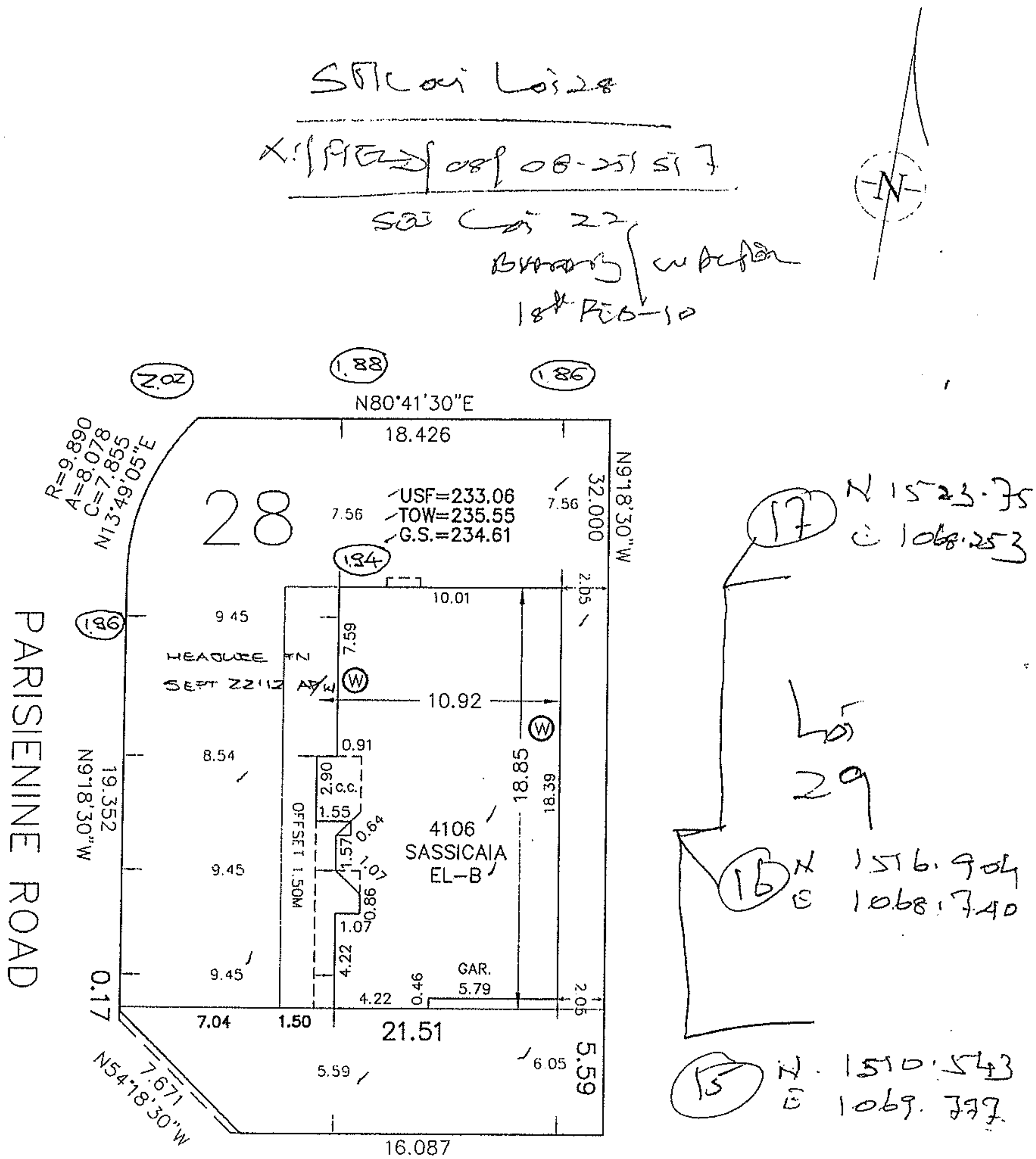
X:\FIELD\UPLOAD\08\08-221\08-221JJ.SDR/CSV

THIS PAGE SHOWS	LOT 22 PLAN 65M-4106
	RADY-PENTEK & EDWARD SURVEYING LTD.
ARISTA HOMES	VAUGHAN VALLEY EST VAUGHAN
MS CAD FILE	08-221
CAD FILE	08-221
PAGE	1
JOB No	08-221

	DATE	NAME
NOTES		
CALCS	DEC. 21/09	CHKD
CHECK		JJC
STAKE OUT		
FOOTINGS		
NOTE FINAL		
FIELD FINAL		



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X:\FIELD\UPLOAD\08\08-221\08-221JJ.SDR/CSV

THIS PAGE SHOWS		ARISTA HOMES	MS CAD FILE 08-221	PAGE
LOT 28	PLAN 65M-4106	VAUGHAN VALLEY EST	CAD FILE 08-221	JOB No 08-221
RADY-PENTEK & EDWARD SURVEYING LTD.		VAUGHAN		
643 CHRISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3 TEL (416) 635-5000				

	DATE	NAME
NOTES		
CALCS	DEC. 21/09	GARY
CHECK		
STAKE OUT		
FOOTINGS		
NOTE FINAL		
FIELD FINAL		

ARISTA HOMES

Innovation in Design™

August 31st, 2012

HAND DELIVERED

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

ATTENTION: **CLERKS DEPARTMENT**

RE: **OBJECTION TO REQUEST FOR FENCE HEIGHT EXEMPTION**
LOT 35 & 31 FIORELLO COURT REGISTERED PLAN 65M-4106

Arista Homes is the builder of all the homes on Fiorello Court and of 50% of the homes in the Vaughan Valley Estates subdivision.

We oppose this fence height exemption based on the following:

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Within these architectural guidelines we further enhanced the subdivision's appearance by establishing the lots north of Stanton Avenue as an executive residential enclave. Both of the above mentioned homes are located within this enclave and have benefited by these stringent guidelines.

Section 7.6 of the Block 40 south Architectural Design Guidelines deals with corner lot privacy fencing and stipulates a maximum height of 6' or 1.8m. Also, as you know the City's current fence By-Law 80-90 stipulates the same maximum height.

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Notwithstanding all of the above, all acoustical fencing is covered under the Subdivision Agreement between the City of Vaughan and the developer which even supersedes both By-Law 80-90 and the Architectural Design and Control guidelines.

In conclusion we have worked very hard to produce a subdivision that is uniform in appearance and features, as well as conforms to the Architectural Control Guidelines and by-laws mandated by the City of Vaughan during the development process. To now allow exemptions to the fence height restrictions will result in disruption to the subdivision's overall character and appearance as stipulated above. It would also encourage further breaches of your by-laws, whereby we as the builders and developers that have yet to obtain assumption of the subdivision, are not prepared to accept.

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Therefore, we reiterate that we are opposed to these exemptions, and wish to remind the City of their own by-laws, restrictions, Subdivision Agreement and Architectural Control Guidelines.

Yours truly,
ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.

Ron Protocky
VP Construction

Cc: Michael DeGasperis
Silvio DeGasperis
Vic DeZen
Joseph Sgro
Jack Eisenberger

RP/mc

ARISTA HOMES
Innovation in Design™

August 31st, 2012

HAND DELIVERED & EMAIL

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

ATTENTION: **CLERKS DEPARTMENT**

RE: **LOT CORRECTION TO OBJECTION TO REQUEST FOR FENCE HEIGHT EXEMPTION LOT 25 & 31 FIORELLO COURT REGISTERED PLAN 65M-4106**

Please note that the above mentioned letter from Arista Homes (Vaughan Valley Estates) Inc. had an error in that the homes in question should be 25 and 31 Fiorello Court and not 35 & 31 Fiorello Court.

Please adjust your records accordingly and accept my apologies for this error.

Yours truly,
ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.

Ron Protocky
VP Construction

Cc: Michael DeGasperis
Silvio DeGasperis
Vic DeZen
Joseph Sgro
Jack Eisenberger

RP/mc

Fernandes, Sybil

C 6
COMMUNICATION
CW - Sept 4 | 12
ITEM - 41

From: Joey Furfari <Joey@furfaripaving.ca>
Sent: Tuesday, August 28, 2012 10:12 AM
To: Clerks@vaughan.ca
Cc: Heron, Janice; Frank Suppa; DeFrancesca, Rosanna; Mary Furfari
Subject: Council meeting Sept 4, 2012 fence exemption 25 & 31 fiorello court
Attachments: photo.JPG; ATT00001.txt

To Whom It May Concern:

It is my understanding that on September 4, 2012, council will hear comments on the fence height exemption at addresses # 25 & 31 Fiorello court.
I would like my comments to be heard at the said council meeting.

I reside at 165 Greenbrooke Dr. of which both properties # 25 & 31 Fiorello court back onto my property. Both properties in question have raised decks which occupy their whole backyards. The said decks which are hard surfaced are at the same grade as the top of the fence bordering the properties. (if one was standing on their deck, their feet would be at the same height as the top of the fence) That being said, the fences that have been installed do absolutely nothing but border the property. Any privacy we once had has been eliminated. Fences built out of wood such as those installed typically act as a noise barrier as well, however due to the height of the patios, noise travels and therefore; we have lost that bit of privacy as well. My lot is 250 feet wide and I can hear my neighbours having a normal conversation from 200 feet away. Both, my family and the neighbours have complete visual of each other's yards. I can literally see their ankles from my lot because the decks have been built too high! The fence height should "NOT" be lowered, as a matter of fact it should be raised to give us some type of privacy.

I have attached a photo which illustrates the sightline of a person 5 foot 7 inches tall walking on my walkway which is about 3 meters from the fence.
You will notice that there whole yard is visible and the deck is at the same height as the top of the fence. I cannot understand how the City allowed the decks/patios to be built at that height.

The height of the fences are not the issue here, the height of the decks are. Unfortunately; nothing can be done about the decks at this point, however, something can be done about the height of the fence. I hope council makes the right decision and allows the fence height to remain. I will definitely be putting forth an application to raise the fences higher which border my property as my family will not be forced to suffer any longer due to the issues at hand which are beyond our control.

Please take the time to review the photo attached to understand the adverse impact the heights of the fence have on my property.

If you have any questions regarding the above, do not hesitate to contact me.

I would like the opportunity to speak before council on September 4, 2012. Please advise on timing at your earliest convenience.

Sincerely

Joey Furfari
Furfari Paving Ltd.

2751 Markham Rd.
Scarborough, Ontario M1X 1M4
o: 416.293.1369 | f: 416.293.3007 | e: JoeyFurfari@bellnet.ca

-----Original Message-----
From: Joey Furfari
Sent: Monday, August 27, 2012 10:11 AM
To: Joey Furfari
Subject: Fiorelli crt

August 28, 2012

Attention: City Clerk

Clerks Department

Fax: 905-832-8535

RE: REQUEST FOR FENCE HEIGHT EXEMPTION

25 & 31 Fiorello Court

C 7
COMMUNICATION
CW - Sept 4/12
ITEM - 41

In response to your letter dated August 24, 2012 in regards to REQUEST FOR FENCE HEIGHT EXEMPTION which was denied at the Council Meeting of June 26, 2012, We Vittorio and Tuccia Ferrari are property owners of 15 Sangria Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

We are still **STRONGLY APPOSED** to the fence height exemption and still do not feel the exemption should be granted.

At the time of installation, it was agreed between all adjoining property owners including 25 Fiorello Court and the fence contractor, Galaxy Fencing, that the fence would be installed at a height of six feet in accordance to the current fence By-Law 80-90.

Please note that the fence contractor, Galaxy Fencing has agreed to cut down the fence height to six feet according to the terms of the contract which was initially agreed upon by all property owners involved.

It is our belief that the owners of both 25 & 31 Fiorello Crt requested a higher fence height without our knowledge at the time to accommodate the fact that they lifted the grades of their properties after some extensive construction in their backyards including in-ground pools that were built partially above ground therefore requiring extra fence height for their privacy and selfish reasons.

Based on the above, we do not feel the exemption should be granted and therefore, we are appealing to the City of Vaughan and the Committee of the Whole, to enforce the current by-law and act in the best interests of the current and future residents.

Yours very truly,

Vittorio Ferrari

15 Sangria Court

Tuccia Ferrari

Fax

8/28/2012

From: Vittorio & Tuccia Ferrari
Phone: 905-850-0724
Fax: 905-605-1729

To: City Clerk, City of Vaughan
Phone:
Fax: 905-832-8535

Comments:

Response to Letter dated August 24, 2012 RE: REQUEST FOR FENCE HEIGHT EXEMPTION

25 & 31 Fiorello Court

[X] Urgent [ ] For Review [ ] Please Comment [ ] Please Reply [ ] Please Recycle

Fax

C 10
COMMUNICATION
CW - Sept 4/12
ITEM - 41

From: Leon Huang

Date: August 29, 2012

To: City Clerk, Enforcement Services Department, City of Vaughan

Fax: 905-832-8535

Comments:

Response to letter dated August 24, 2012

RE: REQUEST FOR FENCE HEIGHT EXEMPTION (25 & 31 Fiorello Court)

We, Leon and Quynh Huang of 11 Fiorello Court are responding to the letter issued by the City of Vaughan Enforcement Services. Our contract with Galaxy Fence stated that the fence height would be 6 feet high. Understanding the grading of the land, some fence height might be higher. In the case where the fence is 7 feet or more, we would like those fence panels reduced to no more that 6 feet 5 inches. As long as it is in keeping with the by-law for fence height.

Thank you,

Leon and Quynh Huang

11 Fiorello Court, Woodbridge, L4H 0V4

RECEIVED
AUG 30 2012
CITY OF VAUGHAN
CLERKS DEPARTMENT

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Mr. Mario Pacitto
17 Fiorello Court
Vaughan, ON L4H 0V4

August 30, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

Enforcement Services Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Reconsideration for a Request for Fence Height Exemption – 25 Fiorello Court, Vaughan
Application Denied by Council – June 26, 2012

We acknowledge receipt of your letter dated August 24, 2012, with respect to the City's reconsideration of the above noted application.

As per our previous letter, which was submitted on May 16, 2012 in opposition to the aforementioned application (see attached), we are once again, writing to voice our opposition to the application. In particular, we are confused as to why there should be a reconsideration of the application given that we have not been notified of the particulars of the additional information, which forms the basis for the reconsideration.

As such, we oppose the fence height exemption for the same reasons highlighted in our letter of May 16th. In addition, we wish to advise you that we our currently in the process of having the fencing contractor return to our property to correct the issue with the height of the fence and would appreciate it if Council would stand behind their decision of June 26, 2012 so that we can have the issue corrected.

Thank you.

Yours very truly,

Mario Pacitto

Mr. Mario Pacitto and Mrs. Filomena Pacitto
17 Fiorello Court
Vaughan, ON L4H 0V4

May 16, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

Enforcement Services Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

---

We, Mario and Filomena Pacitto, are property owners of 17 Fiorello Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

As adjoining property owners, we oppose the fence height exemption and would like to voice our concerns with the request for the proposed fence height exemption at 25 Fiorello Court.

At the time we contracted with Galaxy Fencing to complete the fence, all adjoining property owners, including the owners of 25 Fiorello Court agreed that the fence height for all properties would be six feet, as is stipulated in the contract with Galaxy. Unfortunately, at the time the fence was installed we were out of the country and were unable to voice our displeasure with the manner in which the fence was installed by Galaxy, in particular, the height of the fence. However, upon our return, we immediately notified all of our adjoining neighbours as well as Galaxy, that the fence was not completed properly due to the increased height of the fence.

Our concern is that the space between our side yard and that of 25 Fiorello Court is very narrow and to construct a fence that is greater than six feet, which is the maximum height under the current by-law, only makes matters worse, as the space feels very dark and enclosed. Furthermore, since our house is the smallest house of all the surrounding lots and is also a bungalow, the increased fence height makes our lot appear even smaller.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. If the height of the fence is raised it will not only change the appearance of our house but it will change the visible appearance and feeling of the streetscape. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

In addition, we would like to advise you that all of the affected property owners namely, Vittorio and Tuccia Ferrari (15 Sangria Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, have come to an agreement, whereby Galaxy will be cutting the fence height down to six feet for the rear lot and the lot on the opposite side of our house, as per the current by-law and the terms which were initially agreed upon when Galaxy was contracted to install the fences. (Please find attached a copy of the Contract) As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the opposite side and the rear yard fence.

Based on the above, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents and to not grant the fence height exemption.

Yours very truly,

Mario Pacitto

Filomena Paciitto

CHALDIR 416-791-0271
CRAIG 416-809-1926

Galaxy Fencing

(905) 451-1663

Work Order

Client Name: MARIO **Date:** 1/9/11

Client Address: 17

Phone Number: _____ **Alt Number:** _____

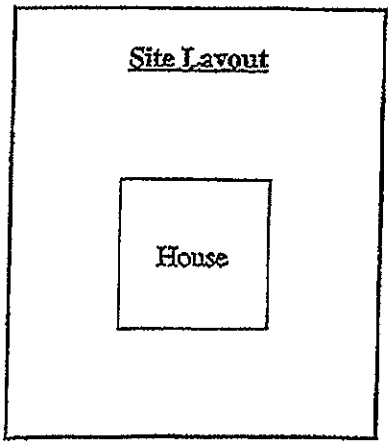
Post Size: 4x4 / 5x5 / (6x6)

Fence Style: Private / Alt / Lattice
Board-on-Board / (Tongue n' Grove)

Height of Fence:
3ft / 4ft / 5ft / (6ft) / 7ft / 8ft

Material: PT / (Cedar) / Trex / WI
Chain-Link / PVC / Snow Fence

Site Layout



Quantity and Cost

Shared Feet 286	@ $ 34 /FT = $	13,124.00	9724
Unshared _____	@ $ _____ /FT = $	_____	_____
# of Gates _____	@ $ _____ /FT = $	_____	_____
Dirt Rem. _____	@ $ _____ /FT = $	_____	_____
Fence Removal _____	@ $ _____ /FT = $	_____	_____
Extras/ _____		_____	_____

Notes/ 2X8 SCALLOP FRAME

GST# 803 203 876 RT 0001

	/TC = $	13,124 9724
	H.S.T. = $	1,706.12 1264.12
* 25% payment due after post installation	Down Payment 500 / TP = $	14,830.12 10988.12
	Total = $	14,830.12

Date of Completion: _____ Method of Payment: _____

Date: SEPT 1 / 2011 Customer Signature: _____

ARISTA HOMES
Innovation in Design™

August 31st, 2012

HAND DELIVERED

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

ATTENTION: **CLERKS DEPARTMENT**

RE: **OBJECTION TO REQUEST FOR FENCE HEIGHT EXEMPTION**
LOT 35 & 31 FIORELLO COURT REGISTERED PLAN 65M-4106

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.../2

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Innovation in Design™

August 31st, 2012

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L6A 1T1

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ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.

Ron Protocky
VP Construction

Cc: Michael DeGasperis
Silvio DeGasperis
Vic DeZen
Joseph Sgro
Jack Eisenberger

RP/mc

VAUGHAN

memorandum

C 13
COMMUNICATION
CW - Sept 4/12
ITEM - 41

DATE: August 31, 2012

TO: Mayor and Members of Council

FROM: Heather A. Wilson
Director of Legal Services

RE: Item 41, Committee of the Whole September 4, 2012
Fence Height Exemption
25 and 31 Fiorello Court
Ward 3

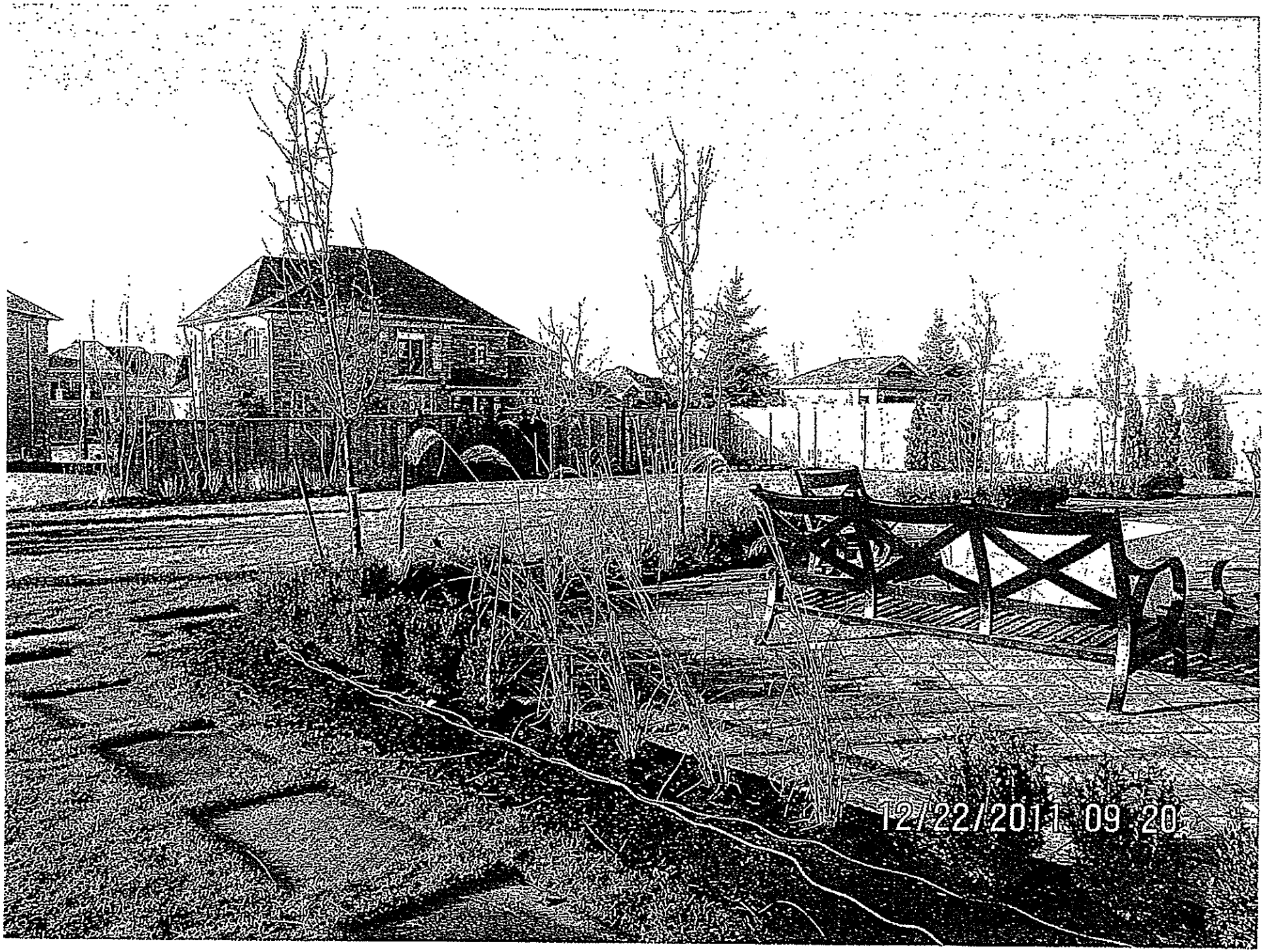
Attached are photographs forwarded on June 6, 2012 showing the fences which are being recirculated for the above matter.

Heather A. Wilson
Director of Legal Services

HAW/gg

Copy to: Clayton D. Harris
City Manager


12/22/2011 09:19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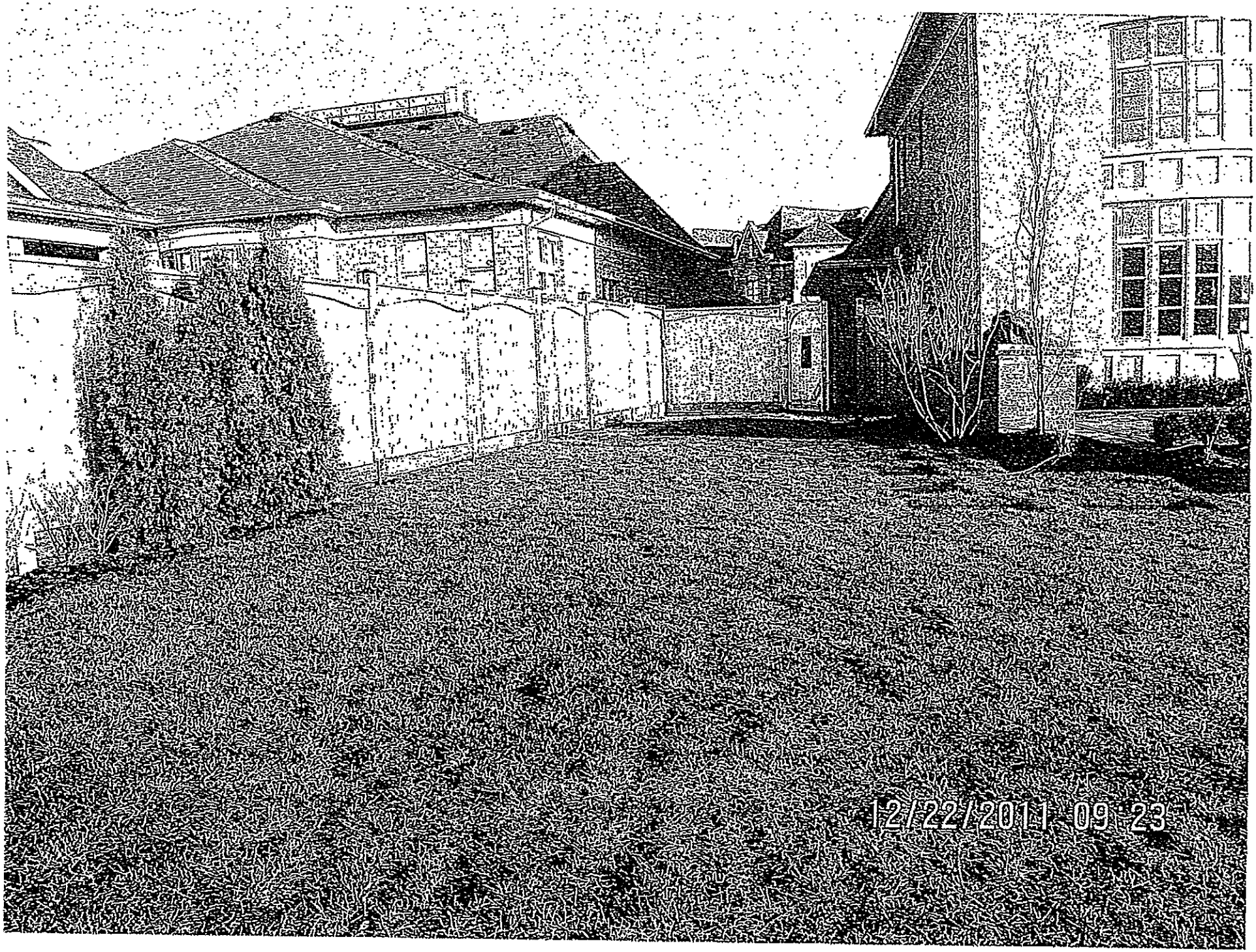
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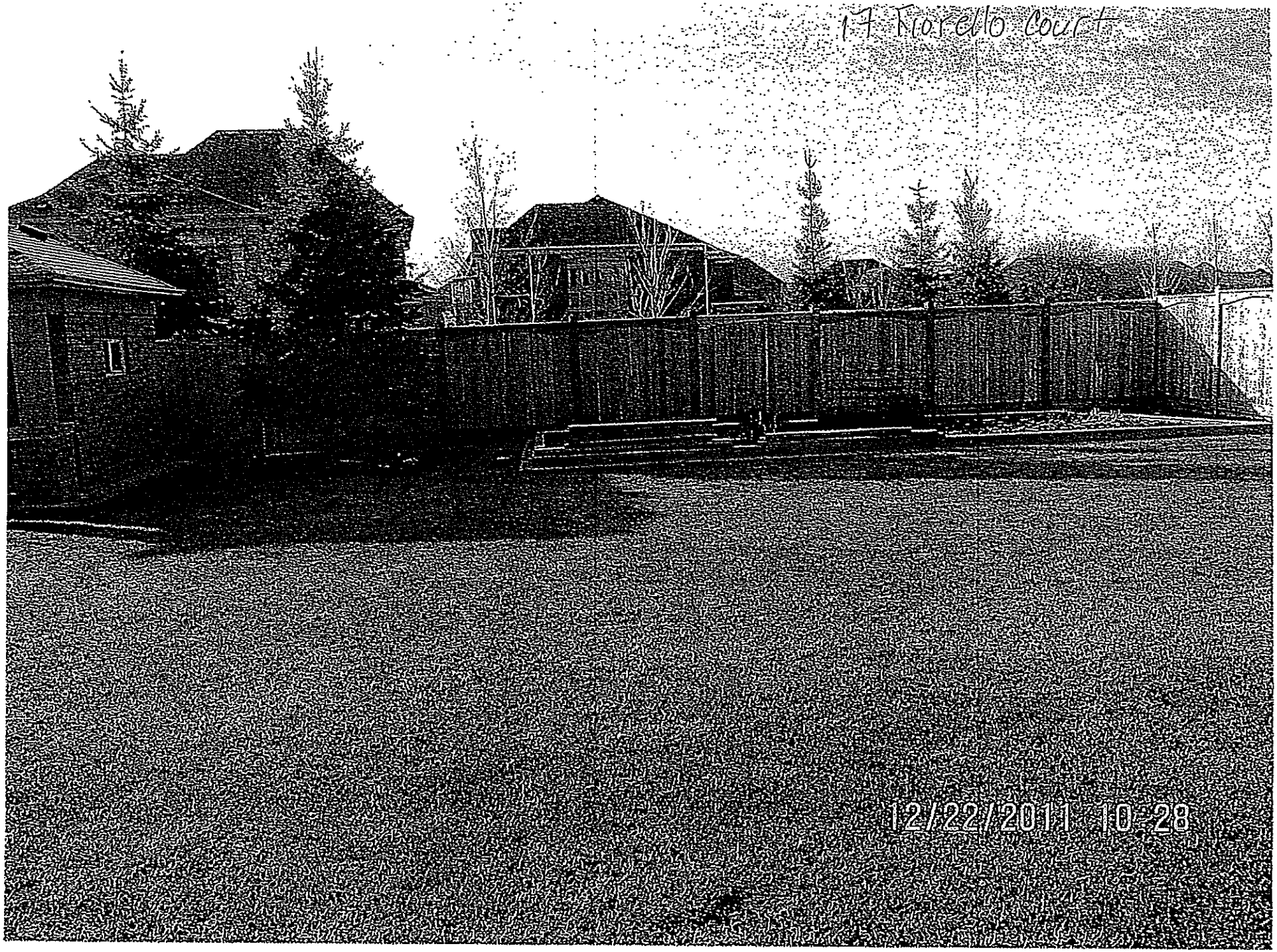
17 Fiorello Court
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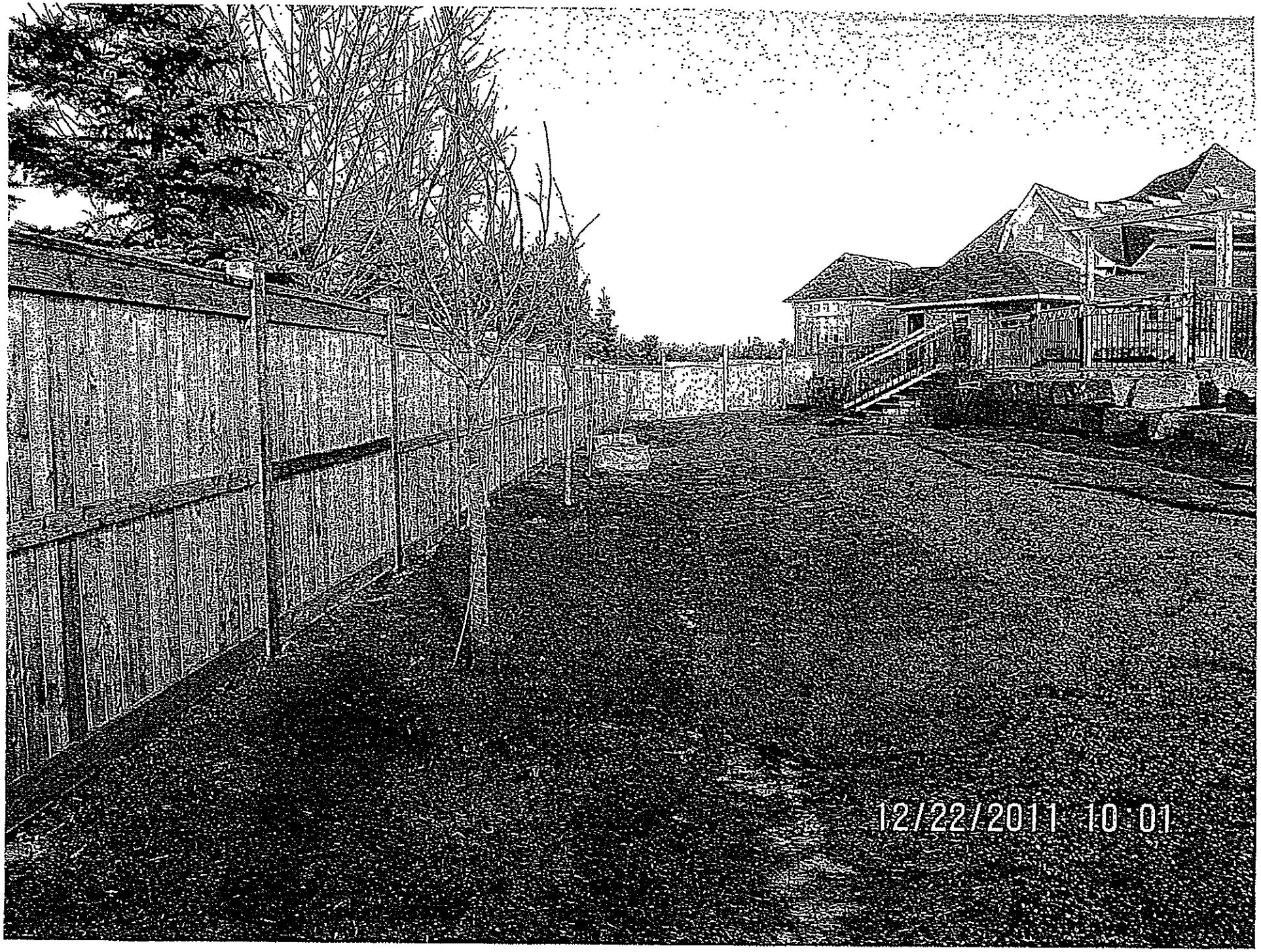
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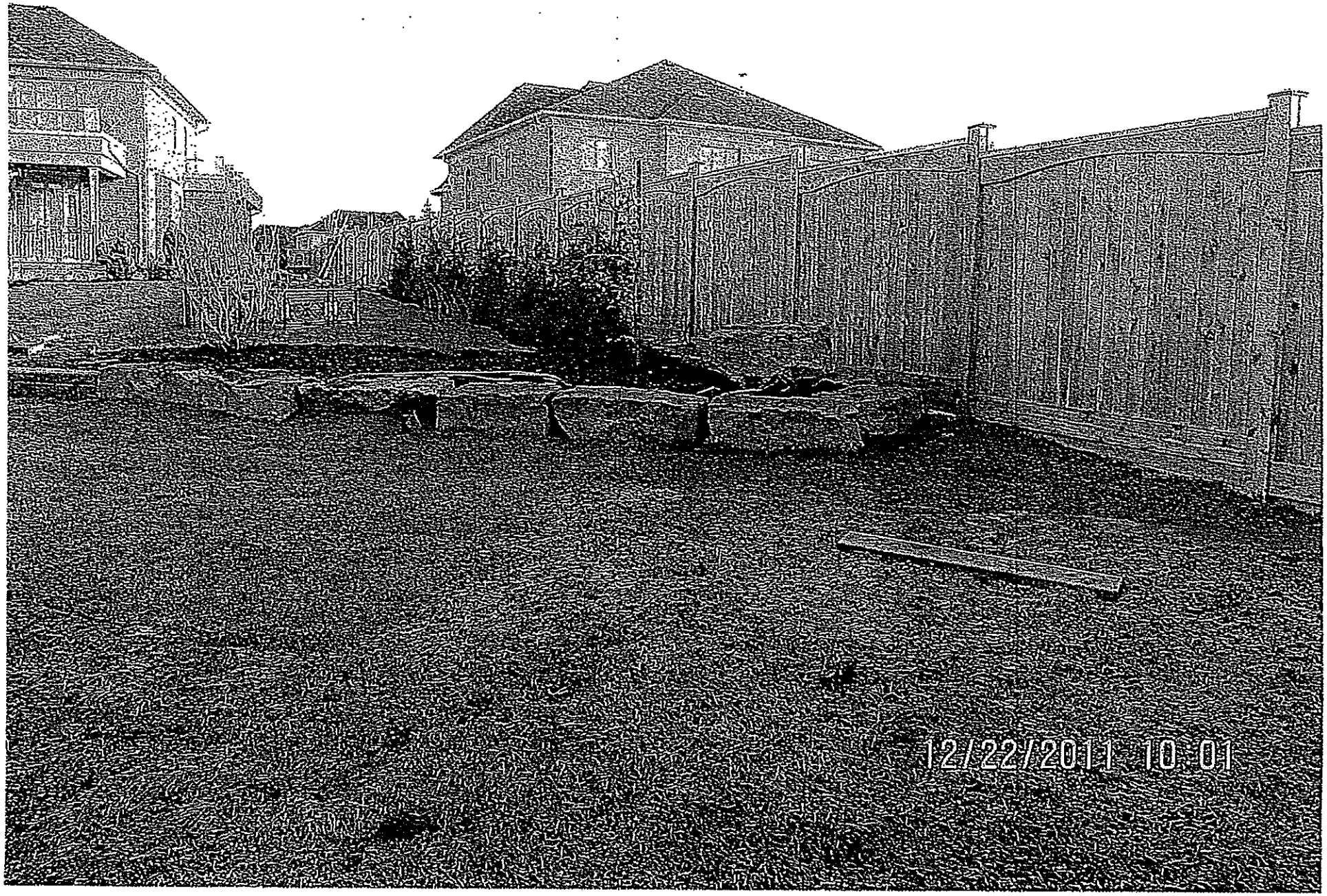
12/22/2011 10:01


12/22/2011 10:01


12/22/2011 09:19

ARISTA HOMES
Innovation in Design™

C 14
COMMUNICATION
CW - Sept 4/12
ITEM - 41

August 31st, 2012

HAND DELIVERED & EMAIL

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

ATTENTION: **CLERKS DEPARTMENT**

RE: **LOT CORRECTION TO OBJECTION TO REQUEST FOR FENCE HEIGHT EXEMPTION LOT 25 & 31 · FIORELLO COURT REGISTERED PLAN 65M-4106**

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Ron Protocky
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Cc: Michael DeGasperis
Silvio DeGasperis
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RP/mc