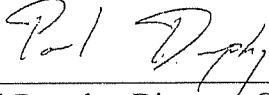


Marine Drive, Valley & Canal Community Council
March 30, 2011

TO: Chair and Members of Marine Drive, Valley & Canal Community Council

SUBMITTED BY: 
Paul Dunphy, Director, Community Development

DATE: January 24, 2011

SUBJECT: Fence Permit Application #102842 – 91 Glasgow Road

ORIGIN

Permit application by Charles Brian Mintus to construct a fence in excess of 6.5 feet in height.

RECOMMENDATION

It is recommended that this fence permit application be approved.

BACKGROUND

Section 10 of Building By-Law B-201 (see Attachment #1) contains provisions for Community Council to approve a permit application for any fence, in excess of 6.5 feet in height, which separates a property containing a residential use from another property.

DISCUSSION

The applicant wishes to obtain approval of an existing 8' high fence constructed without a Construction Permit.

A customer service request, resulting from a complaint at the Eastern Regional Office, was filed on August 7, 2009. The request was investigated and the owner of 91 Glasgow Road was notified to obtain a Construction Permit for an existing 8' high fence between the subject property and the adjacent property at 103 Glasgow Road.

A Construction Permit application to construct a fence exceeding 6.5 feet in height between the subject property and the adjacent property at 103 Glasgow Road was submitted August 26, 2009 by Charles Brian Mintus.

A report dated August 25, 2009 from a P. Griggs, P. Eng was submitted that certifies the fence is structurally sound.

The property was inspected again on Jan 10, 2011. The fence still appears structurally sound.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

In accordance with the Municipality's Building By-law 201, the Municipality shall serve notice on the adjacent property owners at least 14 days in advance of the meeting the local Community Council, at which time, the public may speak to the application (Attachment 1).

ALTERNATIVES

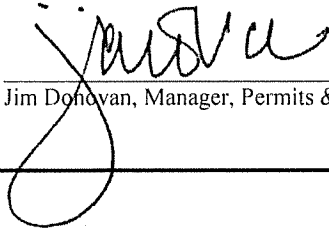
Community Council can approve the application as proposed, or deny the application. Denial of the application will result in the property owner being ordered to remove the fence or reducing the fence height to 6.5 feet or less.

ATTACHMENTS

- Attachment 1 (Section 10 of By-law B-201 Regarding Fences)
- Attachment 2 (Map 1 Site plan)
- Attachment 3 (Engineer's Letter)
- Attachment 4 (Photographs)
- Attachment 5 (additional photographs dated Jan11/2011)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard MacMillan, Supervisor, 476-4856

Report Approved by: 
Jim Donovan, Manager, Permits & Inspections, 490-6224

Excerpt from By-law Number B-201 Respecting the Building Code

“Fences

10. (1) No person shall erect a fence more than 6.5 feet in height without first obtaining a permit therefore.

(2) Where a fence for which a permit is required separates a property containing a residential use from another property, the permit application shall be approved by the local Community Council.

(3) The municipality shall serve notice on the adjacent property owners at least 14 days in advance of the meeting of the local Community Council, at which time, the public may speak to the application.

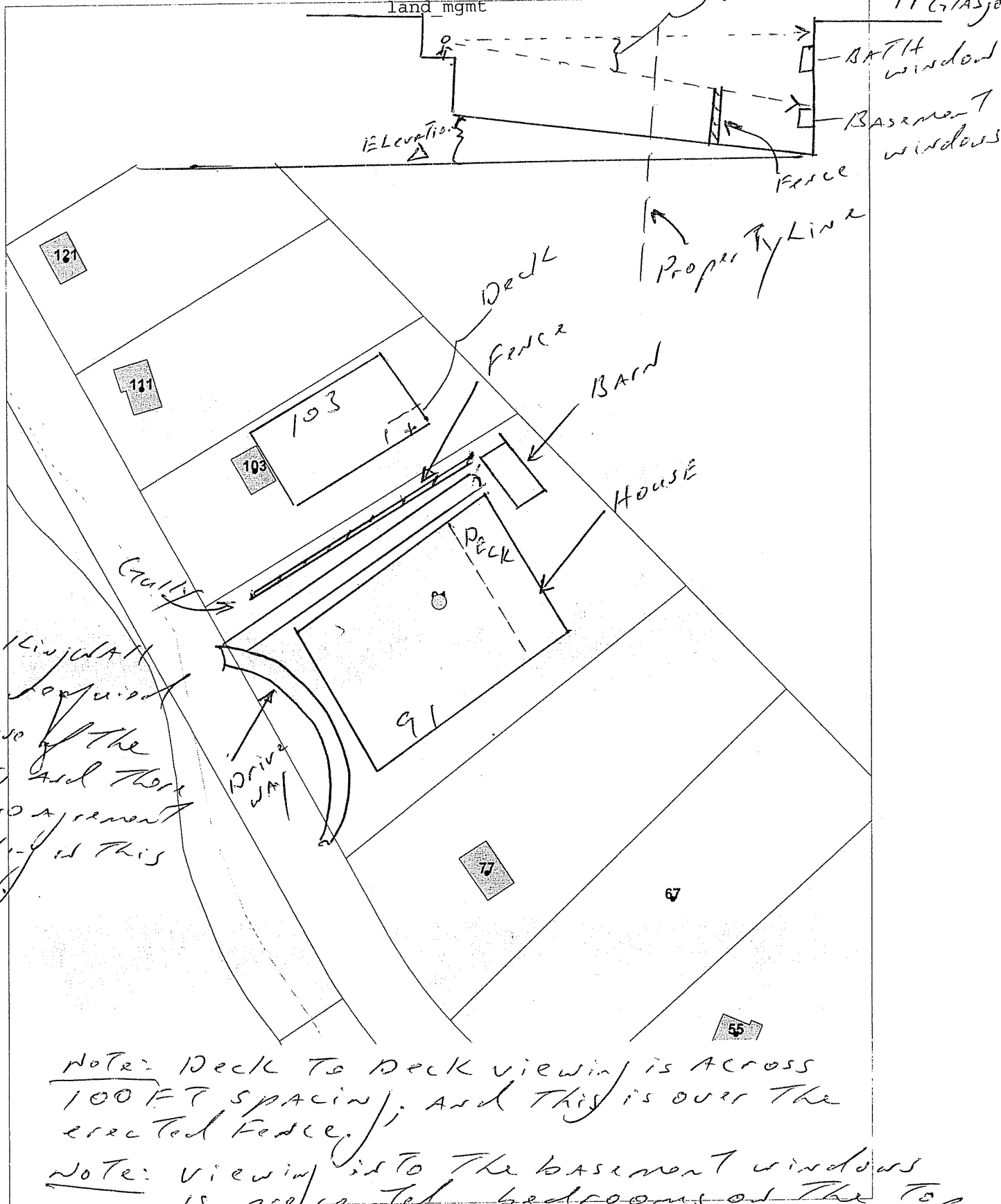
(4) If approved by Community Council, the permit shall be issued by the authority having jurisdiction within five business days.”

GLASSCO
#103

SIDE VIEW

LINE OF SIGHT

#91 GLASSCO



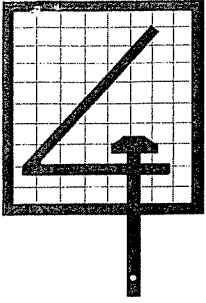
SALE CONTRACT WAS REQUIRED
 BECAUSE OF THE
 GULLY AND THERE
 WAS NO AGREEMENT
 OF FILLING IN THIS
 GULLY

NOTE: DECK TO DECK VIEWING IS ACROSS
 100 FT SPACING, AND THIS IS OVER THE
 ERRECTED FENCE.

NOTE: VIEWING INTO THE BASEMENT WINDOWS
 IS PREVENTED, BEDROOMS ON THE TOP
 LEVEL IS NOT. (TICKET)

NOTE: A NOISE COMPLAINT WAS ISSUED BY
 RCMP TO #103 GLASSCO.

NOTE: PEOPLE IS TO MY WINDOWS IS VERY UPSET THIS



GRIGGS ENGINEERING LIMITED

Civil / Structural Engineering
& Project Management

August 25, 2009.

To Whom It May Concern:

Re: 8 Foot Tall Fence at 91 Glasgow Road, Dartmouth, Nova Scotia

On August 24th, 2009 the undersigned visited the above noted address to determine whether the fence was structurally sound.

The entire fence structure was erected on the property of Mr. C. Brian Mintus, 91 Glasgow Road, as a visual and noise barrier between he and his next door neighbour.

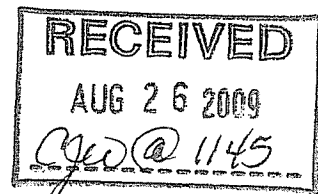
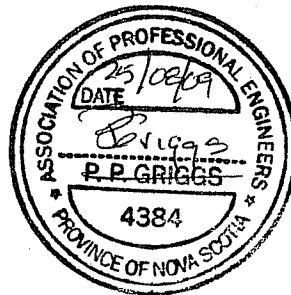
The fence consists of 4" x 4" posts spaced at approximately 6'-0 on centers and anchored to steel post bases driven into the ground. These post bases are further anchored in a 7" thick by 16" wide reinforced concrete curb along the side of the driveway. Between the posts are two rows of 2" x 4" stringers that support 1" x 6" vertical slats. Behind this structure approximately 2 feet there is a substructure of 4" x 4" and 2" x 4" material attached to 8" diameter sonotubes. This substructure provides the main fence with additional stiffness.

It is our opinion that this fence is structurally sound and capable of withstanding the winds of a 1/50 year storm.

Respectfully

GRIGGS ENGINEERING LIMITED

P. P. Griggs, P.Eng,



Attachment 4
Photographs - August 2010

