



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.1.1**  
**Halifax & West Community Council**  
**September 15, 2015**

**TO:** Chair and Members of Halifax & West Community Council  
Original Signed

**SUBMITTED BY:** Bob Bjerke, Chief Planner and Director, Planning & Development

**DATE:** August 17, 2015

**SUBJECT:** Fence Permit 143599 – 2241 Maynard Street

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**ORIGIN**

Permit application by Michelle Cohen to construct fencing in excess of 6.5 feet.

**LEGISLATIVE AUTHORITY**

Bylaw B-201 Respecting the Building Code, Section 10.

**RECOMMENDATION**

It is recommended that Halifax Regional Council approve Permit Application 143599 for construction of fencing in excess of 6.5 feet at 2242 Maynard Street Halifax.

## **BACKGROUND**

In accordance with section 10(2) of Bylaw B-201 Respecting the Building Code, fences exceeding 6.5 feet in height are required to be approved by the local Community Council.

An application (#143599) to construct fencing at 2242 Maynard Street, Halifax was received Friday January 23, 2015. The design from the structural engineer was received on May 22, 2015.

## **DISCUSSION**

An application has been made to construct an addition to the height of existing 6.5 foot fences located on 3 surrounding property lines at 2242 Maynard St (PID 0015960) forming boundaries with 2244 Maynard St (PID00155952), 5660 / 5664 Armoury Place (PID 00155978) and 2234 Maynard St. The additional height will create fences 10' 8" high. The existing fence is constructed with 6"x6" pressure treated wood posts anchored with concrete, spanned by 2 horizontal 2x6 supports and finished with vertical fence boards. The addition to the existing fence has been constructed by fastening 2x6 pressure treated uprights to the existing 6"x6" posts with a combination of 3.5" galvanized ardox nails (approximately 12 per post) and 6" galvanized leg bolts (5 per post) and finished with 1"x4" horizontal rough sawn hemlock boards spaced at 1.5" to create a privacy screen. Additional support will be added in accordance with the structural engineer's design (Appendix G).

Confirmation of structural adequacy has been received from a Professional Engineer as per Sentence 4 (1) (d) of By-Law B-201 "Respecting the Building Code".

The applicant wishes to construct the addition to the existing fence for privacy purposes.

## **FINANCIAL IMPLICATIONS**

There are no budget implications

## **COMMUNITY ENGAGEMENT**

There was no community engagement

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications

## **ALTERNATIVES**

Council may choose to deny the application or modify the application in part or in whole.

**ATTACHMENTS**

Appendix A: Site Plan  
Appendix B: Applicant's proposal letter  
Appendix C: Carpenter's Report  
Appendix D: 3D fence image  
Appendix E: Cross section of existing fence  
Appendix F: Schedule A-3 from structural engineer  
Appendix G: Structural Engineer's design  
Appendix H: By-law Number B-201  
Appendix I: Appendix D of By-law B-201

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A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210 or Fax 902.490.4208.

Report Prepared by: Sergio Grbac, Supervisor, Municipal Compliance, 902.476.9210  
Original Signed

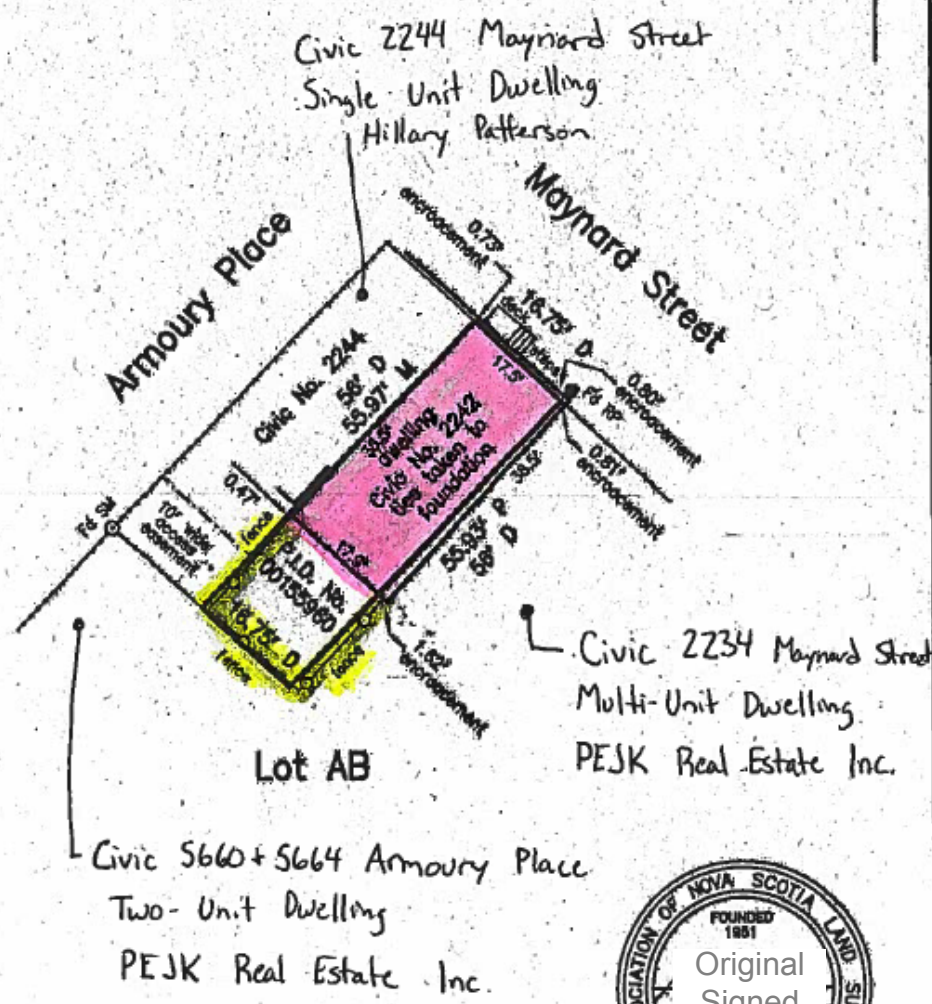
Report Approved by:  Manager, Building Standards, 902.490.6040 for:  
Jim Donovan, Manager, Municipal Compliance, 902.476.8211

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# APPENDIX A

- .....arc
- .....plan
- .....dead
- .....measured
- .....calculated
- W.....top of wall elevation
- d.....found
- IM.....survey marker
- B.....iron bar
- IP.....rock post
- C.....point of curvature
- H.....drill hole
- wit.) ..witness

G. R. Myra Land Surveying Limited  
 11 Carmans Drive, Lawrencetown, Nova Scotia, B2Z-1C7  
 435-4378 (tel) 434-3529 (fax) 223-7932 (cel)



Issued to: Michelle Elizabeth Cohen  
 Concerning: Civic No. 2242, Maynard Street  
 Halifax, Halifax County, Nova Scotia

See the plan of survey of Lot AB, a subdivision of lands of Michael P. Corkum and Gary O'Hara, dated April 7, 1987, by Ken M. Whalen, N.S.L.S.; R.O.D. Plan No. 24096, Drawer 266.

This Surveyor's Location Certificate shall not be used for boundary definition or as a reference document for the preparation of legal descriptions.

## APPENDIX B

HRM Permits and Inspections  
7071 Bayers Road, Suite 2005  
Halifax, NS B3L 2C2

January 23, 2015

To whom it may concern;

**RE: Privacy Screen Addition to Fence at 2242 Maynard Street**

Thank you for taking the time to consider my permit application request. My request is with regard to section 10 of HRM By-law B-201.

1. I have made an addition to a fence built by the previous owners of my house, similar in design to lattice-work, for my safety and security. I am a single woman living alone at 2242 Maynard Street.
2. Half of my back-yard is surrounded to the south and west by an apartment building (3 stories high to the south, 2 stories high to the west) at 2234 Maynard Street.
3. The privacy screen allows in light while screening the view of my backyard and by extension, me in it.
4. It provides me with some measure of privacy and protection so that when people are walking on the back decks of 2234 Maynard Street (one on the 3<sup>rd</sup> storey the other on the 1<sup>st</sup> storey) or are at the first floor windows, they can't easily peer directly into my backyard.

Living in such close proximity to one another has its benefits and challenges. One of those challenges is the issue of my safety and security. Renters move in and move out, consequently I don't know really get to know all of my neighbours. They are often strangers.

I have unfortunately experienced harassment in the past from some of my neighbours so consequently I do take the issue and desire for safety and security to heart.

Respectfully submitted,

**ORIGINAL SIGNED**

Michelle Cohen

## APPENDIX C

Boreal Natural Building

Dartmouth, NS

January 21, 2015

To Whom It May Concern,

My name is David Armstrong and I am a journeyman carpenter with 35 years of building experience. In early January 2015, I was contracted by Michelle Cohen to build a privacy screen atop an existing fence at 2242 Maynard Street in Halifax, N.S.

It was requested that I write this letter detailing what structural details I encountered in adding the 48" extension to the existing fence. To the best of my knowledge, the original fence is in compliance with HRM building codes and does not exceed 6.5' at any point along its length.

### **State of Existing Fence**

When I initially undertook the work I noticed that there had been some minor shifting of the original 6" x 6" pressure-treated posts (on the original fence) and so I attempted to adjust them to correct any variations in terms of their being plumb, but I was unable to move them at all. I determined that they were solidly anchored, either with sono tubes and concrete or with concrete alone. In consultation with the client, it was decided that they were sufficiently solid and so I worked with the fence in its original state.

### **Construction Detail**

The extension itself is comprised of 2" x 6" pressure-treated uprights fastened onto the existing 6" x 6" pressure-treated posts with a combination of 3.5" galvanized ardox nails (approx. 12 per post) and 6" galvanized lag screws (5 per post) to create a solid addition to the sturdy uprights that were already in place. These post extensions were plumb and solidly fastened before fastening the rough sawn 1" x 4" hemlock boards on a horizontal configuration that tied the seven posts together. These hemlock boards were fastened using 2.5" green decking screws. The spacing followed a pattern of diminishing spaces between boards moving from top to bottom. The space between the top two boards is 1.5" and the final space between the last two is 3/8". In total there are 11 horizontal boards around the fence perimeter. All seams where boards abutted one another were then covered with a vertical batten board that is fastened with 2.5" green decking screws.

Should you have any further questions concerning the fence extension described above, please feel free to contact me at 902-██████████.

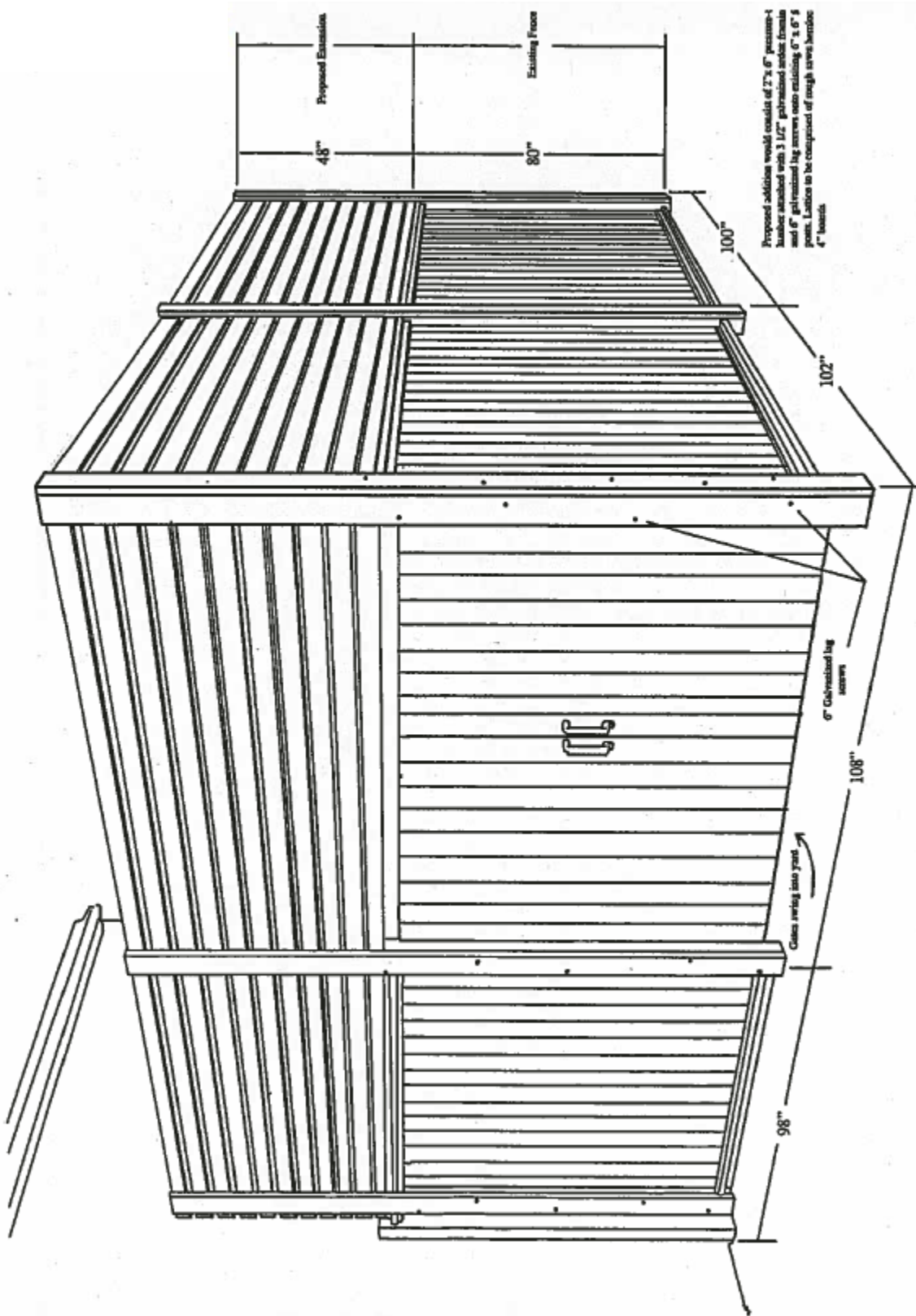
Sincerely,



**ORIGINAL SIGNED**

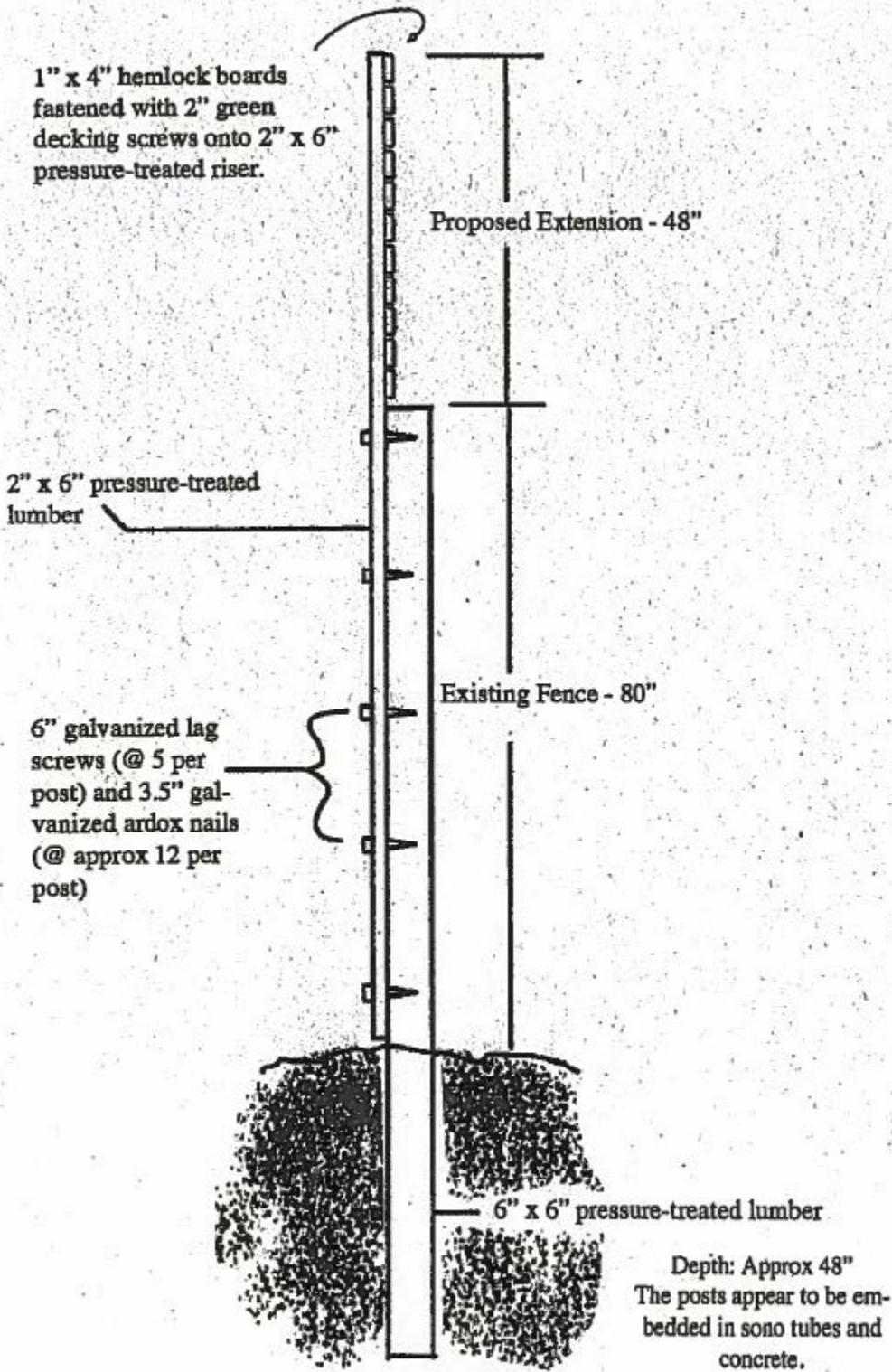
David Armstrong

# APPENDIX D





# APPENDIX E



# APPENDIX F

## Schedule "A-3"

### **FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE STRUCTURAL DESIGN REQUIREMENTS**

#### **PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or demolition of a building;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or demolition of buildings;

And Whereas *architects* and *professional engineers* are required by their respective statutes regulations, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of buildings;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professional to design buildings in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these buildings be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the authority having jurisdiction and all revisions thereto;

To: The authority having jurisdiction

Date: June 1, 2015

HRM Building Inspection Department

\_\_\_\_\_  
Address (Print)

Dear: Building Inspector

RE: 2242 Maynard Street, Halifax, NS.

Address of Project (Print)

Cohen Fence Extension.

Name of Project (Print)

Fence Extension Maynard Street.

Legal Description of Project (Print)

This is to advise that I am the professional engineer appointed by the owner or prime consultant to perform the Field Review of Construction for the STRUCTURAL DESIGN requirements.

I hereby certify for the Structural Design Requirements that

- 1) I will review the structural shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the structural *design drawings* to determine that the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the occupancy permit.

Please be advised that I may delegate some or all of my duties associated with *the Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours if the contract for *Field Review of Construction* is terminated at any time during construction.

Andrea Doncaster, M.A. Sc., P.Eng.  
Print Name

ORIGINAL SIGNED

Signature Initials Sample

Andrea Doncaster Engineering Limited  
Print Name of Firm or Company

Print Address

Dartmouth, N.S.

Print City Postal Code

Print City Postal Code

Telephone Fax

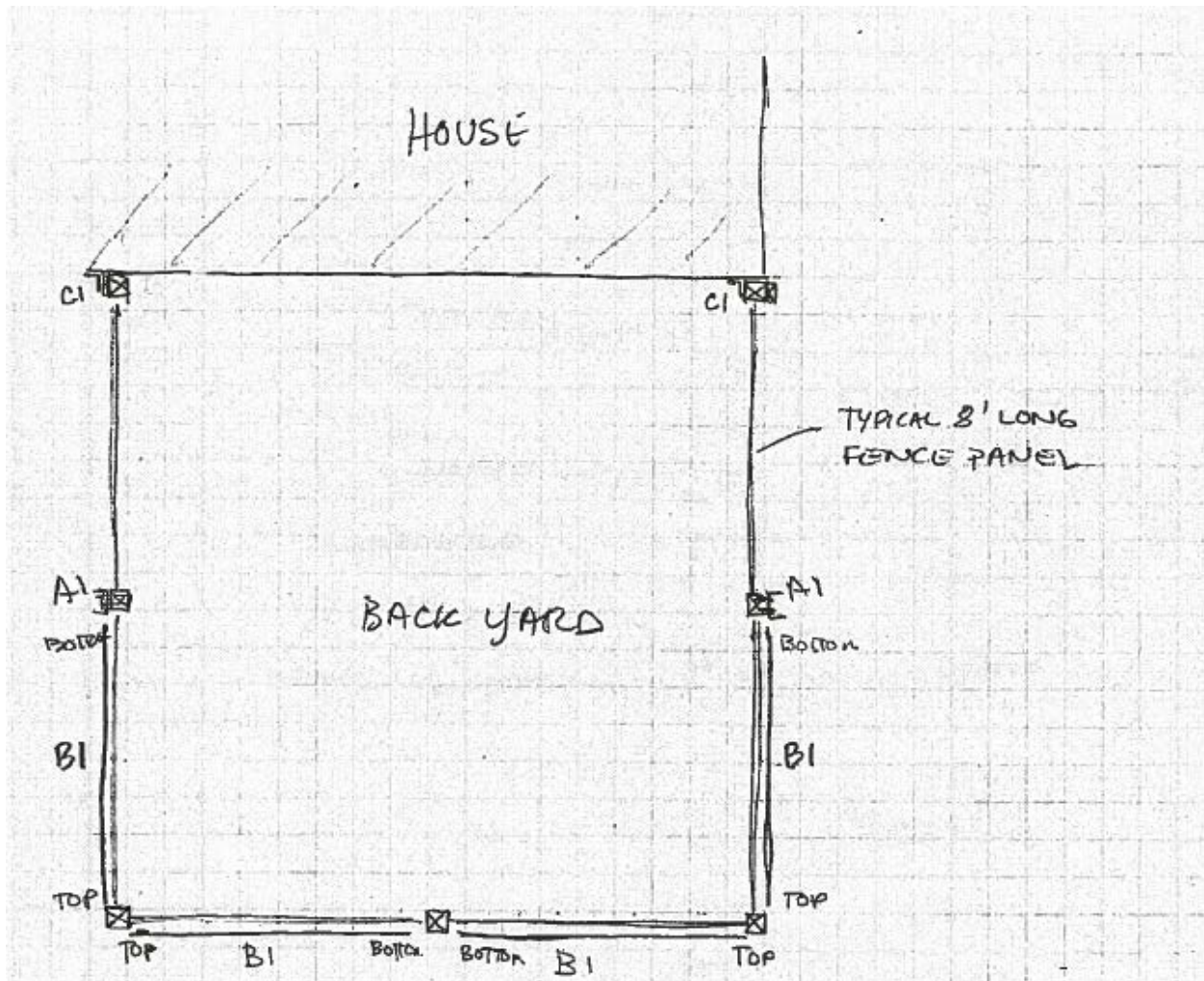
Telephone Fax

(Affix Below the Seal of the Professional Engineer in Accordance With Provincial Legislation)



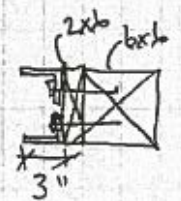
RE: 2242 Maynard Street, Halifax

# APPENDIX G



B1: 1x4 DIAGONAL WOOD BRACE FROM TOP OF FENCE ADDITION TO TOP OF ORIGINAL FENCE.

A1: 2 - 2 1/2 x 3" GALVANIZED STEEL ANGLES X 10' LONG BOLTED TO POST @ 12" C/C W/ MIN 1/2" φ X 4" LG. GALVANIZED LAG SCREWS.



C1: CONNECT TOP OF 6x6 AND 2x6 EXTENSION TO EXISTING HOUSE W/ SIMPSON ML26 ANGLE BRACKET.

# APPENDIX H

## HALIFAX REGIONAL MUNICIPALITY

### BY-LAW NUMBER B-201

### RESPECTING THE BUILDING CODE

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of the Building Code Act as follows:

1. This By-law shall be known as "By-law B-201" and shall be cited as the "Building By-Law".

#### **Definitions**

2. (1) Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, and Nova Scotia Building Code also apply to this By-law.

(2) In this By-law

(a) "Authority having Jurisdiction" means any person appointed as a Building Inspector by the Council of the Halifax Regional Municipality;

(b) "Core area" means that portion of the Halifax Regional Municipality for which the Municipality has assumed responsibility for maintenance of public streets and is more particularly described in Agreement No. HRM-01 between the Halifax Regional Municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996;

(c) "Temporary Building" means a building, or part thereof, which because of its nature will exist for a specified period of time as set out in the occupancy permit, and includes a tent, a portable office, and any other building referred to in 1.4.1.12.(1) of the Nova Scotia Building Code Regulations.

#### **Application**

3. This bylaw shall apply to the entire Halifax Regional Municipality.

#### **Building Permit Application**

4. (1) In addition to the requirements in the Nova Scotia Building Code Regulations, an application for a building permit shall include plans as set forth in:

- (a) Appendix-A: Residential projects, except decks and accessory buildings, up to and including four units,
  - (b) Appendix-B: Leasehold improvements or alterations,
  - (c) Appendix-C: New commercial/industrial and multi-tenant residential projects,
  - (d) Appendix-D: Fences exceeding 6.5 feet (2m) in height
- (2) Permit fees shall be paid as prescribed in Bylaw F-200.
  - (3) The Municipality may at its discretion, refuse to accept or process any application for which the required plans, information or fees have not been submitted.
  - (4) No permit shall be issued until the appropriate fees have been paid.
  - (5) Where an application has not been approved within 6 months after the application has been made, the application shall be canceled and 75% of any fees paid shall be refunded.
  - (6) The Halifax Regional Municipality is exempt from the payment of building permit fees.

#### **Demolition Permits**

- 5. (1) An application for a Demolition Permit shall include proof of \$2 million public liability insurance coverage.
- (2) The proof of liability insurance coverage may be waived for the demolition of a single unit dwelling, a semi-detached dwelling and any buildings accessory thereto.
- (3) An application for a demolition permit shall include a description of the location or locations where the demolition debris will be disposed.
- (4) Immediately following demolition, the owner shall clean the property and remove all debris or other material to ensure the site conforms to Part XIII of the Halifax Regional Municipality Act.

#### **Building Permits**

- 6. (1) A building permit may be withheld until the Building Inspector is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading By-law or applicable Development Agreement have been complied with.
- (2) A building permit is valid for a period of 2 years from the date of issue.

(3) If within 2 years of the date of issue,

(a) no work has taken place, the building permit shall be canceled and 75% of the original fee paid shall be refunded; or

(b) where the work has commenced but not been completed, a new application shall be completed and a fee paid based on the value of the work to be completed.

(4) In addition to the requirements in the Nova Scotia Building Code Regulations, a building permit shall be obtained for:

(a) a change of use or tenant in buildings of other than residential occupancy, regardless of the extent of construction being undertaken;

(b) creation of additional units.

#### **Occupancy Permits**

7. (1) An occupancy permit is not required for any building or occupancy in existence prior to the coming into effect of the Nova Scotia Building Code Act, as shown on the assessment record for the property as of April 1, 1987.

(2) An occupancy permit shall not be issued for any building or part thereof unless a valid building permit is in effect.

(3) Except for a change of a residential tenant, no person shall occupy a building after a change of use or tenant, including any change in the number of either commercial or residential units, without first obtaining an occupancy permit.

(4) An occupancy permit may be withheld until the Municipality is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading bylaw, Streets bylaw or applicable Development Agreement have been complied with.

#### **Occupancy Permits for Temporary Buildings**

8. (1) A temporary building located within the core area shall not be occupied or used unless an occupancy permit therefore is first obtained.

(2) An occupancy permit for a temporary building shall not be issued for a period of more than 1 year, shall not be renewed, nor shall a second permit for a temporary building on the same property be issued until a period of 30 days has elapsed following the expiration of any previous occupancy permit for a temporary building.

(3) A temporary building shall be removed immediately upon expiration of the occupancy permit.

(4) An occupancy permit required by subsection (2) shall be issued provided that no unsafe condition exists with respect health and life safety.

#### **Location Certificates**

9. (1) A location certificate shall be provided for every new building except a building which is accessory to a single unit dwelling, semi-detached dwelling, or townhouse.

(2) The authority having jurisdiction may require a location certificate for additions or accessory buildings where the proposed construction is within 10 feet of the property line in order to be satisfied that the construction complies with the provisions of the Land-use bylaw and Building Code.

(3) A location certificate may be waived by the building inspector for a building outside the serviceable area where the lot area is greater than three acres.

(4) Unless stated on the building permit, the location certificate must be approved before a foundation inspection will be carried out and any framing is permitted to take place above the foundation.

#### **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.

#### **Inspections**

11. In addition to any inspections specified on the building permit, the owner shall notify the authority having jurisdiction to inspect work outside the scope of Part 9 of the Code for compliance with the Code at the following stages of construction:

(a) once the foundation is placed, but before commencement of the superstructure



- (b) at the framing stage, once all services have been roughed in, but before interior wall covers have been installed; and
- (c) once the work is complete, but before occupancy.

12. A foundation inspection will not be carried out until the location certificate, where required, has been approved by both the Development Officer and the Building Inspector and where required, the Development Engineer.

13. Where a mandatory inspection is requested and the work is not ready for said inspection, or violations are noted which require a reinspection, the Inspector will perform one reinspection per mandatory inspection at no charge. Where more than one reinspection is required, the owner shall be subject to a re-inspection fee as prescribed in Bylaw F-200, the Fees Bylaw, for each subsequent inspection.

14. Any fees incurred under Section 13 shall be paid before the occupancy permit is issued.

**Site Conditions**

15. No person shall bury any garbage or similar debris on a construction site.

16. An owner of a property shall ensure that excavations undertaken during freezing conditions are protected from freezing before, during and after the placement of concrete.

**Repeal**

City of Halifax By-law 131, the Building Code Ordinance; City of Dartmouth By-laws B-100 and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed. and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed.

Done and passed by Council this 14<sup>th</sup> day of April, 1998.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held April 14, 1998.

\_\_\_\_\_  
Vi Carmichael, Municipal Clerk

# APPENDIX I

Appendix D

## ***Fence Plans*** ***Minimum Required Information for*** ***Building Permit Applications for Fences***

The Halifax Regional Municipality Building By-law requires that a Building Permit Application for a fence be accompanied by plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Plot Plans** - In addition to the subject property, a plot plan must show all properties adjacent to the subject property and should include the following information:
  - a) the location of all buildings;
  - b) the location of the proposed fence, including the height at 8' intervals;
  - c) the location and condition of vegetation such as trees, shrubs, flowers, etc;
2. **Construction Details** - Complete construction details of the proposed fence including a Professional Architect's or Engineer's design.
3. **Additional Information**- The authority having jurisdiction may request additional information due to the location of the fence and adjacent properties.

**Compliance:** It is the responsibility of the applicant to provide enough information for Community Council to make a determination as to the appropriateness of the proposed fence. Should sufficient information not be provided, the processing of the application may be delayed.