



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

**Item No. 10.1.2**  
**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 145853 – 1877 Seldon Street**

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**ORIGIN**

Permit application by Neil and Patricia Robertson to construct a fence 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 145853 for construction of fencing in excess of 6.5 feet at 1877 Seldon Street Halifax.

## **BACKGROUND**

In accordance with section 10(2) of By-Law 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 (# 145853) to construct fencing at 1877 Seldon Street, Halifax was received Friday June 5, 2015. The design from the structural engineer was received on June 16, 2015

## **DISCUSSION**

An application has been made to construct a fence, 12 feet in height at the rear of the property located at 1877 Seldon Street (PID 40468837) forming boundaries with 1934 / 1936 / 1938 Preston Street (PID 00165498) and 1930 / 1932 Preston Street (PID 00165506). Civics 1934, 1936 and 1938 Preston Street have existing Commercial/Residential uses, and the majority of the proposed fence will border this property. The proposed fence will be constructed as per the Engineer's design and be constructed with pressure treated lumber with posts set into the ground encapsulated by formed concrete. The fence will incorporate six 8"X8" posts spaced evenly spanning 44 feet along the rear line of the property with horizontal 2"X6" boards face nailed to both sides of the posts with an approximate spacing of 18". The existing ivy growth is intended to grow between the wall panels within the structure to create a "Green wall".

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 fence to maintain the growth of ivy and have a "Green wall" for aesthetic 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: Applicants proposal letter
- Appendix C: Cross section of fence stamped by engineer.
- Appendix D: Pictures of applicants' backyard
- Appendix E: Picture of aerial view of effected properties
- Appendix F: By-Law B-201
- Appendix G: Appendix B of By-Law B-201
- Appendix H: 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.

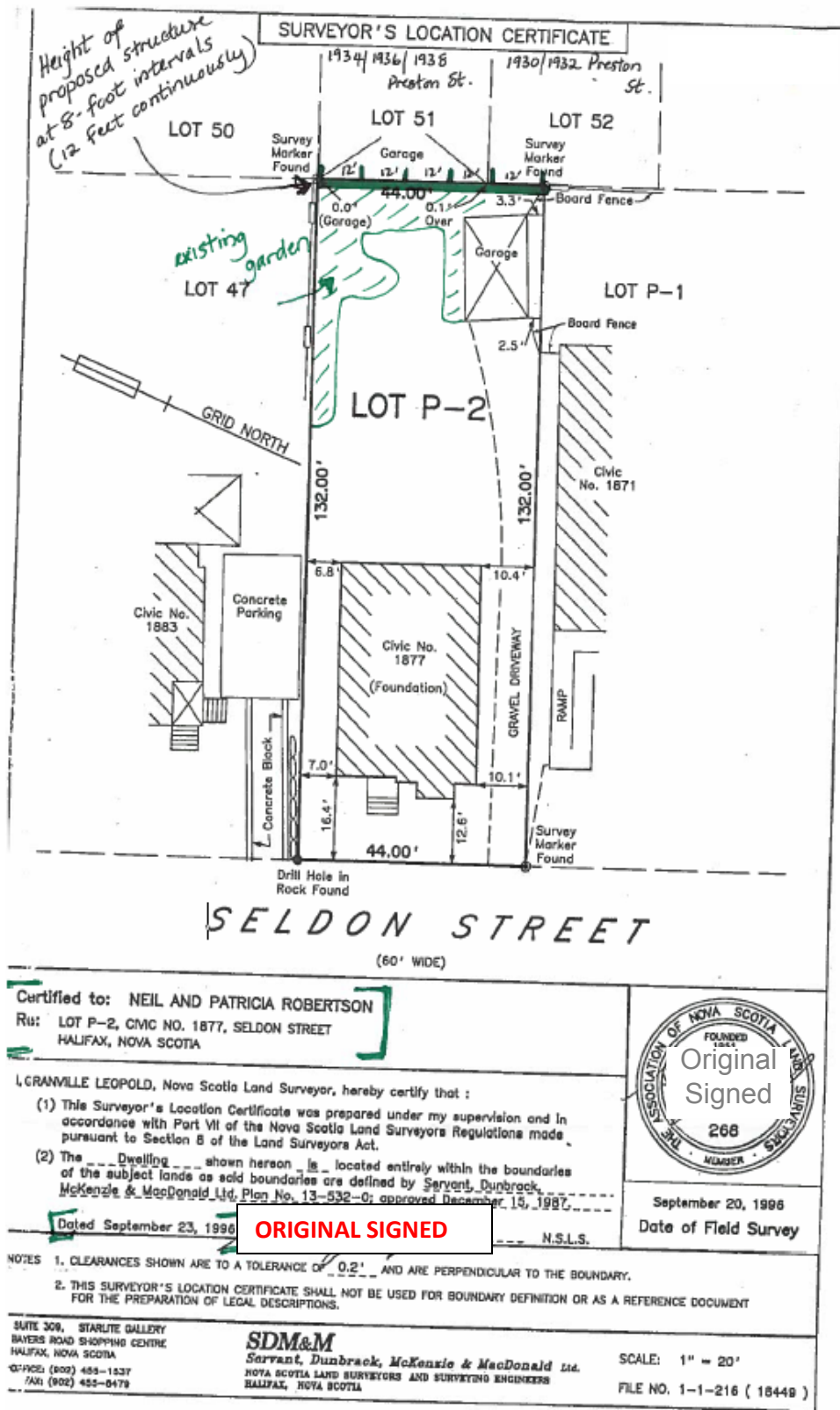
Report Prepared by: Sergio Grbac, Supervisor, Municipal Compliance, 902.476.9210

Original Signed

Report Approved by:

 Matt Covey, Manager, Building Standards, 902.490.6040 for:  
Jim Donovan, Manager, Municipal Compliance, 902.476.8211

# APPENDIX A



## APPENDIX B

1877 Seldon Street  
Halifax, Nova Scotia B3H 3X3

June 4, 2015

Dear Members of Halifax & West Community Council:

We are the owners and residents of 1877 Seldon Street, and are writing to explain our application for a building permit, as required by HRM By-Law B-201 for a "fence over 6.5 feet in height," to build a 12-foot high ivy support structure along the property line at the back of our property.

At the back, our lot adjoins the lots belonging to civic addresses 1930/1932, and 1934/1936/1938 Preston Street. For many years all of these properties belonged to the Pelton family, and were used as the headquarters for Pelton Construction Services. Until mid-May of this year, a large (approximately 30 x 25 feet) shed/workshop—which had been there since at least the 1920s—was located at the back of the Preston Street properties.

When we bought our house in 1996 from Mr. Vernon Pelton, the shed formed a barrier between our lot and the Pelton property at the back of our yard, and stretched along about two-thirds of the width of our property. This shed at its peak was about 15 feet high.

In 1998 we received permission from Mr. Bruce Pelton, then the owner and operator of Pelton Construction, to grow English ivy on the back wall of this shed. Over the years, the ivy grew until it completely covered the back wall of the shed and formed a 15-foot high "green wall" at the back of our property.

Four or five years ago the shed fell into disuse and then disrepair. On May 14 this year, the Pelton family told us that the shed was being taken down immediately. Fortunately, we were able to have our ivy removed from the shed's back wall before it was demolished, keeping much of the root structure intact.

What we would like to do now—and are seeking your approval for—is to effectively replace the back wall of the demolished shed with a 12-foot high structure to support the ivy and reproduce the "green wall" effect that we have had until now. This structure (see attached drawings) would extend the full width of our property, and would support the ivy, which would eventually grow to cover both sides of the structure, thus providing a green wall on both sides.

We have been speaking with the Pelton family about this, and they are very much in favour of our building this structure, and have even offered to contribute to the cost of its construction. We have also contacted Mr. Sukhjinder Dhillon, the current owner of 1930/1932 Preston Street, and he has said that he has no objection to this plan.

We have attached a plot plan and surveyor's certificate for our property as required, showing the location of the proposed structure and its height at 8-foot intervals, as well as a construction drawing. We have also included an aerial photograph showing our property and the former location of the shed, as well as other photographs illustrating the location and condition of vegetation on our property, and showing that there is currently no vegetation in the vicinity of the proposed structure on either of the adjoining properties.

If Community Council gives us approval to go ahead, we will provide an Engineer's stamped structural drawing to ensure that we comply with all requirements and building codes.

Thank you for considering our application.

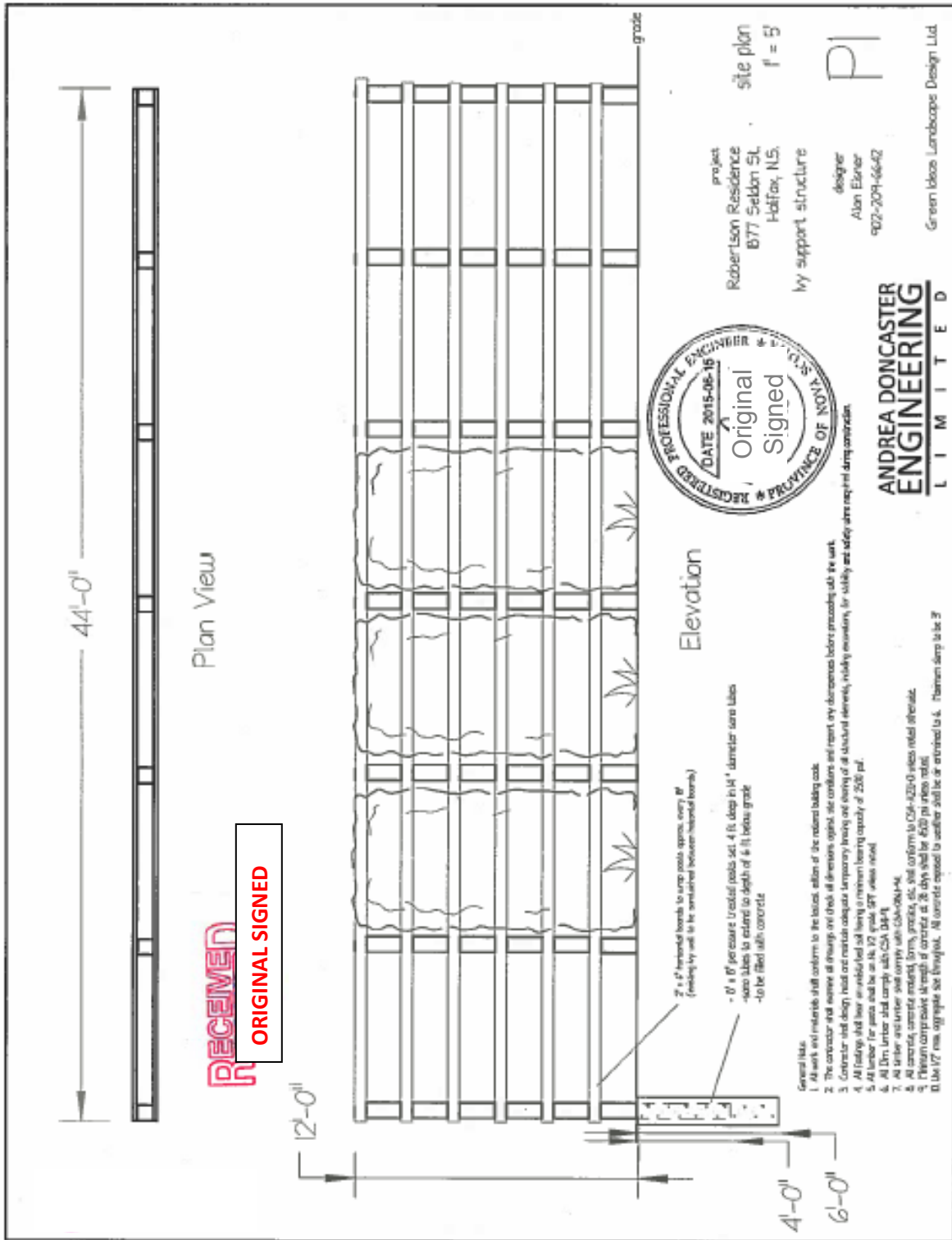
Yours sincerely,

ORIGINAL SIGNED

ORIGINAL SIGNED

Neil and Patricia Robertson

# APPENDIX C



# APPENDIX D

## Neil & Patricia Robertson, 1877 Seldon Street - Application for Building Permit



1929 - Pelton Construction shed,  
shown from Preston Street side



May 26, 2015 - looking toward 1877  
Seldon Street from Preston Street side



Back wall of shed covered with ivy, before  
demolition, from Seldon Street side



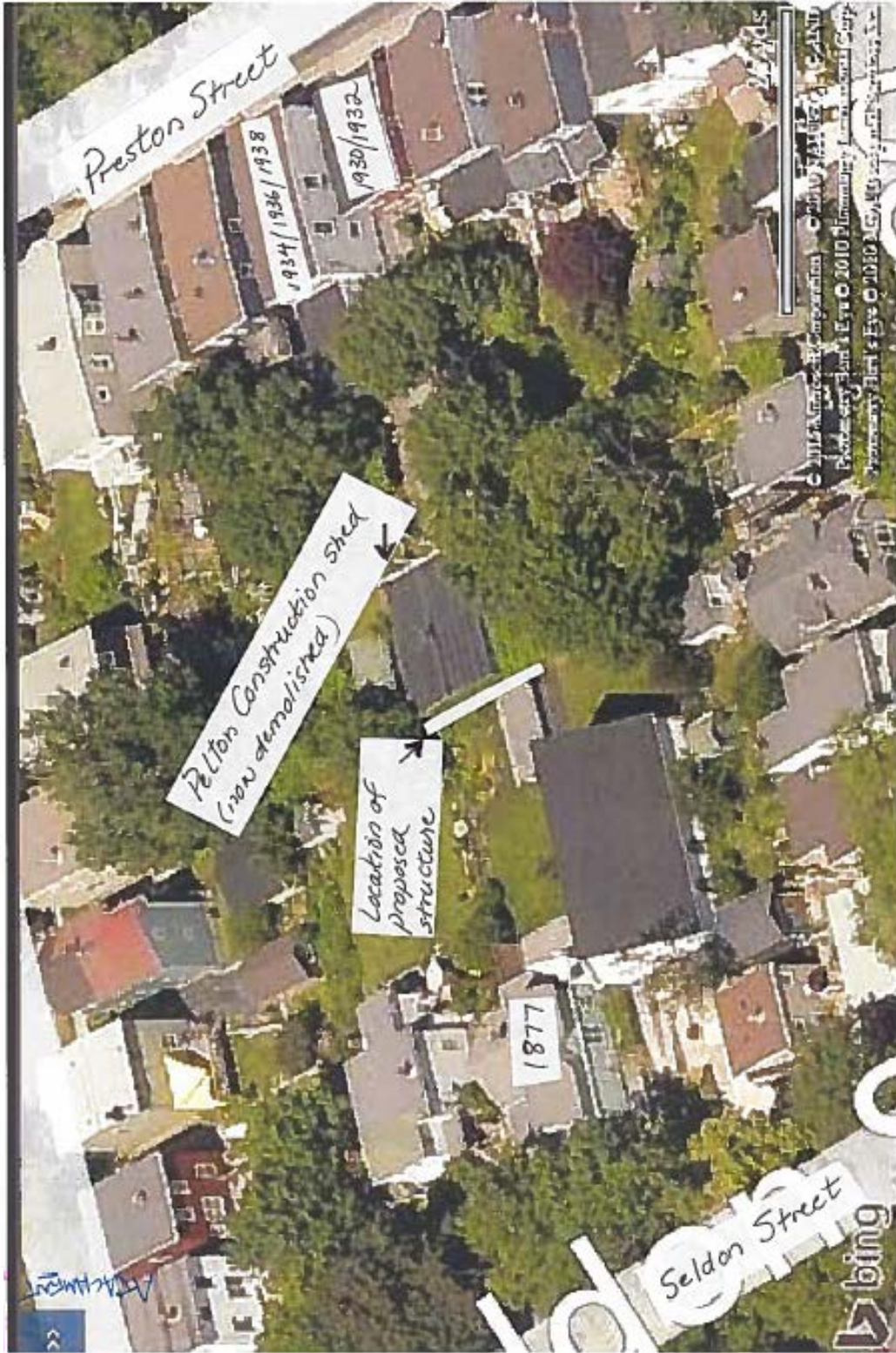
...with the ivy peeled back...



...and after demolition of the shed.

APPENDIX E

Neil & Patricia Robertson - 1877 Seldon Street - Application for Building Permit





# APPENDIX F

## 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:

- (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

- (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.

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Vi Carmichael, Municipal Clerk

# APPENDIX G

## ***Leasehold Plans***

### ***Minimum Required Information for Building Permit Applications for Commercial/Industrial leaseholds and alterations***

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building 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. **Floor Plans** - A floor plan must show the interior layout of each floor of the proposed suite including:
  - (a) all rooms labelled and showing dimensions including exit doors and their direction of swing;
  - (b) the location of all plumbing and electrical fixtures, including exit and emergency lighting;
  - (c) the size, spacing and span of framing members;
  - (d) the location and size of all furniture such as counters, and shelving;
  - (e) the occupancy of adjacent suites; and
  - (f) **the total square footage of each floor area, and the total square footage of the proposed suite.**
2. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
3. **Sprinkler** - Alterations to an existing sprinkler system must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
4. **Cross Sections** - A typical cross section must be taken through a wall from the floor to the roof and show:
  - (a) the floor assembly construction, if more than 1 level;
  - (b) the wall assembly construction, including fire resistance rating;
  - (c) any other details required by the Authority Having Jurisdiction.
5. **Structural** - Any structural alterations falling outside the scope of Part 9 of the Code must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
6. **Mechanical and Electrical** - Depending on the size and scope of work, *Field review of Construction Inspection Commitment Certificates* may be required for these disciplines as well.

**Compliance:** It is the responsibility of the builder to ensure that all construction complies with the requirements of the Provincial Building Code. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

# APPENDIX H

## ***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.