



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Peninsula Community Council**  
**June 11, 2007**

**TO:** Peninsula Community Council

**SUBMITTED BY:**   
Sharon Bond, Acting Director of Community Development

**DATE:** June 1, 2007

**SUBJECT:** Fence Permit Application - #82557 - 2120 Newton Ave, Halifax

**ORIGIN**

Fence Permit application by Nathan Fudge

**RECOMMENDATION**

It is recommended that Peninsula Community Council approve Permit Application #82557 for a fence in excess of 6.5 feet at 2120 Newton Ave, Halifax.

## **BACKGROUND**

Building By-Law B-201 ( see attachment #1) contains provisions for Community Council to approve the issuance of a Permit for any fence in excess of 6.5 feet, which separates any property from a residential property.

## **DISCUSSION**

This application is the result of an issue regarding height and sight distances created by the construction of a fence. Transportation and Public Works has determined the fence is not in the public right of way and therefore Traffic & Right of Way has no jurisdiction.

A portion of the subject fence has been constructed between 2120 Newton Avenue and 6657 First Street (see attachments 2 & 3). This section of fencing is approximately 16 feet in length and 7.5 feet high. The fence turns 90 degrees and after a 20 foot interruption to accommodate a driveway opening, runs adjacent the sidewalk on First Street for approximately 52 feet (see attachment #4). This section varies in height from approximately 6'-8" to about 7'-6".

The applicant has provided staff with the appropriate design information and upon Community Councils approval, has agreed to submit engineered design documents to satisfy the requirements of the by-law.

## **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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

Community Council can approve the application as proposed, or deny the application. Denial of the application will result in an order being issued by staff for the property owner to reduce the fence height to 6.5 feet.


## **ATTACHMENTS**

Attachment 1 (Section 10 of By-law B-201 Regarding Fences)  
Attachment 2 (Site Plan)  
Attachments 3 and 4 (Site Photos)

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Kevin Lewell, Building Official, Permits & Inspections, Phone 490-6285

Report Reviewed by:

  
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Jim Donovan Acting Manager, Permits & Inspections

(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

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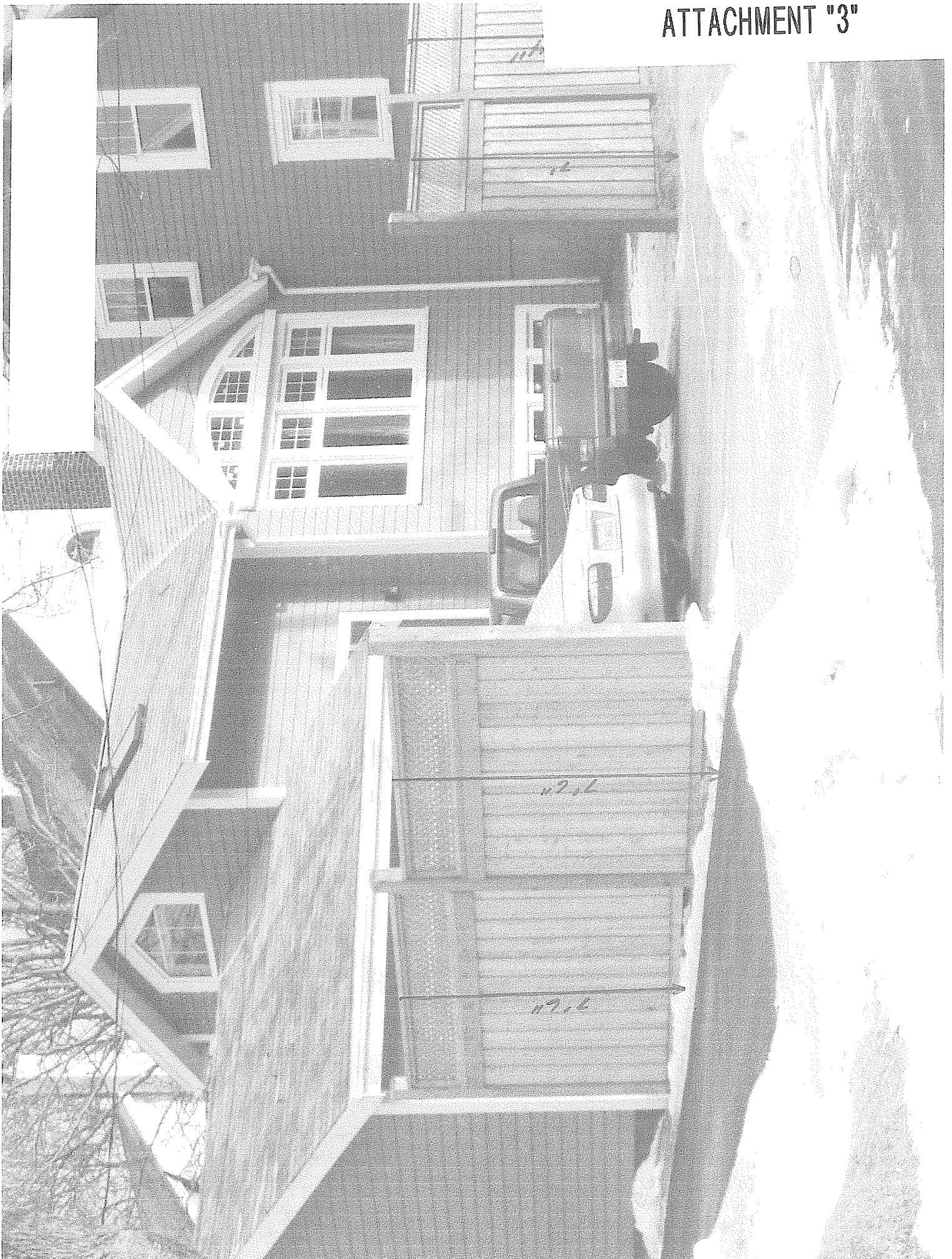
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1954-55

Lot #:

Ph (902)473-6858 x

App Type: **CONSTRUCT FENCE**  
Rcvd on: **Tue, Feb 20, 2007**





ATTACHMENT "4"

