



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

Item No. 13.1.1
Harbour East - Marine Drive Community Council
May 4, 2017

TO: Chair and Members of Harbour East – Marine Drive Community Council

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: March 21, 2017

SUBJECT: Fence Permit Application #151787 – 11 Cleary Drive

ORIGIN

Permit application by Classic Roofing and Siding (Grant Cadeau) to construct a fence in excess of 6.5 feet.

LEGISLATIVE AUTHORITY

Bylaw B-201 Respecting the Building Code Section 10 (see attached Appendix E and Appendix F).

RECOMMENDATION

It is recommended that Harbour East – Marine Drive Community Council approve Permit Application #151787 for construction of fencing in excess of 6.5 feet at 11 Cleary Drive, Dartmouth.

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.

Permit application # 151787 to construct fencing at 11 Cleary Drive, Dartmouth was received Friday, March 18, 2016. The revised design from the structural engineer was received on August 12, 2016.

DISCUSSION

An application has been made to approve a fence approximately 8 feet in height at the left side of the property located at 11 Cleary Drive (PID 00227322) forming a boundary with 15 Cleary Drive. The fence had been constructed without the required Permits.

The applicant has now paid the required permit fee and confirmation of structural adequacy has been received from a Professional Engineer as per section 4 sentence (1)(d) of By-Law B-201 Respecting the Building Code.

The applicant wishes to keep the fence at the current height of 8' to maintain privacy.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this permit application can be accommodated within the approved 2017/18 operating budget for cost centre C430, Building Standards.

RISK CONSIDERATION

There is no risk to Halifax Regional Municipality by approving or not approving this application.

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: Stamped letter from structural engineer
- Appendix D: Pictures of applicant's fence
- Appendix E: By-Law B-201
- Appendix F: Appendix D of By-Law B-201

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: Rick Brown, Supervisor, Building Standards, 902.490.4478

Report Approved by: ORIGINAL SIGNED

Sergio Grbac, Supervisor, Building Standards, 902.490.4465

Appendix B

AUG 12/16

HELLO, MY NAME [REDACTED]

[REDACTED] 11 CLEARLY DR. [REDACTED]

I BOUGHT THE ADJACENT PROPERTY SO THAT I WOULD NOT HAVE TO SHARE MY DRIVEWAY. WE BLOCKED EACH OTHER GETTING IN & OUT SO IT WAS THE BEST SOLUTION.

THE [REDACTED]

[REDACTED] BACKYARD WAS A JUNK PILE FULL OF OLD CARS, STEEL, APPLIANCES & TONS OF JUNK. [REDACTED]

[REDACTED] THE SITE GOING DOWN MY DRIVEWAY WAS LIKE GOING TO A DUMP. THERE WAS GARBAGE BEYOND THE 6 1/2' MARK, PILED HIGH. THERE IS STILL GARBAGE [REDACTED]

[REDACTED] I TRY TO KEEP MY PROPERTY SPOTLESS [REDACTED]

[REDACTED] THE FENCE JUST HIDES THE MESS [REDACTED] I ONLY HAVE ONE LINE OF FENCE AS I HAVE NO ISSUES ON THE OTHER SIDES OF MY PROPERTY. THE FENCE WAS BUILT JUST TO HIDE THE GARBAGE. IT NEEDED TO BE (8') TO DO SO I HAD IT ENGINEERED TO LAST AND IT HAS. THANK - YOU FOR READING.

ORIGINAL SIGNED



Appendix C

RECEIVED

AUG 12 2016

151 787

Brockman Engineering Inc.

38 Lorne Avenue
Dartmouth, Nova Scotia B2Y 3E7
902-830-0290

ORIGINAL SIGNED

BRCKMAN ENGINEERING INC.

STRUCTURAL ENGINEERS

March 15, 2016
Revised April 28, 2016

Classic Roofing and Siding Limited
11 Cleary Drive
Dartmouth, Nova Scotia B2Y 3X3

Re: Existing 250'+/- Length of Fence 8'+/- Height

The fence along the west edge of the driveway at 11 Cleary Drive in Dartmouth Nova Scotia has been observed and reviewed. The fence is constructed with 6x6 wood post at section ends and 4x4 wood posts at spacing of 10'-2" to 10'-6". The posts extend ~ 6'+/- from 16" diameter concrete piers which extend 2'+/- above grade and appear to have a minimum embedment of 4' +/- below grade. The three equally spaced whalers are 2x4 for with 5 1/2" fencing boards and 2x4 flat whalers top and bottom on the east face. The structural components and assembly design for the fence has been reviewed and determined to be structurally adequate.

Sincerely,



ORIGINAL SIGNED

Steve Brockman, P. Eng.

Appendix D



Appendix E

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; and
 - (d) “CMP” means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.

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.
- (7) Notwithstanding subsection (2), within the Barrington Street Heritage Conservation District pursuant to By-law No. H-500, applications for additions, renovations, repairs and attached signs are 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.
- (2A) An application for a Demolition Permit shall include a CMP.
- (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 14th 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.
Vic Carmichael, Municipal Clerk

Building Plans

Minimum Required Information for Building Permit Applications for Single, Two Unit and Townhouses up to 4 Units

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. **Plot Plans** - A plot plan shall show the footprint of the proposed building, and any projections such as decks, roof overhangs and doorsteps. The plot plan shall also include setback dimensions from adjacent property and street lines. If the property is located in an area where a "Lot Grading By-law" is in affect (usually areas serviced with Municipal sewer, storm sewer and water), then the Plot Plan shall also show proposed finished grade elevations and be prepared by a professional surveyor or engineer..
2. **Floor Plans** - A floor plan shall show the interior layout of each floor of the proposed building including:
 - (a) all rooms labelled and showing dimensions;
 - (b) the location of all plumbing and electrical fixtures;
 - (c) the size, spacing and span of framing members; and
 - (d) the location and size of all exterior steps, decks, stairs, etc.***(e) the total square footage of each floor, and the total square footage of the proposed building.***
3. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
4. **Building Elevations** - Building elevations shall show the dimensions of all sides of the structure and including grade, size, location and dimensions of all windows.
5. **Cross Sections** - A typical cross section shall be taken through an exterior wall from the footing to the roof and show:
 - (a) the footing and foundation wall size;
 - (b) the floor assembly construction;
 - (c) the wall assembly construction; and
 - (d) the roof assembly construction.

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.

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.

BY-LAW B-201

Notice of Motion:	February 10, 1998
First Reading	February 24, 1998
“Notice of Intent” Publication:	April 4, 1998
Second Reading:	April 14, 1998
Third Reading:	April 14, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 18, 1998

Amendment # 1 (B-202)

Notice of Motion: Waive	
First Reading:	April 7, 2009
Notice of Public Hearing Publication:	April 11, 2009
Second Reading:	May 5, 2009
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 24, 2009

Amendment # 2 (A-501)

Notice of Motion:	June 14, 2016
First Reading:	June 21, 2016
Notice of Public Hearing Publication:	July 2, 2016
Second Reading:	July 19, 2016
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 23, 2016