



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

**Item No. 13.1.3**  
**Harbour East and Marine Drive Community Council**  
**Special Meeting**  
**August 6, 2020**

**TO:** Chair and Members of Harbour East Community Council

***-Original Signed-***

**SUBMITTED BY:**

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Kelly Denty, Director, Planning & Development

**DATE:** March 11, 2020

**SUBJECT:** Fence Permit #179713 – 470 Dyke Road, Cow Bay

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**ORIGIN**

Permit application by Andrew MacDonald to construct fencing in excess of 6.5 feet in height.

**LEGISLATIVE AUTHORITY**

By-law B-201 respecting the Building Code:

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.*

**RECOMMENDATION**

It is recommended that Harbour East-Marine Drive Community Council approve the request to construct fencing in excess of 6.5 feet in height at 470 Dyke Road, Cow Bay.

### **BACKGROUND / DISCUSSION**

A permit application has been submitted to seek approval of an existing eight (8) foot tall fence at 470 Dyke Road, Cow Bay, along its common property boundary with 460 and 444 Dyke Road (see Attachment 2). In accordance with the requirements of the Building By-law, fences exceeding 6.5 feet in height are required to be approved by the local Community Council.

The fence is chain link with barbed wire topper (see Attachment 1). Confirmation of the fence's structural adequacy has been received from a Professional Architect as per the requirements of the Building By-Law.

The applicant has stated that the fence is for privacy and security purposes. The construction of the fence to a height of 8' will help to achieve the privacy and security the owner is seeking. Accordingly, it is recommended that Community Council approve the fence request.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM costs associated with processing this permit application can be accommodated within the approved 2020/21 operating budget for C430 Building Standards.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendation contained within this report.

### **COMMUNITY ENGAGEMENT**

Community Engagement, as described by the Community Engagement Strategy, is not applicable to this process. The procedure for public notification is set out under the Building By-law which requires the Municipality to 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.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

### **ALTERNATIVES**

Harbour East and Marine Drive Community Council may refuse the fence request. A decision to refuse the request will result in the refusal of the building permit, thus requiring the owner to remove the existing fence or reduce its height to 6.5 feet or less.

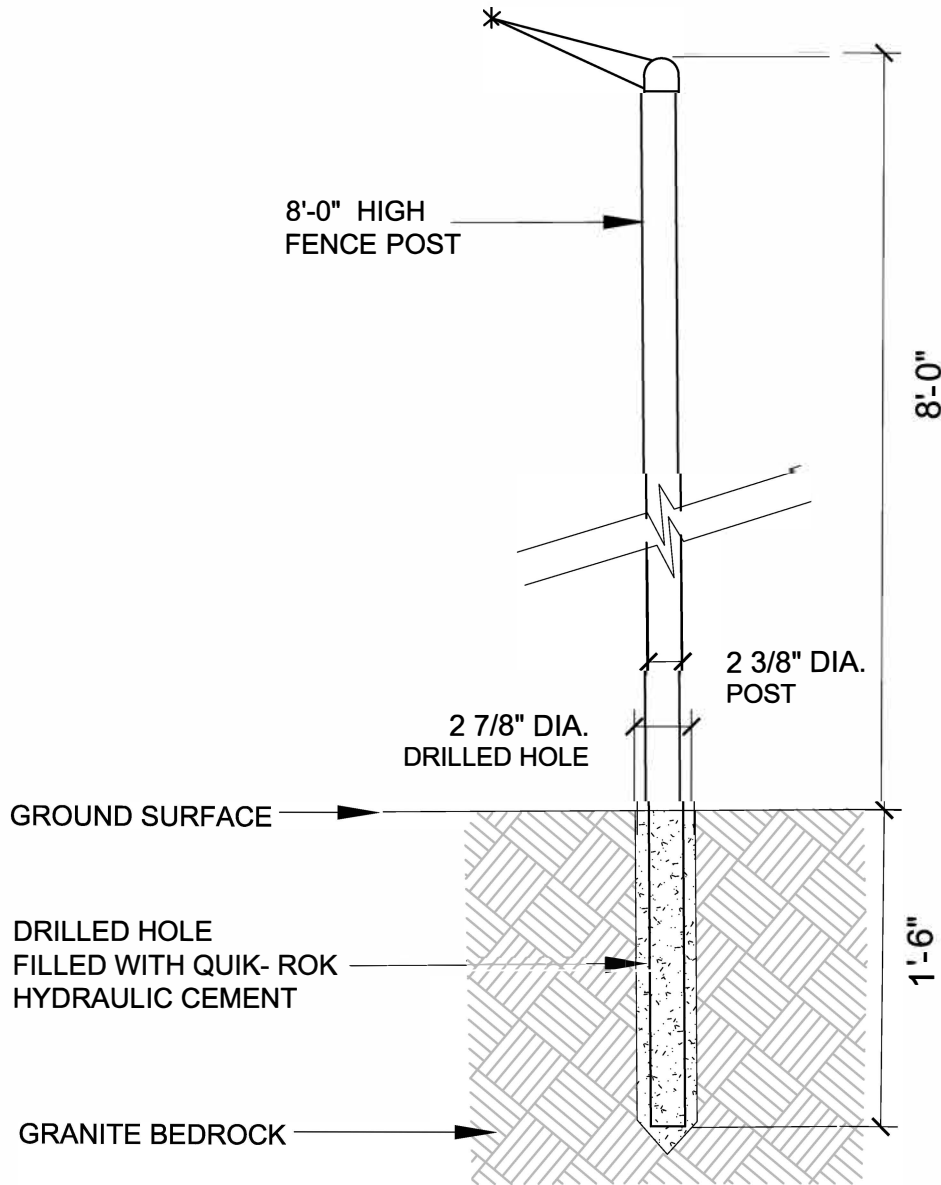
### **ATTACHMENTS**

- Attachment 1 Cross section details for fence posts with Professional Architect's Stamp
- Attachment 2 Site plan
- Attachment 3 Photo
- Attachment 4 Photo

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Rick Brown, Supervisor, Building Standards, Buildings and Compliance 902.490.4478

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**NOTE:**  
 THIS DRAWING SHOWS INSTALLED CONDITION BASED ON  
 INFORMATION PROVIDED BY MARITIME AUTOPARTS.

**SECTION**

Gordon Ratcliffe  
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 2055 Route 329, RR#1  
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project: **Maritime Autoparts**  
 470 Dyke Road, Cow Bay, N.S.

title: **CHAIN LINK FENCE DETAIL**

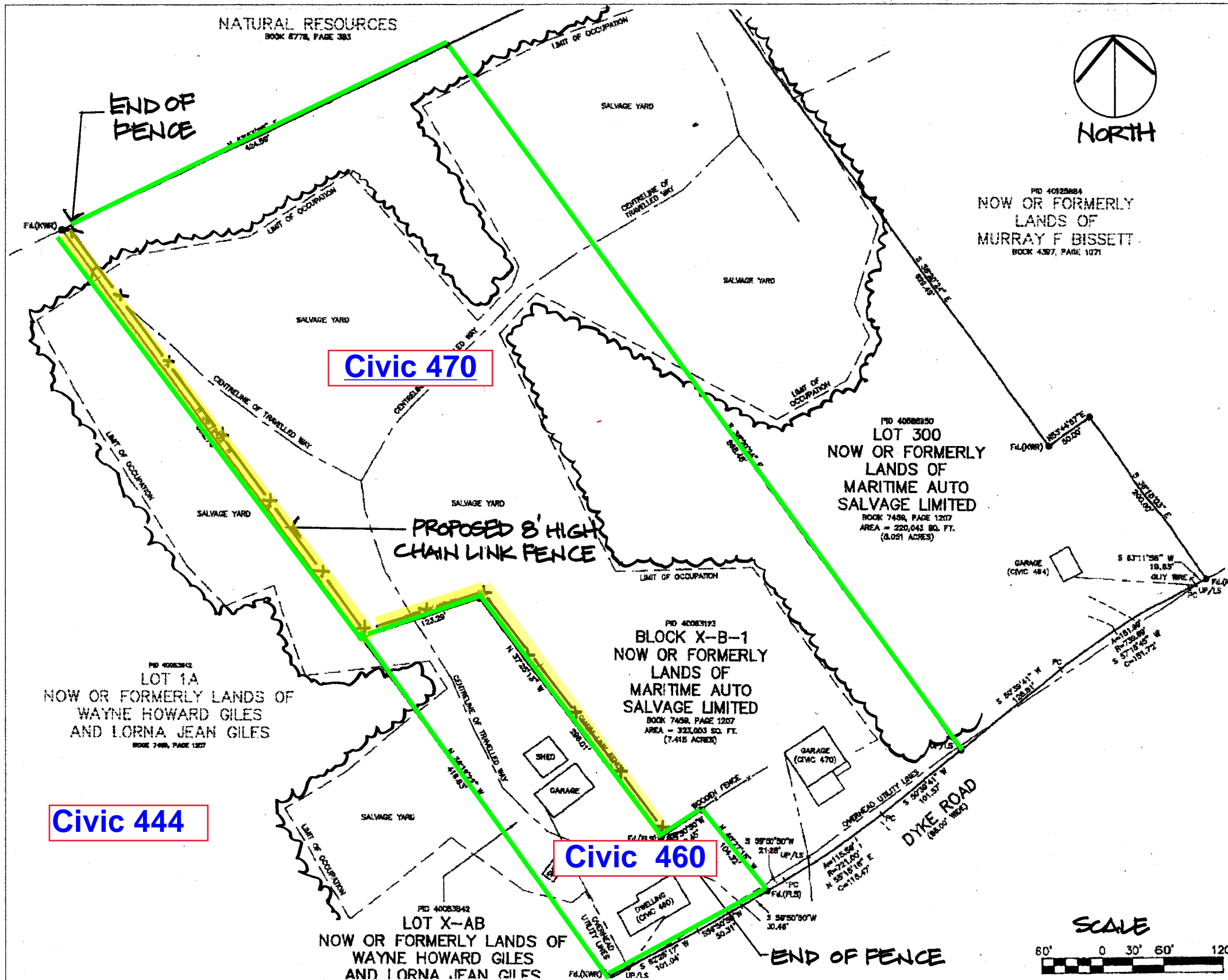
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scale: NTS


drawn by: LG

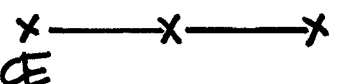
dwg:

**L-2**




**LEGEND**

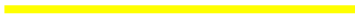
EDGE OF WOODED AREA 

PROPOSED CHAIN LINK FENCE 

**NOTE:**

CHAIN LINK FENCE TO BE 8' HIGH AND ERECTED IN ACCORDANCE WITH SECTION 32 31 00 OF THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES.

 Property Boundry

 Fence

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project: Maritime Auto Parts  
 470 Dyke Road, Cow Bay, NS

title: Fence Plan

date: Dec. 3, 2019

scale: as noted

drawn by: GR

dwg: **L-1**





