



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

**Item No. 13.1.1**  
**Harbour East and Marine Drive Community Council**  
**May 3, 2018**

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

**SUBMITTED BY:** ORIGINAL SIGNED

Kelly Denty, Acting Director, Planning & Development

ORIGINAL SIGNED

Jacques Dubé, Chief Administrative Officer

**DATE:** April 13, 2018

**SUBJECT:** Fence Permit #163369 – 40 Elmwood Avenue, Dartmouth

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**ORIGIN**

Permit application by David Ball 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 the Members of Harbour East-Marine Drive Community Council approve the request to construct fencing in excess of 6.5 feet in height at 40 Elmwood Avenue, Dartmouth.

### **BACKGROUND / DISCUSSION**

A building permit application has been made to construct a fence with a height of 8 feet at the property located at 40 Elmwood Avenue, Dartmouth common with the boundary of 42 Elmwood Avenue. 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 construction with privacy slats anchored at various points to the existing house structure.

Confirmation of structural adequacy has been received from a Professional Engineer as per the requirements of the Building By-Law.

The applicant has stated that the fence is for privacy purposes. The construction of the fence to a height of 8 feet will help to achieve the privacy 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 2018/19 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.

### **ATTACHMENTS**

Appendix A     Site Plan  
Appendix B     Structural Engineer's design

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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

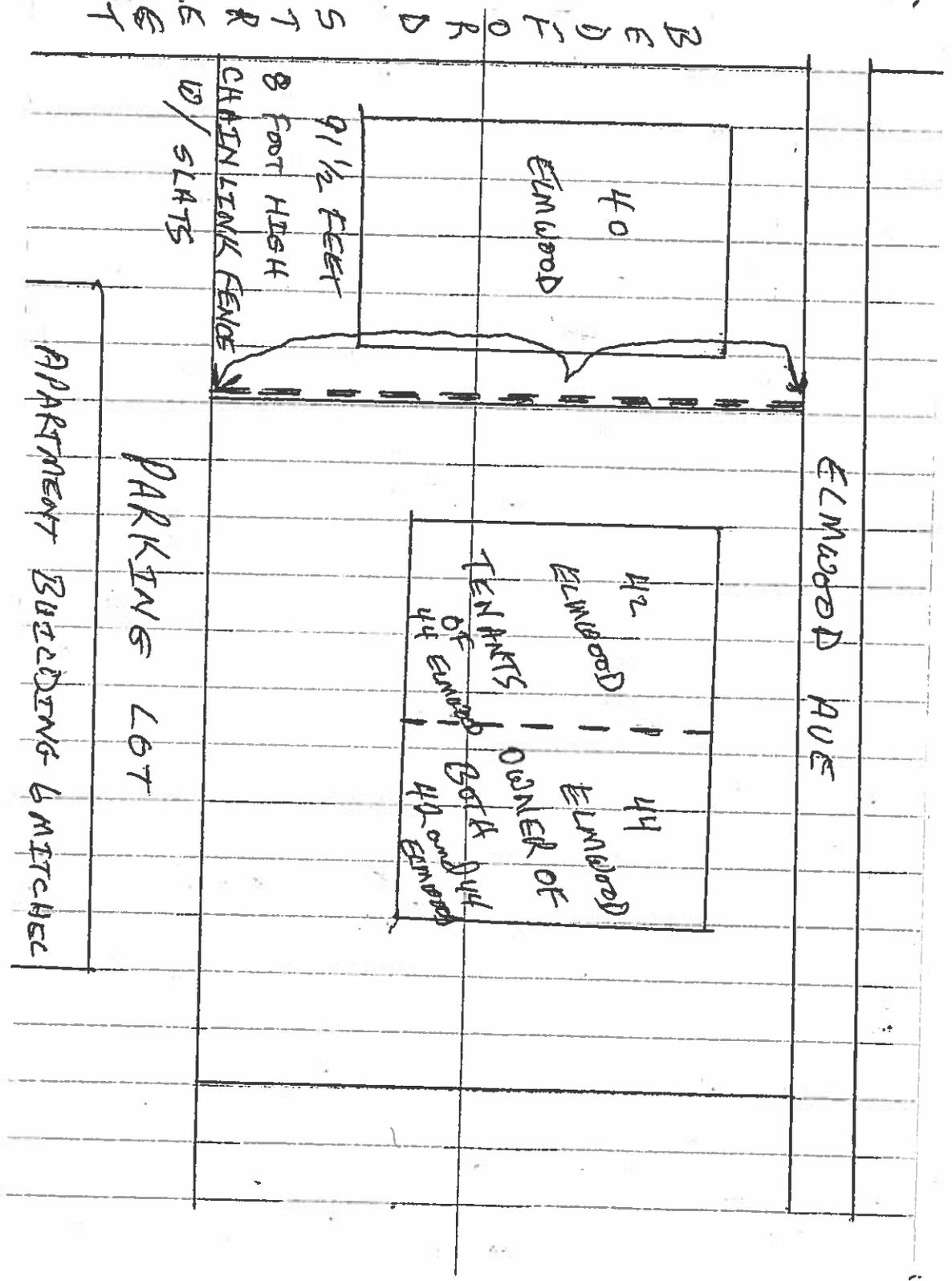
**ORIGINAL SIGNED**

Report Approved By:

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Penny Henneberry, Manager, Buildings and Compliance 902.579.0250

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ATTACHMENT A



# ATTACHMENT B



November 3, 2017

David Ball  
40 Elmwood Avenue,  
Dartmouth, Nova Scotia  
B3A 3E6

529 Prospect Bay Road ■ Prospect Bay  
Halifax, Nova Scotia ■ B3T 1Z8  
Telephone: 902.240.4888 ■ Fax: 902.852.3185

Dear: Mr. Ball,

**RE: Structural Inspection of a Fence at 40 Elmwood Avenue, Nova Scotia**

As requested, Skyscape Engineering Consultants Limited (SECL) visited the above mentioned property on September 27, 2017 to carry out a cursory visual inspection of the existing fence structure. Based on our discussion it is understood that the original fence was increased in height from approximately 44 inches to 8 feet which now requires a letter from an Engineer commenting on its structural integrity in order to obtain a permit from Halifax.

The original fence posts was reportedly constructed of 1 7/8 inch diameter vertical members at approximately 10 feet on centre, cast in a roughly 12 inch diameter hole, 12 to 16 inches deep that was filled with concrete. A top rail having a diameter of 1 ¼ inches was attached to the posts.

The height of the fence was increased by splicing on new vertical members of similar size as the original members that were then filled with concrete. A 1 ¼ inch diameter member was connected the top of the extended post and a similar size member extended back to the house and fastened to a 2 x 4 member and the wall sheathing with a 3/8 inch lag screw at the post locations. The 2 x 4 members are also attached to the house sheathing (assumed to be ½ inches thick) with 2- ½ inch diameter lag bolts.

For the vertical members that could not be attached to the house, a 1 ¼ inch diameter member brace was added attaching to the vertical approximately 66 inches up from the bottom and extending our approximately 30 inches and connecting to a timber planter.

It is understood that all framing material was supplied by Eastern Fence however no technical data was available on the capacity of the members. A brief structural evaluation was carried out using field measurements and assuming the fence framing to be schedule 40 pipe (grade 240 MPa material).

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From the calculations it was found that the fence should adequate for normal conditions winds as per the 2015 National Building Code of Canada.

We trust that this is all you require at this time however if you have any questions. Thank you.

Sincerely,



Original Signed

Kevin Bezanson, P.Eng.  
*President*