



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

**Item No. 13.1.1**  
**Harbour East and Marine Drive Community Council**  
**September 6, 2018**

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

**SUBMITTED BY:** Original Signed

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Kelly Denty, Director, Planning & Development

Original Signed

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Jacques Dubé, Chief Administrative Officer

**DATE:** July 16, 2018

**SUBJECT:** Fence Permit #166854 – 8 Gaston Road, Dartmouth

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**ORIGIN**

Permit application by Stephen Gillis 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 Harbour East-Marine Drive Community Council approve the request to construct fencing in excess of 6.5 feet in height at 8 Gaston Road, Dartmouth.

## **BACKGROUND / DISCUSSION**

A building permit application has been made to authorize an existing fence at a height of 7'3" at the property located at 8 Gaston Road, Dartmouth, common with the boundaries of 6 Gaston Road and to approve the construction of a proposed fence common with the boundary of 10 Gaston Road. 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 of wood construction and consists of 8' long panels supported between 6x6 posts. The bottom 6' of the panels are constructed of tightly fitted fence boards held together with 2x4's top and bottom. The top of each panel is finished with a 1' section of privacy lattice secured between top and bottom rails

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 and security purposes. The construction of the fence to a height of 7'3" 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 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, thus requiring the owner to remove the existing fence or reduce its height to 6.5 feet or less and design and construct the proposed fence to 6.5 feet in height or less.

**ATTACHMENTS**

- Attachment 1 Image showing the properties of 10 and 8 Gaston Road
- Attachment 2 Image Showing the properties of 8 and 6 Gaston Road (existing fence)
- Attachment 3 Aerial image of 6, 8, and 10 Gaston Road
- Attachment 4 Image of the existing fence between 6 and 8 Gaston Road.
- Attachment 5 Structural details with Professional Engineer stamp.
- Attachment 6 Additional structural details with Professional Engineer stamp.
- Attachment 7 Site plan

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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: \_\_\_\_\_  
Penny Henneberry, Manager, Buildings and Compliance 902.579.0250

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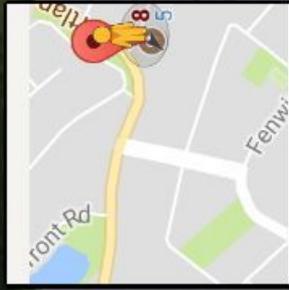
**8 Gaston Rd**  
Dartmouth, Nova Scotia



Street View - Sep 2017

8 Gaston Road

10 Gaston Road



Google

# ATTACHMENT 2



4 Gaston Rd  
Dartmouth, Nova Scotia



Google, Inc.



Street View - Sep 2017

6 Gaston Road

8 Gaston Road



Google

ATTACHMENT 3

Civic #10

Civic #8

Civic #6

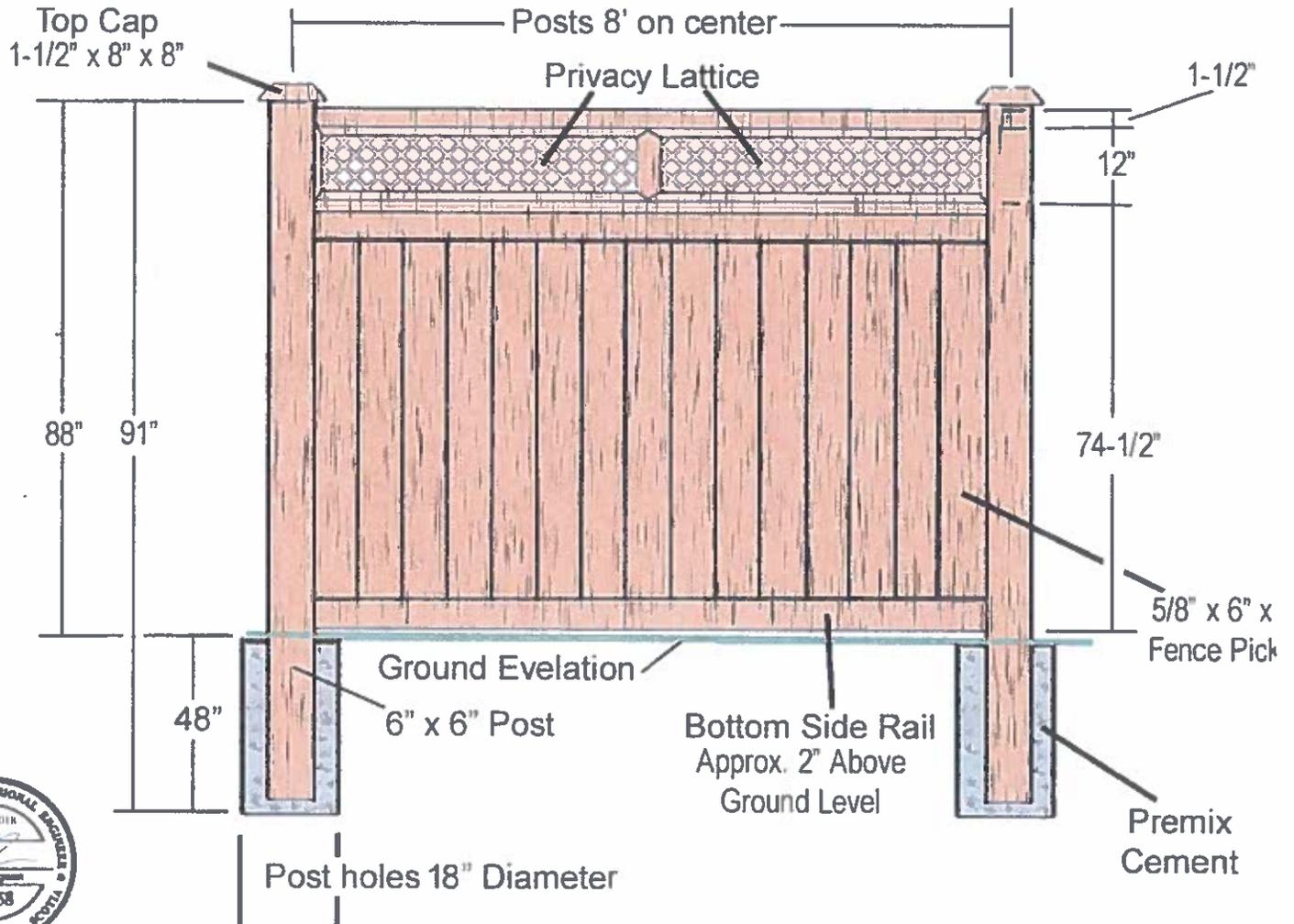
Gaston Road



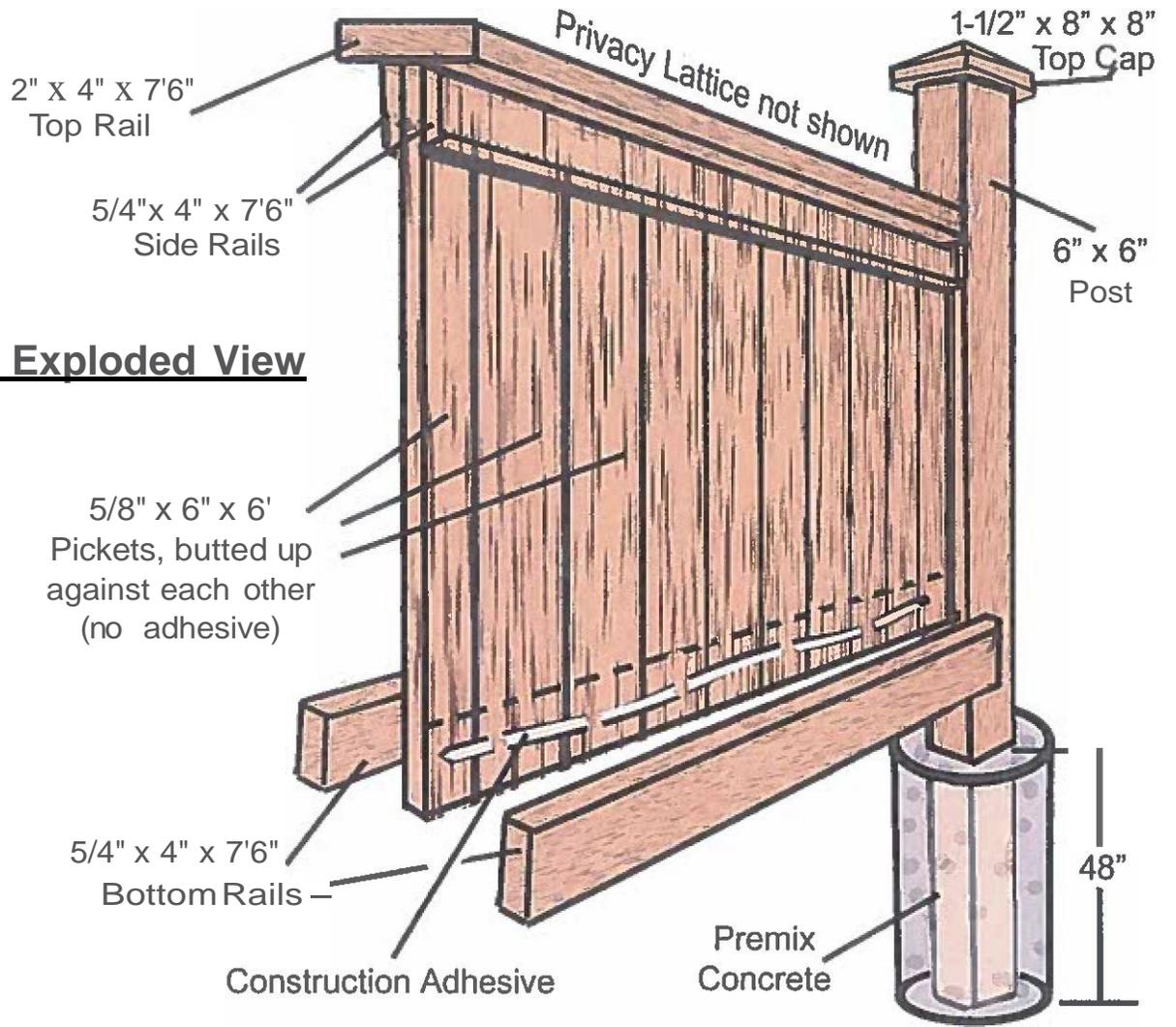


# ATTACHMENT 5

## Fence Panel Section and Posts

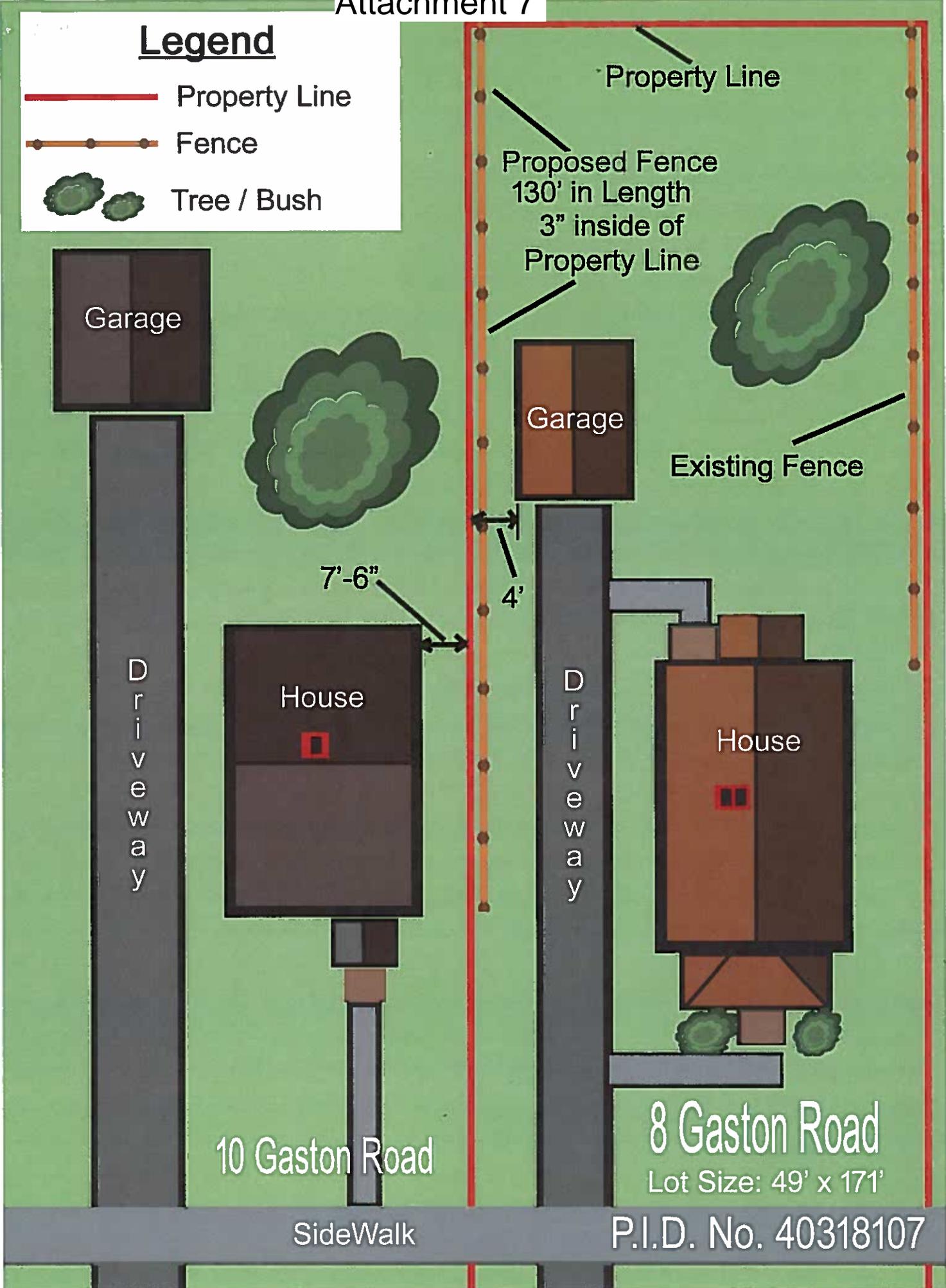


# ATTACHMENT 6



**Legend**

- Property Line
- Fence
- Tree / Bush



Garage

Driveway

House

10 Gaston Road

SideWalk

Property Line

Proposed Fence  
130' in Length  
3" inside of  
Property Line

Garage

Driveway

House

8 Gaston Road

Lot Size: 49' x 171'

Existing Fence

7'-6"

4'

P.I.D. No. 40318107