



TOWN OF  
**HALTON HILLS**  
*Working Together Working for You!*

## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Orlando Donato, Municipal Law Enforcement Officer

**DATE:** October 22, 2021

**REPORT NO.:** ADMIN-2021-0054

**SUBJECT:** Request from Property Owner of 81 Foxtail Court for a variance to the Fence By-law 2002-0060, as amended at 81 Foxtail Court , (Georgetown) Town of Halton Hills

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### RECOMMENDATION:

THAT Report No. ADMIN-2021-0054 dated October 22, 2021 regarding a request from Property Owner of 81 Foxtail Court for a variance to the Fence By-law 2002-0060, as amended is received;

AND FURTHER THAT the fence variance contained in Report No. ADMIN-2021-0054

a) be granted to Property Owner, 81 Foxtail Court, as requested;

OR

b) be granted to Property Owner, 81 Foxtail Court, with conditions as set out in the decision of Council;

OR

c) not be granted to Property Owner, 81 Foxtail Court

### KEY POINTS:

The following are key points for consideration with respect to this report:

- The Fence By-law defines a Fence to include a railing, wall, line of posts, wire, gate, boards, pickets, privacy screens or other similar substances, used to enclose or divide in whole or in part a yard or other land or to provide privacy.

- The Fence By-law defines a Privacy Screen as a visual barrier used to shield any part of a Yard from view from any adjacent Lot or Highway.
- The applicant is requesting to maintain a privacy screen on the west side of the existing wood deck to a maximum height of 2.13 metres (7 feet 6 inches).
- The second story deck measures 2.8 metres (9 feet 2 inches) from grade.
- There is an existing planter/guard measuring 1.07 metres (3 feet 5 inches) in height along the west side of the property where the applicant has added 1.23 metres (4 feet) high horizontal boards to increase the existing height to a maximum of 2.3 metres (7 feet 6 inches) in height.
- The existing deck has a guard of approximately 1.07 metres (3 feet 5 inches) and is along side properties to the west, the screen is located on top of the planter/guard required by the Ontario *Building Code Act* and provides privacy to the deck. The screen measures approximately 4.86 metres (16 feet 9 inches) in length and spans the entire length of the deck.

## **BACKGROUND AND DISCUSSION:**

The municipality has enacted legislation that controls the height of fences within the municipality, under the authority of the *Municipal Act, 2001*. The property owner of 81 Foxtail Court is seeking relief from the by-law which restricts the height of a fence in the front, side, and rear yards. The height of a fence in rear or side yard cannot exceed 2.14 metres (7 feet) in height.

An inspection of the property was performed on October 22, 2021 which identified 4 louvered sections of screening measuring a total height of 1.23 metres (4 feet) added to the planter/guard measuring 1.07 metres (3 feet 5 inches) for a total height of 2.3 metres (7 feet 6 inches).

The variance is described in the following table:

<b>By-law Requirement</b>	<b>Variance Requested</b>	<b>Reason for Variance</b>
The maximum height of a fence in the side and rear yard is 2.13 metres (7 feet).	To permit a privacy screen in the rear yard to a maximum of 5.1 metres (16 feet, 9 inches) in height above effective grade.	To maximize privacy on the applicants existing second story deck from the adjacent properties to the west of the applicant's property.

## **STRATEGIC PLAN ALIGNMENT:**

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

**RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

**PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

**INTERNAL CONSULTATION:**

No internal consultation was required in preparation of this report.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Susie Spry, Manager of Enforcement Services

Valerie Petryniak, Town Clerk & Director of Legislative Services

Chris Mills, Acting Chief Administrative Officer