



## REPORT

---

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

**FROM:** Leon Chatoori, Municipal Law Enforcement Officer

**DATE:** May 5, 2022

**REPORT NO.:** ADMIN-2022-0031

**SUBJECT:** Request from Property Owner of 1A Pennington Crescent for a variance to the Fence By-law 2002-0060, as amended at 1A Pennington Crescent, (Georgetown) Town of Halton Hills

---

### RECOMMENDATION:

THAT Report No. ADMIN-2022-0031 dated May 5, 2022 regarding a request from Property Owner of 1A Pennington 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-2022-0031

a) be granted to Property Owner, 1A Pennington Crescent, as requested;

OR

b) be granted to Property Owner, 1A Pennington Crescent, with conditions as set out in the decision of Council;

OR

c) not be granted to Property Owner, 1A Pennington Crescent

### 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 height variance to the interior side yard and rear yard to maintain and construct a privacy screen of 2.7 metres (9 feet) or 2.4 metres (8 feet)
- The rear yard is currently enclosed with a chain link fence along the rear lot line and interior side yard has an existing 6 foot wood fence.
- There is significant noise due to the increased vehicular traffic along Mountainview Road South.
- The institutional property to the north of the applicant's property has installed a ground sign with an illuminated electronic messaging centre that is clearly visible from the applicant's property.

**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 1A Pennington Crescent 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 June 13, 2022, which identified the lack of privacy in rear yard due to trimming and pruning of trees maintained by an adjacent property owner.

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 fence in the side yard and rear yards to a maximum of 2.7 metres (9 feet) or to a minimum of 2.4 metres (8 ft) in height above effective grade.	To maximize privacy in the rear yard for the applicants

**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:**

Notification of this request has been sent to the adjacent properties. Staff will notify Council should any comments be received.

**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, Chief Administrative Officer