



REPORT

TO: Mayor Bonnette and Members of Council

FROM: Leon Chatoori, Municipal Law Enforcement Officer

DATE: August 19, 2022

REPORT NO.: ADMIN-2022-0040

SUBJECT: Request from Property Owner of 220 Elmore Drive for a variance to the Fence By-law 2002-0060, as amended at 220 Elmore Drive, (Acton) Town of Halton Hills

RECOMMENDATION:

THAT Report No. ADMIN-2022-0040 dated August 19, 2022 regarding a request from Property Owner of 220 Elmore Drive 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-2022-0040

a) be granted to Property Owner, 220 Elmore Drive, as requested;

OR

b) be granted to Property Owner, 220 Elmore Drive, with conditions as set out in the decision of Council;

OR

c) not be granted to Property Owner, 220 Elmore Drive

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 a variance for the rear yard, interior side yard and front yard to retain a wood fence measuring 2.4 meters (8 feet) in height.
- The application for the variance was received by staff after the fence had been installed.
- The Applicant is requesting an increased height for privacy purposes.

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 220 Elmore Drive 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. The height of a fence in the front yard cannot exceed 0.9 meters (3 feet) in height for closed construction and 1.71 metres (5 feet 6 inches) for open construction.

An inspection of the property was performed on August 17, 2022, which identified the fence has already been erected and measures 2.4 metres (8 feet) in height. The request for the variance was prompted by an enforcement complaint requesting staff to investigate the newly erected fence for compliance with the Town’s Fence By-law 2002-0060.

The variance is described in the following table:

By-law Requirement	Variance Requested	Reason for Variance
The maximum height of a fence in the side and rear yard is 2.13 metres (7 feet).	To permit a fence in the interior side yard, and rear yard to a maximum height of 2.4 metres (8 ft).	To maximize privacy for the applicants from neighbouring properties.
The maximum height of a fence in the front yard is 0.9 metres (3 feet) for closed construction and 1.71 metres (5 feet 6 inches) for open construction.	To permit a fence in the front yard to a maximum height of 2.4 metres (8 feet)	

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

John Linhardt, Commissioner of Planning & Development and Acting Chief
Administrative Officer

Photos













