



## REPORT

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

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

**DATE:** October 19, 2022

**REPORT NO.:** ADMIN-2022-0047

**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

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### RECOMMENDATION:

THAT Report No. ADMIN-2022-0047 dated October 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-2022-0047

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 height variance to the interior side yard and front yard to construct a wood privacy screen of 1.8. meters (6 feet).
- The applicant will ensure the aesthetics and workman ship is done satisfactory to both the applicant and the neighbour.
- The applicant states they have experienced issues with their neighbor relating to garbage and noise thus initiating this process for additional privacy.

**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 the front yard cannot exceed 0.9 metres (3 feet) in height for closed construction and 1.71 metres (5 feet 6 inches) for open construction.

This application is a direct result of the property owner previously applying for a fence variance which was denied by Council on September 6, 2022. (Report No. ADMIN-2022-0040).

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). The maximum height for a fence in the front yard is 0.9 metres (3 feet) closed fence or 1.5 metres (5 feet) open fence.	To permit a fence in the front yard to a maximum height of 1.8 metres (6 feet)	To maximize privacy for the applicants from neighbouring properties.

**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:**

Traffic Services was consulted in preparation of this report. It was recommended that the removal of two trees closest to the road would allow for the appropriate visibility for someone operating a motor vehicle. No other objects/items would require removal including the planter box for the purposes of this application.

**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

**Photos**





