



## REPORT

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

**FROM:** Adam Madonik, Municipal Law Enforcement Officer

**DATE:** January 27, 2023

**REPORT NO.:** ADMIN-2023-008

**SUBJECT:** Request from Property Owner of 9291 Regional Road 25 for a variance to the Fence By-law 2002-0060, as amended at 9291 Regional Road 25, (Esquesing) Town of Halton Hills

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### RECOMMENDATION:

THAT Report No. ADMIN-2023-008 dated January 27, 2023 regarding a request from Property Owner of 9291 Regional Road 25 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-2023-008

a) be granted to Property Owner, 9291 Regional Road 25, as requested;

OR

b) be granted to Property Owner, 9291 Regional Road 25, with conditions as set out in the decision of Council;

OR

c) not be granted to Property Owner, 9291 Regional Road 25

### 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 states “no person shall, in a residential zone within a front yard erect, cause to be erected or maintain or permit a fence exceeding 0.9 metres (3 feet) in height.
- The Fence By-law defines a front yard as “a yard extending across the full width of a lot, and lying between the front lot line of the lot and that part nearest to the front lot line of any building or structure on that Lot.”
- The applicant is requesting to keep their existing front yard fencing, which varies in height between 1.37 metres (4 feet 6 inches) to 1.67 metres (5 feet 6 inches).
- The applicant’s property fronts on to Regional Road 25 and is just south of Chudleigh’s Apple Farm.
- Allowing the fence to remain at its current height will provide additional safety for children playing in the front yard. It will also provide privacy and reduce the amount of noise caused by passing traffic on Regional Road 25.

**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 9291 Regional Road 25 is seeking relief from the by-law which restricts the height of a fence in the front yard. The height of a closed construction fence in the front yard cannot exceed 0.9 metres (3 feet) in height.

An inspection of the property was performed on January 27, 2023, which identified a wood fence, ranging in height from 1.37 metres (4 feet 6 inches) to 1.67 metres (5 feet 6 inches). The applicant is requesting to keep the existing board fencing unchanged. Upon inspection, Regional Road 25 can still be observed when standing close to the fence, however when standing closer to the house it can no longer be observed. The sound of vehicular traffic from Regional Road 25 appeared muffled due to the erection of the fence. The applicant is concerned for children’s safety while playing in the front yard of the property and desires a lower level of noise from Regional Road 25.

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 front yard is 0.9 metres (3 feet).	To permit a fence in the front yard to a maximum of 1.67 metres (5 feet 6 inches) in height above effective grade.	To maximize child safety and reduce noise in the front yard of the 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, Chief Administrative Officer