



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Luke Puckrin

Position: Building Inspector/Plans Examiner

Title / Subject: Fence By-law Amendment Request - #30 Hillside Cres.

Date of Report: June 22, 2021

Date of Meeting: June 28, 2021

Report No: 2021-CO-030

1.0 Issue / Origin

The owners of #30 Hillside Crescent are seeking an amendment to the maximum height requirements of the Township's Fence By-law 786-85-PP to recognize a length of non-compliant fencing around their property which they wish to retain for privacy reasons.

2.0 Background

On April 29, 2021, the Building Department received a complaint about a section of fence that had been erected by the owners of #30 Hillside Crescent in the rear yard of their property which exceeded the maximum height permitted by the Fence By-law. Staff attended the property to investigate and confirmed that the section of fence was non-compliant. A photo of the area in question can be found on Attachment 1 of this report. This area is further identified in the air photo found on Attachment 2.

The owners have advised that they wished to pursue an amendment to the Fence By-law in an effort to maintain the height of the fence as constructed. A written request was later received stating their reasons; that the extra height provides privacy from overlooking neighbouring windows which are at times occupied by the neighbour's dogs. The dogs can exhibit aggressive behaviour which is troubling to their autistic son and this negatively impacts their enjoyment of their backyard. Furthermore, they have received complaints from the neighbours about light trespass from their property through this window. The extended height of the fence was also intended to try and mitigate this issue.

Correspondence from a Healthcare Worker who assists with the care of the owner's son was also received citing concerns about the neighbour's dogs.

A copy of the correspondence received can be found on Attachment 3 of this report.

3.0 Analysis

Section 14 of Fence By-law 786-85-PP indicates that the maximum height permitted for a residential fence in a rear yard is 1,830mm (6ft.).

The section of fence in question is 2,438mm (8ft.) high over a length of 6.4m (21ft.), and 3,050mm (10ft) high over a length of 3.6m (12ft.). The remaining 22m (73ft.) length of fence to the back of the property is generally compliant with the By-law at 1,830mm (6ft.) high.

4.0 Related Policies / Procedures

Council has addressed two proposals in the recent past for amendments to the fence By-law.

In October of 2017, Council granted a variance to a property in Beaverton which increased the maximum permitted height of a fence in a side yard from 1,220mm (4ft.) to 1,830mm (6ft.) to allow for additional screening from the neighbouring property which was the subject of a property standards issue at the time related to debris and trailer storage.

In August of 2014, Council granted a variance to Veridian Connections which increased the maximum permitted height of the fence between their facility and the neighbouring residential property, from 3,050mm (10ft.) to 3,660mm (12ft.) in an effort to address a noise concern.

The By-law Department is also aware of a third proposal from many years ago when Council authorized the height of a fence due to a dispute about a dog. In this instance, a variance was authorized to increase the height of a fence in the side yard from 1,220mm (4ft.), to 1,830mm (6ft.).

5.0 Financial / Budget Assessment




There are no financial considerations as a result of this report.

6.0 Communications

That the owners of 30 Hillside Crescent be notified of Council's decision on this matter.

7.0 Conclusion

That Staff Report 2021-CO-30 be received for information and used as a basis for a decision on the request for amendment to Fence By-law 786-85-PP.

Title	Name	Signature	Date
Building Inspector/Plans Examiner	Luke Puckrin		June 22, 2021
Chief Building Official	Richard Ferguson		June 22, 2021
Chief Administrative Officer	Ingrid Svelnis		June 22, 2021