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## Township of Brock Interoffice Memorandum

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To: Mayor and Member of Council  
From: Robin Prentice, MCIP, RPP (Director of Development Services)  
Subject: Third Street Fence Variance  
Date: Monday, January 29, 2024

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On February 7, 2022, consent applications LD 073/2021 – LD 080/2021 were conditionally approved by the Region's Land Division Committee to facilitate a series of lot line adjustments and consents to increase the number of lots along the north side of Third Street in Beaverton from 5 lots to 9 lots.

The decisions were conditional upon the completion of a Noise and Vibration Study among other conditions. CN Rail's conditions included the following:

- The completion of a Noise and Vibration Study,
- The owner is required to enter into an Agreement with CN Rail,
- An environmental easement must be registered on title, and
- The required warning clauses must be provided to prospective purchasers.

The applicant has until February 16, 2024 to fulfill the conditions and register the 4 new lots and lots line adjustments on title. If they cannot fulfill the conditions, the approval for the consents will lapse and they will be left with the original 5 lots.

The Noise and Vibration Impact Study that was completed and submitted for agency review included a recommendation for a 3.1m tall noise barrier along the northern and eastern property lines of the 4 most eastern lots to address noise levels in the backyard amenity space (see plan attached). In order to implement the noise barrier a variance from the Township's Fence By-law is required and the applicant submitted a variance request to the Township, which was considered by Council on February 27, 2023. Council granted a partial variance to permit a 3.1 noise fence along the rear yard but did not support a variance for the side lot line along Ethel Park drive (Council Resolution C-2023-027 as amended).

Since that time, there have been ongoing discussions with CN Rail. Despite Township's staff request for consideration of the context of this infill proposal within an existing residential neighbourhood with respect to the noise attenuation requirements, CN Rail entered into an agreement with the owner which requires the owner to implement the recommended measures in the Noise and Vibration Impact Study, including an acoustic barrier with a minimum height of 3.1 metres along the northern and eastern portions of Parts 5, 6, 7 and 8.

The purpose of this memorandum is to provide an update on the Third Street consent applications, with respect to Council's potential reconsideration of the request for a variance to the Fence By-law in order to implement the 3.1m tall noise fence in accordance with CN Rail's requirements.

End of Memorandum

Respectfully submitted,



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Robin Prentice, MCIP, RPP  
Director of Development Services