



## Corporation of the Township of Brock

### Staff Report to the Mayor and Members of Council

**From: Sarah Beauregard-Jones**

**Position:** Supervisor By-Law Enforcement and Animal Control

**Title / Subject:** Fence By-law Amendment Request – 53 Pollock Ave, Beaverton

**Date of Report:** September 20, 2021

**Date of Meeting:** September 27, 2021

**Report No: 2021-PS-020**

#### 1.0 Issue / Origin

The owners of 53 Pollock Ave., Beaverton are seeking an amendment to the maximum height requirements of the Township's Fence By-law 786-85-PP in order to achieve full security of the property while ensuring that the fence is esthetically pleasing and for privacy reasons.

#### 2.0 Background

In September of 2021, for Council received a request for a delegation from residents of 53 Pollock Ave, Beaverton. This address is within the Seven Meadows subdivision (Marydel Homes). The address is located on a corner lot, between Pollock and Butcher. The residents have supplied photographs (as shown on Schedule '1') and reasons for this request in their application for a variance and have identified the following reasons for this request:

"It is our understanding that the fence by-law states that a fence in the "side" yard can only be 4' high. Since this would be an extension of the 6' high fence Marydel is constructing, we would like to request approval to also construct this portion in a 6' height. A gate would also be incorporated. Esthetically we feel it would look much more pleasing to continue the fence at the same height while at the same time maintaining security."

In addition, the residents have indicated that in future they will be looking at putting in a pool in the rear yard and feel that the height increase will allow for additional security and safety.

#### 3.0 Analysis

Currently there is a 6ft fence located in the rear yard of this property that has been erected by the builder of Marydel Homes in order to provide privacy between the newly built subdivision (Pollock) and the pre-existing homes on Lakeland Cres., Beaverton. The fence constructed is in compliance of the fence by-law which states in Section 14 of Fence By-By-law 786-85-PP indicates that the maximum height permitted for a residential fence in a rear yard is 1,830mm (6ft.).

The applicant is requesting that they be permitted to increase the height of a residential fence in the "Side Yard" in excess of 1220mm (4ft) in height to 1,830mm (6ft) for the purposes of esthetics and future plans to include a shed placed in the side yard to be incorporated within a 6ft high fence as it will likely be used when the owners construct a pool in the rear yard. Along with esthetic reasons, it affords safety, security and privacy to the residents.

In analysing this request, the By-Law Department had to consider that the applicant's property is located on a corner lot. In this instance, it is crucial that sightlines are maintained for those using the roadway, as fences can often obstruct views and cause issues with the safety of operation of a motor-vehicle and can obstruct pedestrians.

In the by-law, a "Side lot line" means, in the case of an interior lot line, the line between adjacent properties extending from the street to the point of intersection with a line drawn perpendicularly to the lot line and extending to the part of a legal residence furthest from the street. In the case of a corner lot, the longer street line extending from the intersection with a line drawn perpendicularly to the street line and extending to the part of a legal residence furthest from the front lot line shall be deemed to be a side lot line.

Upon inspection, the By-Law Department has determined that there would be no obstruction to traffic or pedestrians and that sightlines would be maintained at the intersection and has no objection to Council granting a variance to allow for the resident to extend the height of the fence in the side yard to a maximum of 6ft, provided the type of fencing used is consistent and in accordance with the fence bylaw. The By-Law Department also notes that there exist numerous fences within Brock Township that are in non-compliance of the fencing by-law in terms of the height of the side yard fence. Most fences viewed are consistent in height between 5 and 6 feet in the rear and side-lots and are esthetically pleasing and have not resulted in any complaint of non-compliance to the Township

#### **4.0 Related Policies / Procedures**

Council has received a number of proposals for amendments to the fencing By-Law in past years and have granted approval of the amendments based on each individual application.

#### **5.0 Financial / Budget Assessment**

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

#### **6.0 Climate Change Impacts**

The Township encourages the owners to consider environmental impacts when constructing the fence and sourcing materials that are environmentally sensitive.

#### **7.0 Communications**

That the owners of 53 Pollock Ave, Beaverton be notified of Council's decision on this matter.

## **8.0 Conclusion**

## **9.0 Recommendation**

BE IT RESOLVED THAT Staff Report 2021-PS-020 be received for information and

THAT Council grant a variance for a side yard fence for 53 Pollock Avenue Beaverton, having a total height of 1,830mm (6ft) from the Township's Fence By-law 786-85-PP, as shown on Schedule '1' attached.