



Staff Report for Council Meeting

Date of Meeting: March 24, 2021

Report Number: SRCS.21.05

Department: Community Services
Division: Community Standards

Subject: **SRCS.21.05 – Fence By-law Amendment
Request - 26 Harmony Hill Crescent**

Purpose:

To respond to an application for a site-specific amendment to the Fence By-law for 26 Harmony Hill Crescent.

Recommendations:

- a) That Staff Report SRCS.21.05 regarding a Fence By-law amendment for 26 Harmony Hill Crescent be received.
- b) That the request to amend the Fence By-law No. 140-90 (Municipal Code Chapter 973) to permit a 2.43 metre (8 foot) fence in the rear yard of 26 Harmony Hill Crescent be denied.

Contact Persons:

Don Guy, Supervisor of By-law and Licensing Enforcement, extension 2427

Tracey Steele, Director of Community Standards, extension 2476

Report Approval:

Submitted by: Darlene Joslin, Commissioner of Community Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

The Fence By-law No. 140-90, as amended (Municipal Code Chapter 973; the “Fence By-law”) sets out maximum heights, design criteria, and maintenance standards for fences, pool enclosures and privacy screens. The Fence By-law sets standards that provide a compromise between function and aesthetics, with the intent of balancing competing desires and establishing consistency across the community.

If a property owner wants to construct a fence that is not in compliance with the Fence By-law, the owner can apply for a site-specific amendment to the by-law. Applications are received and reviewed by the Community Standards Division with consideration given to:

- Whether the requested amendment would be consistent with the intent of the by-law,
- Whether there are any unique site-specific conditions warranting an exemption to the community standards set out in the by-law (e.g., grade changes, noisy or high-activity uses on adjacent sites),
- Council decisions on past exemption requests,
- Any additional relevant circumstances (e.g., environmental, aesthetic, cost or safety considerations).

Staff discuss the results of their review with the applicant and the applicant is given the choice whether to proceed with the request to Council.

The owner of 26 Harmony Hill Crescent (the “Owner”) has submitted an application requesting a site-specific exemption to the Fence By-law to allow for exceedance of the 1.83 metre (6 foot) maximum height standard for residential lot fencing. Staff have reviewed this application and discussed options with the Owner. The Owner has decided to proceed with a request for exemption.

Discussion:

26 Harmony Hill Crescent is a single family residential lot. It is located in Ward 4 (north of Major Mackenzie Drive West and east of Bathurst Street), and is bounded on its north, east and south sides by the side yards of other single family residential lots. Currently, the north and south sides of the 26 Harmony Hill Crescent rear yard are bounded by a hedgerow that is approximately 2.44 metres (8 feet) high and the south side additionally has a 1.52 metre (5 foot) chain link fence on the outer side of the hedgerow. The rear (east) lot line is delineated by snow fencing. A hedgerow that was located fully on the subject site along the rear lot line was recently removed.

The Owner has obtained a permit to construct an in-ground pool in the rear yard of 26 Harmony Hill Crescent and construction of the pool is in progress. The Fence By-law requires that swimming pools be surrounded by a continuous enclosure with a minimum height of 1.19 metres (3.9 feet) and a maximum height of 1.83 metres (6 feet).

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In order to meet the pool enclosure requirements of the Fence By-law, the Owner is proposing to install a 1.52 metre (5 foot) chain link fence on the outer side of the north hedgerow, and a 2.44 metre (8 foot) high wood fence along the rear (east) property line. The proposed wood fence along the rear property line would exceed the maximum permissible residential fence and pool enclosure height by 0.61 metres (2 feet).

The Owner requests that a site specific amendment to exceed the rear yard maximum height standard be granted on the basis that the higher fence would maintain the existing level of privacy and provide for a more consistent appearance by matching the height of the hedgerow on the north and south sides.

On review of the 26 Harmony Hill Fence By-law amendment application, Staff note the following:

- The requested amendment would not be consistent with the by-law intent to provide consistency across the community.
- The subject property is not in close proximity to any high-use areas, nor is it subject to any unique site conditions that warrant an exemption.
- Since 2010, there have been 6 requests for site-specific amendments to construct rear yard fences at a height of 8 feet. 2 of these requests were approved and 4 of them were denied. The 2 approvals were granted on the basis of unique site conditions (e.g., adjacency to a regional road).
- In the view of staff, the potential aesthetic benefit arising from approximately matching the height of the existing hedgerows on the north and south sides of the property would be minimal.

On the basis of the above staff recommend denying this request.

Financial/Staffing/Other Implications:

There are no financial or staffing implications associated with this report.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are consistent with the Strategic Priority of a Strong Sense of Belonging given that by-laws aim to establish community standards that are consistent and fair for all.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

The Fence By-law sets standards that provide a compromise between function and aesthetics, with the intent of balancing competing desires and establishing consistency across the community.

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The Owner of 26 Harmony Hill Crescent has submitted an application requesting an exemption to allow for an 8 foot high fence along the rear (east) property line of his property. The Owner is requesting the exemption on the basis that the higher fence would maintain the existing level of privacy and provide for a more consistent appearance with the existing hedgerow on the north and south sides of the lot.

It is the view of staff that the requested amendment should be denied as there are no unique site-specific conditions that warrant this property being granted an exemption from the established community standard set in the Fence By-law.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

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Report Approval Details

Document Title:	SRCS.21.05 - 26 Harmony Hill Crescent Fence Amendment.docx
Attachments:	
Final Approval Date:	Apr 19, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele - Apr 19, 2021 - 9:34 AM

Darlene Joslin - Apr 19, 2021 - 9:55 AM

MaryAnne Dempster - Apr 19, 2021 - 10:15 AM