



Staff Report for Council Meeting

Date of Meeting: June 23, 2021

Report Number: SRCS.21.10

Department: Community Services
Division: Community Standards

Subject: **SRCS.21.10 – Fence By-law Amendment
Request – 99 Westwood Lane**

Purpose:

To respond to an application for site-specific amendments to the Fence By-law for 99 Westwood Lane.

Recommendations:

- a) That Staff Report SRCS.21.10 regarding a Fence By-law amendment for 99 Westwood Lane be received.
- b) That the Fence By-law No. 140-90 (Municipal Code Chapter 973) be amended via approval of By-law 86-21, to permit 1.82 metre (6 foot) high decorative metal fencing with stone pillar support structures in the front yards of lots on Westwood Lane between 73 Westwood Lane and 108 Westwood Lane, and on Denham Drive.

Contact Persons:

Don Guy, Manager 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 establishes 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, and
- any additional relevant circumstances (e.g., environmental, aesthetic, cost or safety considerations).

The owner of 99 Westwood Lane (the “Owner”) has submitted an application requesting site-specific exemptions to the Fence By-law to allow for:

1. exceedance of the 1.22 metre (4 foot) maximum height standard for residential lot front yard fencing by 0.61 metres (2 feet), and
2. exceedance of the 2.44 metre (8 foot) maximum privacy screen height by 0.61 metres (2 feet).

Staff have reviewed this application and discussed options with the Owner. The Owner has decided to proceed with a request for by-law exemptions.

Discussion:

99 Westwood Lane is a single family residential lot within Ward 5 bounded on its west, east and south sides by the side yards of other single-family residential lots. The Owner is in the process of major landscape renovations including an in-ground swimming pool, deck, and the subject front yard fencing and privacy screen.

The Owner is requesting a front yard fence height exemption on the basis that the fencing proposed would be consistent with existing fencing in the immediate area and the general aesthetic of the neighborhood. The request for extra privacy screen height is requested on the basis that the higher screen will provide a sight-line benefit for both the subject property and the neighboring property to the north-east.

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Front Yard Fence Height Exemption Request

Respecting the requested front yard fence height exemption, Staff note the following:

- The Owner is requesting an exemption to construct front yard fencing which is comprised of decorative metal elements and stone pillar support structures with a maximum height of 1.82 metres (6 feet).
- There are 13 properties in the immediate area, which are currently in contravention of the front yard fencing height standard as a result of existing fences similar to that which the Owner is requesting. The Community Standards Division has no record of ever receiving a complaint regarding the existing fences.
- Front yard fencing comprised of decorative metal fencing and stone pillar support structures up to 1.83 metres (6 feet) in height would be consistent with the established aesthetic of the neighbourhood. With the addition of 99 Westwood Lane, 34% of the lots in this area will have this specific style of fencing.
- Since 2010, four requests for site-specific amendments to exceed the front yard fence height have been considered by Council. All four of those requests were denied due to inconsistency with the surrounding neighborhood and impacts to neighbouring properties.

Based on the above, Staff recommend approval of a general front yard fence height exemption for the entirety of Denham Drive and on Westwood Lane between the points at which it intersects with Denham Drive (i.e., from 73 Westwood Lane and 108 Westwood Lane). This exemption would allow all lots in this area to have front yard fencing comprised of decorative metal and stone pillars up to 6 feet in height.

The recommended amendment to the Fence By-law No. 140-90 (Municipal Code Chapter 973) is attached to this report as Attachment 1 – By-law No. 86-21, and is included on the Council agenda for approval.

Privacy Screen Height Exemption Request

Regarding the privacy screen exemption requested, Staff note the following:

- The requested exemption is not consistent with the by-law intent to provide consistency in fence and screen heights across the neighbourhood.
- There are no unique site-specific conditions warranting an exemption to the privacy screen height maximum set out in the by-law.
- Council has considered one other request for additional privacy screen height since 2010 and this request was denied.

Based on the above, staff recommend that the requested privacy screen exemption for 99 Westwood Lane be denied.

Financial/Staffing/Other Implications:

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

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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.

The Owner of 99 Westwood Lane has submitted an application requesting site-specific exemptions to the Fence By-law to allow for construction of a 6 foot high front yard fence and a 10 foot high privacy screen (exceeding the by-law maximum standards by 0.61 metres (2 feet) in both cases).

Staff recommend approval of a general front yard fence height exemption for the entirety of Denham Drive, and the portion of Westwood Lane between its intersections with Denham Drive (i.e., from 73 Westwood Lane to 108 Westwood Lane). This exemption brings all of the lots in the area with front yard fencing comprised of decorative metal and stone pillars up to 6 feet in height into compliance with the by-law.

Staff recommend that the privacy screen exemption request be denied as there is no unique circumstance warranting an exemption to the Fence By-law standard.

Attachment:

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.

- Attachment 1 – By-law 86-21 to amend the Fence By-law 140-90

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Report Approval Details

Document Title:	SRCS.21.10 Fence By-law Amendment Request - 99 Westwood Lane.docx
Attachments:	- By-law 86-21 - WestwoodDenhamFrontYardFence.doc
Final Approval Date:	Jun 11, 2021

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

Tracey Steele - Jun 10, 2021 - 11:59 AM

Darlene Joslin - Jun 10, 2021 - 3:03 PM

Task assigned to MaryAnne Dempster was completed by delegate Kelvin Kwan

Kelvin Kwan on behalf of MaryAnne Dempster - Jun 11, 2021 - 11:00 AM