



Subject: Request for Fence Variance - 57 Renfield Street

To: Council - Public Meeting

From: Community Safety & Enforcement Department

Report Number: 2023-225

Meeting Date: November 14, 2023

Recommendation:

That Community Safety and Enforcement Department Report 2023-225, be received for information; and

That the owner of 57 Renfield Street be granted variance to allow for sections of the fence to be built at a height of 2.43 m (7.97 ft), whereas 3.04 metres (9.97ft) is proposed and the City's Fence By-law permits a height of 2 metres (6.56 ft) in residential areas.

Purpose:

This report is presented to Council as the owner of the property is requesting relief from the Fence By-law due to the lowering of the grade along the sides of their dwelling, and to provide privacy from the higher deck at the neighbouring property.

Background:

The owner of 57 Renfield Street has applied for a variance to the City's Fence By-law to permit sections of a fence to be built at a height of 3.04 metres and 2.43 metres. The City's Fence By-law permits a height of 2 metres in residential areas.

It is Council's Policy to review any variance requests for fences and decide on a case-by-case basis with the information provided. The applicant's property is located on the east side of the road at the north end of Renfield Street between two dwellings. The front entry of the dwelling fronts on Renfield Street with no rear neighbours or rear road allowance. The proposed fence will run on the north and south sides of the property starting at the rear of the dwelling and attaching to the existing fence at the eastern most point of the property.

Section 3.3.2 of the current Fence By-law 5510/107/10, Being A By-Law To Regulate Fences In The City Of Port Colborne And To Repeal By-Law No. 1170/117/81 as amended, establishes fence heights of 2 m (6.56 ft) above the effective ground level in any rear or side yards:

“3.3 Fence Heights in Residential Zones”

3.3.2 Except as otherwise provided in this By-law, no person shall construct or permit to be constructed or maintained any fence of a height greater than 2m (6.56ft) above the effective ground level in any rear and/or side yards from rear lot line to the front setback line as illustrated in Schedule “A” to this By-law.”

Discussion:

Staff received the application and supporting documentation, which are attached to this report as “Appendix A.” Staff then uploaded this information to the By-law Variance web page and opened it up for public comments.

The erection of the fence does not require a building permit, therefore no review from the Building Division is required.

The proposed fence is located in the rear yard with sections to be erected on the north and south sides of the property at a height of 3.04m (9.97ft) and 2.43m (7.97 ft). These sections of fence exceed the height requirements by 1.04m (3.4ft) and 0.43m (1.4ft) in residential areas.

Options:

- a) Do nothing – Staff do not recommend this option. The Applicant is attempting to augment the privacy of their property and has already installed fence posts. A response to the application is necessary.
 - b) Approve Variance – Staff do not recommend this option. Staff feel that the variance requested exceeds the reasonable variance in a residential zone. The requested fence height of 3.04m (9.97ft) would even exceed the height regulations for Commercial and Industrial Zoned properties where there are concerns for security and privacy that are not applicable in this case.
 - c) Reduce 3.04 m (9.97ft) sections of fence to 2.43 m (7.97ft) in height – Staff recommend a variance of 0.43 m in the area where relief is requested. The 2.43 m (7.97 ft) sections should supply sufficient privacy as it is just below the height regulations for privacy screens. The average height for fences in the Region of Niagara is 2.25 m (7.4 ft), the current height of fences in Port Colborne for side yards is 2 m (6.56 ft) and the current height for privacy screens is 2.5 m (8.20 ft). This new adjusted fence height would be in between with the average height in the region and our current privacy screen regulations.
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Internal Consultations:

No concerns regarding this application from the Planning Division.

No concerns regarding this application from the Building Division.

Financial Implications:

There are no financial implications.

Public Engagement:

The variance application was posted on September 20, 2023, on the By-law variance web page and closed on October 17, 2023. Two comments were received, which are attached to this report as “Appendix B.”

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
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Conclusion:

Staff recommend that council denies the fence variance request and adjusts the height of the request from 3.04m down to 2.43m in the first two sections of the application. The remaining fence would remain in compliance with the Fence By-law being under 2m in height. Staff believe this adjusted height will provide the applicant the desired amount of privacy.

Appendices:

- a. Appendix A: Fence variance application form and attachments
- b. Appendix B: Public comments on the application, submitted to the By-law Compliance Applications, and Appeals and Variances web page

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.