



Subject: Fence Variance Request 5521 Firelane 22

To: Council

From: Community Safety & Enforcement Department

Report Number: 2021-102

Meeting Date: April 12, 2021

Recommendation:

That Community Safety & Enforcement Department Report 2021-102 be received;

That the fence variance application for 5521 Firelane 22 as set out in Appendix A of Community Safety & Enforcement Department Report 2021-102 be approved to allow 2 m high cedar trees to be planted in the front yard and to waive the 4.5 m setback requirement from the driveway; and

That the Tree Planting By-law setback of 4.5 m be waived for coniferous trees.

Purpose:

This report is presented to Council to deliberate the fence variance request of Andrew Holland of 5521 Firelane 22.

The owner of the property is requesting relief from the Fence By-law to create some privacy by planting several cedar trees along the front (north side) of his property, adjacent to the laneway.

Discussion:

Nine cottages face onto Firelane 22 which has a 20 m road allowance. There is a reduced travelled portion of the road allowance of 6 m. The Firelane has numerous maple trees, grass and other vegetation growing on the untravelled portion of the road allowance (see Appendix B).

The southerly property line limit of the travelled portion of the road is approximately 6 m (20 ft) from the property line of 5521 Firelane 22.

The request to plant 1.8 m cedar trees along the front of 5521 Firelane 22, would require a variance from the Fence By-law, as all front yard fence/hedge heights must comply with section 3.3.1 of the Fence By-law 5510/107/10.

“3.3 Fence Heights in Residential Zones

3.3.1 No person shall construct or permit to be constructed or maintained within 4.5 metres of the street line in front yard: or within the required front yard if it is less than 4.5 metres.

(i) a fence of closed construction of a height greater than 1.0 metre above effective ground level; or

(ii) a fence of open construction of a height greater than 1.25 metres above effective ground level.

Where a building or a part of a building is closer to the front lot line than 4.5 metres, this distance shall be known as the Required front yard.”

The Tree Bylaw 6175/01/15

Section 5

" The planting of the following Tree species on private property shall be a minimum of 4.5 metres from any property line adjacent to City Property

- a) Manitoba Maple
- b) Silver Maple
- c) All Poplar Species
- d) All Willow Species
- e) All Ash Species
- f) All Coniferous Species"

The planting of cedar trees would not impede the visibility in this area and therefore the front yard requirements could be waived without causing issues. Further, the Tree Planting By-law requires a 4.5 m set back of coniferous trees to help with visibility and root structures for sidewalks and roads. As this area is a stoned laneway with no sidewalk or infrastructure, this requirement may also be waived. However, the trees must be wholly planted on the resident's property with a set back to account for future growth.

Internal Consultations:

The Fire Department and the Public Works Department have no objections to the request. However, these departments request that the trees be fully placed on private property at a distance which accounts for future growth.

Conclusion:

Staff recommend that the fence variance request for 5521 Firelane 22 be approved as presented to allow 2 m high cedar trees to be planted in the front yard as well as the 4.5 m setback from the driveway requirement be waived. Staff also recommend that the Tree Planting By-law setback of 4.5 m be waived for coniferous trees.

Appendices:

- a. Application Form for Relief of Fence By-law 5521 Firelane 22
- b. Aerial and Street view of 5521 Firelane 22

Respectfully submitted,

Sherry Hanson, C.P.S.O.
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Report Approval:

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