



## Corporate Report

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**Report from** Planning and Development Services, Building and Development

**Date of Report:** June 6, 2014

**Date of Meeting:** June 23, 2014

**Report Number:** PDS-168-2014

**File:** 10.19.1

**Subject:** Variances to Fence By-law No. 2014-68 for 35 South Drive

### Recommendation

That Council approve the request for variances to Fence By-law No. 2014-68 to allow a 5'-0" (1.5 metre) high wrought iron fence and a 6'-7" (2.0 metre) translucent privacy screen to be located within the front yard setback of 35 South Drive and to allow a 5'-0" (1.5 metre) wrought iron fence to be located within the required 14'-9" (4.5 metre) driveway sight triangles on both the front and rear driveways.

### Summary

The owner wishes to construct an inground swimming pool and a shed in the exterior side yard of his property. A fenced enclosure is required around the swimming pool in accordance with the recently passed Fence By-law No. 2014-68. The setback requirements for the placement of the swimming pool enclosure found in the by-law are further constrained due to the unique shape of the property and the elevational difference from the front to the back of the property. Relief is being sought from the setback requirements to provide the property with useable amenity areas within the swimming pool enclosure.

### Background

The recently passed Fence By-law No. 2014-68 places restrictions on the height and location of fences including fences within a front yard and the requirement for a maximum 1 metre high fence within a driveway sight triangle. The proposed installation of a swimming pool and the requirement of a fenced swimming pool enclosure on this property, shown in Appendix '1', poses some unique constraints due to its unique triangular shape, and as a result, relief is requested from specific restrictions of the by-law. The property is located at the North West corner of South Drive and Downing Street in "Old Glenridge". Downing Street emerges onto South Drive out of a 4 metre deep ravine, shown in Appendix '2', and was subject to a Minor Variance in 1982, A-59/82, for a reduction in the front setback from 20 feet to 15 feet from the property line along South Drive. A building permit was issued in 1982 for the construction of a single detached dwelling with an attached garage.

## Report

The owner wishes to construct an inground swimming pool and a shed in the exterior side yard of the property. A fenced enclosure is required around the swimming pool in accordance with the recently passed Fence By-law No. 2014-68. The minimum height of a swimming pool enclosure is 5'-0" (1.5 metres). The proposed swimming pool enclosure, comprised of a 5'-0" (1.5 metre) wrought iron fence and a 6'-7" (2.0 metre) privacy screen, is proposed to be located along the property line along South Drive and exceeds the 1.0 metre high height limit for a fence within the front yard setback, as required by By-law No. 2014-68, Section 8.2 (i). The proposed location of the privacy screen will provide room for the deck around the pool and afford the owner privacy on what would otherwise be an area of his pool in full view of vehicular and pedestrian traffic along South Drive. The remainder of the fence is wrought iron, constructed as an open style, meaning there is 50% or more open space between the pickets of the fence which negates any safety issues dealing with visibility.

The proposed 5'-0" (1.5 metre) wrought iron fence located within the 4.5 metre driveway sight triangle adjacent to both the front and rear driveways exceeds the 1.0 metre maximum height limit for a fence required by By-law No. 2014-68, Section 8.1 (ii) and (iv). These areas of fence are also open style construction which will not block the sight lines of any traffic on the road or pedestrians along the sidewalk in the proximity of the front and rear driveways.

All other provisions of the new Comprehensive Zoning By-law No. 2013-283, regarding accessory structures and the new Fence By-law No. 2014-68 regarding pool enclosures have been complied with.

## Financial Implications

There are no financial implications to this request.

## Conclusion

It is staff's opinion that the request for variances on the height and location of the wrought iron pool enclosure and the privacy screen be granted. The proposed location and fence types to be constructed will not impede visibility by pedestrian and vehicular traffic on both South Drive and Downing Street due to the open type construction of this pool enclosure in the areas of concern. The location of the enclosure will provide the owner with the optimum amenity area and some privacy on what is a very uniquely shaped property at the convergence of two streets.

## Notification

It is in order to notify the agent, Forestgreen Creations Inc., PO Box 1485, 1423 Pelham Street, Fonthill, ON L0S 1E0; and the owners, Daniel Speck and Louise Pyle of Council's decision.

### Prepared by:

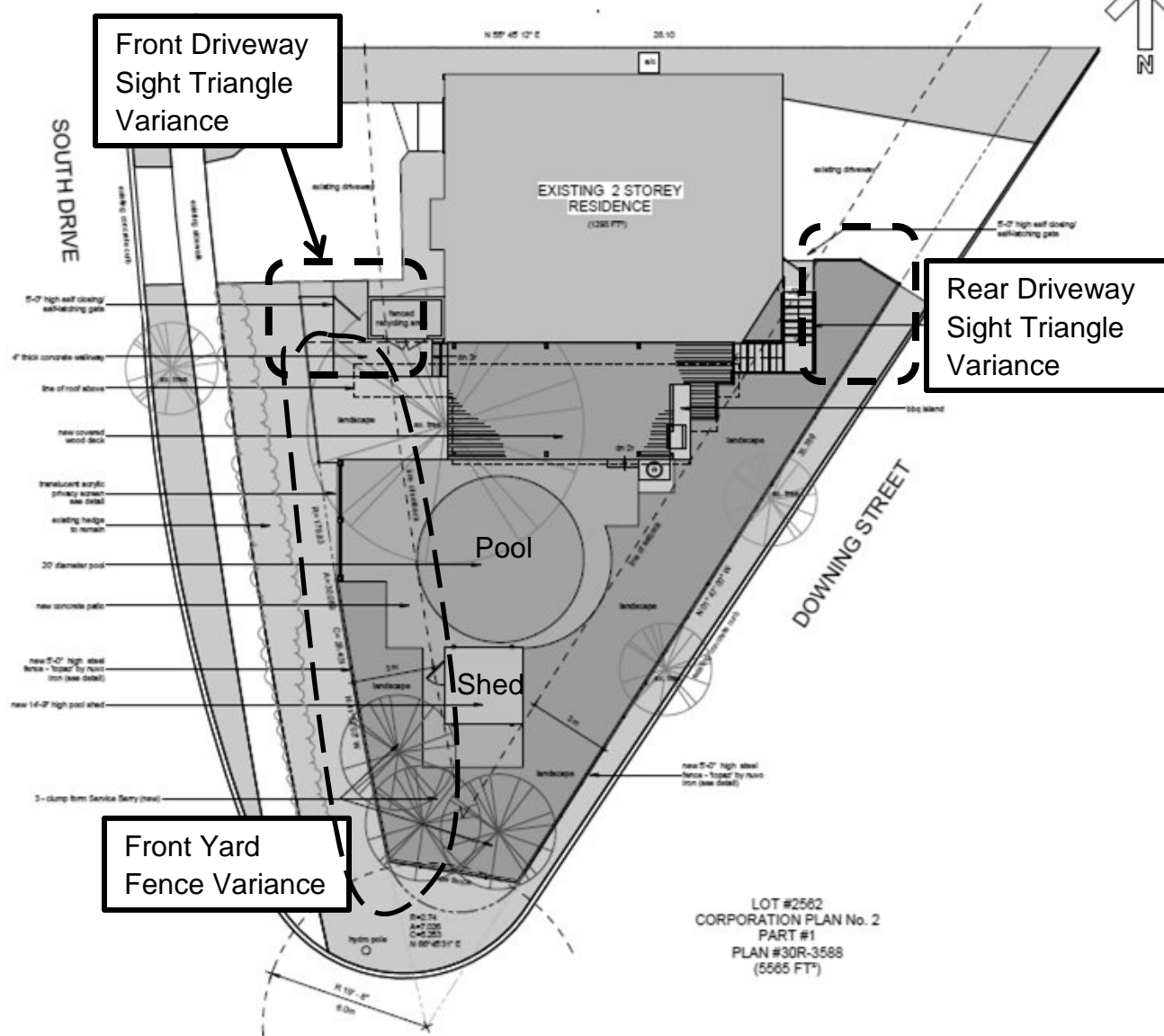
Brian Thiessen, M.A.A.T.O. C.B.C.O.  
Chief Building Inspector

### Submitted by:

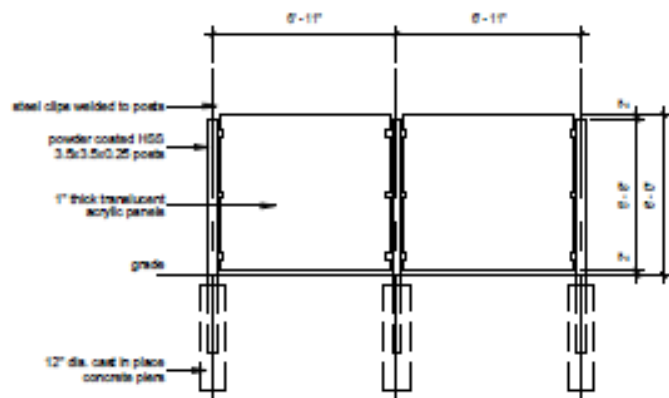
Sandra Burrows, P. Eng.  
Manager, Building and Development  
Chief Building Official

### Approved by:

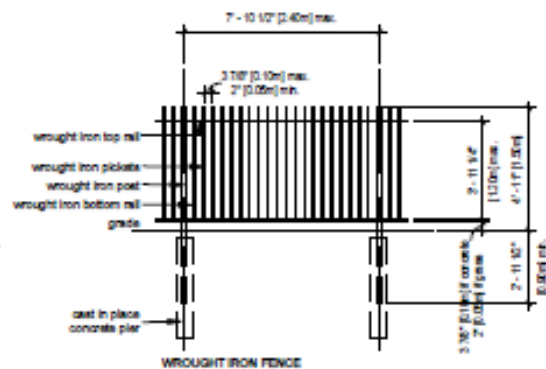
James N. Riddell, MPI, MCIP, RPP  
Director, PDS



2 Site Plan  
1/8" = 1'-0"



3 Privacy Screen Detail  
1/4" = 1'-0"



4 Fence Detail  
1/8" = 1'-0"



View from South Drive – looking South East (Front driveway on the left)



View from South Drive – looking North