SUBJECT: Application to Amend the Ancaster Fence By-law No. 82-82, for Property Located at 5 Ravina Crescent (Ancaster) (PED09218) (Ward 12)

RECOMMENDATION:

That approval be given to Fence By-law Amendment Application FB-09-001 Nicole Hood, Owner, to amend Fence By-law 82-82 (Ancaster) to permit a maximum fence height of 2.13 metres, in association with a single family use for the property located at 5 Ravina Crescent, (Ancaster), as shown on Appendix “A” to Report PED09218, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09218, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY:

The proposed amendment is intended to permit a 2.13 metre high wood privacy fence for a single detached residential property located at 5 Ravina Crescent, whereas the By-law has a maximum fence height of 1.83 metres for single detached residential properties.
The proposal has merit and can be supported because the fence is located along part of an interior side yard and rear yard, and is considered to be compatible with the surrounding neighbourhood.

**BACKGROUND:**

**Proposal:**

The applicant requires an amendment to the Ancaster Fence By-law (By-law No. 82-82) for an existing wood privacy fence which was erected in the southerly side property line and along a portion of the rear property line of property located at 5 Ravina Crescent, Ancaster. The Ancaster Fence By-law does not permit fences for single detached dwellings to exceed 1.83 metres in height, whereas the applicant's fence would be 2.13 metres in height. The fence would exceed the 1.83 metre height requirement of By-law No. 82-82 due to the addition of a 0.3 metre (1 foot) high lattice section on top of the 1.83 metre solid wood fence. The 0.3 metre high lattice sections were added along the westerly part of the rear property line abutting 189 Fiddlers Green Road (approximately 18.4 metres in length), and along the rear part of the westerly side property line abutting 201 Fiddlers Green Road (approximately 20.4 metres in length) (see Appendix “D”).

The Owner’s fence was reconstructed during the spring/summer of 2007 following a fire on the property which required the reconstruction of the Owner’s home and privacy fence. The lattice section has been added to provide for improved levels of privacy for the Owner’s in-ground pool and to provide additional screening for an accessory structure on an abutting property located at 189 Fiddlers Green Road (see Appendix “C”).

**Details of Submitted Application**

<table>
<thead>
<tr>
<th>Owner/ Applicant:</th>
<th>Nicole Hood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>5 Ravina Crescent, Ancaster</td>
</tr>
<tr>
<td>Property Size:</td>
<td></td>
</tr>
<tr>
<td><strong>Frontage:</strong></td>
<td>19.86 metres</td>
</tr>
<tr>
<td><strong>Depth:</strong></td>
<td>43.22 metres</td>
</tr>
<tr>
<td><strong>Area:</strong></td>
<td>0.084 Ha.</td>
</tr>
</tbody>
</table>
SUBJECT: Application to Amend Ancaster Fence By-law No. 8282, for Property Located at 5 Ravina Crescent (Ancaster) (PED09218) (Ward 12) - Page 3 of 6

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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</table>

Surrounding Lands:

<table>
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<tr>
<th>Location</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwelling and Condominium Townhouses (70 units)</td>
<td>Existing Residential “ER” Zone and Residential Multiple “RM3-359” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS / RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) The proposed fence is situated on a large lot (19.86 metres by 43.22 metres), which abuts 2 other large deep lots to the west. The property at 201 Fiddlers Green Road has a lot depth of 47.8 metres, and the property at 189 Fiddlers Green Road has a lot depth of 63.7 metres. The rear yard of 201 Fiddlers Green Road is approximately 25.7 metres in depth, while the rear yard depth of 189 Fiddlers Green Road is approximately 43.5 metres in depth.

   The large nature of the subject property and the abutting properties would enable the higher fence sections to blend in with the surroundings without negatively affecting the residential character of the area. While allowing for increased privacy and security associated with the Owner’s pool, the fence does not create the impression of a wall or fortress within the Owner’s rear yard. While lower fence heights generally help to foster
good relations between neighbours, it is understood that in certain situations, increased levels of privacy for home owners may be desirable.

(ii) The proposed fence is of a high quality design which complements the subject property. The provision of the lattice sections provides for variation in the fence design and allows for views between neighbouring properties. It is recommended that the lattice sections be maintained as part of the amendment to By-law No. 82-82.

(iii) The proposed fence is located within interior side or rear yards, which are the preferred locations for increased fence heights on properties with single detached dwellings.

2. A review of the maximum fence heights for the other former municipalities within the City of Hamilton has identified that the maximum height of a fence for a single detached dwelling is between 1.82 metres and 2.01 metres. The Zoning By-laws for Hamilton, Stoney Creek, and Flamborough permit the maximum fence height for a property containing a single detached dwelling to be 2.01 metres. The proposed fence would, therefore, slightly exceed the maximum height requirements which are currently in place in other areas of the City of Hamilton.

However, a Best Practices comparison of municipalities outside of Hamilton has identified maximum fence heights for properties containing single detached dwellings to be in the range of 1.8 metres and 3 metres for side and rear yards. The most flexibility, in terms of height for fences, is for the interior side and rear yards because of the lower visibility, and because there are no pedestrian safety or traffic issues. Fence heights that are 2.13 metres or higher are permitted in Mississauga (3.0m), Kitchener (2.4m), Waterloo (2.4m), and Vaughan (2.13m). The proposed 2.13m fence height would, therefore, be lower than the height requirements of some of these other municipalities.

3. The applicant’s fence is regarded as a pool enclosure for the existing in-ground pool, which is located in the rear yard. As a pool enclosure, a slightly higher fence in the side and rear yards would be desirable for privacy and life safety issues. It has been noted that the pool was constructed without the approval for a pool enclosure from the City, however, this matter is now being addressed.

The Pool Enclosure By-law requires fences of wood construction to have top and bottom rails of at least 38mm by 89mm (2 inches by 4 inches), and spaced to provide a minimum clearance of 1.0 metre between the rails. The Owner’s fence will need to be modified slightly to comply to this requirement. The Owner is
currently working with the City’s Building Services Division to address the deficiencies and to obtain the required pool enclosure permit.

**ALTERNATIVES FOR CONSIDERATION:**

If the proposed application for an amendment to the Ancaster Fence By-law is denied, the proposed fence would need to be modified to comply with the 1.83 metre height requirement for fences associated with single detached dwellings by removing the lattice sections and adjusting the height of the support posts.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: No financial implications.

Staffing: No staffing implications.

Legal: The proposed amendment is under the Municipal Act, and there are no requirements for a Public Meeting.

**POLICIES AFFECTING PROPOSAL:**

**By-law No. 82-82 (Former Town of Ancaster Fence By-law)**

By-law No. 82-82 provides regulations for fence height and construction specifications for fences according to the type of land use.

Section 3(1) of By-law No. 82-82 requires that the height of a fence measured from grade perpendicularly to the top of such fence shall not exceed 1.83 metres when locating on single family use property or separating single family uses from other single family uses. The proposed fence exceeds the requirements of By-law No. 82-82 by 0.3 metres due to the installation of a lattice section along the top of the fence.

**Site Plan Guidelines**

The City of Hamilton Site Plan Guidelines do not regulate fence heights, but provide guidance and specifications for the development of various types of privacy fences to ensure high quality design in areas where they may be required. The applicant’s fence is a decorative wood fence that would be consistent with the quality of fencing provided in the Site Plan Guidelines.
New City Standards for Fences

The regulation of fences will not be included in the City's New Comprehensive Zoning By-law, but is expected to be examined in the near future through a comprehensive review by the Building Services Division to establish a new City-wide Fence By-law. At this time, the fence height regulations that may be considered for properties containing single detached dwellings is not known.

RELEVANT CONSULTATION:

Departments/Agencies having no concerns or objections:

- Traffic Engineering Section, Operations and Maintenance Division, Public Works Department.

CONCLUSION:

On the basis of the foregoing, the application is considered to be appropriate and can be supported.

:CT
Attachs. (4)
Appendix “B” to Report PED09218  
(Page 1 of 3)

Authority:  Item [BLANK],  
Economic Development and  
Planning Committee  
Report: 09 [BLANK]    PED09218  
CM: [BLANK], 2009

Bill No. [BLANK]

CITY OF HAMILTON

BY-LAW NO. [BLANK]

To Amend Zoning By-law No. 82-82 (Ancaster), respecting lands located at 5 Ravina Crescent, in the former Town of Ancaster, now in the City of Hamilton

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c25, as amended, confers upon Council the power to pass a By-law prescribing the height and description of lawful fences;

AND WHEREAS the former Town of Ancaster enacted By-law No. 82-82 prescribing the height and description of fences;

AND WHEREAS the City of Hamilton is the lawful successor of the former Town of Ancaster;

AND WHEREAS it is deemed desirable to amend By-law No. 82-82;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [BLANK] of Report 09-[BLANK] of the Economic Development and Planning Committee, at its meeting held on the [BLANK] day of [BLANK], 2009, recommended that By-law No. 82-82 (Ancaster) be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1.  Section 3 of By-law No. 82-82 is hereby amended by inserting therein a new Subsection (11) as follows, namely:

“(11) Notwithstanding Subsection 3(1) above, the height of a fence measured from grade perpendicularly to the top of such fence shall not exceed 2130mm for a fence associated with single family use property on lands known municipally as 5 Ravina Crescent, which shall consist of a 300mm high lattice portion, which is added to the top of a 1,830mm wood privacy fence.”
PASSED this day of , 2009.

________________________   ________________________
Fred Eisenberger             Kevin C. Christenson
Mayor                        Clerk

FB-09-001
Appendix "B" to Report PED09218

This is Schedule "A" to By-Law No. 09-
Passed the ............ day of ....................... , 2009

Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No. 82-82 (Ancaster)

Subject Property
5 Ravina Crescent, Ancaster

[Shaded area] Amendment to By-law 82-82 to permit fence height for a single family use property to be 2.13 metres.
0.3m Lattice Section

1.83m High Wood Privacy Fence

Photo 1 - View of Proposed 2.13m High Fence along Southerly Side Property Line

0.3m Lattice Section

1.83m High Wood Privacy Fence

Photo 2 - View of Proposed 2.13m High Fence along Rear Property Line