



Fire and By-law Enforcement Department

Wednesday, March 27, 2024

Subject: Fence Variance 27 Milburn Drive

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0066 Fence Variance – 27 Milburn Drive, for information;

AND THAT Council approve the requested 6-foot, wooden fence to be erected on a small area considered the front yard of the property to conform to the Town's Pool By-law regulations.

Background:

27 Milburn Drive is a unique property within Pelham for the fact that it's property lines border onto three streets including Welland Road, Milburn Drive and Woodside Square and the property does not have a rear yard or a conventional front yard.

This Application is made in conjunction with a Pool Permit Application the Town has received for this property. This Fence Exemption Application, if approved, will conform to the regulations and requirements for security fencing around a pool.

Analysis:

This exemption consideration requests relief to Section 6 of the Towns Fence Bylaw 4157(2019) relating to "*no fence of a greater height than 1.22 m (4'-0") above the adjoining ground level shall be erected or caused to be erected or maintained or caused to be maintained in any front yard*". This would permit the owners to install a 6 ft high wooden fence on a small area designated as the front yard of the property. A portion of this new fencing would mirror and attach to the existing fencing which is currently along the east side of the property and will also form part of the fencing required for security around a pool.

It should be noted that the owners of the property also applied for Minor Variances from the Town for structures including a pool equipment room, change room and covered patio which were presented to the Committee of Adjustment through the Planning Department and was approved on March 4, 2024. Permit Applications for these structures are now in progress. The proposed new fencing (which is covered under this exemption request) will also be attached to these new structures and will allow the footprint of the new fencing to be kept to a minimum. Site lines have also been considered in this application and have been adhered to.

Due to the uniqueness of this property and the owners willingness to work with the Bylaw Department in regard to this application, the Bylaw Department fully supports this Application for an Exemption to the Fence Bylaw at 27 Milburn Drive, Fonthill, to allow a 6 ft high wooden fence to be erected on a small area considered the front yard of the property in order to conform to the Towns Pool Bylaw regulations.

Financial Considerations:

There are no direct costs associated with this report.

Alternatives Reviewed:

Smaller size fence or fencing directly around pool.

Strategic Plan Relationship: Community Development and Growth

No concerns with fence as per by-law, planning, building and public works departments.

Consultation:

Owners of the property, Bylaw Department, Planning and Development Department, Public Works

Other Pertinent Reports/Attachments:

Final inside and outside picture of proposed fence
Final Landscape concept drawing 5
Final revised drawing
Letter to council
Satellite images x2
Schematic diagram of approximate new fence location x2
Town of Pelham, Notice of decision, A3-2024 NOD

Prepared and recommended by:

Bob Lymburner, Fire Chief
Director of Fire and By-law Services

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer