

Overview of Fence Variance Process

The Fence Variance process was established in 2003 upon approval of the county's [Fence By-Law 54-03](#) and has remained unchanged. While the Fence By-Law and Variance process are regulated under the Municipal Act, all variances are heard by Committee of Adjustment. Any appeals of Committee Decisions proceed to Council for final decision.

As part of research undertaken for this project other municipal fence by-laws were reviewed. While other municipal fence regulations are similar to those proposed by the County, the County's approach and by-law is unique in that specific process is set out for property owners to seek Fence Variance's (Section 8 of By-Law 54-03).

Currently landowners within the County of Brant may request a variance from [Fence By-Law 54-03](#) in accordance with Section 48 (2) if regulations cannot be met. This process requires a fee of \$159.65, an application to be completed, and a plan illustrating the proposed fence design.

On average, Fence Variances require approximately 6-9 staff hours and resources per year (based on data collected over the past 5 years, between 2018 - October 2022). Table 2 provides an overview of the number of Fence Variances submitted each year.

Table 2 – Historic Fence Variances (2018 – October 2022)

Year	Number of Fence Variances
2018	7
2019	2
2020	8
2021	8
2022*	4

*The yearly Fence Variance count for 2022 calendar year reflects applications received up to October 2022.

****No appeals received between 2018 – 2022* to Planning and Development Committee.**

Each of these applications equates to approximately 6-9 hours of staff time, calculated from when an application is received up to the Committee Decision. Table 3 provides a breakdown of the Fence Variance Process and time each step within the process takes.

Table 3 - Fence Variance Process

Activity	Time Required
Process and review applications submission	1-2 hour
Deem Application Complete or Incomplete / Send Correspondence to Applicant / Schedule Committee Hearing	1 hour
Prepare report and supporting information for Committee Hearing	2-3 hours
Attendance at Committee Hearing	2-3 hour
Total Time Required	6-9 hours

*Fee for Fence Variance \$159.65. This fee has only nominally increased since the initial passing of [Fence By-Law 54-03](#) in 2003.