

General Committee Meeting

November 1, 2023

Deputation re: Fence Exemption Request

2690 Homelands Drive

By: Jennifer Moran

Our children, especially my 9 year old son loves basketball. Unfortunately we live on a very busy street where playing on the driveway is not an option as it would not be safe.

My mother looked at options as she wanted my children to be able to enjoy the game they love and found there were lots of Companies installing backyard courts. My mother decided she wanted to do this for my family, so we looked into Companies who installed backyard courts.

I checked with the City of Mississauga prior to any work commencing to see if we required a permit. I was advised that no permit was needed.

I was informed of the following:

For a basketball court in the rear yard, the court is considered a hard surfaced area and must comply with the regulations of the zoning by-law

4.1.5.7

Decorative paving, pool decking, and other hard surfaced landscape material are permitted an unlimited encroachment in a required rear yard, provided that they do not exceed 0.3 m in height above grade at any point, and maintain a minimum setback to any lot line of 0.61 m. (0297-2013), (0190-2014), (0144-2016)

Please note the min setback of 0.61 m to any lot line.

I strongly believed I had covered all bases and was good to proceed with the work. I called several Companies and all of the Companies I called highly recommended the containment netting. The Company we chose to install our court was Total Sports Solutions and they advised us they install the netting all the time and set it at 10-foot height which would not be a concern for city bylaws.

Ball Containment Netting

Containment netting perfect for stopping wayward balls from going into your neighbours yards!

The main reason we chose to install the netting even with the cost involved was so it would not be disruptive to the neighbours. The neighbours behind are all the way around the block from us.







We were taken aback when we were notified the netting was considered a chain link fence as not once in looking into netting was it referred to as a fence and the netting is the required 0.61 m away from the lot lines.

From the total sports solution website it is referred to as UV resistant black nylon netting which is soft on the eyes and blends perfectly with existing landscapes.

We have seen many people with high netting around trampolines in their backyards.

I asked the law enforcement officer to come back to see that the netting was not chain link and separate from our fence. When he came out he stated we still needed to proceed with a fence exemption application. We were informed at that time that we did not need a property survey and could just draw a diagram with our lot measurements and show where the court is. I expressed concern about having to obtain consent from all abutting neighbours given one had filed the complaint. We were told to try to get 3 of the 4 and we should have a good chance of receiving the exemption.

Our abutting neighbours on both sides were happy to provide the consent. The one side that is mostly affected understands why it is there; to prevent balls from going over and is in support of this.

Unfortunately the neighbours behind us would not provide consent. The neighbour that filed the complaint advised that she felt it looked like a prison. She kindly asked if I wished to see it. When we went to the yard, it was barely visible with the trees. She admitted it wasn't bad with the trees but in the winter when the trees were not there it would be an issue.

I mentioned the concern about the ball constantly going over. We would not just be able to easily retrieve it. I never really received a response to this. However it felt as though if the ball went over and they were outside at the time they would throw it back over and if not then it would be too bad for us.

The other neighbour behind initially stated she would not sign as she did not wish to get involved in neighbour disputes. I asked if she felt comfortable informing me if it impacted her personally as I did not understand how she could see it from her yard. She then admitted the issue was she could see it when she was at the neighbours.

She then proceeded to express the concern for her is more the noise. (For context, we have rarely played on the court since all this has happened, have never been out more than 30 minutes at a time and never play too early or late). We stated we would also be respectful and not play if they were having an outdoor event which is something we never would do. She then stated she does not feel courts should be in backyards.

I submitted the application with all the information I had and consent from 2/4 neighbours. I received a reply that it would be sent back as it was incomplete and would not be accepted without a property survey (initially when I said I did not have a copy of this I was told it was not needed).

There is no question about whether the court is on our property or not. I was also told without consent from all neighbours it would remain incomplete. The next step I was told was to submit a deputation to Council and this is the reason why I am here today.

COUNCIL MEETING

JUL 31 – AUG 8, 2023

