

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-8/21  
Location: 1 Calgary Avenue  
Hearing Date: January 14, 2021  
Owner: Milan and Viera Svitek  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B)

**Request:** The applicant is seeking relief from the By-Law requirements to permit the existing fence in the front yard between 1.72 metres and 1.99 meters in height as shown on the sketch provided.

**By-Law Requirements:** The By-Law requires that, within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.

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## Staff Recommendation

### Approval with Condition

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## Recommended Conditions

### Planning Services

1. The fence shall not be located within the City's right-of-way.
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## Comments

### Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variance to permit an existing fence in the front yard between 1.72 metres and 1.99 meters in height does not conflict with the general intent and purpose of the residential policies of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant has constructed a 1.72 to

1.99 metre high fence in the front yard along Ottawa Crescent. Section 4.20.9 of the Zoning By-law permits a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected. Limiting the fence height also ensures there is no conflict with safety (ie. with respect to sightlines).

The fence is existing in the "front yard" as defined by the Zoning By-law, however, the functional "front yard" for the subject corner lot property is along Calgary Avenue and the functional "exterior side yard" is along Ottawa Crescent. The higher fence located in the defined front yard gives the owners their desired privacy, frames their outdoor amenity space and is not located within the sightline triangle. Staff are satisfied that the increased fence height does not create any significant, unacceptable adverse impacts for the abutting neighbour or the streetscape. The requested variance meets the general intent and purpose of the Zoning By-law.

The owners have indicated that the existing fence is partially located on the City right-of-way and have noted if the variance is approved, the fence will be relocated to ensure it is on or within their property line.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Staff recommend approval of the application subject to the condition noted above.

### **Engineering Services**

Engineering staff have no concerns with the requested variance to permit the existing fence height in the front yard between 1.72 metres and 1.99 metres. Based on the provided sketch, the fence is located outside the sightline triangle and should not impact the sightlines.

We agree with recommendations made by the Planning and Building staff.

### **Building Services**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain the height of the existing fence located in the front yard of the property. A variance from 4.20.9 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit the existing fence in the front yard between 1.72 metres and 1.99 meters in height as depicted in the application.

Building Services supports Planning Services condition.

### **Comments from the Public**

Yes (See Attached)

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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