

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-58/20  
Location: 61 Mary Street  
Hearing Date: February 25, 2021  
(Deferred at the December 10, 2020 hearing)  
Owner: Genevieve Newton  
Agent: Geoff Newton  
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 an existing fence in the front yard between 1.25 metres and 1.95 metres in height.

**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. That the fence shall not be more than 0.8 metres above the level of the travelled portion of the abutting street where it is located within the sight line triangle.
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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 does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The applicant is requesting a variance to the Zoning By-law to permit an existing fence height of 1.25 metres, sloping up towards the dwelling to a maximum of 1.95 metres in the front yard (adjacent to 55 Mary Street), when the By-law requires any fence located in the front yard in a residential zone not to exceed 0.8 metres in height.

The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively impacted. Limiting the fence height also ensures there is no conflict with safety (i.e. sight lines). In this case, there was previously a row of hedges where the existing fence is now located. There is also a grade difference between the subject property and 55 Mary Street and a fence will ensure pedestrian and vehicle safety along the property line.

Based on the lot configuration, existing and past landscaping and the grade between the subject property and the neighbouring property where there is the existing fence, the proposed fence does not negatively impact the streetscape.

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

A condition for this application is being recommended to ensure the fence complies to Section 4.6.1 of the Zoning By-law. Zoning staff will be completing a site visit to confirm the fence height does not exceed 0.8 metres above the level of the travelled portion of the street, where the fence is located within the sight line triangle.

Planning staff recommend approval of the application subject to the condition noted above.

### **Engineering Services**

Engineering staff have no concerns with the request of seeking relief from the By-Law requirements to permit an existing fence in the front yard between 1.25 metres and 1.95 metres in height as shown on the sketch provided.

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

### **Building Services**

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is seeking relief from the By-Law requirements to permit an existing fence in the front yard between 1.25 metres and 1.95 metres in height.

Providing the condition recommended by Planning Staff are imposed, Building Services does not object to this application.

### **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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

TTY: 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)