

## Committee of Adjustment

---

**From:** James Mottin [REDACTED]  
**Sent:** Monday, May 31, 2021 3:02 PM  
**To:** Committee of Adjustment  
**Subject:** Fw: Application #A-36/21

**[EXTERNAL EMAIL]** Do not click links or attachments unless you recognize the sender and know the content is safe.

sending to cofa@Guelph.ca due to message that the email address supplied was not delivered...

[ cofa@Guelph.ca was not deliverable...possibly that will limit input, a concern given I know of at least 4 others intending to provide input supporting relief from the FRONT yard Bylaw. signed Dr. J. Mottin.

---

**From:** James Mottin  
**Sent:** Monday, May 31, 2021 1:29 PM  
**To:** cofa@Guelph.ca <cofa@Guelph.ca>  
**Cc:** cofa@Guelph.ca <cofa@Guelph.ca>  
**Subject:** Application #A-36/21

**Application # A-36/21**

60 Kathleen Street.

Trista DiLullo, ACST

Secretary-Treasurer, Committee of Adjustment

Email: [cofa@Guelph.ca](mailto:cofa@Guelph.ca)

The following represents our support for Application # A-36/21 regarding an allowance for the existing fence facing Kathleen St next to the house at 60 Kathleen St. at the corner of one-way Tipperary Pl & Kathleen St.

1. As we understand it: the Bylaw “specifically” requires that, within any residential zone any FENCE located in the FRONT YARD shall not exceed 0.8 meters in height as specified in the Committee of Adjustment’s NOTICE REGARDING APPLICATION A-36/21. However, the existing fence being considered is not in the ‘FRONT YARD’, but in 60 Kathleen’s side yard, as the backyard is a parking lot and thus not suitable for family use, especially not one with 3 young children. TECHNICALLY, 60 KATHLEEN HAS NO ‘BACKYARD’ IN THE CONTEXT OF WHAT IS NORMALLY MEANT WHEN SPEAKING OF AN AREA PROVIDING FAMILY PRIVACY, AS PROVIDED BY FENCING---thus there is no question at all that the fence in question is a privacy fence for a side yard that replaces a missing family use backyard.
1. This side yard at one time was reduced in width by a previous owner some time ago, as we were told at the time, to ensure that at some point another house would not be placed in that space and thus damage to value of 60 Kathleen St.
2. The fence in question providing privacy to the side yard, is significantly off of- Kathleen St. and its sidewalk, as per the outline provided—indeed, the fence is aligned with the front of the house which faces Kathleen St.

3. Worth noting is the fact that for esthetic reasons the Kathleen side of the fence is lined with vertical growing evergreen trees, and the bylaw would not impact this line of trees, though they will not provide the family-child privacy the fence provides.
4. The main function of the fence is for child safety and family privacy in a neighborhood where many of us have backyard fences for such purposes. Indeed, our fence runs along Tipperary place and was given a allowance for height, in part because it was professionally installed for family privacy, child safety, and now it is esthetically covered by ivy, as opposed to the vertical evergreens installed at 60 Kathleen, a fence also installed by professionals. We saw professionals installing the side yard fence in question via A-36/21
5. **PRIVACY, SAFETY, & TRAFFIC:**
  1. **TRAFFIC, (A)** This area has a great deal of foot traffic day and night, and thus there is need for a fence in part for privacy, but to also keep valuables out of sight and locked in—some of the foot traffic is done by those seeking items to sell for drugs, so it is important for us all to keep valuables out of sight (even flowers and pots have been stolen here).. The Kathleen side yard fence has a height that serves to keep valuables out of sight...the Tipperary Pl side also has an obvious camera that has been used to ward off theft. It is where cars park in what would normally be a backyard.
  2. **TRAFFIC (B): ‘THE FRONT OF HOUSE’ ALIGNMENT’ OF THE FENCE IN QUESTION DOES NOT BLOCK TRAFFIC VIEW ON KATHLEEN, EITHER FOR THOSE ENTERING KATHLEEN ST FROM TIPPERARY PLACE, OR BACKING OUT OF DRIVEWAYS THAT LEAD TO KATHLEEN ST IN EITHER DIRECTION FROM 60 KATHLEEN. INDEED, THE FENCE IS NOT REALLY IN LINE OF SIGHT WHEN ENTERING KATHLEEN FROM TIPPERARY, for drivers or pedestrians...that is this side yard fence is not even obvious if entering Kathleen.**
  3. **SAFETY:** As parents of two daughters, we recall Our concerns when they were young in terms of backyard (street side) play. Some of that concern was for traffic, in my case on Tipperary as opposed to even more risky Kathleen. Some of that concern was to keep very young children out of sight of strangers walking by—my own daughters in both cases, as well as others in the yard (I had a popular tree house). Parents need a home playground that does not always demand parents in the playground.
  4. **PRIVACY:** Family privacy is very important at times, one of the reasons for buying a house as opposed to a Condo or Apartment. If we wish to visit, we sit on the front porch. Given the pedestrian and car traffic on Kathleen, or in our case-Tipperary Pl, a high fence is important if one wishes to not have people looking in or be convinced you are willing to be observed/ or chat.
  5. **PARK SETTING:** It is certainly worth understanding that the setting for this newly replaced fence for the side yard is directly across from A REGIONAL PARK with significant use daily, and especially on weekends. Even during Covid restrictions, all sorts of groups come to the park and align groups of lawn chairs using Covid Social distancing rules to socialize.

Basically, we were shocked to discover the fence in question was being challenged, especially via a bylaw that applies to “front yard fencing.” We moved into ■ Kathleen in 1973 and have seen several people living at 60 Kathleen, and at times it was filled with owners + renters, and even rowdy young men, one of whom backed into our back yard fence along Tipperary Pl. By contrast, this family is an especially friendly family with twin girls and a slightly older sister of the twins. The children seem to be outside as often as possible, and the family has done extensive renovations to the house and property. The front yard and the side yard in front of the fence in question have been the focus of much care in terms of planned flower beds, etc. At the present time the side yard

in front of the fence in question is a significant part of this family's love of Guelph, as well as living close to schools and across the street from a park...they moved from busy Toronto and seem to love Guelph very much---basically they are good neighbors, so we would expect others beside ourselves to support relief from a Bylaw that would appear to us to not really apply given the fence is for privacy to a side yard that replaces a backyard, one that is heavily used by the family given they do not have a normal "backyard".

Signed:

Dr. James L. Mottin @ [REDACTED] Kathleen St.

Mrs. Betty J. Mottin @ [REDACTED] Kathleen St.