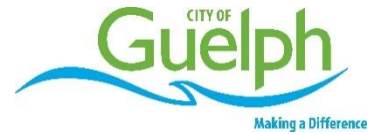


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-4/20
Location: 492 Victoria Road North
Hearing Date: January 9, 2020
Owner: Shellie and Terry Sawyer
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the sketch provided.

By-Law Requirements: The By-law requires that fences located in the front yard shall not exceed 0.8 metres in height.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the variance shall only apply to the portion of the existing fence located in the front yard as shown on the public notice sketch. This variance does not apply to the portion of the fence that is to be removed (as noted on the public notice sketch and recommended by Engineering).

Engineering Services

2. That prior to May 1, 2020, that Owner(s) agree to remove the entire fence encroaching within the City's Right Of Way on Islington Avenue and Victoria Road.
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Comments

Planning Services

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which

includes fencing. The requested variance meets 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. The applicant has constructed a 1.7 to 2.25 metre high fence in the front yard along Islington Avenue. 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 and 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 property is along Victoria Road North and the functional "exterior side yard" is along Islington Avenue. The higher fence in the functional exterior side yard (along Islington Avenue) gives the owners their desired privacy and frames their backyard amenity space. The requested variance meets the general intent and purpose of the Zoning By-law.

The sketch submitted with the application is difficult to read, however, staff can see that the increased fence height is only for a portion of the front yard, not within the sight line triangle, and the applicant has indicated on the sketch that a portion will be removed. Staff are therefore satisfied that the increased fence height does not create any significant, unacceptable adverse impacts on the abutting neighbour or the streetscape. The requested variance is considered to be desirable for the appropriate development of the lands and minor in nature.

Planning staff have reviewed Engineering comments and are in agreement with their condition regarding removal of the portion of the fence that is encroaching within the City's right-of-way on Islington Avenue and Victoria Road North.

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

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the sketch provided, subject to the condition noted above.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain an existing fence in the front yard of the existing dwelling (facing Islington Avenue) and remove the existing fence encroaching on city property.

Providing that the conditions recommended by Engineering and Planning Staff are imposed, Building Services does not object to this application to permit a fence in the front yard between 1.7 metres and 2.25 metres in height.

Comments from the Public

None

Contact Information

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