

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-74/23  
Location: 385B Starwood Drive  
Hearing Date: November 9, 2023  
Owner: Anthony and Dena Namis  
Agent: N/A  
Official Plan Designation: Low Density Greenfield Residential  
Zoning Designation (1995)-14864: Residential Single Detached (R.1C) Zone  
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

### **Zoning By-Law (1995)-14864 Requirements:**

The By-law requires that within any residential zone, any fence located in the rear yard shall not exceed 2.5 metres in height.

### **Zoning By-Law (2023)-20790 Requirements:**

The By-law requires that the maximum height of a fence located in the rear yard is 2.5 metres in height.

**Request:** The applicant is seeking relief from the requirements of both By-laws to permit the existing fence located in the rear yard to have a maximum height of 3.7 metres.

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## Staff Recommendation

### Approval

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## Comments

### Planning Services

The subject property is designated "Low Density Greenfield Residential" in the City's Official Plan. The "Low Density Greenfield Residential" land use designation applies to residential areas within the greenfield area of the city and permits a range of development options, including single detached dwellings and associated fencing.

As the uses are permitted, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.2) in the Zoning By-law (2023)-20790 passed by Council on April 18th, 2023. A variance is required to both By-laws to permit the existing fence located in the rear yard with a maximum height of 3.7 metres, where a maximum height of 2.5 metres is currently permitted.

Section 4.20.12 of the R.1C Zone and Section 4.16 d) of the RL.2 Zone requires that all fences in the rear yard not exceed 2.5 metres in height. The applicant is requesting a variance to both By-laws to permit the existing rear yard fence with a height of 3.7 metres. The intent of these provisions is to ensure that tall fences are not located in the rear yards of dwellings, and do not obstruct the view of surrounding properties. Considering the existing fence has a 1 metre set back from the property line, neighbouring properties have tall outdoor decks, and the adjacent property has tall cedars which provide a natural buffer, staff are satisfied that there would be no negative impact on the surrounding properties. The existing fence allows for increased privacy and provides shade in the rear yard of the subject property without negatively impacting neighbouring properties or obstructing sightline triangles. Staff are satisfied that the proposal maintains the intent of both Zoning By-laws. For this reason, the variance is considered desirable for the appropriate development of the land and is minor in nature.

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

Staff recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the requested variance.

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

### **Building Services**

This property is zoned Residential Single Detached (R.1C) under Zoning By-law (1995)-14864, as amended and Low Density Residential 2 (RL.2) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling.

The applicant is requesting to allow an existing 3.7 metre high fence in the rear yard whereas both Zoning By-laws permit a maximum fence height of 2.5 metres. The fence is setback more than 1 metre from the left side property line and the rear property line, in the rear yard, and acts as a privacy screen.

Building-Zoning Staff note that the playhouse is not a structure as per the definition of "structure" under the Zoning By-law.

Building Services has no concerns with the application.

## Comments from the Public

None

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### Contact Information

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

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