

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-42/20  
Location: 85 Queen Street  
Hearing Date: October 8, 2020  
Owner: Nancy and Mark Stoddart  
Agent: Paul Brydges, Brydges Landscape Architecture Inc.  
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 height of 2.4 metres in the exterior side yard.

**By-Law Requirements:** The By-Law requires that within any residential zone, any fence located in the exterior side yard shall not exceed 1.9 metres in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line.

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## Staff Recommendation

### Approval

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## Recommended Conditions

None

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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 a fence height of 2.4 metres in the exterior side yard (adjacent to the side yard of 41

Lemon St), when the By-law allows a maximum fence height of 1.9 metres in exterior side yards. Rear yards are permitted to have a maximum fence height of 2.5 metres.

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, the applicant has indicated that the lower grade of their property, than that of 41 Lemon Street, has created a situation where they require a higher fence for pool safety requirements.

Based on the lot configuration, existing landscaping and the grade between the subject property and the neighbouring property where there is an 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.

Planning staff recommend approval of the application.

### **Engineering Services**

Engineering has no objection to the request of seeking relief from the By-law requirements to permit a fence height of 2.4 metres in the exterior side yard. However, the applicant should be aware that the fence cannot be located within the sightline triangle, as defined by the City's Zoning By-Law Section 4.6.

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 replace the existing fence in the exterior side yard of the subject property.

A variance from Section 4.20.10.2 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a fence height of 2.4 metres in the exterior side yard. As noted by Engineering, the fence cannot be located in the sightline triangle as indicated in Section 4.6 of the City of Guelph Zoning By-law, as amended.

### **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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