



## Report Committee of Adjustment

**Filing Date:** May 1, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0125

**Owner/  
Applicant:** VIVEKANAND ANDY BRIJMOHAN

**Address:** 15 Peppermint Close

**Ward:** WARD 8

**Contact:** Ellis Lewis, Planning Technician

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### **Recommendations:**

That application A-2023-0125 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision; and
  2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached F', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing fence in the exterior side yard and rear yard having a height of 2.6 metres (8.53 ft.) whereas the by-law permits an existing fence to a maximum height of 2.0 metres (6.56 ft.)

## **Current Situation:**

### 1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential' in the Bram East Secondary Plan (Area 41). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

### 2. Maintains the General Intent and Purpose of the Zoning By-law

The requested variance is to permit an existing fence in the exterior side yard and rear yard having a height of 2.6 metres whereas the by-law permits an existing fence to a maximum height of 2.0 metres. The intent of the by-law in regulating maximum fence height is to ensure that the fence does not limit views or create excessive shadowing on abutting properties or adjacent streetscape. The requested variance is to allow the conditions of the existing fence in the rear yard of the property. It is staff's understanding that the applicant has cited that they have discussed the requested variance with their neighbours and none have voiced concerns. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The requested variance seeks to permit an increase in fence height. The existing grade of the backyard as constructed by the builder has a 7% downward slope towards the rear fence, this results in 12-14 inches of drop in grade towards the rear lot line. As a result, the fence that was initially constructed was lower than usual, leading to privacy issues within the backyard and first floor of the dwelling. The current height of the fence ranges from 2.30 metres to 2.60 metres and averages at 2.40 metres. The existing fence is not considered as a feature that will alter the character of the property or create any adverse impacts. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance to increase the fence height is not expected to have adverse impacts related to shadowing within the neighbourhood. The applicant made reference to dealing with privacy issues within the backyard and the ability to see into the first floor of their home. They viewed the construction of the fence as a way to increase comfortability when utilizing their rear yard. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

**Appendix A:**

