



Report Committee of Adjustment

Filing Date: June 28, 2024
Hearing Date: August 20, 2024

File: A-2024-0252

**Owner/
Applicant:** Justin Watters

Address: 65 Torrance Woods

Ward: 4

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0252 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;
 2. That the height of the existing fence shall be limited to the perimeter of the rear and side yard amenity area and shall not exceed 2.13m; and
 3. 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 B, Special Section 3166 (R1B-3166)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a fence in the rear yard and interior side yards having a maximum height of 2.13 metres, whereas the by-law permits a maximum fence height of 2.0 metres in a required yard other than the front yard.

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved. In regards to the 2006 Official Plan, the property is designated as 'Residential' and 'Low Density Residential' in the Flowertown Secondary Plan (Area 6). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached B, Special Section 3166 (R1B-3166)', according to By-law 270-2004, as amended.

The Variance is requested to permit a fence in the rear yard and interior side yards having a maximum height of 2.13 metres, whereas the by-law permits a maximum fence height of 2.0 metres in a required yard other than the front yard. The intent of the by-law in regulating maximum fence height is to avoid creating a fortress-like feel on residential properties. The existing fence has a height that is 0.13m greater than what the Zoning By-law permits. The fence height was constructed to provide additional privacy for the Owner's use of the amenities located in the rear yard. Upon staff visit, staff noted landscaping was planted along the rear fence to a similar height of the fence (Appendix 1), as such it does not create a fortress-like appearance for the property. A condition of approval is recommended that the variances be limited to the sketch provided in the public notice to ensure that the fence is not raised to any additional height in the side and rear yards. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an existing fence in the side and rear yard greater than what the Zoning By-law permits. The Owner extended the height of the fence to provide additional privacy for the use of the amenities located in the rear yard. Upon staff visit, staff noticed a treeline had been planted along the majority of the rear yard and side yard of a height similar to the existing fence to provide additional privacy. The existing treeline will act as a natural screening providing an additional visual buffer for the adjacent properties and is not anticipated to generate any negative impacts to the adjacent properties. The requested variance is considered appropriate development for the land.

4. Minor in Nature

The Variance is requested to permit a fence height of 2.13m related to an increased fence height along the rear and side yards. Conditions of approval are recommended to limit the height and location of the existing fence. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

