



Report Committee of Adjustment

Filing Date: 08-Apr-2021
Hearing Date: 11-May-2021

File: A-2021-0084

**Owner/
Applicant:** Mark Cabral Viveiros – Dan Kraszewski
Address: 2 Duncan Bull Dr

Ward: Ward 3

Contact: Daniel Watchorn, MCIP., RPP., Planner III
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Recommendations:

That application A-2021-0084 is supportable, subject to the following conditions being imposed:

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

Background:

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variances:

1. To permit a 2.0 metre high fence in the front yard, whereas the by-law permits a maximum fence height of 1.0 metres in the front yard.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated as Residential within the Official Plan and Low Density Residential in the Brampton Flowertown Secondary Plan (SPA 6). Within the context of the Official Plan and Secondary Plan policies, the

requested variances have no significant impacts. The requested variances maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The requested variance is seeking to increase the permitted height of a fence from 1.0 metres to 2.0 metres. The intent in the Zoning By-law in regulating a maximum height for fences is to provide reasonable privacy and comfort for the dwelling unit, without negatively impacting sightlines or impeding on adjacent properties. The intent of further regulating the maximum height of a fence within the front yard is to ensure that neighbourhood character and aesthetic are maintained.

In this case, due to the property being a corner lot, the yard that is considered as the front yard as per the Zoning By-law functions as the side yard for the property. The front door of the dwelling is facing Duncan Bull Drive, whereas the front yard from the zoning perspective is facing Bartley Bull Parkway. As such, the introduction of a taller fence in the front yard will not negatively impact the aesthetic quality of the property or neighbourhood. Furthermore, the fence is proposed to be setback from the property line by roughly 3 metres and does not impede the visibility triangle of the intersection of Duncan Bull Drive and Bartley Bull Parkway.

As a result, the general intent of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The proposed fence will improve the privacy of the amenity space for the dwelling without compromising the aesthetic quality of the neighbourhood or streetscape. As a result, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance would allow for the fence height to increase by one metre. While this would be a 100 per cent increase as compared the existing permissions for fences in the front yard; 2.0 metre fences are permitted in the side and rear yard in the Zoning By-law. Since the fence is proposed in what functions as the side yard for the property, it does not extend directly to the lot line, and is aligned with height permissions for fences in the side and rear yards, the proposed variance is considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Daniel Watchorn', written over a horizontal line.

Daniel Watchorn, MCIP, RPP, Planner III