



## Report Committee of Adjustment

**Filing Date:** June 7, 2021

**Hearing Date:** July 13, 2021

**File:** A-2021-0131

**Owner/  
Applicant:** THOMAS ORR

**Address:** 23 Supino Crescent

**Ward:** WARD 10

**Contact:** François Hémon-Morneau, Planner I

---

### **Recommendations:**

That application A-2021-0131 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 drainage on adjacent properties not be adversely impacted;
  3. That the privacy fence with lattice not be extended further along the existing fence on the property; and,
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

The applicant is seeking approval of a minor variance to permit an existing accessory structure (pool equipment shed) and a proposed accessory structure (storage shed). Upon site inspection, an additional variance was identified relating to the height of an existing fence.

### Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-1788)', *according to By-law 270-2004, as amended.*

**Requested Variances:**

*The applicant is requesting the following variances:*

1. To permit two (2) accessory structures (pool equipment shed and storage shed) in the required side yard having a setback of 1.2m (3.94 ft.) to the side lot line whereas the by-law requires a minimum interior side yard setback of 1.5m (4.92 ft.);
2. To permit an existing fence in the interior side yard having a height of 2.42m (7.94 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (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 'Executive Residential' in the Vales of Castlemore Secondary Plan (Area 42). The requested variances, subject to the recommended conditions of approval, 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

Variance 1 is requested to permit two (2) accessory structures (pool equipment shed and storage shed) in the required side yard having a setback of 1.2m (3.94 ft.) to the side lot line whereas the by-law requires a minimum interior side yard setback of 1.5m (4.92 ft.). The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The accessory structures (pool equipment shed and storage shed) are located in the northern side yard of the property and have a side yard setback of 1.2m (3.94 ft.) to the side lot line which represents a deficiency of 0.3m (0.98 ft.). The proposed 2.31 sq. m. storage shed and existing 9.14 sq. m. pool equipment shed are not anticipated to negatively impact drainage. A condition of approval is recommended that drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing fence in the interior side yard having a height of 2.42m (7.94 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (6.56 ft.). The intent of the by-law in regulating maximum fence height is to ensure that fences do not create adverse impacts such as limiting views or creating excessive shadows to neighbouring properties or adjacent streetscapes.

The owner has installed a 2.42m (7.94 ft.) high privacy fence with lattice which is 0.42m (1.38 ft.) higher than what the by-law allows. The fencing has been installed along a small portion of the side yard to provide screening from the adjacent property. The fencing does not create any adverse impacts to the subject lot or to adjoining property. 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

Variance 1 is requested to permit the existing location of the accessory structures in the side yard. The accessory structure are not anticipated to negatively impact drainage on the property. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

The request to allow the existing fencing to remain is not considered to alter the character of the property or create any adverse impacts. A condition of approval is recommended that the privacy fence with lattice not be extended further along the existing fence on the property. 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 variance to permit the reduced side yard setbacks related to the accessory structures and the increased fence height are not expected to create adverse impacts on-site or off-site. The variances are considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I