



Report Committee of Adjustment

Filing Date: August 18, 2021
Hearing Date: September 14, 2021
File: A-2021-0199
**Owner/
Applicant:** MICHELLE GAUTHIER
Address: 3 Chesterfield Road
Ward: WARD 3
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0199 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 the portion of the privacy fence with lattice exceeding the maximum permitted height not be extended further along the existing fence on the property; 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 (R1B)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To allow an existing fence in the required front yard having a maximum height of 2.23m whereas the by-law permits a fence in the required front yard to a maximum height of 1.0m;
2. To allow an existing fence having a maximum height of 2.23m whereas the by-law permits a maximum height of 2.0m.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variances are not in conflict with the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

Variance 1 is requested to allow an existing fence in the required front yard having a maximum height of 2.23m whereas the by-law permits a fence in the required front yard to a maximum height of 1.0m. Variance 2 is requested to allow an existing fence having a maximum height of 2.23m whereas the by-law permits a maximum height of 2.0m. 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 subject lot is located at the corner of Chesterfield Road and Allendale Road. The primary function of the existing wooden fence is to enclose the pool situated in the rear yard. The portion of the fence that separates the property and the adjacent property addressed 5 Allendale Road has a height of 2.23m including the lattice. The portion of the fence which faces Allendale Road has a height of 1.88m. However, the height of the fence is calculated in a manner that includes the portion of the fence with lattice. The materials, style and design of the fence maintain the intent of the Zoning By-law. The increase in fence height is not considered to adversely impact the streetscape, generate significant shadows or limit views. The 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 variance relates to an existing wooden fence with a height that is greater than what the by-law permits. The fence forms part of a pool enclosure and is not considered to impede pedestrian or driver views. No negative impacts are expected from the increased fence height. 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 variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The variances relates to the height of an existing fence which form part of a pool enclosure. The fence does not adversely impact the streetscape, generate significant shadows or limit views. The variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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