



Report Committee of Adjustment

Filing Date: October 6, 2023
Hearing Date: October 24, 2023
File: A-2023-0297
**Owner/
Applicant:** MICHAEL PETRISHIN
Address: 66 APPLETON TRAIL
Ward: WARD 3
Contact: Satwant Hothi, Planner I, Development

Recommendations:
That application A-2023-0297 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached (R1C)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a fence located in the rear yard with a maximum height of 2.97m (9.74 ft) whereas the by-law permits a maximum fence 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 'Low Density' in the Fletcher's Creek South Secondary Plan (Area 24). The Official Plan which sets out policies to build and maintain attractive residential neighbourhoods while balancing the landscaping and fencing on private properties in accordance with the Development Design Guidelines. The intent of the Development Design Guidelines is to ensure adequate landscaping is provided and privacy for residents be maintained without any encumbrance or prejudice in limiting views or creating excessive shadows on abutting

properties. The requested variance for these reasons is found to not meet the general intent of the Official Plan.

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

The property is zoned “Residential Single Detached (R1C)” according to By-law 270-2004, as amended.

Variance 1 to permit a fence located in the rear yard with a maximum height of 2.97m (9.74 ft) represents a .97m (3.18 ft) increase. The intent of the by-law in regulating maximum fence height is to ensure that the fence does not limit views or create a shadow nuisance for abutting properties. The requested variance is to allow for the conditions of the existing fence in the rear yard of the property. It is staff’s understanding that there have been multiple complaints registered against the property in regards to the existing site conditions. The requested variance is not 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 using materials which are not consistent with typical fence construction (Appendix A). The use of steel posts and corrugated metal sheeting is considered to alter the character of the property and surrounding neighbourhood leading to adverse impacts. The variance for these reasons is not considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to increase the fence height is considered to have adverse effects on character of the subject property and abutting properties. The applicant made reference to dealing with privacy and light obstruction issues within the backyard, limiting their right to enjoyment without prejudice however the observed materials are not considered appropriate nor desirable forms of privacy screening. Variance 1 is not considered minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development

APPENDIX A

