

Summary of Comments
A-054-2023 – 1562 Houston Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBERS: A-054-2023
MEETING DATE: November 16, 2023
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas, Development Planner
SUBJECT: Fence Variance application seeking relief from Section 3.2 of the Fence By-law (No. 052-05) to permit a maximum fence height of 2.24m

PROPERTY INFORMATION:

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|--------------------------|---|
| Municipal Address | 1562 Houston Avenue |
| Legal Description | CON 6 PT LOT 26 |
| Official Plan | Residential Shoreline Area (Schedule B12) |
| Zoning By-law | Residential 1 (R1) Zone |

RECOMMENDATION:

The Planning Department recommends approval of Application A-016-2022 subject to the following conditions:

CONDITIONS:

- 1.) That the variance only applies to the existing fence and any future fence development be subject to the Fence By-law.

REASON FOR APPLICATION:

The applicant has constructed a 2.24m tall partition fence along a portion of the east property line and in the front yard. The applicant is requesting relief from 3.2 of the Fence By-law 052-05, which allows for a maximum fence height of 0.9 m for fences located within 6.1 m of the front lot line of residential zones.

| Application Number | By-law Requirement | Proposed | Difference |
|--------------------|--------------------|----------|------------|
| A-054-20223 | Max height of 0.9 | 2.24m | 1.34 m |

SURROUNDING LANDS:

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|--------------|---|
| North | Single detached dwellings |
| East | Houston Avenue, single detached dwellings |
| South | Single detached dwellings |
| West | Golf Course |

ANALYSIS:

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| Site Inspection Date | November 9, 2023 |
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|--|---|
| <p>Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands are designated Residential Shoreline Area on Schedule B12 of the Official Plan, which permits uses including single detached dwellings and accessory structures. This would include fencing as an accessory permitted use.</p> <p>The Official Plan does not contain any specific policies regarding residential fencing, however in general the intent of fencing is to mark boundaries, provide adequate screening and privacy for amenity spaces, and to reduce potential conflicting land uses in terms of noise, lighting, and privacy.</p> <p>The reason for the height of the fence is to reduce privacy impacts from the street and neighbors by visually blocking a portion of the front yard. It also serves as a decorative element in the front yard. The structure in question is a stand-alone partition covering a small area of the front yard, and is not connected to any other fence or structure. It does not impact drainage, nor does it affect driver sightlines (both from the street and driveway). The partition could not be pushed further back due to location of septic system.</p> <p>The subject property is within a Natural Heritage system as per the OP, but the structure in question falls outside this area. Since the application is not proposing any of the prohibited uses in the OP, it is considered to meet the purpose and intent of the Official Plan.</p> |
| <p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands are zoned Residential 1 (R1) Zone. As per Section 3.54 d) of the Zoning By-law, fences are not required to follow any minimum yard setbacks. As such, the proposed fence does not violate the rear, side, or front yard setbacks for the R1 Zone. Since no other provisions in the Zoning By-law regulate fences, the Fence By-law (By-law No. 052-05) will be considered.</p> <p>Section 3.2 of The Fence Bylaw states fences may not be taller than 0.9 m if they are built within 6.1 m of a residential property's front lot line. Any part of the fence that is beyond 6.1 m from the front lot line may reach a maximum height of 1.82 m. The general intent of this height is to allow for privacy while avoiding issues resulting from excessive height such as wind sheer, shadowing, sightlines, and general visual impact.</p> <p>The constructed fence is entirely wooden and has a height of 2.24 metres. Further, the fence has a length of 4.5 metres, and is located 3.5 m from the front lot line and 2.5 m from in the northern interior lot line.</p> <p>Given the minimal size; as well as the limited visual impact, shadowing and windshear, and no concern with respect to sightlines, Staff support the proposal, subject to conditions.</p> |
| <p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes</p> | <p>Houston Avenue contains structures such as detached garages within close proximity to the street, as well as some existing tall fencing and hedging near the front lot line. As such, the constructed fence is not considered to be out of character with the area.</p> |

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| <input type="checkbox"/> No | The applicant wishes to establish a design and add privacy to their amenity space that is enjoyable for the use of the property. The fence would cause no sightline issues. |
| The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | The scale of the variance results in a fence 1.62m higher than the maximum permitted height of 0.9m. However, the maximum permitted height of fences beyond 6.1 m of the front lot line is 1.82 m. Generally, fences are not to exceed 1.82m except under rare circumstances, to avoid issues with wind, shadowing, and visual impact. Given the length and location of the fence, the context of the lot and existing conditions along Houston Avenue including fencing and hedging, staff have no concerns with visual impacts, including shadowing impacts of the proposed fence. The constructed fence height could be considered minor in nature in the opinion of Staff given the surrounding context. |

PREPARED BY:

Toomaj Haghshenas, Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP, Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: November 8, 2023

FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

FILE/APPLICATION: A-054-2023

SUBJECT: 1562 Houston Ave.

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Fence will provide no visual obstruction, is in good repair and well maintained.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Engineering

MEMORANDUM TO FILE

DATE: November 9, 2023

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: A-054-2023

SUBJECT: 1562 Houston Ave

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Please check with the Planning department.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No conditions of approval.