

Summary of Comments

A-026-2024 – 1005 Anna Maria Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: A-026-2024
MEETING DATE: July 18, 2024
TO: Toomaj Haghshenas, Secretary-Treasurer Committee of Adjustment
FROM: Stephen A. Marano, Assistant Development Planner
SUBJECT: Minor variance applications A-026-2024 seeking relief from Section 3.2 of Consolidated Fence By-law No. 075-22 for a proposed height increase of backyard fence.

PROPERTY INFORMATION:

Municipal Address	1005 Anna Maria Avenue
Legal Description	Plan M339 Lot 64
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of Application A-026-2024 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 is proposing to add extensions to the rear yard fence. The applicant built the current fence in 2022 due to privacy concerns. However, there were still issues surrounding privacy, hence the proposed extensions. The applicant is seeking relief from Section 3.2 of the Consolidated Fence Bylaw 075-11, which only permits a maximum height of 1.82 metres in a residentially zoned lot within a settlement area.

Application Number	By-law Section	Requirement	Proposed	Difference
A-026-2024	3.2	Maximum height of fence 1.82 metres in a residentially zoned lot	Rear 2.13 metres in height; three panels 2.9 metres in height	0.31 metres, without panels; and 1.08 metres with panels; The panels add 0.77 metres to the current fence height

SURROUNDING LANDS:

North	Anna Maria Avenue, single detached residential lots
East	Single detached residential lots
South	Single detached residential lots
West	Single detached residential lots

ANALYSIS:

Site Inspection Date	July 3, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject land is located within the Primary Settlement Area of Alcona and are designated “Residential Low Density 1” on Schedule B1 to the Town Official Plan which permits single-detached dwellings. The surrounding neighbourhood is characterized primarily by single detached dwellings. No policy in the Town Official Plan pertains to fence height, however the general 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>According to Section 10.2.1 of the Official Plan, the purpose of the Residential Zone is to maintain the neighbourhood’s character. The proposed height increase of the rear fence does not interfere with the Official Plan’s goals for the area.</p> <p>Staff believe that the application maintains the purpose and intent of the Official Plan.</p>
Maintains the purpose and intent of the Zoning By-law and Fence By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, as amended.</p> <p>There are no proposed zoning changes with this application, only that the owner wants to place additional panels on the fence.</p> <p>Section 3.2 of The Fence Bylaw states fences may not be taller than 1.82 metres from the ground level to the highest point of the fence. 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>It is considered that the existing fence and panels fulfill the general intent of the height requirements of the Fence By-law by allowing for privacy and not causing a substantial issue in terms of shadowing or visual impact given their context. The fence is 0.31m taller than permitted without panels, and just over 1m with panels.</p> <p>Staff conclude that the subject application maintains the purpose and intent of the Town’s Zoning By-law.</p>
The variance is desirable for the	In the opinion of Staff, the purpose of fences in residential areas is to maintain privacy and safety. According to the applicant, the behaviour

<p>appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>of the applicant’s neighbours peering into her property, alarmed her to the point of erecting the current fence in 2022. However, due to the slope of the property, the neighbours were still able to peer into her property, hence the additional panels. The fence and the addition did go above the maximum height limit imposed by the consolidated fence by-law.</p> <p>Upon viewing the photographs and conducting a site visit, Staff concluded that the applicant’s addition to the fence was reasonable given the property’s circumstances and thinks the proposed variance is desirable for the appropriate/orderly development or use of the land.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff believe that the proposed variance is minor in nature. The addition to the fence will have a limited impact on the neighbouring properties and allow the applicant to have a reasonable expectation of privacy.</p>

CONCLUSION:

The Planning Department recommends approval of application A-026-2024.

PREPARED BY:

Stephen A. Marano
Assistant Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Engineering

MEMORANDUM TO FILE

DATE: July 5, 2024

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

FILE/APPLICATION: A-026-2024

SUBJECT: 1005 Anna Maria Avenue

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. No comment.

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 comment.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: July 12, 2024

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

FILE/APPLICATION: A-026-2024

SUBJECT: 1005 Anna Maria Avenue

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 and hedge 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.

A-026-2024 – 1005 Anna Maria Ave

Public Comment #1

I am unable to attend the meeting. I am a direct back neighbor I find the fence very offensive. We built fences that were chain link years ago to divide our properties. If I wanted to live by a structure that size I would of bought my house elsewhere. I am an original owner in this subdivision and feel the height of the fence at 7 feet was already to high however lived with it when the other 3 foot was put up on top of the 7 foot fence I find it very offensive and absolutely ridiculous. We have bylaws for a reason and if this is allowed then everyone in the neighborhood will start doing the same thing. If you want to live in a compound then buy a property that is big enough for you to do this for yourself not in a subdivision.

Thank you



Public Comment #2

I am writing this email in reference to application NO A-026-2024. Unfortunately, I am not able to attend the meeting in person, but appreciate the opportunity to provide feedback in a written email form. I would like to note that I live behind 1005 Anna Maria on Vance crescent and have a direct view of the fence in question. The reasoning for my concerns are as follows; clear violation of residential and commercial by-law with no intent (known), as well as visual concerns of the 3 section, 3' high addition in the middle of the constructed fence.

I would like to start out by indicating that "the Town of Innisfil passes and enacts by-laws and policies to help keep our community safe and enjoyable for all residents", in addition, once a concern is brought up, it is "the officer's main objective to gain compliance with all Town by-laws". The objective of the residence, in this situation, is not to force or suggest an unreasonable change, it is not to make the community feel threatened or to encourage bullying for one resident. We believe that the fence construction on the back side of the property at 1005 Anna Maria is in clear violation of the Town of Innisfil by-law, section 3.2 and 3.3.

It is unfortunate that the fence construction is over the allotted and outlines height restriction for residential, as stated in the by-law "no person shall erect, construct or maintain a fence in a residential zone or on a property that's principle use is of a residential nature greater than 1.82 metres (6 feet) in height in the Corporation", but is also in **clear violation of the commercial section as well** " no person shall erect, construct, or maintain a fence in a commercial or industrial zone or on a property that's principle use is of a commercial, industrial or institutional nature greater than 2.4 metres (8 feet) in height in the Corporation" at a total constructed height of 2.9m.

I personally work in the construction and restoration industry and are aware that there are by-laws that differ from town to town, I also understand the high cost of material fencing and time spent to construct a structure. I truly believe that there should have been more research done on the applicant's part to ensure that they were within reason. It is odd to note that the fence on the adjoining side is within guidelines, however the back fence is nearly 1' higher. It is one thing to have to punish the applicant to remove and replace the entire back section but the 3 additional panels installed are unnecessary, in clear violation and make the surrounding neighbours feel as though they are not part of a communal environment.

I am not certain on the protocols and ultimately it is the decision of the town and the officers to conclude their investigation, but I believe that there should be repercussions for disregarding the Town of Innsfil by-laws. If there is a counsel selected to review, create and identify the by-law and residents are paying taxes that would also go into town officials to investigate, and enforce the by-law, than regardless of the reasons, the by-law should be followed and enforced.

Appreciate the opportunity to voice our concern and are more than happy to make myself available for any other concerns or clarification on my email.

Thank-you,

