

# COMMITTEE OF ADJUSTMENT

## REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-37/16

**LOCATION:** 48 Marlborough Road

**DATE AND TIME OF HEARING:** May 26, 2016 at 4:00 p.m.

**OWNER:** Amanda Bouck & Marty Gordon

**AGENT:** Aimee Chisholm – MacGillivray Entertainment & Suit Interiors Inc.

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Residential Single Detached (R.1B) Zone

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit a 1.8 metre tall fence in the front yard of the subject property.

**BY-LAW REQUIREMENTS:** The By-law requires that, for any property in a residential zone, fences located in the front yard shall not exceed 0.8 metres in height.

**STAFF RECOMMENDATION:** Approval with Conditions

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

1. That the owner shall install the proposed 1.80-metre (5.90 feet) high fence along the calculated safe traffic sight line triangle shown in black while using the approximate distances shown in red on the attached site plan.

**PLANNING SERVICES**

2. That the fence is constructed within 30 days of the Committee’s final decision and in the location shown on the attached site plan or the variance shall be rendered null and void.

3. That the fence is constructed in general accordance with the fence detail submitted and attached or the variance shall be rendered null and void.

### COMMENTS

**ENGINEERING SERVICES:**

One of the purposes of the fence height restrictions in the By-law is to ensure that adequate sight lines are maintained at intersections.

We have always had concerns with the height of fences located on corner lots since they can cause safety hazards by obstructing the driver’s vision when approaching the intersections.

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Based on the calculated speed limit of 30kmh on Marlborough Road and the calculated speed limit of 40kmh on Speedvale Avenue East, using the Transportation Association of Canada, Geometric Design for Canadian Roads Manual, it was determined that a large portion of the proposed 1.80-metre (5.90 feet) high fence would be located within the safe traffic sight line triangle at the intersection. Engineering normally does not support proposed fences within the safe traffic sight line triangle at intersections; however, if the owners were to install the proposed 1.80-metre (5.90 feet) high fence along the calculated safe traffic sight line triangle, drivers approaching the intersection would still have adequate visibility, thus preventing the possibility of vehicle collisions.

We have illustrated in red on the applicant's site plan the required safe traffic sight line triangle and in black the calculated safe traffic sight line triangle at the intersection; and also illustrated in red approximate distances where the fence is to be installed, to assist the Committee.

We, therefore, would have no objection to the requested front yard fence height variance, provided the above noted conditions are imposed.

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies as residential uses are permitted, and therefore conforms to the general intent of the Official Plan.

The subject property is zoned, "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance from Section 4.20.9 of the Zoning By-law to permit a 1.8 metre high fence in the front yard. The fence is proposed in the "front yard" as defined by the Zoning By-law, however, the functional "front yard" for the subject property is along Marlborough Road and allowing a higher fence in the functional exterior side yard would give the owner their desired privacy. The Zoning By-law sets out maximum fence heights in front yards to ensure the streetscape is not negatively affected and also to ensure adequate sight lines are maintained at intersections for safety reasons. To determine whether or not a variance relating to fence height in the front yard is desirable and appropriate, public safety is a major consideration to take into account. Planning staff have reviewed Engineering comments and are in agreement that the variance is supportable if the fence is installed along the calculated safe traffic sight line triangle.

Planning staff would prefer to not have a 1.8 high metre fence on Speedvale Avenue for streetscape purposes, however, if the fence is constructed with appropriate materials in the exact location as recommended, staff are satisfied that it will not negatively affect the streetscape. Staff suggest that the applicant explore additional appropriate landscaping within the sight line triangle and along Speedvale Avenue to enhance the streetscape at the intersection of Speedvale and Marlborough Road.

Staff note that the fence posts have already been constructed and are not located along the calculated safe traffic sight line triangle as recommended by Engineering. The applicant will need to remove these fence posts and construct the fence in accordance with the attached plan.

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If the recommended conditions provided by Engineering and Planning are imposed, the requested variance is considered to meet the general intent of the Official Plan and Zoning By-law, be desirable for the appropriate development of land and minor in nature. Staff recommend approval of the application, subject to the above noted conditions.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a fence along the front yard of the subject property.

Providing that the conditions recommended by Engineering and Planning Staff are imposed, Building Services has no concerns with this application to permit a 1.8m high fence in the front yard of the property.

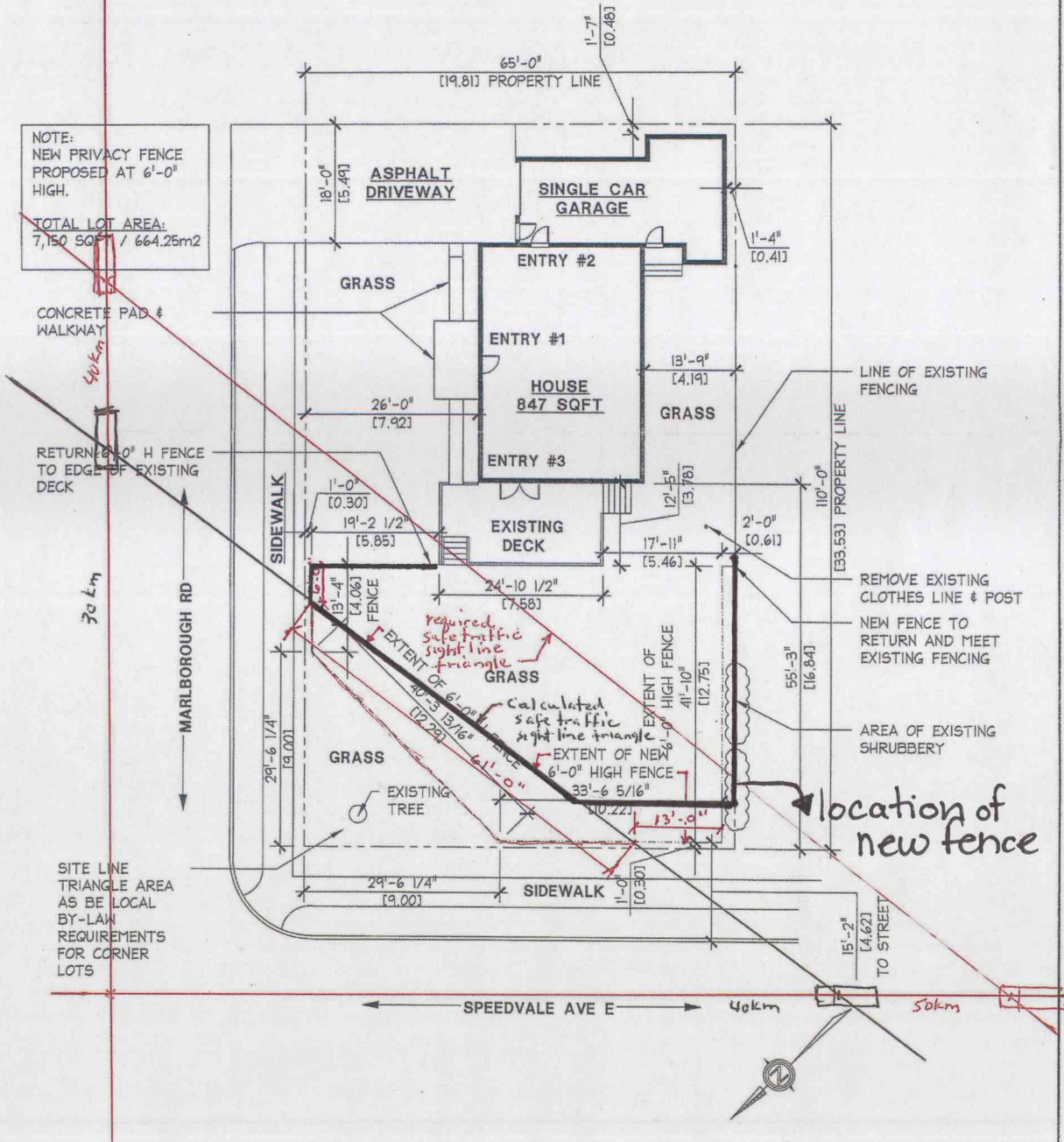
**REPORT COMPILED BY:** D. McMahon, Council Committee Assistant

**SEE ATTACHED REDLINE DRAWING AND FENCE DESIGN DETAILS**

48 MARLBOROUGH RD

SITE PLAN

NOTE:  
NEW PRIVACY FENCE  
PROPOSED AT 6'-0"  
HIGH.  
  
TOTAL LOT AREA:  
7,150 SQ FT / 664.25m<sup>2</sup>

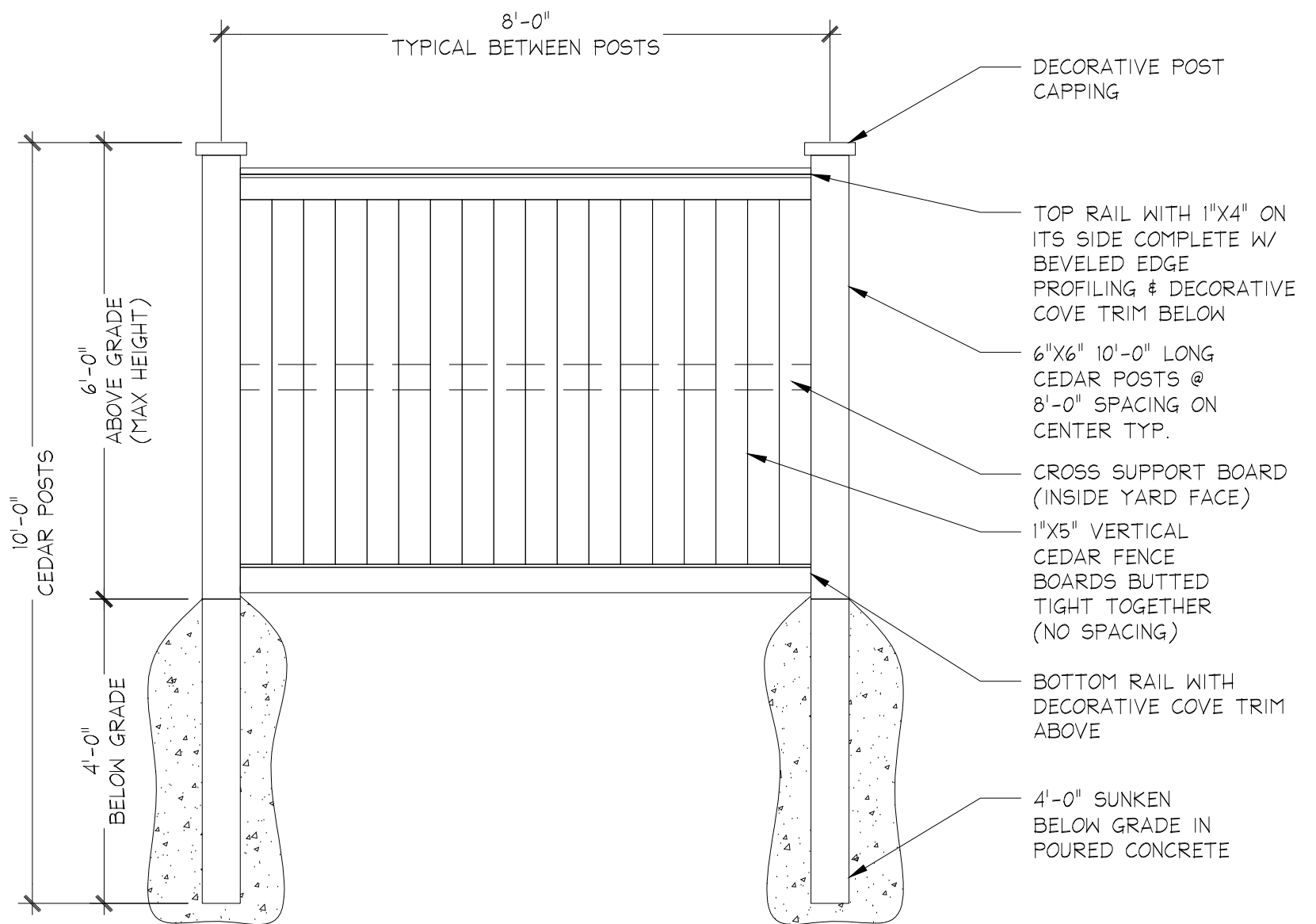


THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS, SPECIFICATIONS AND DRAWINGS ON THE SITE AND REPORT ALL DISCREPANCIES TO THE DESIGNER PRIOR TO PROCEEDING WITH ANY WORK. ALL DRAWINGS ARE NOT TO BE SCALED, THESE DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER AND USAGE OF THESE DRAWINGS WITHOUT WRITTEN PERMISSION OF THE DESIGNER WILL BE CONSIDERED A CRIMINAL OFFENCE.

NOTES:  
48 MARLBOROUGH RD  
SITE PLAN  
AMANDA & MARTY  
48 MARLBOROUGH RD  
QUELPH, ON N1E 3X2

DATE: MAY-10-16  
DRAWN BY: AC  
DESIGN BY: BK/EN  
CHECKED BY: -

SCALE: 1/16"=1'-0"  
SHEET  
A1



**TYPICAL FENCE ELEVATION**

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS, SPECIFICATIONS AND DRAWINGS ON THE SITE AND REPORT ALL DISCREPANCIES TO THE DESIGNER PRIOR TO PROCEEDING WITH ANY WORK. ALL DRAWINGS ARE NOT TO BE SCALED, THESE DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER AND USAGE OF THESE DRAWINGS WITHOUT WRITTEN PERMISSION OF THE DESIGNER WILL BE CONSIDERED A CRIMINAL OFFENCE.

NOTES:

**48 MARLBOROUGH RD  
TYPICAL FENCE ELEVATION**

AMANDA & MARTY  
48 MARLBOROUGH RD  
GUELPH, ON N1E 3X2

DATE: MAY-24-16  
DRAWN BY: AC  
DESIGN BY: --  
CHECKED BY: --

SCALE: 1/2"=1'-0"  
SHEET  
D1