

To: COUNCIL

Meeting Date: 10/8/2024

Subject: Fence Variance F3/24 – 35 Adler Drive

Submitted By: Bob Bjerke, Chief Planner, RPP, MCIP and Sylvia Rafalski-Misch, MCIP, RPP, Manager of Development Planning

Prepared By: Jordan Denobrega, Planning Technician

Report No.: 24-121-CD

File No.: F3/24

Wards Affected: Ward 2

RECOMMENDATION(S):

THAT Report 24-121-CD - Fence Variance F3/24 – 35 Adler Drive be received;

AND THAT application F3/24 be approved to permit a fence height of 2.46m along a 6.89m length of the existing fence located at the rear lot line of the property, whereas the Fence By-Law 92-05 permits a maximum of 2.10m.

EXECUTIVE SUMMARY:

Purpose

The purpose of this report is to provide a recommendation on the proposed Fence Variance Application for the lands municipally known as 35 Adler Drive, which if approved, will legalize the proposal to extend a portion of the existing fence on the subject property.

Key Findings

- The subject property is a corner lot on the corner of Adler Drive and Patton Drive.
- The owner submitted a Fence Variance application for an increased fence height to the Planning Division on May 20, 2024.
- A Notice of Fence Variance application was circulated to registered property owners within 60m of the subject property.
- The adjacent property is currently operating a daycare as per the applicant.

- Comments were received from the area residents, both in support as well as in opposition to the application, which are summarized in Appendix C and further discussed in the analysis section of the report.
- Upon review of the application and comments received from the residents and the applicant, staff is of the opinion that the requested relief from the Fence Bylaw for an increased maximum height of 0.36m is minor in nature and is not anticipated to have an adverse impact on the neighbouring properties.

Financial Implications

The Fence Variance application fee of \$426 was paid by the applicant.

STRATEGIC ALIGNMENT:

Strategic Action

Objective(s): Not Applicable

Strategic Action: Not Applicable

OR

Core Service

Program: Development Approvals

Core Service: By-law Enforcement

BACKGROUND:

Subject Property

The subject property is municipally known as 35 Adler Drive and contains a single-family detached dwelling.

Surrounding Land Uses

The subject property is within a predominantly residential neighbourhood and directly across the street from St. Elizabeth Catholic Elementary School.

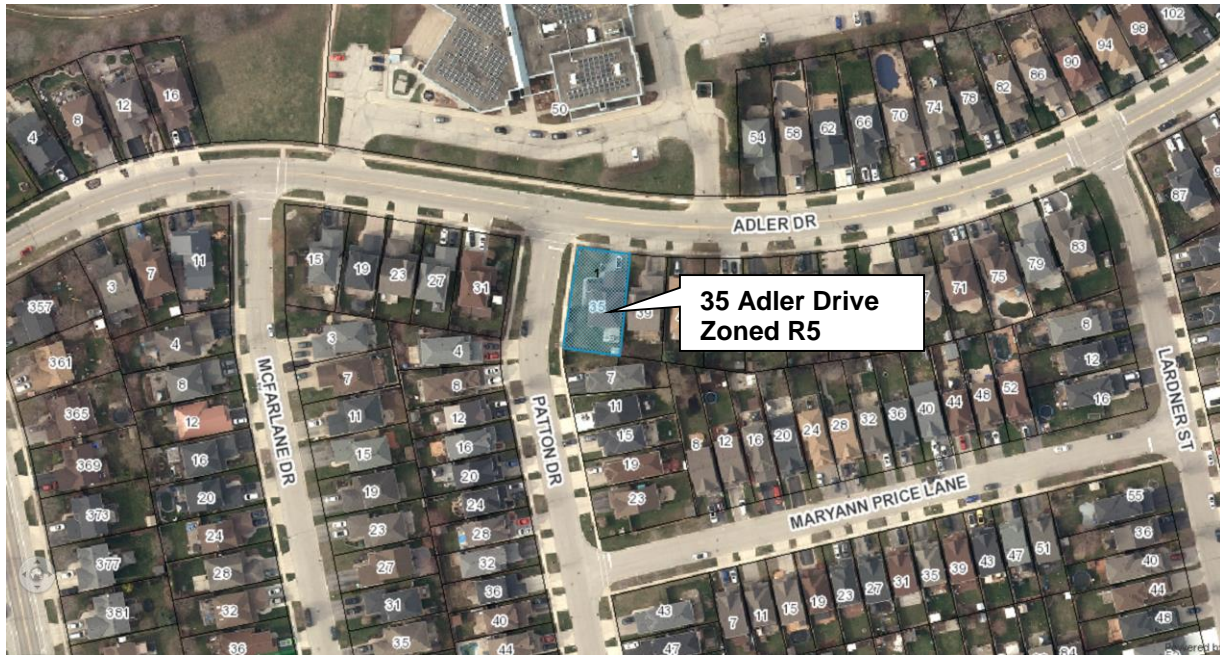


Figure 1: Location of the subject property

ANALYSIS:

The subject property is zoned as Low Density Residential – R5 under the current Zoning By-law 150-85, as amended. All fences within the City of Cambridge must conform with the regulations of the Fence By-law 92-05. If a proposed fence does not meet the regulations of the Fence By-law, a Fence Variance application is required.

The fence variance application was received on May 20, 2024, requesting the following variance:

- To permit a fence height of 2.46m (97”) along a 6.89m length of the existing fence located at the rear lot line of the property, whereas the fence by-law permits a maximum of 2.10m (82”).

In accordance with the current Fence Variance procedure, the proposal was circulated to registered property owners within a 60-metre radius of the subject lands.

No concerns were received on the proposed fence height from circulated internal departments. Two (2) public submissions were received during the commenting period, one (1) of which was in support of the application and one (1) was in opposition. The one in opposition contains multiple points about aesthetic and safety concerns against the application.

Staff evaluated the fence variance request based on the following:

1. The purpose for the request as explained by the applicant;
2. The context and conditions of surrounding area;
3. The impacts of the request on neighbouring properties; and
4. The public submissions received.

The applicant has indicated that the purpose of the fence extension in their rear yard is for privacy since the neighbouring property's front porch is visible from their backyard. Staff also note that the adjacent property is currently operating a daycare as per the applicant.

The points against the application can be summed up as aesthetic and safety issues. The residents opposing have noted aesthetic reasons that the fence is not cohesive within the area and not visually appealing. Notes for safety reasons have been provided, that it will block the street view for neighbouring properties and that it will be unsafe to reverse out of the driveway due to their street sometimes having high traffic. The appeals have also mentioned if a structural review is required for this proposal.

Staff notes that the requested fence height along a portion of the fence generally follows the maximum fence height prescribed in other neighbouring municipalities. The City of Waterloo and City of Kitchener both permit a maximum fence height of 2.4m in the rear yard and the City of Guelph permits 2.5m, which is comparable with the proposed 2.46m fence height.

There are no regulations within the Fence By-Law regarding aesthetics. Staff recognize that fences may differ in style to suit the owner's needs. The proposed fence is comparable with the other fences in the immediate area. In addition, the proposed extension is not going to be blocking the view of oncoming traffic since it will be closer to the applicant's interior side yard than their exterior side yard. It will not be blocking the view of the neighbour, nor will it block their driveway since only a portion of the fence's height will be increased. There is no structural review or building permit required for a residential fence installed on the ground.

As such, it is the opinion of Staff that the proposed fence height of 2.46m along a 6.89m length of fence is an appropriate use of the subject land for the purpose of privacy and is minor in nature.

Therefore, staff recommends approval of the proposed fence variance application.

EXISTING POLICY / BY-LAW(S):

City of Cambridge Official Plan 2012 (as amended)

The subject property is designated as Low/Medium Density Residential in the City's Official Plan.

City of Cambridge Zoning By-law 150-85 (as amended)

The subject property is zoned Low Density Residential – R5 in the City's Zoning By-law 150-85.

City of Cambridge Fence By-law 92-5 (as amended)

The proposal is to permit a fence height of 2.46m along a 6.89m length of the existing fence located at the rear lot line of the property, whereas the Fence By-Law 92-05 permits a maximum of 2.10m.

The Fence By-law defines Fence Height as “the measurement from the base of the fence at grade of the highest adjacent ground to the finished top of the fence.”

Section 3 of the Fence By-law further denotes that “if located back of the building line, a fence may be erected up to a maximum height of 2.1m.”

The constructed fence exceeds the permissible height prescribed in the Fence By-law and therefore, requires a variance for the height.

FINANCIAL IMPACT:

There are no financial implications. The Fence Variance application fee of \$426 was paid by the applicant. All costs associated with the fence variance will be the responsibility of the applicant.

PUBLIC VALUE:

Engagement

The City's Fence Variance application process require property owners within 60-metre radius of the subject lands to be circulated with any new proposed fences that require any variances from the City's Fence By-Law. This is to inform the adjacent residents of the proposed fence as well as to provide opportunity for comment and to address any concerns that may be raised. Any concerns raised are evaluated to ensure any potential impacts to adjacent residential properties are addressed.

ADVISORY COMMITTEE INPUT:

Not Applicable.

PUBLIC INPUT:

- The application was circulated to all registered property owners within a 60m (196.85 ft) radius of the subject lands as a requirement of the Fence Variance process.
- Two (2) public submissions were received during the commenting period, one (1) of which was in support of the application and one (1) was in opposition. The one in opposition contains multiple points against the application and contains the names, signatures, and contact information from residents in the surrounding area. However, none of these other residents have sent appeals themselves.

INTERNAL / EXTERNAL CONSULTATION:

The application had been circulated to the relevant divisions. No comments were received.

CONCLUSION:

Upon examination and evaluation of the submitted fence variance application and all comments received, staff is of the opinion that the request to permit a fence height of 2.46m along a 6.89m length of the existing fence located at the rear lot line of the property will not have an adverse effect on neighbouring properties. The increase in maximum fence height is deemed minor in nature. As such, Planning staff is recommending approval of this application.

REPORT IMPACTS:

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 24-121-CD Appendix A – Location Map
2. 24-121-CD Appendix B – Photo of Proposed Fence Extension
3. 24-121-CD Appendix C – Summary of Public Comments