



## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CDS-24-113 **COMMITTEE DATE:** 2024-07-18  
**REPORT TO:** Committee of Adjustment **DUE IN COUNCIL:** N/A  
**SUBJECT:** Fence Variance Application FV-03/24 – 59 Stoneridge Crescent

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Fence Variance Application FV-03/24 for 59 Stoneridge Crescent be approved.

### 2. PURPOSE

The applicant is proposing to recognize an existing fence within the interior side yard. To facilitate the application, the following variances have been requested:

1. Maximum height from 2.0 metres, as required in the Fence By-law, to 2.12 metres for the existing fence boards; and,
2. Maximum height from 2.0 metres, as required in the Fence By-law, to 2.19 metres for the existing fence posts.

The application drawing is attached as **Appendix I**.

### 3. BACKGROUND

#### 3.1 Site Description and Surrounding Land Uses

The subject lands are known municipally as 59 Stoneridge Crescent, lying on the west side of Stoneridge Crescent, east of Tanbark Road, in the urban area of St. Davids. The location of the subject lands is shown on **Appendix II**.

The subject lands have an area of approximately 547 square metres and a frontage of 15.4 metres along Stoneridge Crescent. The lands currently contain an existing single-detached dwelling that is serviced by municipal water and sanitary connections. Surrounding lands contain residential uses.

### 4. DISCUSSION / ANALYSIS

#### 4.1 Fence Variance Tests – Section 45 of the *Planning Act, R.S.O. 1990, c. P.13*

Subsection 45(3) of the *Planning Act* provides the Committee of Adjustment power to grant minor variances from the provisions of any by-law that implements an Official Plan using the four tests of a minor variance provided in Subsection 45(1):

**1. Is the requested variance minor in nature?**

The existing fence is 8.2 metres in length and does not span along the entirety of the interior lot line. The slats of the fence are diagonally oriented which does not provide visual permeability; however, provides added design value and adequate screening from the neighbouring lot (refer to **Figure 1**).



**Figure 1:** Existing fence on the subject lands.

The requested variances are considered minor in nature.

**2. Is the requested variance desirable for the appropriate development or use of the land, building or structure?**

The fence provides appropriate screening of the rear yard of the subject lands and additional privacy to the homeowner. It is not visible from the street and would not result in impacts to the streetscape of Stoneridge Crescent.

Staff are of the opinion that the existing fence would not result in adverse impacts to the abutting lands, and that it is appropriate for the development and use of the subject lands.

### **3. Does the requested variance maintain the general intent and purpose of the By-law?**

The requested variances recognize the height of the fence posts and boards, which have been deemed to not comply to the Fence By-law based on the existing average grade and slope of the property. The requested increase in height is not anticipated to pose impacts to neighbouring lands, nor result in any incompatibility concerns, as it is considered to be minor.

The requested variances maintain the general intent and purpose of the Fence By-law.

### **4. Does the requested variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated in part as “Low Density Residential” in the Town Official Plan (2017 consolidation, as amended). Single-detached dwellings are permitted in the Low Density Residential designation.

The requested variances do not conflict with the objectives of the Residential designation. The existing fence and its configuration provide screening for the landowner from the abutting property, and are not anticipated to pose adverse impacts to the Residential use of the lands or the surrounding area.

Staff consider the requested variances to maintain the general intent and purpose of the Official Plan.

#### **4.2 Town, Agency and Public Comments**

The application was circulated to all appropriate Town departments and external agencies, and public notice was provided as required by the *Planning Act*. The following responses were received:

##### Town Departments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection.

Heritage – No objection.

Operations – No objection.

##### Agencies

No external agency comments were received at the time this report was prepared.

##### Public

No public comments were received at the time this report was prepared.

### **5. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

#### **Pillar**

1. Vibrant & Complete Community

#### **Priority**

1.1 Planning for Progress

## **Action**

1.1 b) Planning for Progress Initiatives

## **6. OPTIONS**

The Committee may approve, refuse or modify the requested application.

## **7. FINANCIAL IMPLICATIONS**

Not applicable.

## **8. ENVIRONMENTAL IMPLICATIONS**

Not applicable.

## **9. COMMUNICATIONS**

Once the Committee of Adjustment makes a decision on the application, notice of the decision will be given as set out in the *Planning Act*. The decision of the Committee of Adjustment is subject to a 20-day appeal period from the date of the decision. If no appeals are received during the appeal period, the decision is final.

Changes to provincial legislation have been made by way of Bill 23 and third-party appeals from private property owners are no longer permitted.

## **10. CONCLUSION**

Planning Staff recommend approval of Fence Variance FV-03/24 as the requested variances are minor in nature, appropriate for the development or use of the land, building or structure, and are considered to maintain the general intent and purpose of the By-law and Official Plan, pursuant to Subsection 45(1) of the *Planning Act*.

## **11. PREVIOUS REPORTS**

Not applicable.

## **12. APPENDICES**

- Appendix I – Application Drawing
- Appendix II – Location Map

Respectfully submitted:

**Prepared by:**



**Victoria Nikoltcheva  
Planner II**

**Reviewed by:**



**Aimee Alderman, MCIP, RPP  
Manager of Planning**