

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-40-20
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, OCTOBER 6TH, 2020**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Kaveen Fernando and Lyndsay Parisien, Development Planners were also present. Mr. Karl Doyle and Christina Seguin, Secretary-Treasurer were absent.

The hearing was being held to consider an application by: Roger Ladouceur (735 Gloucester Street North) who is asking for: **Asking for relief from the Fence By-law 2014-98, to recognize a 9'0" effective grade height for a newly constructed rear yard fence located at 735 Gloucester Street North.**

THAT the Agenda be approved.

Moved By: Mr. Mr. Ben de Haan

Seconded By: Mr. Mr. Ray Contant

Motion Carried

There were no conflicts of interest.

Mr. Roger Ladouceur attended the meeting.

Department Comments are read by Kaveen Fernando.

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No traffic related issues.

Municipal Works Division

No objections.

Buildings and Permits Division

If the fence is acting as a pool enclosure, it shall conform to all requirements of the Fence By-law relating to pool enclosures.

Zoning Section

No objections.

Planning Division

Planning staff has inspected the site, reviewed the details of the application and are supportive.

The residential property in question is an interior lot located on Gloucester Street. There is a substantial grade differential in relation to the abutting southerly residential properties. As a result of the difference in elevation, the property contains a retaining wall along the south limit which has been modified since introduced in the 1980's. There is an approximate grade differential in various locations between the properties measuring 2'3" and 3'8".

The applicant obtained a fence permit from the building Division on July 16th, 2020 to erect a 5'0" fence along the south property limit. The owner contacted the City to obtain a final inspection for the constructed fence. Upon inspection, it was determined that the approved fence did not meet the effective grade requirement as defined in Fence By-law 2008-040.

As a result of the grade deficiency, the fence has an approximate height of 9'0" from the north side and 5'0" from the south side.

The Planning Division received a concern regarding the request. Contact was made to discuss the nature of their concerns. Committee members are to note that the concern was not in relation to the request.

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

- b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted
- f) comments from adjacent owners and residents
- g) that in approving the minor variance no dangerous precedent would be created.

h) comments from City Departments.

DISCUSSION

There was no discussion pertaining to this application.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Moved By: Mr. Ben de Haan
Seconded By: Mr. Ray Contant

Motion Carried

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

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(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

- 1. Asking for relief from the Fence By-law 2014-98, to recognize a 9'0" effective grade height for a newly constructed rear yard fence located at 735 Gloucester Street North.**
- 2. The variance is DESIRABLE for the appropriate development or use of the land, building and structures.**
- 3. The variance MAINTAINS the general intent and purpose of the Official Plan and Zoning By-law.**

4. There were no objections.

Moved By: Mr. Mr. Ben de Haan
Seconded By: Mr. Ray Contant

Motion Carried

RISE AND REPORT

Item 1 – A-40-20

Motion to allow Minor Variance for **(Fence)**.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall