

COMMITTEE OF ADJUSTMENT REPORT

DATE: March 20, 2025

REPORT NO: RPT - 104 - 25

TO: To the Chair and Members of the Committee of Adjustment

FROM: Logan Keen, Planner

APPLICATION TYPE: Minor Fence Variance Application

APPLICATION NO: FV5-24-LK

LOCATION: 180 Grand River St N, Paris

APPLICANT: Monique Price

APPELLANT: Julie O'Hara Murphy, 174 Grand River St N

SUBJECT: Request for a Decision on a Fence Variance Application pursuant to the County of Brant Fence By-law By-law 135-23

PURPOSE:

The purpose of this report is to provide the Committee Members with information pertaining to the request and objection received for a variance pursuant to County of Brant Fence By-law 135-23.

This report, along with attached Applicant / Appellant comments and presentation will be used as a base for the Committee to make a decision to approve, defer or refuse the fence variance application.

As part of the decision, the Committee may add conditions which are considered appropriate to the nature of the application.

PROPOSAL:

The Applicant/Owners are requesting the following variance to the Fence By-law 135-23:

- To permit a fence having a maximum height of 7.5 feet (2.28m) to be constructed along a portion of the south facing property line and fence having a maximum height of 8.5 feet (2.5m) along the west facing property line whereas a maximum fence height of 3 feet (0.91m) is permitted.

The Applicant/Owner are requesting the additional height due to the interpretation of the Fence By-law and nature of the lot configuration.



Figure 1: Lot configuration of "Front Yard" at 180 Grand River Street North

Section 2.9 of the Fence By-law-135-23 states that "'Front Yard" shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot. For the purpose of this by-law the shortest lot line abutting the street is the front lot line."

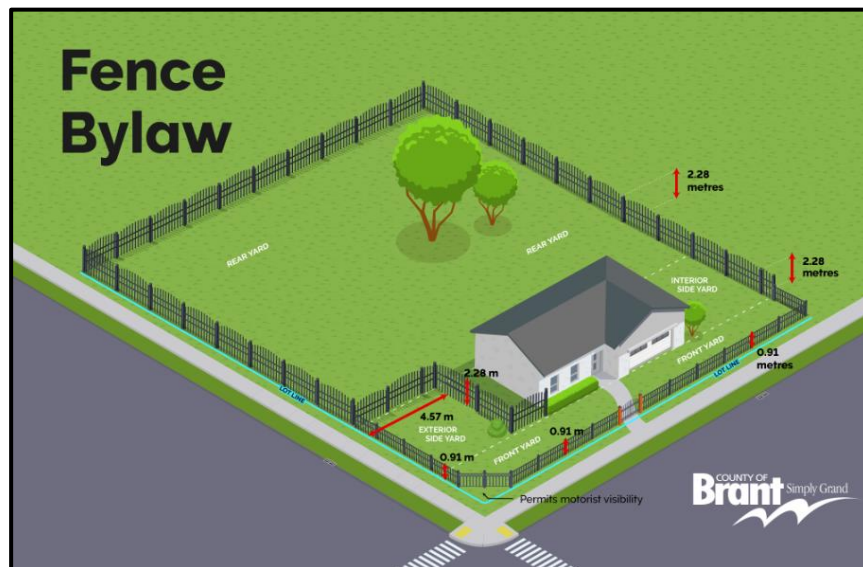


Figure 2: Fence By-law Property Fences Diagram

In this instance, the yard in question is considered to be the front yard thus restricting the height of the fence to 3 feet (0.9m)

A Notice of Objection to the fence variance has been received from the following neighboring properties:

- 174 Grand River Street N

Attached to this report is a copy of the Application for Fence Variance, site plan drawing of the proposed fence, copy of the Notice of Objections, Variance Circulation notice and Hearing Circulation Notice.

COMMENTS:

Fence variance application was circulated to Operations for their comments. Upon their review, it is understood that the fence as proposed does not have negative impacts on traffic safety and sightlines.

OBJECTION SUMMARY:

A Notice of Objection was received from the property owners at 174 Grand River Street North. The objection can be summarized as follows:

- Height is unnecessary and imposing;
- Interferes with light and air flow;
- Aesthetically unappealing.

The specifics of the objections and public comments are attached to this report.

SITE VISIT:

A site visit was taken by staff on February 11, 2025 to view the proposal.

LOCATION:

The subject lands are located at 180 Grand River Street North.

The subject lands are an irregular shaped parcel with approximately 6.5 metre (21.3 ft) frontage along Broadway Street East, approximately 80m (262 ft) along the south facing property line, approximately 25m (82 ft) along the east facing property line, 41m (134 ft) along the north facing property line and 17m (55 ft) along the west facing property line abutting 45 Broadway St. The area of the lands are approximately 1294.9 square metres (0.32 acres).

The subject lands are located in a residential area. This property abuts residential homes along Broadway Street East and Grand River Street North and has frontage along on Broadway Street East and Grand River Street North. Residential home boundaries are distinguished by the existing fences, and manicured yards.

PLANNING POLICY:

The subject lands are designated Neighborhoods within the County of Brant Official Plan (2023).

The subject lands are zoned Heritage Area, Residential Multiple Low Density (HA-RM1) in the County of Brant Zoning By-law 61-16.

PROCEDURE:

When an application for variance to the Fence By-law is received, the application is circulated to the appropriate County of Brant Staff for review. The review ensures that the proposed fence does not have any negative impacts on traffic safety, sightlines etc.

A notice of the variance request is circulated to all abutting properties which the proposed fence will share.

If a Notice of Objection is received within 14 days of notice circulation, an Objection Hearing is scheduled.

If a Notice of Appeal is received within 20 days of the decision being made, an Appeal Hearing is scheduled.

SUMMARY:

- An application for Fence Variance was received from the property owners at 180 Grand River Street North.
- To permit a fence having a maximum height of 7.5 feet (2.28m) to be constructed along a portion of the south facing property line and fence having a maximum height of 8.5 feet (2.5m) along the west facing property line whereas a maximum fence height of 3 feet (0.91m) is permitted.
- The Applicants/Owners are requesting the additional height due to the interpretation of the Fence By-law and nature of the lot configuration.
- The variance request was circulated to all abutting property owners and interested parties.
- A notice of Objection (see attached) was received from property owners at 174 Grand River Street North.
- Staff are requesting for a decision on the Fence Variance Application pursuant to the County of Brant Fence By-law 135-23, Section 5.
- Based on the information included in and attached to this report, the Committee can approve, defer or refuse the application.

Respectfully Submitted,



Logan Keen, Planner

ATTACHMENTS

1. Aerial Photo
2. Site Photos
3. Application for Fence Variance
4. Notice of Objection
5. Variance Circulation Notice
6. Hearing Circulation Notice

COPY TO

1. Logan Keen, Planner

2. Nicole Campbell, Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment
3. Amanada Paine, Supervisor of Enforcement and Regulatory Services
4. Dan Namisniak, Manager of Development Planning
5. Applicant/Agent/ Appellant

FILE # FV5/24/LK

In adopting this report, is a bylaw or agreement required?

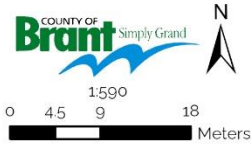
By-law required (No)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

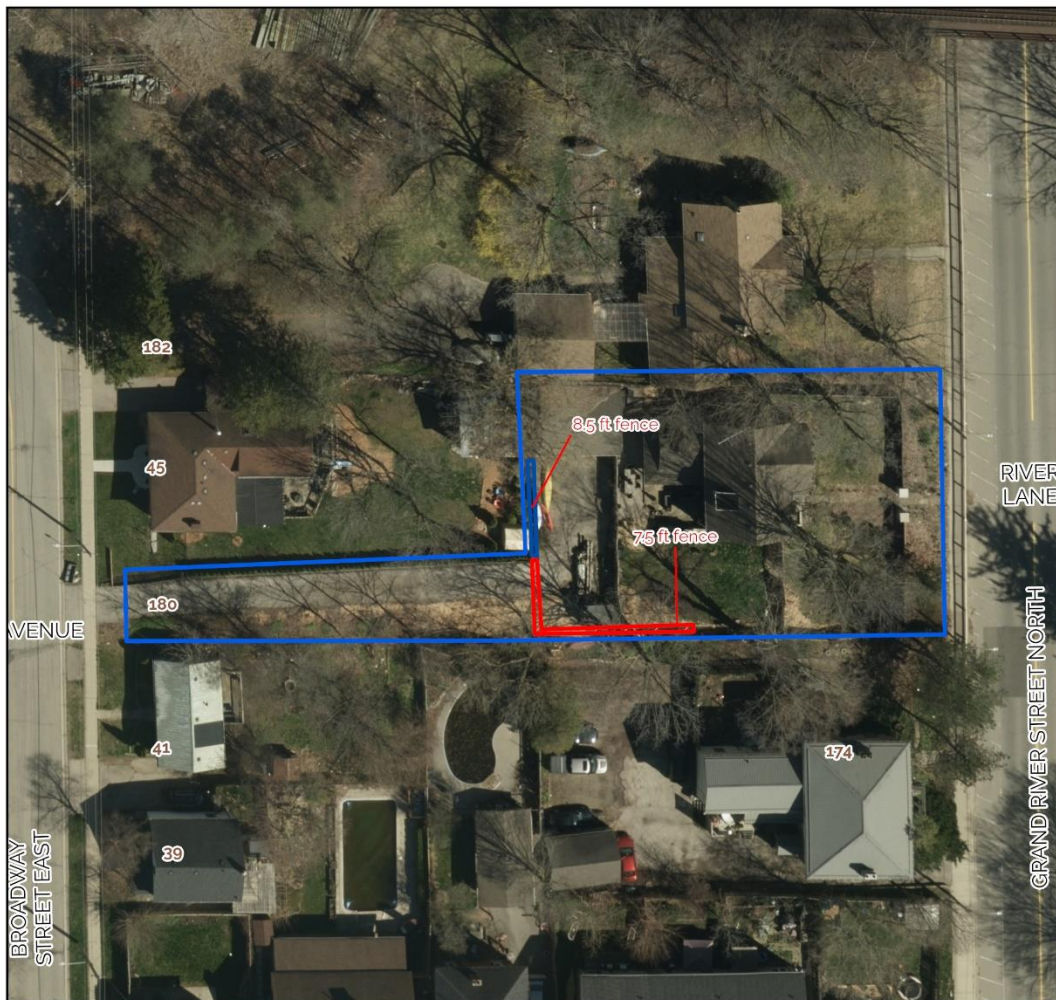
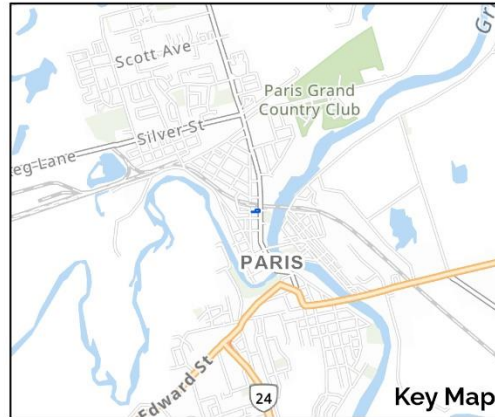
Is the necessary by-law or agreement being sent concurrently to Council? (No)

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
FV5-24-LK

180 Grand River St N
County of Brant
Ontario




Date Printed: 2025-01-20







variance Application is \$1047.00. This will be due upon review of your application.

Please review the following errors 

- **Maximum file upload size is 2MB**

Full address of property subject to the application: *

180 Grand River St N

Owner Name: *

Monique Price

Telephone Number: *



Email: *



Brant.

- **The 2024 fee for a Fence Variance Application is \$1047.00. This will be due upon review of your application.**

Please review the following errors

- **Please complete all fields**

Full address of property subject to the application: *

180 Grand River St North

Owner Name: *

Monique Price

Telephone Number: *

[REDACTED]

Email: *



Is the person filling out this application the owner of the property? *

Yes

No

Fence Information

Is this a swimming pool enclosure? *

Yes

No

Height of fence: *

7-8.5'

Type of fence construction: *

Chain link, wood, iron gate, garden struct

Location of fence: *



webforms.brant.ca



Please outline the reasons for your fence variance application and why you cannot comply with the current by-law requirements: *

I would like a privacy screen at the west end to block my neighbours cameras and unsightly fence.
I have an iron entrance gate that is taller than 3'.
I require a fence that is taller than 3' to keep my dogs in the yard due to a deep ditch at the south/west corner that runs behind my sheds.
I may decide to install a pool in the future.

Applicant Acknowledgement, please check off all that apply: *

- I solemnly declare that all statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if make under oath and by virtue of the Canada Evidence Act.
- I certify that I have written



Type of fence construction: *

Chain link, wood, iron gate, garden struct

Location of fence: *

It is on the west portion of my property a

Please provide a drawing of the proposed fence on the property including all dimensions, fence heights, property and sight lines. *

Browse...

Allowed extensions pdf, doc, docx, xls, xlsx, jpg, jpeg, gif, png, tif

Please outline the reasons for your fence variance application and why you cannot comply with the current by-law requirements: *

I would like a privacy screen at the west end to block my neighbours cameras and unsightly fence.
I have an iron entrance gate that is taller than 3'.
I require a fence that is taller than 3' to



Telephone Number: *

Email: *

Mailing Address: *

City/Town: *

Postal Code: *

Is the person filling out this application the owner of the property? *

Yes

No

Fence



**Applicant Acknowledgement,
please check off all that apply: ***

- I solemnly declare that all statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if make under oath and by virtue of the Canada Evidence Act.
- I certify that I have written authorization from the applicant to act as a representative with respect to this application on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Signature of Applicant: *



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County of Brant
519-442-6324
Email: planning@brant.ca



Development Service Division
66 Grand River Street North
Paris, ON N3L 2M2
www.brant.ca

**INSTRUCTIONS FOR PREPARING AND SUBMITTING
NOTICE OF OBJECTION TO FENCE VARIANCE APPLICATION
FENCE BY-LAW NUMBER 135-23**

- Please print clearly.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the Secretary-Treasurer of the Committee of Adjustment if you retain a representative after the submission of this form.
- Submit your completed Notice of Objection form by the filing deadline to the Development Planning Division, at 66 Grand River Street North, Paris, Ontario.
- Written notice of the date and time of the hearing will be sent to the address you have provided in this Notice of Objection.

RECEIVED

FEB 06 2025

COUNTY OF BRANT
Initials AS

County of Brant
519-442-6324
Email: planning@brant.ca



Development Services Division
66 Grand River Street North
Paris, ON N3L 2M2
www.brant.ca

**NOTICE OF OBJECTION – FENCE VARIANCE APPLICATION
PURSUANT TO S.8.5 FENCE BY-LAW 135-23**

Date Stamp – Application Rec'd by Municipality (Office Use Only)

**SUBMIT COMPLETED FORM TO THE DEVELOPMENT
PLANNING DIVISION AT THE ADDRESS INDICATED ABOVE**

Part 1: Location Information

Address and/or Legal Description of property subject to the objection:

174 GRAND RIVER ST IV

Part 2: Appellant Information (You must notify the County of any change of address or telephone number in writing)

First Name: JEANIE Last Name: O'HARA MURPHY
TRAGUE MURPHY

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Daytime Telephone #: [REDACTED] Alternate Telephone #: _____

Fax #: _____ E-mail Address: [REDACTED]
By providing an e-mail address you agree to receive communications from the County by e-mail.

Mailing Address: AS above
Street Address Apt/Suite/Unit # City/Town

Province _____ Country (if not Canada) _____ Postal Code _____
Signature of Appellant: [Signature] Date: Feb 3/05

Personal information requested on this form is collected under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended, and will be used for the purpose of processing your application. A copy of this application will be provided to persons that have the right to file an objection as set out in County of Brant By-law 135-23.

Part 3: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____

By providing an e-mail address you agree to receive communications from the County by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit # City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Aug 10 2015

Please note: If you are representing the applicant and are NOT a solicitor, please confirm that you have written authorization to act on behalf of the applicant by checking the box below.

I certify that I have written authorization from the applicant to act as a representative with respect to this application on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 4: Appeal Specific Information

1. Submission No. (as indicated on Notice) FV5-24-LK

2. Provide specific information about why you are objecting to the variance. If more space is required, please continue on the attached page.

(Please print)

We object as the height as an e canopy, imposing, interfere with light and air flow. Esthetically unappealing; looking & feeling like a compound. We consent to a 3 ft fence on the proposed line according to survey on along the current fence line of 36 years not disturb in the gardens/landscaping. A 4 ft fence is needed for a pool. This is not the case more than twice allowed here. It is extreme

Consultation with lawyer has occurred



Submission No. FV5-24-LK

COUNTY OF BRANT

NOTICE OF FENCE VARIANCE APPLICATION

COUNTY OF BRANT FENCE BY-LAW 135-23

IN THE MATTER OF AN APPLICATION FOR A VARIANCE TO COUNTY OF BRANT FENCE BY-LAW 135-23 from **Monique Price** for **180 Grand River Street North, Paris, which is deemed a residential lot**. The Applicant is requesting a variance to permit an **8.5 ft. (2.59 m) fence along the west facing property line and a 7.5 ft. (2.28m) fence along the west facing and south facing property line, whereas a 3 ft. (0.9m) fence is permitted**.

Pursuant to Section 8(5) of County of Brant Fence By-law 135-23, as amended, notice of the application is hereby given to every property owner that shares a common property boundary with the applicant along which the fence is located or is to be constructed.

Pursuant to Section 8(5) of County of Brant Fence By-law 135-23, if you wish to file an objection to this application, you must complete and file the Notice of Objection Form (attached) with the Development Planning Division, at the address below, within 14 days of receipt of this notice. Notice will be deemed to have been received by you, five (5) days after the date indicated below.

Where an objection is not received within the time indicated above, no further opportunity to file an objection will be granted, and a by-law to amend County of Brant Fence By-law 135-23 to permit the variance will be granted.

DATED this 21 day of January, 2025.

Development Planning Division

66 Grand River Street North

Paris, Ontario

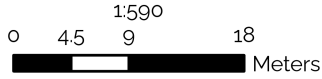
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Tel: 519-449-2451 or (1-888-250-2297)

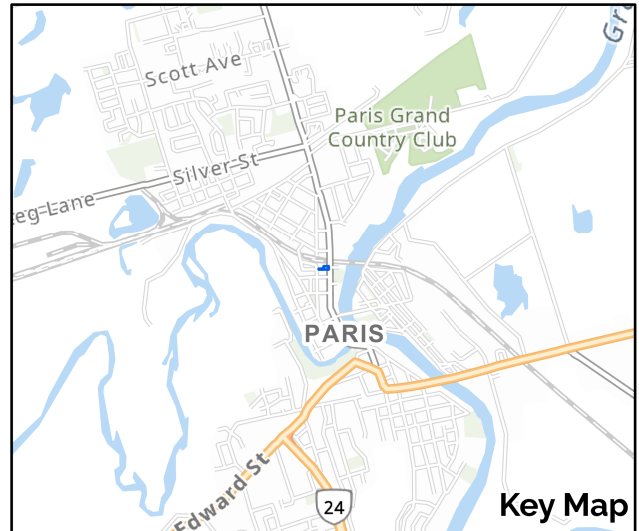
Email: planning@brant.ca

MAP 3: AERIAL IMAGERY 2024
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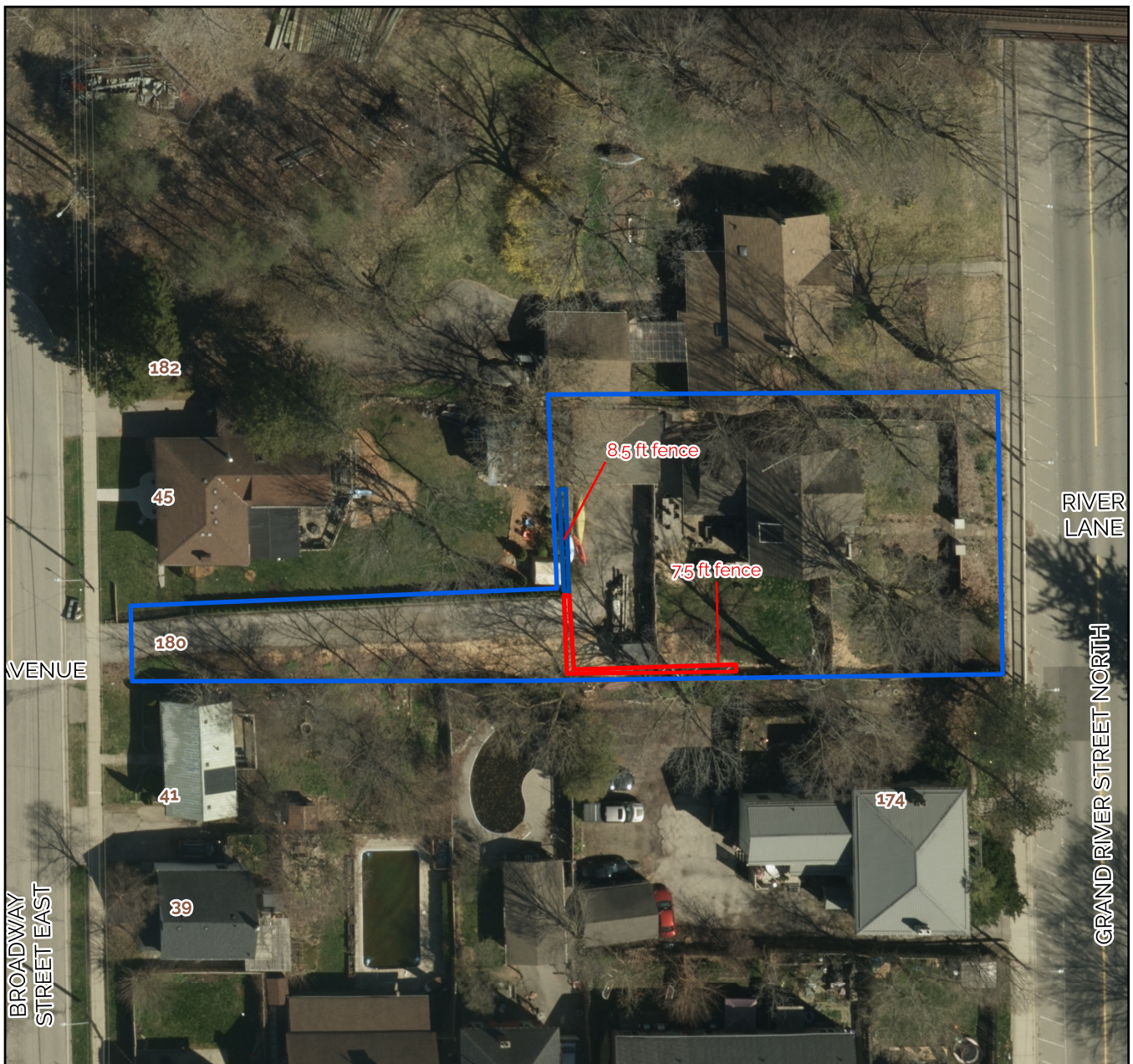
180 Grand River St N
County of Brant
Ontario



Date Printed: 2025-01-20



Key Map





**INSTRUCTIONS FOR PREPARING AND SUBMITTING
NOTICE OF OBJECTION TO FENCE VARIANCE APPLICATION
FENCE BY-LAW NUMBER 135-23**

- **Please print clearly.**
- **If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.**
- **Professional representation is not required but please advise the Secretary-Treasurer of the Committee of Adjustment if you retain a representative after the submission of this form.**
- **Submit your completed Notice of Objection form by the filing deadline to the Development Planning Division, at 66 Grand River Street North, Paris, Ontario.**
- **Written notice of the date and time of the hearing will be sent to the address you have provided in this Notice of Objection.**

County of Brant
519-442-6324
Email: planning@brant.ca



Development Services Division
66 Grand River Street North
Paris, ON N3L 2M2
www.brant.ca

**NOTICE OF OBJECTION – FENCE VARIANCE APPLICATION
PURSUANT TO S.8.5 FENCE BY-LAW 135-23**

Date Stamp – Application Rec'd by Municipality (Office Use Only)

**SUBMIT COMPLETED FORM TO THE DEVELOPMENT
PLANNING DIVISION AT THE ADDRESS INDICATED ABOVE**

Part 1: Location Information

Address and/or Legal Description of property subject to the objection:

Part 2: Appellant Information (You must notify the County of any change of address or telephone number in writing)

First Name: _____ Last Name: _____

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____ E-mail Address: _____

By providing an e-mail address you agree to receive communications from the County by e-mail.

Mailing Address: _____
Street Address Apt/Suite/Unit # City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Personal information requested on this form is collected under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended, and will be used for the purpose of processing your application. A copy of this application will be provided to persons that have the right to file an objection as set out in County of Brant By-law 135-23.

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Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____

Street Address

Apt/Suite/Unit #

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the applicant and are NOT a solicitor, please confirm that you have written authorization to act on behalf of the applicant by checking the box below.

I certify that I have written authorization from the applicant to act as a representative with respect to this application on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 4: Appeal Specific Information

1. Submission No. (as indicated on Notice) _____

2. Provide specific information about why you are objecting to the variance. If more space is required, please continue on the attached page.

(Please print)



Submission No. FV5-24-LK

COUNTY OF BRANT

NOTICE OF HEARING

VARIANCE TO COUNTY OF BRANT FENCE BY-LAW 135-23

IN THE MATTER OF AN APPLICATION FOR FENCE VARIANCE TO COUNTY OF BRANT FENCE BY-LAW 135-23 from **Monique Price** for **180 Grand River Street North, Paris, which is deemed a residential lot**. The Applicant is requesting a variance to permit an **8.5 ft. (2.59 m) fence along the west facing property line and a 7.5 ft. (2.28m) fence along the west facing and south facing property line, whereas a 3 ft. (0.9m) fence is permitted.**

Whereas an objection has been received in accordance with the requirements of subsection 8.7 of County of Brant Fence By-law 135-23, as amended;

Now therefore, pursuant to Section 8.8 of the Fence By-law 135-23, as amended, notice is hereby given that the above noted application will be heard by the Committee of Adjustment on:

March 20, 2025, 6:00 PM
COUNCIL CHAMBERS ENTRANCE
7 BROADWAY STREET WEST, PARIS

This is a public hearing called for the purpose of hearing evidence in support of or in opposition to the above noted application. You may appear in person or be represented by an agent or counsel, at the address shown below. If you do not attend and are not represented at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice of the proceedings.

DATED this 5th day of March 2025

Secretary-Treasurer, Committee of Adjustment

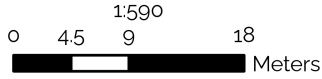
66 Grand River St. N. Paris ON N3L 2M2

Tel: 519-442-7268 ext. 3022

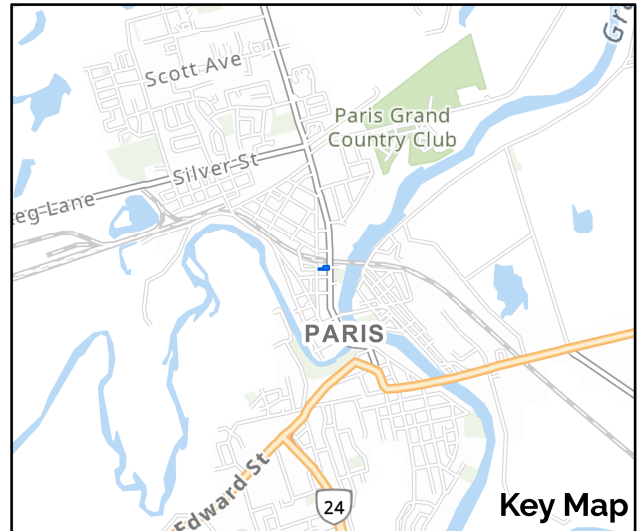
Fax 519-442-3461 email: Nicole.campbell@brant.ca

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
FV5-24-LK

180 Grand River St N
County of Brant
Ontario



Date Printed: 2025-01-20



Key Map

