INTRODUCTION

The proposed variance is in regards to the privacy fence between the south neighbouring property (4008 Summers Creek Road) and my own back deck and front yard at (4012 Summers Creek Road). The south neighbouring property originally had one registered owner and one occupant. On June 24, 2026 the occupant purchased the property and became the sole owner. The current zoning is residential, so the proposed variance remains consistent with the general purpose and intent of the current zoning.

The proposed variance is addressing privacy and safety concerns: there is an unusual topographical feature under the western most section of the fence (a 45 degree slope down towards the lake), and the south neighbouring property has an extended grassy sitting area close to the property line. Without the fence, the southern property occupants have a clear view of my property, including my decks and hot tub area.

BACKGROUND

A FireSmart Inspector visited my property and advised that the existing 3-4m high cedar hedge between the two properties should be removed. The south neighbouring property's owner and occupant agreed with this assessment, wanted the hedge removed, and assisted me with the preliminary design of 1.8m high, non-combustible metal fence. The hedge was removed and the 1.8m fence was installed and completed on October 18, 2024.

On Monday, October 21, 2024 (three days later), the occupant of my neighbours property, sight unseen, filed a bylaw complaint with RDOS for the fence we had all agreed to.

To address the complaint, I worked diligently with bylaw Officer Tim Donegan to rectify the situation. Officer Donegan inspected my property and the fence and suggested some adjustments be made. I complied with Officer Donegan's suggestions.

The only remaining concern Officer Donegan had was the topographical feature on the western end of the fence where the topography slopes down at an approximate 45 degree angle to the lake. (see attached photographs), and suggested a variance be applied for. Mr. Donegan found no safety, neighborhood, or broader public interest concerns that warranted further enforcement action. While the fence measures greater than 1.8m from the base of the slope on my property, it is only 1.8m in height above my neighbours grass. After making adjustments to lower the height of the fence as suggested by Officer Donegan, the complaint was closed as the owner of the south neighbouring property did not have an issue with the fence and requested it be closed.

On June 24, 2026, the occupant purchased the property from the original owner, and became the sole owner. On June 25, 2026, the new owner filed a new complaint with RDOS regarding my fence, so I am requesting a variance.

Since the adjustments made after the initial complaint, the only other changes to the fence was adding two additional panels 1.68m high on the eastern end to create privacy in my front yard.

VARIANCE CRITERIA AND ASSESSMENT

The proposed variance is consistent with the general purpose and intent of the residential zoning. Our properties continue to be residential and the fence provides privacy to my property. My neighbour extended a sitting area on their northern property line (immediately adjacent my property) causing a direct line of sight onto our upper deck and lower deck, where we have our hot tub. The fence provides privacy to both of these decks and the hot tub area.

The proposed variance is addressing a topographical feature. The last, most western fence section sits on a 45 degree slope causing the top of the fence height to be >1.8m. While the height it is greater than the bylaw on my property, it sits 1.8m above the neighbours extended grass sitting area.

The strict compliance with the zoning regulation is unreasonable and unnecessary. It is unreasonable and unnecessary because the fence height on my neighbours property meets the current bylaws of 1.8m above the grass sitting area. Additionally, if the fence were to be lowered to be 1.8m from the base of the slope, the top of the fence would be at grass level on my neighbours property. The extended sitting area poses a significant privacy and safety concern; they are an infringement of my privacy and the right to the enjoyment of my property. Due to the topographical feature and the extended sitting area, compliance with the current zoning regulation would be unreasonable and unnecessary.

The proposed variance does not unduly impact the character of the streetscape or surrounding neighbourhood. The 3-4m high hedge was removed by a certified arborist, and the fence was professionally constructed and is aesthetically pleasing. The fence is on the south property line and blocks my neighbours view of my front yard, back decks, and hotub area.

Please see attached: Title, Covenants, Location Map, Site Plan, Elevations