

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-9/21
Location: 107 Fountain Street East
Hearing Date: January 14, 2021
Owner: Paul E. Campbell
Agent: J. Cox, J. L. Cox Planning Consultants Inc.
Official Plan Designation: Mixed Use 2 – Downtown Secondary Plan
Zoning: Downtown 2 (D.2)

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) a minimum left side yard setback of 0.97 metres;
- b) a minimum right side yard setback of 0.6 metres; and
- c) the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the of the front wall of the main dwelling.

By-Law Requirements: The By-Law requires:

- a) a minimum side yard setback of 1.5 metres; and
- b) that, for a single detached dwelling in a downtown zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the variances apply to the proposed dwelling in general accordance with the Public Notice sketch.

Alectra Utilities

2. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities if a service upgrade is required due to the changes.
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Comments

Planning Services

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan. Mixed Use 2 areas, are areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The predominant character of this area is of low-rise buildings that are residential in character. As land uses evolve, the predominant character of Mixed Use 2 areas are to be maintained. To maintain the general character of Mixed Use 2 Areas, development is to be compatible with the character of the surrounding area and respect the character of neighbouring buildings in terms of scale, materials, landscaping and relationship to the street. The requested variances will facilitate the construction of a new single detached dwelling that is compatible with neighbouring properties and maintains the character of the existing streetscape. The requested variances are considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Downtown 2" (D.2) according to the Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the existing single detached 1-storey dwelling and construct a 2-storey single detached dwelling with a gross floor area of 157 square metres and a single car attached garage. The applicant is requesting 3 variances to facilitate the proposal.

The first two variances requested are to Table 6.3.2.8, Row 2, which requires a minimum side yard setback of 1.5 metres. The applicant is requesting a variance to permit a minimum left side yard setback of 0.97 metres and a variance to permit a minimum right side yard setback of 0.6 metres. The general intent and purpose of the Zoning By-Law in requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access and to allow for proper lot grading and drainage. The reduced side yard setbacks will still allow for adequate separation, access and proper lot grading and drainage. The variances to the side yard are considered to meet the general intent and purpose of the Zoning By-law.

The applicant has requested a third variance to permit the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the front wall of the main dwelling, whereas Section 6.3.2.5.2.1.6.5 of the By-law requires every required parking space to be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building. The intent of this provision is to ensure the streetscape is not dominated by parking spaces and garages and to ensure a consistent streetscape. The existing 1-storey dwelling is built over the front property line and encroaches onto the City's right-of-way. The requested variance to allow the legal parking space to be located a minimum of 3 metres from the front property line is an improvement to the existing situation, and will allow for a legal parking space to be fully contained on the property within the attached garage. A 3 metre setback is more consistent with the character of the existing streetscape. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The existing lot is narrow with a frontage of approximately 6 metres. If the applicant were to build in accordance with setback requirements, the house would only be 3 metres wide and would be setback significantly further than houses on neighbouring properties, which would result in an inconsistent streetscape. The existing 1-storey dwelling is currently built over the front and right property lines. The proposal is removing an encroachment from the City's right-of-way and creating a legal parking space wholly on the subject property. The shared right-of-way with the property to the north will remain unobstructed with the new dwelling. The variances are considered to be desirable for the appropriate development of the land and are also considered to be minor in nature.

The requested variances maintain the general intent and purpose of the Secondary Plan and Zoning By-law, are considered desirable for the development of the land and are considered to be minor in nature.

Staff recommend approval of the variances, subject to the condition noted above.

Engineering Services

Engineering staff have no concerns with the requested left side yard setback variance, to permit the proposed detached dwelling to be situated 0.97 metres from the left lot line; or to the right side yard setback variance, for the same dwelling to be situated 0.6 metres from the right side lot line since it will not have an adverse effect on the left or right side yard drainage. Further, staff have no concerns with the requested variance to permit the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the front wall of the main dwelling.

We agree with recommendations made by the Planning and Building staff.

Building Services

This property is located in the Downtown 2 (D.2) Zone. The applicant is proposing to demolish the existing single detached 1-storey dwelling and construct a 2-storey single detached dwelling with a gross floor area of 157 square metres and a single car attached garage. Variances from Table 6.3.2.8 Row 2 and Section 6.3.2.5.2.1.6.5 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed. Note: Windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6 metres may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

Alectra Utilities

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the above noted condition for the Committee's consideration (see attached).

Comments from the Public

None

Contact Information

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