

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-13/21
Location: 106 Sunnylea Crescent
Hearing Date: February 11, 2021
Owner: 2483847 Ontario Ltd.
Agent: Cynthia Zahoruk, Cynthia Zahoruk Architect Inc.
Official Plan Designation: Medium Density Residential
Zoning: Residential General Apartment (R.4A) Zone

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

- a) a minimum common amenity area of 56 square metres;
- b) a minimum left and right side yard setback of 3 metres;
- c) the windows of a habitable room to face a side yard with a minimum width of 3 metres;
- d) parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line; and
- e) visitor parking spaces to be located within the required front yard setback.

By-Law Requirements: The By-Law requires:

- a) a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 [total of 180 square metres required];
- b) a minimum side yard setback equal to one-half the building height [7 metres] but not less than 3 metres [minimum side yard setback of 3.5 metres required];
- c) that for side yards in R.4A zones, where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres;
- d) that in a R.4 zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line; and
- e) that only visitor parking (not more than 25 percent of the minimum off-street parking required) may be located in the front yard or exterior side yard provided it is to the rear of the required front or exterior side yard.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the Owner obtains Site Plan Approval in accordance with Section 41 of the Planning Act for the proposed 6 unit, 2-storey apartment building; related file PRE20-030S.

Alectra Utilities

2. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.
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Comments

Planning Services

The subject property is designated "Medium Density Residential" in the City's Official Plan. The "Medium Density Residential" land use designation permits multiple unit residential buildings such as townhouse and apartments, with a minimum height of 2 storeys and a maximum height of 6 storeys. The requested variances to accommodate a proposed 2-storey, 6 unit apartment building meets the general intent and purpose of the residential policies of the Official Plan.

The subject property is zoned General Apartment (R.4-A) according to Zoning By-law (1995)-14864, as amended. To enable the development of a 6 unit residential building, the applicant is seeking relief from five by-law requirements to permit:

- a) a minimum common amenity area of 56 square metres; whereas the by-law requires a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 (total of 180 square metres required);
- b) a minimum left and right side yard setback of 3 metres; whereas the by-law requires a minimum side yard setback equal to one-half the building height (7 metres) but not less than 3 metres (minimum side yard setback of 3.5 metres required);
- c) the windows of a habitable room to face a side yard with a minimum width of 3 metres; whereas the by-law requires where windows of a habitable room face a side yard, such side yard shall have a minimum width of not less than 7.5 metres;
- d) parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line; whereas the by-law requires every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line; and
- e) visitor parking spaces to be located within the required front yard setback; whereas the by-law requires that only visitor parking (not more than 25 percent of the minimum off-street parking required) may be located in the front yard or exterior side yard provided it is to the rear of the required front or exterior side yard.

The purpose and intent of the residential apartment zoning regulations, holistically, is to provide consistent built form standards in line with the Urban Design policies of the Official Plan and the City's Urban Design Guidelines. The subject property is a vacant infill site located in an established area of the City. Infill properties are typically located in areas with existing amenities, such as public parks and open spaces. Proposed land uses should be appropriate for the area and complement existing uses, to ensure the development of meaningful built form and public spaces. Considerations for development on infill sites can include appropriate site organization, including setbacks between buildings on adjacent properties and consequent overlook, privacy and shadow impacts and existing trees, vegetation and grades.

The proposal for the 6 unit, 2 storey residential building is highly comparable to the built form of the surrounding 8 unit, 2 storey residential buildings. Site Plan Committee staff have worked with the applicant to achieve a site layout with the applicant's desired building form that functions best on the property while also respecting the adjacent 2 storey residential apartment buildings. Each unit has private amenity areas in the form of outdoor balconies, landscaping will be required to buffer the parking area between the side and front yard property lines and required parking is achieved with the proposed layout.

Staff notes the applicant has requested to move forward with a minor variance application prior to completing/nearing Site Plan Approval to have confidence the proposed layout is supported by the Committee prior to completing detailed engineering work, landscaping plans and site plan review.

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

Planning staff recommend approval of the application subject to the condition noted above.

Engineering Services

The property is subject to a site plan application. Staff have offered several engineering comments under the preliminary site plan application (PRE20-030S). Engineering review will be completed under the site plan process. Engineering has no concerns with the requested variances.

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

Building Services

This property is located in a Residential General Apartment (R.4A) Zone. The applicant is proposing to construct a 2-storey residential apartment building with 6 units on the vacant property. Variances from Section 5.4.2.4.1, Table 5.4.2 Row 8, and Sections 5.4.2.1, 4.13.2.2 and 4.13.2.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit:

- a) a minimum common amenity area of 56 square metres;

- b) a minimum left and right side yard setback of 3 metres;
- c) the windows of a habitable room to face a side yard with a minimum width of 3 metres;
- d) parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line; and
- e) visitor parking spaces to be located within the required front yard setback.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Alectra Utilities

We have reviewed the applications scheduled for the February 11, 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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