

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-22/21
Location: 38 Hearn Avenue
Hearing Date: March 11, 2021
Owner: Ben and Lindsey Robinson
Agent: Phill McFadden, Sutcliffe Homes Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

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

- a) a minimum left side yard setback of 0.52 metres for the proposed one-storey building addition; and
- b) a minimum left side yard setback of 0.48 metres for the proposed one-storey open, roofed porch.

By-Law Requirements: The By-Law requires:

- a) a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings in an R.1B Zone; and
- b) a minimum side yard setback of 0.6 metres for an open, roofed porch not exceeding 1 storey.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the left side yard setback of 0.52 metres apply only to the proposed one-storey addition as shown on the public notice sketch.
 2. That the left side yard setback of 0.48 metres apply only to the proposed one-storey open, roofed porch as shown on the public notice sketch.
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Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variances to permit a proposed single-storey addition and covered patio with reduced side yard setbacks does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The applicant is proposing to construct a 31 square metre single-storey building addition and a covered porch to the rear of the existing two-storey detached dwelling. Two variances are required to facilitate the proposal.

The first variance request is to permit a minimum left side yard setback of 0.52 metres for the proposed one-storey building addition, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a minimum side yard setback of 1.5 metres.

The second variance request is to permit a minimum left side yard setback of 0.48 metres for the proposed one-storey open, roofed porch, whereas Table 4.7, Row 3 of the Zoning By-law requires a minimum side yard setback of 0.6 metres for an open, roofed porch not exceeding 1 storey.

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, to maintain access and to allow for proper lot grading and drainage. The existing dwelling has a legal non-complying left side yard setback (west property line) of 0.417 metres. It is noted that the proposed addition is in keeping with the existing setbacks on the property.

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 conditions noted above.

Engineering Services

Engineering has no concerns with the applicant's request for seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.52 metres for the proposed one-storey building addition; and a minimum left side yard setback of 0.48 metres for the proposed one-storey open, roofed porch.

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

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 31 square metre single-storey building

addition and a covered porch to the rear of the existing two-storey detached dwelling. Variances from Table 5.1.2 Row 7 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit a minimum left side yard setback of 0.52 metres for the proposed one-storey building addition and a minimum left side yard setback of 0.48 metres for the proposed one-storey open, roofed porch.

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

Please note that 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.

Comments from the Public

None

Contact Information

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