

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-29/21
Location: 26 Paul Avenue
Hearing Date: June 10, 2021
Owner: Michael Lee
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

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

- a) to permit a minimum left side yard setback of 1.2 metres for the proposed 2-storey, single detached dwelling; and
- b) to provide no landscaped open space between the driveway and the right lot line.

By-Law Requirements: The By-Law requires:

- a) a minimum side yard setback of 1.5 metres for single detached dwellings between 1 and 2 storeys; and
- b) a minimum landscaped open space area of 0.5 metres between a driveway (residential) and the nearest lot line in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the left side yard setback of 1.2 metres apply only to the proposed two-storey dwelling as shown on the public notice sketch.
 2. That the no landscaped open space between the driveway and the right side yard lot line apply only 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 permits a range of housing types including single detached residential dwellings with accessory residential dwelling units. The requested variances meet 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 a single detached dwelling. A detached accessory residential dwelling unit is also a permitted use in the R.1B zone. The applicant is requesting two variances to facilitate the construction of a new single detached dwelling on the property:

- a) to permit a minimum left side yard setback of 1.2 metres for the proposed 2-storey, single detached dwelling, whereas, the zoning by-law requires a minimum side yard setback of 1.5 metres for single detached dwellings between 1 and 2 storeys; and,
- b) to provide no landscaped open space between the driveway and the right side yard lot line, whereas the zoning by-law requires a minimum landscaped open space area of 0.5 metres between a driveway (residential) and the nearest lot line in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.

The property previously had a dwelling located at the rear of the property, behind the dwelling of 28 Paul Avenue, which has been demolished. The applicant is proposing a new dwelling on the irregular shaped lot with a 10.6 metre frontage. A reduced side yard setback permits the dwelling to be brought forward to be visible from the streetscape and accommodate the proposed driveway beside the dwelling. The reduced side yard setback of 1.2 metres will still allow for proper site drainage and maintenance access for the dwelling.

The minimum required residential driveway width is 3.0 metres and the applicant is requesting a 0 metre setback from the driveway to the right side yard property line to access the detached garage in the rear yard with an accessory residential dwelling unit located above the garage. The driveway will directly abut the single detached dwelling. Engineering has noted there are no drainage concerns with the driveway having a 0 metre setback to the right side property line.

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.

Staff recommend approval of the variances subject to the following condition:

Engineering Services

Engineering has no concerns with the applicant's request to seek relief from the By-Law requirements to permit a minimum left side yard setback of 1.2 metres for the

proposed 2-storey, single-detached dwelling; and provide no landscaped open space between the driveway and the right lot line.

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. Variances from Table 5.1.2, Rows 7 and 12 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services has objection to this application to permit:

- a) to permit a minimum left side yard setback of 1.2 metres for the proposed 2-storey, single detached dwelling; and
- b) to provide no landscaped open space between the driveway and the right lot line.

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

Comments from the Public

Yes (See Attached)

Contact Information

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