

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-33/21
Location: 94 York Road
Hearing Date: June 10, 2021
Owner: Benjamin Percy and Anna Bowen
Agent: Mackenzie Carroll, Gerrard's Design & Drafting Inc.
Official Plan Designation: Low Density Residential
Zoning: Specialized Residential Single Detached (R.1B-10) Zone

Request: The applicant is seeking:

- a) relief from the By-Law requirements to permit a two-storey addition to the existing semi-detached dwelling to have:
 - i. a minimum right side yard setback of 0 metres;
 - ii. a minimum left side yard setback of 1.5 metres; and
- b) permission to enlarge/extend the legal non-conforming use to permit the construction of a two-storey building addition with a gross floor area of 78.1 square metres onto the rear of the existing semi-detached dwelling unit.

By-Law Requirements: The By-Law requires:

- a) a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings; and
- b) despite Row 7 of Table 5.1.2, where a garage, carport or parking space is not provided in accordance with Section 4.13.2.1, one side yard shall have a minimum dimension of 3 metres.

Also, the property contains a semi-detached dwelling, which is considered to be a legal non-conforming use in the Residential Single Detached (R.1B) Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

Staff Recommendation

Deferral

The applicant has requested deferral of the application.

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 and semi-detached residential dwellings. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The existing semi-detached dwelling is a legal non-conforming use on the property.

The applicant is requesting 3 variances to permit a two-storey addition to the existing semi-detached dwelling which include:

- A minimum right side yard setback of 0 metres, whereas Section 5, Table 5.1.2, Row 7 requires a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings;
- A minimum left side yard setback of 1.5 metres, whereas Section 5, Table 5.1.2, Row 7 requires a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings and where a garage, carport or parking space is not provided in accordance with Section 4.13.2.1, one side yard shall have a minimum dimension of 3 metres;
- Permission to enlarge/extend the legal non-conforming use to permit the construction of a two-storey building addition with a gross floor area of 78.1 square metres onto the rear of the existing semi-detached dwelling unit, whereas Section 2.5.3.3. Legal Non-Conforming Uses states nothing shall prevent the strengthening or renovation of a Building or Structure which is Used for a purpose not conforming with this By-law, so long as the strengthening or renovation does not alter the height, size, or volume of the Building or Structure or change the Use on the property unless the change is to a Use permitted by this By-law.

The applicant has requested deferral of the application to address public comments received. Staff have no objection to the application being deferred and support the applicant's deferral request.

Engineering Services

Engineering has no concerns with the applicant's request to seek relief from the By-Law requirements to permit a two-storey addition to the existing semi-detached dwelling to have a minimum right side yard setback of 0 metres; a minimum left side yard setback of 1.5 metres.

Further, engineering has no concern to grant permission to enlarge/extend the legal non-conforming use to permit the construction of a two-storey building addition with a gross floor area of 78.1 square metres onto the rear of the existing semi-detached dwelling unit.

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

Building Services

This property is located in the Specialized Residential Single Detached (R.1B-10) Zone. The applicant is proposing to construct a two-storey building addition onto the rear of the existing semi-detached dwelling. Variances from Table 5.1.2, Row 7 and Section 5.1.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit:

- a) relief from the By-Law requirements to permit a two-storey addition to the existing semi-detached dwelling to have:
 - i. a minimum right side yard setback of 0 metres;
 - ii. a minimum left side yard setback of 1.5 metres; and
- b) permission to enlarge/extend the legal non-conforming use to permit the construction of a two-storey building addition with a gross floor area of 78.1 square metres onto the rear of the existing semi-detached dwelling unit.

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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