

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-46/21
Location: 78 Glasgow Street North
Hearing Date: September 9, 2021
Owner: Eric and Theresa Giverson
Agent: Matt Kocher, CHART
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

By-Law Requirements: The By-law requires:

- a) a minimum front or exterior side yard for dwellings located within Defined Area Map Number 66 of the By-law of 6 metres or the average of the setbacks of the adjacent properties [being 4.27 metres]; and
- b) a minimum rear yard setback of 7.5 metres or 20 percent [3.32 metres] of the lot depth, whichever is less.

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

- a) a minimum exterior side yard setback of 1.48 metres for the proposed single-storey building addition; and
- b) a minimum rear yard setback of 1.53 metres for the proposed single-storey building addition.

Please note that the By-law requirements for a side yard setback is not applicable as previously noted on the Public Notice.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the requested variances apply only to a single-storey building addition 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 variance 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 single-storey building addition in the exterior side yard and two variances are required to facilitate this proposal.

The first variance the applicant is requesting is to permit a minimum exterior side yard setback of 1.48 metres for the proposed single storey building addition, whereas Section 5.1.2.7 (i) of the Zoning By-law requires a minimum front or exterior side yard for dwellings located within Defined Area Map Number 66 of the By-law of 6 metres or the average of the setbacks of the adjacent properties (being 4.27 metres).

The general purpose and intent of the exterior side yard setback is to provide a consistent streetscape for buildings on corner lots and to ensure the corner lot sight line triangle is not obstructed. The location of the single-storey building addition is within the rear corner of a fenced in yard separated from Cambridge Street by landscaping and mature trees within the City's boulevard. The 9x9 metre corner lot sight line triangle is not being obstructed by the proposed building addition. A setback of 1.48 metres still allows room for maintenance and access to the building addition.

The second variance requested is to permit a minimum rear yard setback of 1.53 metres for the proposed single-storey building addition, whereas Table 5.1.2, Row 8 requires a minimum rear yard setback of 7.5 metres or 20 percent (3.32 metres) of the lot depth, whichever is less. The general intent and purpose of the Zoning By-law relating to rear yard setbacks is to maintain a rear yard amenity area and to ensure the property is not overdeveloped. The existing single detached dwelling has a legal non-complying rear yard setback of 1.45 metres at its closest point. The proposed single-storey building addition is essentially matching the existing situation. The proposed addition is limited in size and still allows for outdoor amenity area. The requested variances are considered to meet the general intent and purpose of the Zoning By-law.

Due to the existing single detached dwelling's legal non-complying status, any building addition would result in variances to the Zoning By-law. Staff are recommending that the building addition be limited to a single-storey to limit potential negative impacts such as privacy concerns on the adjacent property. The requested variances are considered to be desirable for the appropriate development of the land and minor in nature.

The requested variances are considered to meet the general intent and purpose of the Official Plan and Zoning By-law, are considered to be desirable for the appropriate 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 has no concerns with the applicant's request of seeking relief from the By-law requirements to permit a minimum exterior side yard setback of 1.48 metres for the proposed single-storey building addition; and a minimum rear yard setback of 1.53 metres for the proposed single-storey building addition.

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

Building Services

Providing that the condition recommended by Planning Staff is imposed, 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.

Comments from the Public

None

Contact Information

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