

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-48/21
Location: 408 Willow Road
Hearing Date: October 14, 2021
Owner: Paul Harvey and Karren Phair-Harvey
Agent: Lloyd Grinham, L. Alan Grinham Architect Inc.
Official Plan Designation: Low Density Residential
Zoning Designation: Residential (R.4A) General Apartment Zone

By-Law Requirements: The By-law requires:

- a) that an accessory building may occupy a yard other than a front yard or required exterior side yard on a lot;
- b) a maximum building height of 3.6 metres for an accessory building in a residential zone; and
- c) 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.

Also, the property contains a single detached dwelling and accessory building (detached garage), which are considered to be legal non-conforming in the R.4A Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

Request: The applicant is seeking:

- a) relief from the By-law requirements to permit the proposed accessory building (detached garage) to be located in the front yard with a minimum front yard setback of 3.7 metres;
- b) relief from the By-law requirements to permit the proposed accessory building (detached garage) to have a maximum building height of 4.5 metres;
- c) relief from the By-law requirements to permit parking spaces to be located in the front yard; and
- d) permission to enlarge/extend the legal non-conforming use to permit the construction of a 53.5 square metre accessory building (detached garage).

Staff Recommendation

Approval with Conditions

Recommended Conditions

Engineering Services

1. That prior to issuance of a building permit, the Owner agrees to provide a grading plan to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer demonstrating that the construction of the new detached garage will not impact or alter the existing drainage patterns.

Landscape Planning

2. That prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for the entire proposed development area which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058) and the City's Tree Technical Manual, to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
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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 and semi-detached residential dwellings. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "General Apartment Zone" (R.4A) according to Zoning By-law (1995)-14864, as amended. The R.4A zone permits uses including an apartment building, retirement residential facility, maisonette and related accessory uses. The existing residential single detached dwelling is considered to be a legal non-conforming use in the R.4A zone. The property also contains an existing detached garage which has legal non-complying setbacks and front yard location.

The existing single detached dwelling, originally a farmhouse, is a Listed heritage structure constructed of limestone. The applicant is proposing to demolish the existing accessory structure and construct a new 2 car detached garage/accessory structure in a similar location on an expanded footprint. Four variances are requested to facilitate the construction of the proposed accessory structure:

- a) to permit the proposed accessory building (detached garage) to be located in the front yard with a minimum front yard setback of 3.7 metres; whereas Section 4.5.1 of Zoning By-law (1995)- 14864 states an accessory Building or Structure may occupy a Yard other than a Front yard or required Exterior side yard on a lot;
- b) to permit the proposed accessory building (detached garage) to have a maximum building height of 4.5 metres; whereas Section 4.5.2.1 of Zoning

By-law (1995)- 14864 states in a residential Zone, an accessory Building or Structure shall not exceed 3.6 metres in height;

- c) to permit parking spaces to be located in the front yard; whereas Section 4.13.2.2 of Zoning By-law (1995)- 14864 states in a R.3A or 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
- d) permission to enlarge/extend the legal non-conforming use to permit the construction of a 53.5 square metre accessory building (detached garage).

Planning has no objection to permitting a new accessory structure (detached garage) with a larger footprint in a similar location to the existing accessory structure where the existing access, driveway and parking location of the property is located. The existing setback to the Willow Road street line is proposed to remain the same.

The purpose and objective of maximum accessory building height is to ensure an accessory building remains accessory to the main use on the property. The proposed 2 car garage does not exceed the dwelling in height and the applicant has indicated that the roof line has been designed to compliment the roof line of the heritage dwelling.

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 variances.

Landscape Planning

The subject property is more than 0.2 hectares in size, and therefore regulated by the Private Tree Protection By-law (2010)-19058. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual may be required.

Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff. Cash in Lieu rates are set out in the [Private Tree By-law](#), while Replacement Tree rates are set out in the [Tree Technical Manual \(TTM\)](#).

Engineering Services

The applicant is proposing to construct a new double car detached garage to replace the existing single car garage in the front yard. Engineering has no concerns with the requested variances in the application; subject to the condition noted above.

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

Building Services

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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