

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-9/23
Location: 30 Powell Street East
Hearing Date: February 9, 2023
Owner: Katie Stiefelmeyer and Steve Murray
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

By-Law Requirements: The By-Law requires:

- a) requires that properties located within Defined Area Map 66 of the Zoning By-law shall have a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties [being 3.52 metres];
- b) requires that properties located within Defined Area Map 66 of the Zoning By-law shall have a minimum exterior side yard setback of 6 metres;
- c) does not permit a building to be located within a sight line triangle on a corner lot; and
- d) requires that exterior stairs have a minimum setback of 0.8 metres from the front lot line, and to project a maximum of 1.5 metres into the required front yard.

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

- a) a minimum front yard setback of 1.25 metres for the proposed addition to the front of the existing dwelling;
- b) a minimum exterior side yard setback of 4.5 metres for the proposed addition to the front of the existing dwelling;
- c) the proposed addition to the front of the existing dwelling to be located within the sight line triangle; and
- d) the proposed exterior stairs be located a minimum of 0.28 metres from the front lot line, and project to a maximum of 3.24 metres into the required front yard.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the variances only apply to the proposed addition in the front yard and in general accordance with the sketch shown on the Notice of Public Hearing.
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Comments

Planning Services

The applicant is proposing to construct an 11.8 square metre addition with living space in the front yard of an existing single detached dwelling on the subject property. An existing unenclosed and covered porch currently exists on the front façade of the dwelling where the addition is proposed. Most of the site area currently occupied by the porch would be replaced by the proposed addition.

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 detached dwellings. The applicant is also proposing to add a new set of exterior stairs projecting into the front yard towards Powell Street East.

It is an objective of the Official Plan to maintain the general character of built form in existing, established residential neighbourhoods (9.3(f)). By extension, it is a residential policy in the Official Plan for building form, scale, height, setbacks, massing, appearance, and siting to be compatible in design, character and orientation with buildings in the immediate vicinity (9.3.1.1). The existing single detached dwelling's configuration and siting on the subject property is generally being maintained by the proposed variances through converting the front porch into an enclosed addition. The new layout of the single detached dwelling with the addition generally maintains the massing, appearance and siting of the house in respect to surrounding buildings and overall neighbourhood character. Planning staff are of the opinion that the proposed 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. The R.1B zone permits single detached dwellings and other related accessory uses. The subject property is also located within the "Older Built-Up Area of the City" as defined in Defined Area Map Number (DAM) 66 of Schedule "A" of the Zoning By-Law. The configuration, including existing setbacks of the single detached dwelling on the subject property is considered to be legal non-complying. The applicant is proposing to renovate and the existing covered porch and convert it into living space as previously described. The applicant has requested the following variances to facilitate the construction of the new addition:

- a) To permit a minimum front yard setback of 1.25 metres for the proposed addition to the front of the existing dwelling whereas the by-law requires a minimum front yard setback of 3.52 metres;

- b) To permit a minimum exterior side yard setback of 4.5 metres for the proposed addition to the front of the dwelling whereas the by-law requires a minimum exterior side yard setback of 6 metres.
- c) To permit the proposed addition to the front of the dwelling to be located within the sight line triangle whereas the by-law prohibits any buildings or structures within the sight line triangle; and
- d) To permit the proposed exterior stairs to be located 0.28 metres from the front lot line, and project 3.24 metres into the required front yard whereas the by-law requires exterior stairs to have a minimum setback of 0.8 metres from the front lot line, and to project a maximum of 1.5 metres into the required front yard.

The intent of minimum front yard setbacks is to provide an adequate and consistent separation between the main dwelling and the street right-of-way, provide room for a soft landscaped front yard, and to allow for proper lot grading and drainage. The subject property is located within an older and established neighbourhood of the City where reduced and irregular setbacks on low-rise residential blocks are common. The front lot line is located some distance away from the existing road and sidewalk layout along Powell Street East, which will allow adequate separation between the dwelling and street to be maintained. Further, as there is already an existing legal non-conforming covered porch at the location of the proposed addition, there will be minimal changes to grading or drainage. The requested variance for a reduced front yard setback meets the general intent and purpose of the Zoning By-law.

The intent of the required exterior side yard setbacks is to provide a consistent streetscape for buildings on corner lots and ensure the corner sight line triangle is not obstructed. The proposed addition to which the request variance would apply is located further from eastern property (exterior side lot) line than the main side façade of the dwelling, which has a much smaller legal non-conforming exterior side yard setback of 1.8 metres compared to the requested 4.5 metre setback for the addition. The requested variance will therefore have little impact on the Dufferin Street streetscape. The requested variance for a reduced exterior side yard setback is considered to meet the general intent and purpose of the Zoning By-law.

The intent of the required sight line triangle for corner lots is to ensure adequate visibility for vehicles and pedestrians at the intersection of adjacent streets. The sight line triangle is already partially obstructed by the existing legal non-conforming dwelling and porch. Also, there are stop signs at the intersection of Powell Street East and Dufferin Street that requires vehicles travelling on Powell Street East to stop and observe traffic on the cross street. Furthermore, Engineering staff have reviewed the application and conducted a site visit. They have indicated to Planning staff that they do not have any concerns with the proposed addition within the required sight line triangle. The requested variance for an addition in the sight line triangle is considered to meet the general intent and purpose of the Zoning By-law.

The intent of the required minimum setback from the front lot line and maximum projection into required front yard for exterior stairs is to allow for a consistent

streetscape and to ensure the protection of the public right-of-way. It is the opinion of Planning staff that the proposed exterior stairs are suitable in proportion to the dwelling and in keeping with the general character of the neighbourhood. Given the property line's distance from the existing sidewalk and roadway, the proposed exterior stairs should not have an overly large impact on the streetscape. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The proposed variances would maintain the character of the neighbourhood and would not have a significant impact on the streetscape. The proposed addition maintains the general existing configuration of the house on the subject lands and is replacing an existing porch in generally the same location. Staff are of the opinion that the requested variances are minor in nature.

The proposed addition maintains the general layout of the existing dwelling and is designed in a way that is consistent with the existing character of the established neighbourhood. The location of the addition in the front yard as opposed to the exterior side yard also reduces the amount of grading and related works that would be required due to the steep slope of the property towards Dufferin Street. Staff are of the opinion that the requested variances are desirable for the appropriate development of the land.

In the opinion of planning staff, the requested variances meet the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature.

Staff recommend approval of the application, subject to the above noted condition.

Engineering Services

Engineering staff completed a site visit and met with the applicant in 2022, regarding the proposed addition to the front of the existing dwelling located within the sight line triangle. Our site visit revealed that the addition of the stairs would not cause an adverse impact to the existing conditions. As such, engineering has no concerns with the requested variances.

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

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone which permits a single detached dwelling. The property is also with Defined Area Map 66, which is a boundary of the older city lands which surround downtown. The applicant is proposing to enclose the existing open roofed front porch and add exterior stairs from where the new front door will be located. Enclosing the front porch makes it part of the main dwelling and subject to the setbacks for the dwelling. Four variances are required for the enclosed front porch and exterior stairs to meet zoning requirements.

Note that a building permit will be required prior to construction/alterations, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns with the application and supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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