

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-11/23
Location: 100 Division Street
Hearing Date: March 9, 2023
Owner: Paul Hettinga
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) that the minimum front yard setback for a dwelling located in Defined Area Map Number 66 of the By-law shall be 6 metres or the average of the setbacks of the adjacent properties [being 5.8 metres]; and
- b) that the minimum side yard setback for a dwelling located in the R.1B Zone be 1.5 metres.

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

- a) a minimum front yard setback of 3.57 metres for the existing dwelling and proposed second-storey addition; and
 - b) a minimum right side yard setback of 0.96 metres for the existing dwelling and proposed second-storey addition.
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Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the variance for a reduced side yard setback shall only apply to the right side yard in general accordance with 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 dwellings and additional residential dwelling units (ARDUs). The requested variances will facilitate an addition to the existing single detached dwelling, which is a permissible use in the "Low Density Residential" land use designation. The requested variances conform to 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 detached dwellings and ARDUs. The front and right side yard setbacks of the existing dwelling are considered to be legal non-complying, and since the applicant is proposing to add a second storey with the same setbacks, two variances are required.

The first variance requested is for a minimum front yard setback of 3.57 metres, whereas Table 5.1.2, Row 6, Section 5.1.2.7(i) of the Zoning By-law requires a minimum front yard setback that is the average of the setbacks of the adjacent properties, being 5.8 metres. The general intent and purpose of this zoning regulation is to ensure a consistent streetscape. The existing front yard setback is considered to be non-complying and the applicant is proposing to maintain the existing setback. There are no adverse impacts anticipated by allowing a second storey addition to be built with the reduced front yard setback.

The second variance requested is for a minimum right side yard setback of 0.96 metres for the existing dwelling and second-storey addition, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a minimum side yard setback of 1.5 metres. The general intent and purpose of this zoning regulation is to ensure adequate room for lot grading, drainage, access, maintenance and privacy. A reduced setback 0.96 metres will still allow for proper lot grading, drainage, access, maintenance and privacy. It should also be noted that the left side yard allows for unobstructed access to the rear yard. The requested variances are considered to meet the general intent and purpose of the Zoning By-law.

The dwelling maintains setbacks similar to that of other 1.5 and 2 storey dwellings in the neighbourhood. Impacts on privacy would be minimal as no windows are proposed on the right side of the second storey, where the reduced setback of 0.96 metres would be located. For these reasons staff are satisfied that the proposal is both desirable for the appropriate development of the land and minor in nature.

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 has no concerns with the applicant's request for seeking relief from the By-Law requirements to permit a minimum front yard setback of 3.57 metres for the existing dwelling and proposed second-storey addition; and a minimum right side yard setback of 0.96 metres for the existing dwelling and proposed second-storey addition.

It is recommended that the applicant consider the downspouts from the subject site not discharge towards adjacent properties and that stormwater be directed to the City's Right-Of-Way. Additionally, please note that if any change in site grading occurs due to the second storey's construction, the existing grading and drainage patterns are to be reinstated.

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone which permits a single detached dwelling and an additional residential dwelling unit (ARDU) within a separate building on the same lot. The property is also with Defined Area Map 66, which is a boundary of the older city lands which surround downtown and many structures were built prior to zoning by-laws being created and do not meet current requirements.

The applicant is proposing to construct a new second-storey addition on the existing dwelling for use as an accessory residential dwelling unit. Two variances are required for the addition to meet zoning requirements as the front yard and right side yard setback of the existing dwelling are legal non-complying.

Note that a building permit is required prior to any construction/alterations, at which time requirements under the Ontario Building Code will be reviewed. The area that is accessed through the front door is a shared space that both dwelling units access through and will need to have fire separation of 30 mins and 20 mins fire doors on both of the doors to the separate units.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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