

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-22/23
Location: 88 McCann Street
Hearing Date: April 13, 2023
Owner: Manju Misra and Amar Mohanty
Agent: Michael Stryker
Official Plan Designation: Low Density Greenfield Residential
Zoning Designation: Specialized Residential Single Detached (R.1B-43) Zone

By-Law Requirements: The By-Law requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 7.2 metres], whichever is less, for a dwelling located in the R.1B Zone.

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum rear yard setback of 5.95 metres for the proposed addition to the rear of the existing dwelling.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the rear yard variance shall be in general accordance with the Public Notice sketch.

Engineering Services

2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site, to the satisfaction of the General Manager/City Engineer. Grading must demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.
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Comments

Planning Services

The subject property is designated "Low Density Greenfield Residential" in the City's Official Plan. The "Low Density Greenfield Residential" land use designation applies to residential areas within the greenfield area of the city and permits a range of housing types including single detached dwellings and additional residential dwelling units (ARDUs). The requested variance would facilitate the construction of an addition to the rear of an existing single detached dwelling, which is a permissible use in the Low Density Greenfield Residential land use designation. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-43) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an addition to the rear of the existing dwelling and requires one variance to facilitate the addition. The applicant is requesting a variance to permit a rear yard setback of 5.95 metres, whereas Table 5.1.2, Row 8 of the Zoning By-law requires a rear yard setback of 7.5 metres or 20% of the lot depth (being 7.2 metres), whichever is less.

The proposed single storey rear yard addition is located on the east side of the property and would be constructed with an ARDU that would be accessed from the east side yard. The proposal conforms with the required side yard setback and all other zoning requirements apart from the rear yard setback. The intention of the required rear yard setback is to allow for sufficient rear yard amenity area and to provide adequate separation between residential properties that back on to one another. In this case the subject property has no rear yard neighbour and backs onto a woodlot that is protected as a natural area. The proposed addition still allows for adequate rear yard amenity space. As such staff is of the opinion that the requested variance conforms to the general intent and purpose of the Zoning By-law.

Considering the proposed rear yard variance represents a 17% reduction from what the Zoning By-law requires and the subject property backs onto a woodlot, staff are of the opinion that the proposal is minor in nature and is desirable for the appropriate development of the land.

The requested variance meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

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

Engineering Services

A proposed armour stone retaining wall was identified as part of the plan to construct the addition, the wall appears to have a 0m setback on the shared property line with 84 McCann Street. The wall has the potential to impact the drainage pattern on the adjacent property at 84 McCann Street; therefore, the above noted condition should be imposed.

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

Building Services

The subject property is in the Specialized Residential Single Detached (R.1B-43) Zone which permits single detached dwellings and additional residential dwelling units. The applicant is proposing an addition to the rear of the dwelling to accommodate an additional residential dwelling unit addition and is requesting a variance to Table 5.1.2, Row 8 of Zoning By-law 1995-14864 as amended, to permit a minimum rear yard of 5.95 metres, whereas the minimum required rear yard 7.2 metres, 20% of the lot depth.

A building permit will be required prior to the construction of the addition, at which time requirements under the Ontario Building Code will be reviewed.

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

Comments from the Public

None

Contact Information

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