

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-12/23
Location: 21 Dublin Street South
Hearing Date: April 13, 2023
(deferred from the March 9, 2023 hearing)
Owner: 966129 Ontario Inc.
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

By-Law Requirements: The By-Law:

- a) requires 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 1.5 metres];
- b) requires that the minimum exterior side 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 0.52 metres];
- c) requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 2.76 metres], whichever is less, for a dwelling located in the R.1B Zone;
- d) requires a minimum of 0.5 metres between the driveway and nearest lot line, and that this space be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation, and indigenous species;
- e) does not permit a building or structure to be located within the sight line triangle on a corner lot;
- f) requires that an open, roofed porch not exceeding 1 storey in height have a minimum setback of 2 metres from the front lot line; and
- g) permits exterior stairs associated with an open, roofed porch to project to the minimum setback from the lot line [being 2 metres].

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

- a) a minimum front yard setback of 1.2 metres for the proposed detached dwelling;
- b) a minimum exterior side yard setback of 0.3 metres for the proposed detached dwelling;
- c) a minimum rear yard setback of 2.45 metres for the proposed detached dwelling;

- d) a minimum of 0 metres between the driveway and right side lot line;
- e) a portion of the proposed detached dwelling, roofed front porch and exterior stairs to be located within the sight line triangle;
- f) the proposed open, roofed porch to be located a minimum of 0 metres from the front lot line; and
- g) the exterior stairs associated with the proposed open, roofed front porch be located a minimum of 0 metres from the front lot line.

Staff Recommendation

Approval with Condition

Recommended Conditions

Engineering Services

1. That prior to the issuance of a Building Permit, the Owner(s) shall remove vegetation from within the sight triangle and shall maintain compliance with the Zoning Bylaw.

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. The requested variances will facilitate the construction of a single detached dwelling, which is a permitted use in the Official Plan. Staff are satisfied that the requested variances conform 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. The R.1B zone permits detached dwellings. A comparison of the requested variances to the existing dwelling on site is shown in the table below:

	Existing	Proposed
Front Yard Setback	1.2 metres	1.2 metres
Exterior Side Yard Setback	0.6 metres	0.3 metres
Rear Yard Setback	3.6 metres	2.45 metres
Driveway Setback to Lot Line	0 metres	0 metres

Sightline Triangle Encroachment	Partial encroachment	Partial encroachment
Roofed Porch Setback	None	0 metres
Roofed Porch Stairs Setback	None	0 metres

The front yard setback of the proposed dwelling maintains the same setback as the existing structure, and the proposed setback to the lot line fronting onto Essex Street is proposed to be reduced from 0.6 metres to 0.3 metres. As there is a considerable setback of at least 4 metres between the edge of the sidewalk and the lot line staff have no concerns with the proposed front and side yard setbacks.

The rear yard setback reduction to 2.45 metres would have little impact on the neighbouring properties and would be similar to the rear yard setback of 59/61 Essex Street to the rear of the subject property. As the Zoning By-law permits encroachments into the rear yard for uncovered porches the proposed rear yard porch conforms with the By-law and does not require a variance.

The driveway setback of 0 metres to the lot line with 19 Dublin Street is existing and would remain unchanged. Due to the smaller size of the lots in the neighbourhood driveways with similar setbacks are common in the surrounding area.

The sightline triangle encroachment remains similar to that of the existing dwelling. Due to the considerable distance between the lot lines and the sidewalk on both the Dublin Street and Essex Street frontages, staff have no concerns with the proposed sightline triangle encroachment.

The proposed open roofed porch and stairs on the front of the building would both have a setback of 0 metres. Due to the significant distance between the front lot line and both the sidewalk and road staff are satisfied that the proposed porch and stairs would not have any negative impact on safety or privacy.

The proposed dwelling would be two storeys in height and maintains a similar footprint and orientation as the existing dwelling. As there is currently a mix of 2 storey, 1.5 storey and single storey dwellings in the neighbourhood staff are satisfied that the proposal is minor in nature and is desirable for the development of the neighbourhood.

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.

Engineering Services

Engineering Services has reviewed the request for multiple variances for a new detached dwelling at 21 Dublin Street South. Engineering services has no further

concerns with the requested variance, subject to the above noted condition being imposed.

It should be noted that an encroaching sanitary service lateral serving 19 Dublin St was identified by engineering staff. The access to the said lateral should not be construed so as to affect any unregistered easements or the rights to access thereto. The owner of 21 Dublin Street South is asked to show the lateral on the grading and drainage plan which is required as part of the building permit for the new dwelling.

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

Comments from the Public

Yes (See Attached)

Contact Information

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