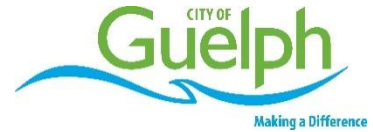


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-85/23
Location: 48 Edinburgh Road South
Hearing Date: December 14, 2023
Owner: Tony Teymory
Agent: Justin Kelly, Tri-City Drafting and Design Service
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements:

A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.377 metres], whichever is less.

Zoning By-Law (2023)-20790 Requirements:

A variance from Table 6.3 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.377 metres], whichever is less.

Request:

The applicant is seeking relief from the requirements of both Zoning By-laws to permit a minimum rear yard setback of 1.277 metres for the proposed second storey addition to the existing dwelling.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the addition be constructed in general accordance with the sketch included in the public notice.

Building Services

2. That no windows be permitted on the wall of the second storey addition which faces the technical rear yard.
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Comments

Planning Services

The subject lands are designated as "Low Density Residential" in the 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 variance will facilitate the construction of a second storey addition in the rear of the existing single detached dwelling, on top of the existing single storey rear structure. The requested variance is considered to meet the intent and purpose of the Official Plan.

The subject lands are zoned "Residential Single Detached" (R.1B) according to By-law (1995)-14864, as amended, and zoned "Low Density Residential" (RL.1) according to the comprehensive Zoning By-law passed by Council on April 18, 2023. The proposed second storey rear addition will be located above the existing single-story portion of the dwelling and will maintain the existing rear yard setback of 1.277 meters.

The requested variance is to permit a minimum rear yard setback of 1.277 meters for the proposed second story addition. A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires a minimum rear yard setback of 7.5 meters or 20 percent of the lot depth [being 5.377 meters], whichever is less. Additionally, a variance from Table 6.3 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires a minimum rear yard setback of 7.5 meters or 20 percent of the lot depth [being 5.377 meters], whichever is less. The intent of these provisions is to ensure adequate separation between dwellings on residential lots. The proposed addition is seeking relief from the requirements of both Zoning By-laws, to permit a minimum rear yard setback of 1.277 meters for the proposed second addition of the existing dwelling. As the proposed addition would replace an existing rooftop balcony and would maintain the footprint of the existing dwelling, staff are satisfied that the proposal meets the general intent of both the 1995 and 2023 Zoning By-laws.

The requested variance would facilitate a second story addition towards the rear of the existing dwelling and would replace the existing rooftop balcony. The addition would have little impact on the streetscape, or neighbouring properties, and would not expand the footprint of the existing dwelling. For these reasons staff consider the requested variance to be appropriate development of the land and minor in nature.

Staff recommend approval of the application subject to the recommended conditions.

Engineering Services

Engineering has no concerns with the requested variance. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling. The property is a corner lot, therefore the shortest frontage on Galt Street is the technical front yard.

The applicant is proposing a second storey addition over the original portion of the dwelling which will have a 1.27 m setback to the rear lot line. The addition will be in the place of an existing deck, removing amenity area in the rear yard.

The original dwelling was a one storey building that faced Edinburgh Rd S which has a legal non-complying rear yard setback of 1.27 metres. A one storey addition in line with the original dwelling was then constructed when facing Edinburgh Rd S, to the right side of the dwelling.

Then a large addition was made off of Galt Street with garage. The second storey addition over the portion of the house which faces Edinburgh Road S meets the rear yard setback to the property line shared with 44 Edinburgh Rd S as shown on the submitted site sketch. The owner is now proposing a second storey addition over the remaining portion of the dwelling that has one storey, which is proposed to be located in the required rear yard.

Due to the massing of the existing dwelling and required rear yard setbacks not being met, Building Services requests a condition if this application is approved by the Committee, that no new windows be permitted on the second storey addition facing the technical rear yard (the lot line shared with 44 Edinburgh Road N).

The applicant/owner shall be aware that the maximum driveway width for the property is 6.5 metres and modifications that have been made for landscaped open space/walkways/patio areas shall not be used for parking, as the site plan illustrates a large parking area that exceeds by-law requirements.

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

Comments from the Public

Yes (see attached)

Contact Information

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