

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-83/23
Location: 108 Ferguson Street
Hearing Date: December 14, 2023
Owner: Patrice, Sydney and Steve Scicluna
Agent: Reema Masri, Masri O Inc. Architects
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1B-10) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

A variance from Table 5.1.2 Row 7 of Zoning Bylaw (1995)-14864, as amended, is being requested. The By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings in the R.1B Zone.

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Low Density Residential 2 (RL.2) Zone.

Request:

The applicant is seeking relief from the requirements of Zoning By-law (1995)-14864, as amended to permit a minimum interior side yard setback of 0.66 metres for the proposed residential addition and attached additional residential dwelling unit (ARDU).

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the addition be constructed 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). As the uses are permitted, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.2) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. Table 5.1.2 Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings in the R.1B-10 Zone, necessitating the proposed variance. Table 6.3 Row C of the 2023 Zoning By-law requires an interior side yard setback of 1.2 metres on one side, and 0.6 metres on the other side in the RL.2 Zone. As the north interior side yard lot line exceeds 1.2 metres and the proposed south interior side yard setback of 0.66 metres exceeds the required 0.6 metres, no side yard setback variance to the 2023 Zoning By-law is required.

The intent of the required 1.5 metre side yard setback provision in the R.1B-10 zone is to ensure there is adequate separation between dwellings, and to provide reasonable privacy for the occupant and neighbouring properties. The subject lands are in an older neighbourhood where historically buildings have been constructed much closer to the side lot line than the required 1.5 metres. The proposed addition to the main dwelling would mitigate the impacts on the neighbouring property by featuring no windows on the side facing the south interior side yard. For these reasons staff are satisfied that the south interior side yard setback of 0.66 metres to facilitate the proposed addition conforms with the general intent of the Zoning By-law.

The proposed side yard setback of 0.66 metres for an addition to the main dwelling would not have a significant impact on the neighbouring properties or character of the neighbourhood considering many historic dwellings have similar setbacks in this neighbourhood. Furthermore, the proposed addition mitigates its potential impact on the neighbouring property by not including any windows facing the south interior side yard. Staff also note that the proposed addition would be permitted as of right in the RL.2 Zone in the 2023 Zoning By-law. For these reasons staff are satisfied that the proposal is desirable for the appropriate development of the property and is minor in nature.

In the opinion of planning staff, the requested variance meets the general intent and purpose of the Official Plan and both Zoning By-laws, is desirable for the appropriate development of the lands and is minor in nature. Staff recommend approval of the application subject to the recommended condition.

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 Specialized Residential Single Detached (R.1B-10) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.2) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling. The applicant is proposing to connect the existing dwelling to an existing accessory building, with the accessory building being converted into an attached ARDU. This will have the effect of the accessory building now being part of the main dwelling. The existing accessory building has a 0.66 metre setback to the left side property line. The proposal meets the interior side yard setback requirements of the 2023 CZBL, but a variance is needed under the 1995 ZBL for the required interior side yard setback.

Building Services notes for the applicant that new, unprotected openings are not permitted on the dwelling closer than 1.2 metres to the property line. Walls less than 1.2m (but greater than 0.6m) to the property line require a 45 minute fire resistance rating. A building permit is required prior to the demolition and construction, at which time requirements under the Ontario Building Code will be reviewed.

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

Grand River Conservation Authority

See attached letter from the Grand River Conservation Authority (GRCA).

Comments from the Public

None

Contact Information

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