

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-75/24
Location: 82 Eramosa Road
Hearing Date: October 10, 2024
Owner: Richard Carroll and Quinton Carroll
Agent: Brendan Kurtz, Kurtz Construction Inc.
Official Plan Designation: Low Density Residential
Zoning Designation: RL.1 (Low Density Residential 1)

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone. A variance from Section 4.12.1(d)(vii) of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the interior side yard setback for the primary dwelling unit in the RL.1 Zone, being a minimum of 1.5 metres.

Request: The applicant is seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit a minimum right side yard setback of 0.56 metres for the proposed additional residential dwelling unit in a separate building on the subject lot.

Staff Recommendation

Refusal

Comments

Planning Services

The subject property is 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, duplexes, triplexes, and additional dwelling units (ADUs). As the variance would allow for a permitted ADU, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Low Density Residential 1" (RL.1) according to Zoning By-law (2023)-20790. The requested variance is to permit a minimum left

side yard setback of 0.56 metres whereas a minimum of 1.5 metres is required in the RL.1 zone. The intent of a side yard setback is to ensure adequate space is provided to service and perform maintenance on the lot boundary, as well as allow for privacy towards the adjacent property. In the opinion of staff, a variance for 0.56 metres would make it difficult to maintain the lot boundary. The applicant has confirmed in the submission materials no windows from the ADU will face the neighbouring property to the northeast and therefore staff do not anticipate privacy concerns. Staff find the variance does not fulfill the intent of the side yard setback given the scale of the variance requested and is therefore not in conformity with the intent of the Zoning By-law.

For similar reasons, staff are likewise not satisfied that the proposal is minor in nature nor is it desirable for the appropriate development of the land. A side yard of 0.56 metres would make it difficult to perform maintenance on the lot boundary or side of the ADU structure without encroaching on the neighbouring property.

Staff recommend refusal of the application.

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 Low Density Residential 1 (RL.1) and is within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The RL.1 zone permissions include a single detached dwelling with a maximum of two additional residential dwelling units (ARDU's) is permitted on the property, either two ARDU's within the main dwelling or one within the main dwelling and one in a separate/detached building on the same lot. The applicant is proposing to build a 5m tall additional residential dwelling unit in a separate building on the existing footprint of a detached garage which has a setback of 0.56 m from the right side property line.

There is a right-of-way shown on the property and the owner has provided the following information regarding it:

"We had our lawyer review in depth the driveway and right of way during the purchase process. He reported that due to omissions and inconsistencies in registrations over the last 110 plus years it is still not clearly defined. This laneway has been in place since at least 1911, and as it is the only access to our property it could not be stopped up by adjacent property owners. Therefore, it was concluded that the property owner of 82 Eramosa has a right of way between Queen St. and King St. It was inconclusive if the property owners of registry PINs 0296, 0299, 0274 and 0275 also had claim to a right of way for the entire driveway."

An access and maintenance agreement is not being requested for this application if approved as Section 1.6 (b) (ii) Metric conversion clause and rounding states, "Measurements where the second number of the decimal is five or greater than the

first number of the decimal shall be increased by one or rounded upward (e.g. 2.45 = 2.5)”; therefore the setback is 0.6m metres when rounded.

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 to the property line require a 45 minute fire resistance rating. Walls less than 0.6m to the property line shall have non-combustible cladding and require a minimum 45 minute fire resistance rating. A building permit is required prior to the any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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