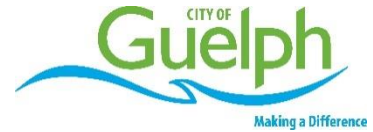


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-76/24
Location: 8 Grant Street
Hearing Date: October 10, 2024
Owner: David Aiken and Susan Aiken
Agent: Justin Masseur, MW Drafting and Design
Official Plan Designation: Mixed Use 2
Zoning Designation: D.2 (Downtown 2)

By-Law Requirements:

The property is located in the Downtown 2 (D.2) Zone. Variances from Section 4.12.1(d)(vii) and Section 4.12.1(d)(viii) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) 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 D.2 Zone, being a minimum of 1.5 metres
- b) a minimum distance of 3 metres shall be provided between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot.

Request: The applicant is seeking relief from the requirements of Zoning By-law (2023)- 20790, as amended, to permit:

- a) a minimum left side yard setback of 0 metres for the proposed additional residential dwelling unit in a separate building on the lot; and
- b) a minimum distance of 2.63 metres between the primary dwelling unit and the proposed additional residential dwelling unit in a separate building on the lot..

Staff Recommendation

Refusal

Comments

Planning Services

The subject property is designated as "Mixed Use 2" in the Downtown Secondary Plan. The "Mixed Use 2" land use designation applies to areas of the downtown that are historically mainly residential with a mixture of housing styles that have evolved to accommodate a range of uses, many in partially or fully converted houses. The predominant character of this area is of low-rise buildings that are residential in character, with landscaped front yards, and small-scale, visually unobtrusive commercial signage. As the variance would allow for a permitted additional residential dwelling unit (ADU) on lands permitting residential uses, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Downtown 2" (D.2) according to Zoning By-law (2023)-20790. The purpose of this zone is to likewise permit a range of uses in areas of the downtown that are historically mostly residential with a mixture of housing styles. Within this zone, ADUs are permitted on a lot with a single detached dwelling, semidetached dwelling, or on-street townhouse, and is therefore permitted on the subject property. Two variances are being requested.

The first variance is for a minimum distance of 2.63 metres between the ADU and the main dwelling, whereas 3.00 metres is required. The provision for a minimum distance between the ADU and main dwelling is intended to ensure adequate privacy is being provided between residents of either structure. Given the modest difference of 0.37 metres for this variance and because the design of the ADU is configured to not directly face windows towards the main dwelling, staff are satisfied that the intent of the minimum distance provision is being met.

The second variance is for a minimum left side yard setback of 0 metres for the ADU, whereas 1.5 metres is required. 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 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 west 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.

As such, staff find that the first variance for a reduced minimum distance between the ADU and main dwelling is minor and desirable for the appropriate development of the land while the second variance for a reduced side yard setback is not. A side yard setback of 0 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. Planning staff have included a condition to ensure the existing rear shed will be demolished to satisfy coverage

requirements within the Zoning By-law, should the Committee wish to approve the application.

If approved Planning Services recommends the following condition:

- That the proposed accessory dwelling unit be constructed in general accordance with the submitted site plan sketch to the satisfaction of the General Manager of Planning and Building Services, which includes the removal of the rear shed as shown on the plan.

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 Downtown 2 (D.2) and is within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Permitted uses include a single detached dwelling and an additional residential dwelling unit (ARDU). The applicant is proposing to convert an existing detached garage into an ARDU. ARDU's 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 applicable zone, which is 1.5m in the D.2 Zone. A 3m minimum distance between the main dwelling and the ARDU in a separate building is also required. The applicant is proposing a 0m side yard setback for the ARDU in a separate building and a minimum distance of 2.63 m between the primary dwelling unit and the ARDU.

Building Services notes that existing shed #1 has 0m setback to the side and rear lot lines and that it is shown as proposed to be demolished on the site sketch. A condition is requested to ensure that the shed is demolished upon any approval of the variance. A fence is located on the driveway within a required parking space, so any approval of the variance will require a condition for the removal or relocation of the fence to ensure the 2 legal parking spaces can be achieved.

It is policy in Building Services for structures that do not meet a minimum setback of 0.6 metres to enter into an Access and Maintenance Agreement with the affected neighbouring properties. The Access and Maintenance Agreement is to be registered on title of the neighbouring property owner (101 Fountain St E) and will be required with the building permit application. The agreement shall contain provisions to permit access for the owner of 8 Grant Street onto 101 Fountain St E to allow for maintenance and construction of the additional residential dwelling unit in a separate building abutting the property line.

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 and request the Access and Maintenance Agreement condition, a fence removal/relocation condition and shed #1 demolition condition if the application is approved.

If approved Building Services recommends the following conditions:

- That an Access and Maintenance Agreement be registered on title of the neighbouring property (101 Fountain St E) to the satisfaction of the Chief Building Official. The agreement shall contain provisions to permit access for the owner of 8 Grant St onto 101 Fountain St E, to allow for maintenance and construction of the additional residential dwelling unit in a separate building.
- That the existing shed #1 be demolished prior to the issuance of any building permit for the additional residential dwelling unit in a separate building.
- That the existing fence shown through the required off-street parking space be removed prior to the issuance of any building permit for the additional residential dwelling unit in a separate building.

Comments from the Public

None

Contact Information

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