

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-71/24
Location: 424 Willow Road
Hearing Date: October 10, 2024
Owner: Jose Tobon and Diana Rubio
Agent: Bobby Randhawa, Two Rivers Building Group
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:

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 1.2 metres

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

The applicant is seeking relief from the requirements of Zoning By-law (2023) 20790, as amended, to permit a minimum left side yard setback of 0.6 metres for 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 "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, which permits ADUs. The requested variance is to permit a minimum left side yard setback of 0.61 metres whereas a minimum of 1.2 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 to request half of what is required would make it difficult to maintain the lot boundary. It is also unclear from the submission materials whether the ADU will include any windows facing towards the neighbouring property to address privacy concerns. Staff therefore find the variance to not be in conformity with the intent of the Zoning By-law.

For similar reasons, staff are not satisfied that the proposal is minor in nature nor is it desirable for the appropriate development of the land. A side yard setback of 0.61 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) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The RL.1 zone permissions include a single detached dwelling and a semi-detached dwelling. 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 convert an existing detached garage with a side yard setback of 0.6m and a rear yard setback of 1.22m to an ARDU. The applicant meets the minimum required two parking spaces required: one space for the main dwelling and one space for the accessory dwelling unit. Exterior rear yard parking spaces are required to be setback a minimum of 0.5m from the lot lines and are to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping consisting of sod, trees, shrubbery or berms.

Detached ARDU's are required to have a minimum side and rear yard setback that is equal to the required side yard setback of the main dwelling. The semi-detached dwelling is required to have a minimum side yard setback of 1.2m.

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 any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Ministry of Transportation

The Ministry of Transportation (MTO) has no objection to this application. The subject property does fall within the MTO permit control, however given the proposed scope of work and separation from the highway network, MTO review, approval and permits will not be required.

Comments from the Public

None

Contact Information

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