



Report Committee of Adjustment

Filing Date: July 4, 2022
Hearing Date: August 2, 2022

File: A-2022-0206

**Owner/
Applicant:** HGLB Holdings Ltd.

Address: 0 Clarkway Drive

Ward: Ward 10

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0206 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2021-0122, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The property is subject to an ongoing Site Plan Application (SPA-2021-0122) which is under review. The proposed development consists of seven (7) town house blocks including thirty-five (35), three (3) storey townhome dwelling units. The Minor Variance application is submitted to seek relief of the Zoning By-law to permit aspects of the development including setback and lot area reductions, and total number of visitor parking spaces.

Existing Zoning:

The property is zoned 'Residential Semi-Detached E (R2E-2489)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 5.70m (18.70 ft.) whereas the Zoning by-law requires a rear yard setback of 6.0m;
2. To permit a bay window encroachment of 1.1m (3.60 ft.) resulting in a rear yard setback of 4.9m (16.07 ft.) whereas the Zoning by-law requires a maximum bay window encroachment of 1.0m (3.28 ft.) resulting in a minimum rear yard setback of 5.0m (16.40 ft.);
3. To permit 9 visitor parking spaces whereas the zoning by law requires a minimum of 11 visitor parking spaces;
4. To permit a minimum lot area of 124 sq. m (1334.72 sq. ft.) whereas the Zoning by-law requires a minimum lot area of 150 sq. m (1614.59 sq. ft.);
5. To permit an exterior side yard setback of 1.1m (3.60 ft.) whereas the zoning by-law requires 2.0m (6.56 sq. ft.) to a private road.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Medium Density' in the Bram East Secondary Plan (Area 41). The Official Plan generally seeks to promote the development of street level residential dwellings, including townhouses. The requested variances are not considered to have significant impacts within the context of the Official Plan policies and will facilitate the proposed residential development. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a rear yard setback of 5.70m (18.70 ft.) whereas the Zoning by-law requires a rear yard setback of 6.0m (19.68 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The proposed 0.30m (0.98 ft.) rear yard setback reduction applies only to one of the proposed lots of the development (Block 6, Unit 1). This setback reduction is not anticipated to negatively impact the provision of amenity space on the property as it is being requested on a corner lot of a townhouse block. The lot in question will have additional amenity space in the side yard of the property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a bay window encroachment of 1.1m (3.60 ft.) resulting in a rear yard setback of 4.9m (16.07 ft.) whereas the Zoning by-law requires a maximum bay window encroachment of 1.0m (3.28 ft.) resulting in a minimum rear yard setback of 5.0m (16.40 ft.). The intent of the by-law in restricting bay window encroachment and requiring a minimum rear yard setback is to ensure that the bay window does not limit the area provided for the rear yard amenity on the property.

The proposed 0.1m (0.32 ft.) encroachment increase and resulting 0.1m (0.32 ft.) decrease in the rear yard setback applies only to one of the proposed lots of the development (Block 6, Unit 1). Similarly to variance 1, the resulting setbacks are not anticipated to negatively impact the area provided for amenity space at the rear of the property. The property is a corner lot end unit of a townhouse block which will offer additional amenity space in the side yard. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 9 visitor parking spaces whereas the zoning by law requires a minimum of 11 visitor parking spaces. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for visitors of the residential units on site.

Through the associated Site Plan application (SPA-2021-0122), the proposal for 9 parking spaces has been reviewed and deemed appropriate to support the residential townhouse development. Traffic Services staff have reviewed the requested variance and have deemed that the 2 parking space reduction is not anticipated to negatively impact the site or adjacent properties. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a minimum lot area of 124 sq. m (1334.72 sq. ft.) whereas the Zoning by-law requires a minimum lot area of 150 sq. m (1614.59 sq. ft.). The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property.

The applicant is requesting a reduction to the minimum lot area for twenty-four (24) townhouse units of which only one unit requires a reduction to a minimum lot area of 124 sq. m (1334.72 sq. ft.). The remaining lot areas range from 125 sq. m to 144 sq. m. These reductions to the minimum lot area are intended to facilitate the proposed density and overall townhouse development. Although reductions are proposed for 24 lots, the residential character is not anticipated to be negatively impacted and the remaining 11 townhouse lots will maintain and exceed the minimum lot area requirements. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an exterior side yard setback of 1.1m (3.60 ft.) whereas the zoning by-law requires 2.0m (6.56 sq. ft.) to a private road. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. In this case, the intent is to also provide sufficient space between buildings and a private road.

The applicant is requesting a 0.9m (2.96 ft.) exterior side yard setback reduction to a private road from what the By-law permits. The variance is intended to facilitate the condominium townhouse development which is under Site Plan review and that includes a private road. The variance relates only to Block 4, Units 1 and 6 and Block 3, Units 1 and 6. The exterior side yard setback reductions for those units are not anticipated to negatively impact the functionality of the site with respect to vehicular movement on the private road. Drainage and access to the rear yard of those affected lots will not be significantly impacted. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances to allow rear yard setback reductions and bay window encroachment are technical in nature and only pertain to one lot of the overall development. Sufficient amenity space will continue to be provided despite the minor reductions. The applicant has also requested a variance to reduce the number of visitor parking spaces by two. This reduction has been reviewed by Traffic Services staff and it has been determined that the 9 visitor parking spaces provided will be sufficient to serve the residential development. The reduction to the minimum lot area for twenty-four (24) townhouse lots is not anticipated to negatively impact the residential character of the future development. Lastly, the exterior side yard setback reduction to a private road for four lots is not anticipated to negatively impact the functioning of the site with respect to rear yard access and vehicular movement.

The requested variances will facilitate the finalization and implementation of the related Site Plan Application. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0122, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances will facilitate the construction of a development comprising of thirty-five (35), three (3) storey townhome dwelling units. The variances are not anticipated to generate negative on-site or off-site impacts. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III