



## Report Committee of Adjustment

**Filing Date:** November 29, 2022

**Hearing Date:** January 3, 2023

**File:** A-2022-0384

**Owner/**

**Applicant:** Steve and Mary Ann Allin / Matthew Partridge

**Address:** 11 ALEXANDER STREET

**Ward:** WARD 1

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2022-0384 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 above grade entrance shall not be used to access an unregistered second unit; and
  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 minor variance application is submitted to permit an increased rear yard setback and lot coverage to facilitate the development of an accessible accessory dwelling unit in the rear yard as proposed by ongoing Site Plan Approval application (SPA-2022-0141). An initial minor variance application (A-2022-0269) was previously submitted and approved (September 13, 2022) to permit a rear yard setback of 11.21 metres (36.78 feet) and to permit a lot coverage of 36%. As a result of the Staff review of the Site Plan Application, it was requested that the applicant provide a revised lot coverage calculation. The applicant has now submitted this minor variance application with an increased rear yard setback and revised lot coverage calculation of 38% and this change will be reflected in the updated public notices.

### Existing Zoning:

The property is zoned 'Residential Extended One Zone (R2B1)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door, whereas the by-law only permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2 m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit;
3. To permit a rear yard setback of 11.1m (36.42 ft.) whereas the by-law requires a minimum rear yard setback of 25% of the lot depth resulting in a minimum setback of 11.36m (37.27 ft.);
4. To permit lot coverage of 38% whereas the by-law permits a maximum lot coverage of 30%.

**Note: Approval was granted under application A-2022-0269 to permit lot coverage of 36%**

**Current Situation:**

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

The property is designated as 'Central Area' in the Official Plan and 'Medium Density Residential' in the Downtown Secondary Plan (Area 7). The nature and the extent of the proposed variance is 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 an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door, whereas the by-law only permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2 m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. Variance 2 is requested to permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit. The intent of the by-law in requiring a minimum setback of 1.2m (3.94 ft.) from the side yard to an above grade door where access is provided through a door located in the side yard and path of travel leading to a principal entrance for a second unit is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The variances relate to a proposed above grade entrance to accommodate an accessible second unit. The entrance will be located at the southeast wall of the dwelling and is attributable to a small

portion of the dwelling encroaching onto the path of travel. The variances represent 0.1m (0.32 ft.) reduction to the side yard and path to travel width is requested for the area serving as a walkway to the side entrance. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit a rear yard setback of 11.1m (36.42 ft.) whereas the by-law requires a minimum rear yard setback of 25% of the lot depth resulting in a minimum setback of 11.36m (37.27 ft.). Variance four is to permit an increased lot coverage permit lot coverage of 38% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in requiring a minimum rear yard setback as well as the maximum lot coverage for a residential dwelling is to ensure that there is sufficient space provided for the rear yard amenity area of the property and that the structure does not completely dominate the lot. It is also intended to ensure that the proposed building addition does not generate negative massing impacts on adjacent properties and is compatible with the surrounding neighbourhood.

Minor Variance A-2022-0269 permitted an increased rear yard setback and lot coverage however, following a staff review of the Site Plan Application (SPA-2022-0141), it was determined that an increased rear yard setback and lot coverage would be required to permit the proposed use. In relation to Variance 3, the increased request for the rear yard setback is approximately 0.26m (0.85 ft.) and 0.11m (0.36) from the approved rear yard setback in application A-2022-0269. In relation to Variance 4, the proposed addition of approximately 68.44 sq.m (736.69 sq. ft) represents an approximate 10% increase to the existing overall lot coverage area of 28%, and a 2% increase to the approved 36% in application A-2022-0269. The proposed rear addition will positively contribute to the dwelling while maintaining a compatible built form with the existing neighbourhood. The increased rear yard setback and lot coverage of 38% are not anticipated to negatively affect the rear yard amenity space. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The variances are requested in order to facilitate the construction of a proposed building addition and registration of a second unit. The proposed addition is not anticipated to negatively impact the functionality of the subject property or have adverse impacts on the adjacent properties. A condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances are not anticipated to negatively impact the subject property or adjacent properties and will facilitate the development of registered second unit on the property. A condition of approval is recommended that the entrance shall not be used to access an unregistered second unit to ensure that the second unit complies with all Ontario Building Code regulations. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician