

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: July 18, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: June 30, 2023

REPORT NO.: DSD-2023-304

SUBJECT: Minor Variance Application A2023-079 – 55 Rockcliffe Drive

RECOMMENDATION:

That Minor Variance Application A2023-079 for 55 Rockcliffe Drive requesting relief from Section 7.3, Table 7-4, of Zoning By-law 2019-051, to permit a minimum lot width for an external street townhouse unit of 7.5 metres instead of the minimum required 9.5 metres, and to permit an interior side yard setback of 1.2 metres instead of the minimum required 2.5 metres, to facilitate one Additional Dwelling Unit (ADU) (Attached), generally in accordance with drawings prepared by Dawn Design Studios, dated April 19, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit the creation of one Additional Dwelling Unit (Attached) within an existing townhouse dwelling.
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located near the intersection of Rockcliffe Drive and Newcastle Drive.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The subject property currently contains a townhouse dwelling unit and it is the end unit of a block of 4 townhouse dwellings. The proposed Additional Dwelling Unit (ADU) (Attached) would be located within the basement of the existing townhouse dwelling on the subject property. The interior side yard is 1.2 metres and the lot width of the subject property is 7.5 metres. Accordingly, minor

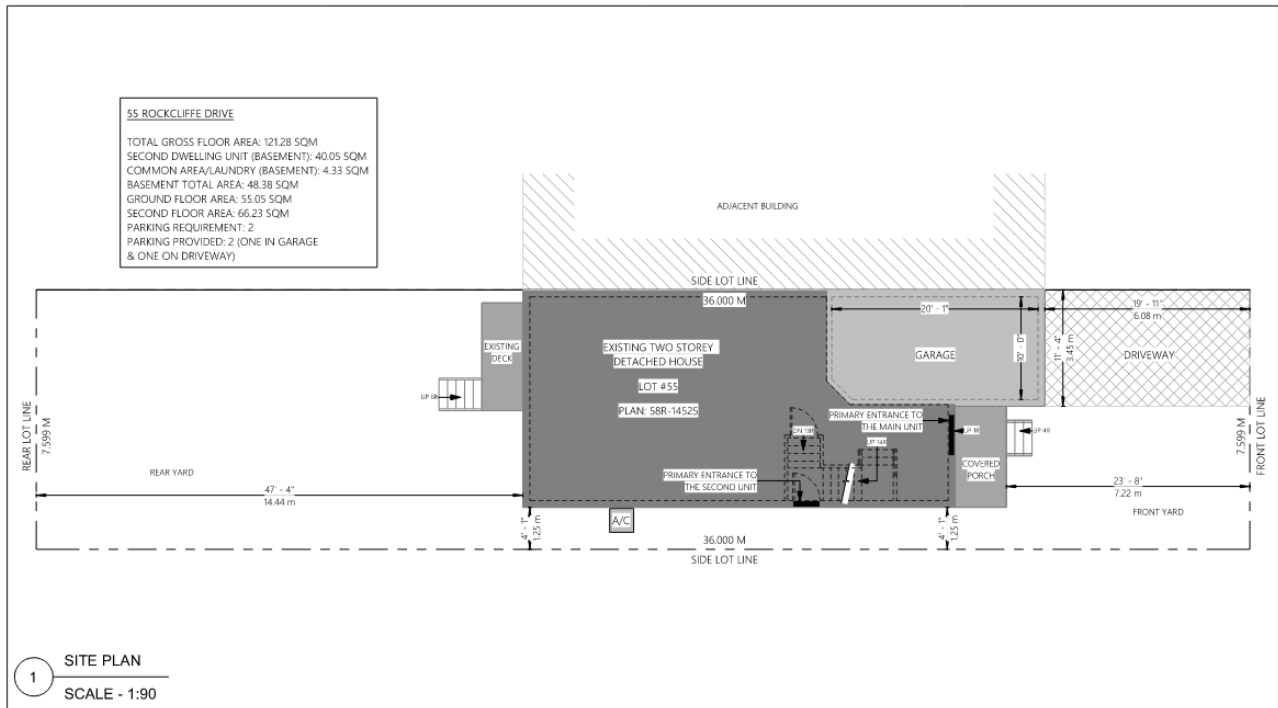
*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

variances are requested to permit the minimum interior side yard setback to be 1.2 metres and the minimum lot width (external unit) to be 7.5 metres, rather than the required 2.5 metres and 9.5 metres, respectively, indicated in Zoning By-law 2019-051 Section 7.3. While the regulations set out in Section 7.3 do not apply to existing townhouse dwellings on existing lots, the proposed ADU (attached) would be a new addition, and as such, minor variances are required.

The proposed alterations to the exterior of the dwelling are a window, window well, and a door at grade. These additions are proposed for the left side of the unit, facing the existing side yard entrance walkway.

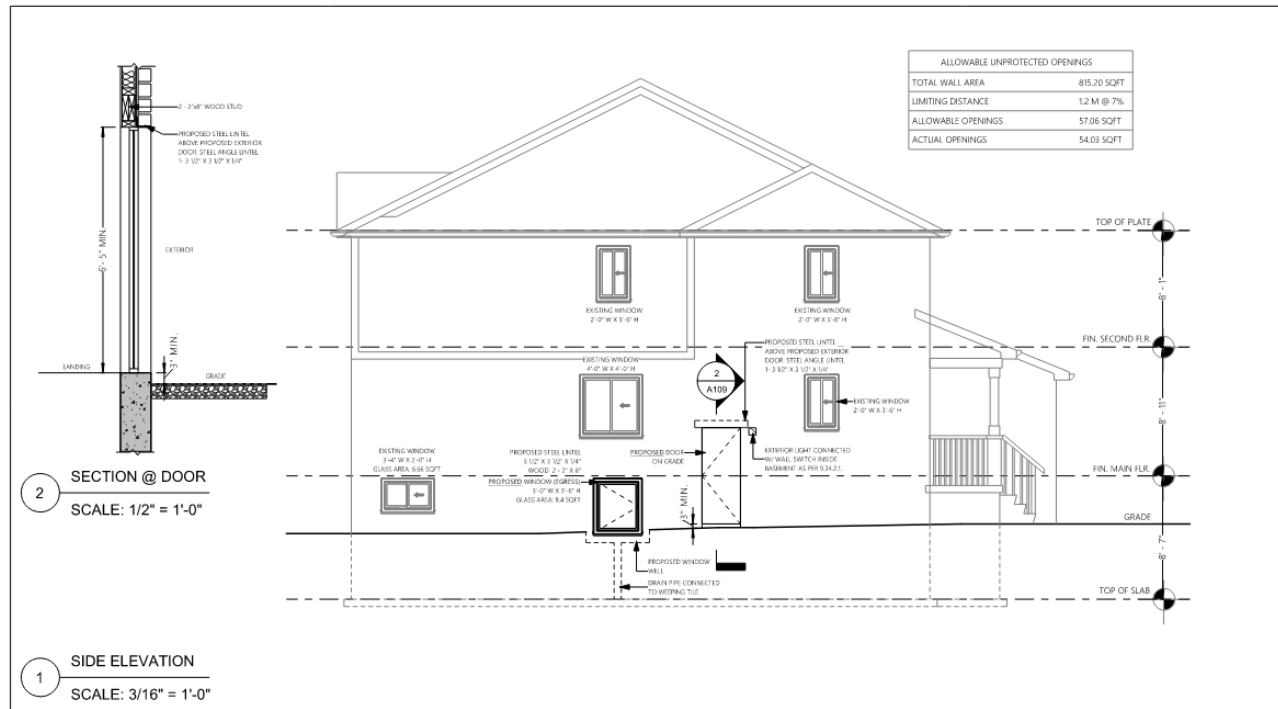


Figure 1 – Aerial Photo of Subject Property



THE DRAWINGS AND DOCUMENTS PROVIDED HERE WITHIN ARE THE EXCLUSIVE PROPERTY OF DAWN DESIGNS STUDIOS INC. THE CONTRACTOR SHOULD VISIT THE SITE AND BECOME FAMILIARIZED WITH ALL CHARACTERISTICS AFFECTING NEW AND EXISTING CONSTRUCTION. CONTRACTOR SHALL CHECK ALL DIMENSION ON WORKING DRAWINGS AND REPORT ANY DISCREPANCIES TO THE DESIGN/ENGINEER BEFORE PROCEEDING WITH THE WORK. ANY CHANGES, ALTERATIONS, OR REVISIONS MUST BE REPORTED TO DESIGN/ENGINEER BEFORE PROCEEDING WITH WORK.	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION													<p>Dawn Designs Studios Inc. 6 FERN STREET BRAMPTON, ON, L6Y 1X2 TEL: 647-292-4421; 647-707-5252 EMAIL: info@dawndesigns.ca www.DawnDesigns.ca</p>	The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer. Qualification Information Required unless design is exempt under Division C, Subsection 3.2.4 of the building code. DESIGNER'S LICENSE NO. [Signature] [Stamp] [Stamp] Name: [Signature] [Stamp] [Stamp]	Registration Information Required unless design is exempt under Division C, Subsection 3.2.4 of the building code. DESIGNER'S LICENSE NO. [Stamp] [Stamp] Firm Name: [Stamp] [Stamp]	PROJECT: 55 ROCKCLIFFE DRIVE DRAWING TITLE: SITE PLAN AS INDICATED: 2023-04-19 DATE: 0001 PROJECT NO. TA GS A103 DRAWN BY: CHECK BY:
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Figure 2 – Site Plan



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Figure 3 – Side Elevation Drawing

Staff visited the subject property on June 28, 2023.



Figure 4 – Front View Photo from Site Visit



Figure 5 – Interior Side Yard Setback Photo from Site Visit

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the City's Official Plan. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. The proposed ADU (Attached) is a permitted use and conforms to the land use designation, as the low-rise built form is maintained, and the gentle intensification of housing is supported. Therefore, the minor variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Interior Side Yard Setback:

The intent of the 2.5 metre interior side yard setback requirement is to ensure that there is adequate access to the rear yard and distance between adjacent properties. The existing interior side yard setback of 1.2 metres currently provides adequate access to the rear yard, and the proposed door to the ADU (attached) is proposed to be at grade, so there will be no obstructions to rear yard access. As such, staff are of the opinion that the 1.2 metre setback meets the general intent of the Zoning By-law.

Minimum Lot Width (External Unit):

The intent of the 9.5 metre minimum lot width requirement is to ensure that the lot is of adequate size for the external townhouse dwelling unit with the required interior side yard setback of 2.5 metres. When the townhouse dwelling was constructed the minimum lot width and side yard setback were 7.5 metres and 1.2 metres respectively. Duplexing was also permitted in Zoning By-law 85-1. Staff is of the opinion that this size lot will continue to function appropriately with an ADU and that the variance for lot width meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The variance can be considered minor as the proposed ADU (attached) would be within the basement portion of an existing townhouse dwelling, and therefore there are no new structures proposed. It is the opinion of staff that as the proposed door is at grade, and the existing interior side yard setback provides adequate rear yard access, the effect on adjacent properties would be minimal and therefore will not negatively impact the existing character of the subject property or surrounding neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variance is appropriate for the development and use of the lot as it will facilitate a gentle intensification of the existing townhouse dwelling with minimal alterations to the exterior of the existing unit, which include a window and a door at grade in the side yard.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application has been made to change the use to a duplex and it is currently under review.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks/Operations Division has no concerns.

Transportation Planning Comments:

Transportation Planning has no concerns.

Region of Waterloo Comments:

The Region of Waterloo has no concerns.

Grand River Conservation Authority Comments:

Grand River Conservation Authority has no concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City’s website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*