

REPORT TO: Committee of Adjustment

DATE OF MEETING: December 12, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
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PREPARED BY: Eric Schneider, Senior Planner, 519-519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: December 4, 2023

REPORT NO.: DSD-2023-538

SUBJECT: Minor Variance Application A2023-142 – 807 Frederick Street

RECOMMENDATION:

1. That Minor Variance Application A2023-142 for 807 Frederick Street requesting relief from Section 5.3.3 b) i) of Zoning By-law 2019-051, to permit required parking spaces to be located in the front yard and within 3 metres of a street line whereas the Zoning By-law does not permit required parking within the front yard or within 3 metres of a street line, in accordance with Site Plan Application SP23/056/F/ES, BE APPROVED.
2. That Minor Variance Application A2023-142 for 807 Frederick Street requesting relief from Section 5.3 a) of Zoning By-law 2019-051, to not provide a required visual barrier between a parking lot and an abutting residential lot line, whereas a visual barrier is required, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances for parking within the front yard and within 3 metres of a street line, and to not provide a visual barrier for the redevelopment of the lands by adding a 16-unit multiple dwelling building to the existing multiple dwelling site.
- 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 on the southeast side of Frederick Street between River Road East and Victoria Street North. The subject lands are developed with two 6-storey apartment buildings containing 94 dwelling units, as well as a 2-storey single detached building.

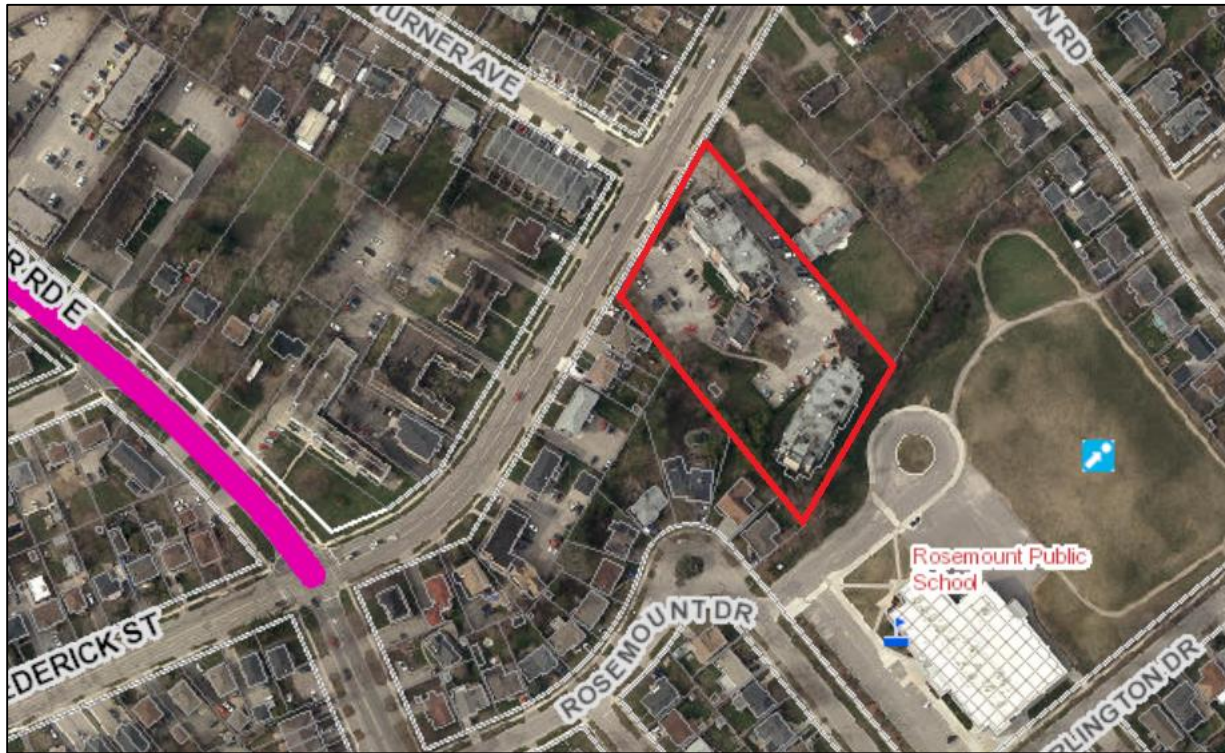


Figure 1: Location of Subject Property

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

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate an infill redevelopment on the existing lands. The applicant is proposing to demolish the existing single detached dwelling on site and replace it with a 3.5 storey multiple dwelling building containing 16 dwelling units. The applicant has received Conditional Approval of Site Plan Application SP23/056/F/ES to permit the development, subject to the required minor variances in this report.

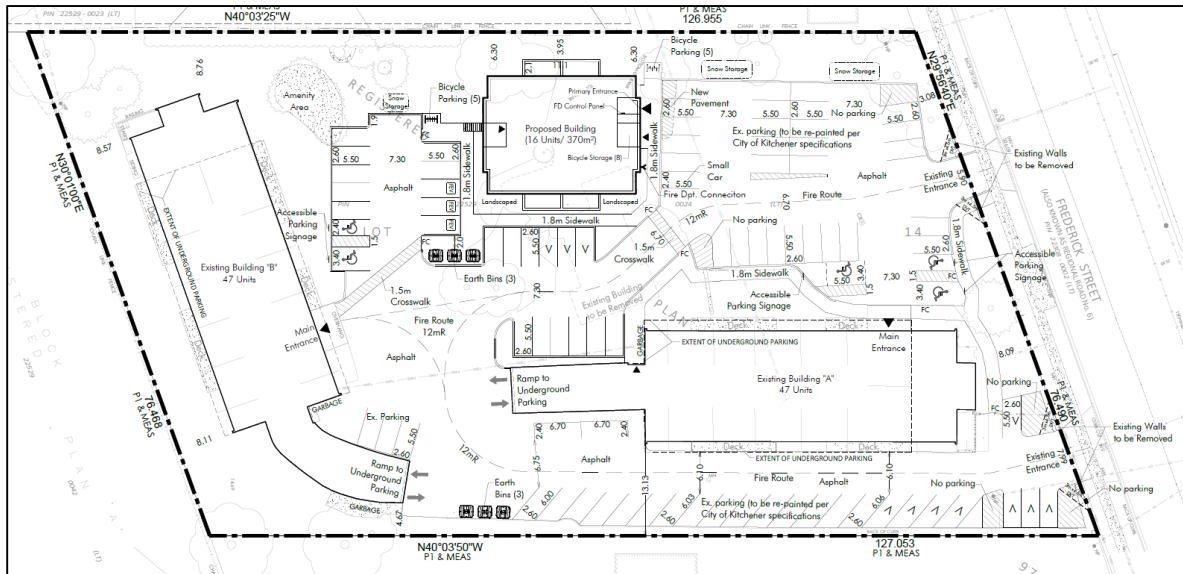


Figure 2: Site Plan



Figure 3: View of Existing Site (November 22, 2023)

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:

Parking within front yard and 3 metres of a street line

General Intent of the Official Plan

The subject lands are designated 'Medium Rise Residential' in the City's Official Plan. The intent of the Medium Rise Residential designation is to accommodate a range of medium density housing types, including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. The existing parking spaces on the site serve an existing medium rise development, and no changes are proposed to those existing parking spaces. Staff is of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that does not permit required parking to be located in the front yard or within 3 metres of a street line is to enhance the streetscape with built form and landscaping rather than the streetscape being dominated with automobile storage. It is also intended to facilitate a comfortable walking experience for pedestrians at the street line by providing a buffer from parking areas. The parking space location within the front yard and within 3 metres of a street line is existing and is sufficiently screened by a landscape hedge row and other vegetation. Staff are of the opinion that the requested variances meets the general intent of the Zoning By-law.

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

No physical changes are proposed to the quantity or location of the parking spaces in the area affected by the requested variance. Staff is of the opinion that the effects of the variance are minor.

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

The lands are currently developed with multiple dwelling buildings, and the parking spaces in the front yard and within 3 metres of the street line are existing and not proposed to change in layout or location. Staff are of the opinion that the requested variance is appropriate for the development and use of the lands.

Visual Barrier

General Intent of the Official Plan

The subject lands are designated 'Medium Rise Residential' in the City's Official Plan. The intent of the Medium Rise Residential designation is to accommodate a range of medium density housing types, including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. The use of the lands as medium density housing is remaining the same, and the requested variance to not provide a visual barrier does not

interfere with the intent of the Official Plan. Staff is of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires a visual barrier (vegetated buffer or 1.8 metre wood fence) is to protect residential lands from the adverse effects abutting parking areas on adjacent lands. This is to effectively screen the parking areas from residential buildings and amenity areas on adjacent sites, as well as prevent adverse light trespass from car headlights shining into residential windows and doors while coming and going from parking areas at night.

The subject lands abut residential properties on the north and south internal side property lines. While staff is satisfied with the vegetative buffer of hedges, plants, and trees on the south internal side property line, the north side property line does not contain any vegetative buffer or a wooden fence (see Figure 4 below). Staff requested through Site Plan Application SP23/056/F/ES that the applicant provide a visual barrier on this property line in order to provide a buffer to the residentially zoned lands to the north. The abutting lands to the north currently contain an office for the Alzheimer Society of Canada, however with the lands zoned for residential it is possible that they will be redeveloped for residential purposes in the future. As the Zoning By-law requires the lands containing the parking area to provide the visual barrier, there would be no means in the future to ensure that future residential development on the abutting lands will be screened from the parking area of the subject lands if the visual barrier is not installed through Site Plan Application SP23/056/F/ES. The requested variance would not provide any visual barrier on this property line and could lead to direct adverse impacts to future residential development on abutting lands. Staff is of the opinion that the requested variance to not provide a visual barrier does not meet the general intent of the Zoning By-law.

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

The effects of the requested variance could result in negative impacts to future residential development of the abutting lands. The impacts of a parking lot with no visual barrier could result in light trespass and nuisance for the abutting lands. Staff is of the opinion that the effects of the variance are not minor.

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

The requirement for a visual barrier is to ensure harmonious development between neighbouring properties and strives to provide appropriate development of lands. By not providing a visual barrier, the applicant is causing potential adverse impacts to neighbouring residential lands which cannot be considered appropriate development of the lands in the opinion of Staff.



Figure 4: View looking down North Property Line



**Figure 5: Existing Single Detached Dwelling to be Demolished (left side)
South Property Line containing Vegetative Buffer as a Visual Barrier (right side)**

Environmental Planning Comments:

No natural heritage or tree management concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

No parks/operations concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

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*

ATTACHMENTS:

No attachments.