

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: March 19, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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PREPARED BY: Sheryl Rice Menezes, Senior Planning Technician,
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WARD(S) INVOLVED: Ward 1

DATE OF REPORT: March 8, 2024

REPORT NO.: DSD-2024-109

SUBJECT: Minor Variance Application A2024-019 – 50 Falconridge Drive

RECOMMENDATION:

That Minor Variance Application A2024-019 for 50 Falconridge Drive requesting relief from Section 4.1 d) of Zoning Bylaw 2091-051 to legalize an existing accessory structure in the rear yard of a single detached dwelling having a height of the underside of the fascia of 3.7 metres instead of the maximum permitted 3 metres, generally in accordance with drawings submitted with Minor Variance Application A2024-019, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to legalize an existing accessory structure in the rear yard of a single detached dwelling.
- The key finding of this report is that the requested minor variance meets all of 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.

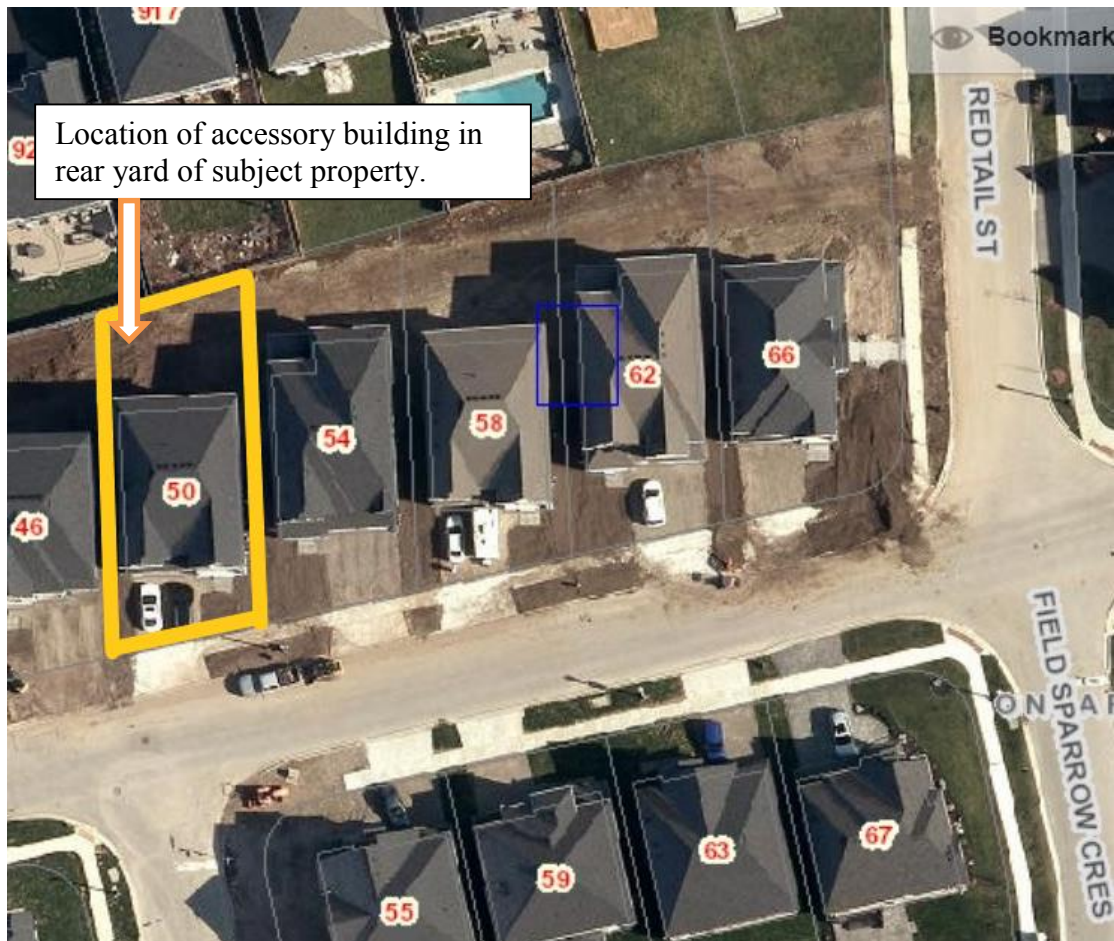


Figure 1 - Location Map

BACKGROUND:

The subject property is located on the north side of Falconridge Drive, east of Woolwich Street and is used as a single detached dwelling.

It is identified as 'Community Area' 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 Two Zone (RES-2)" in Zoning By-law 2019-051.

The purpose of the application is to legalize an existing accessory structure in the rear yard of a single detached dwelling.

Staff conducted a site visit of the property on March 4, 2024.

AMENDMENT:

In regard to the public notification that was circulated before this meeting requesting fascia height of 5.5 metres, staff would like to clarify the measurement. It was taken from the photo submitted with the application that had text stating '*less than 5.5 metres*'. However, in detailed drawings, that were also submitted with the application, staff note that the height to the higher fascia is more accurately shown as 3.7 metres (see Figure 2 - Drawing of shed elevation below).

Staff recommends that this variance be **amended** to update the request as shown in the Recommendation section above which requests a fascia height of 3.7 metres (not 5.5 metres as originally circulated).

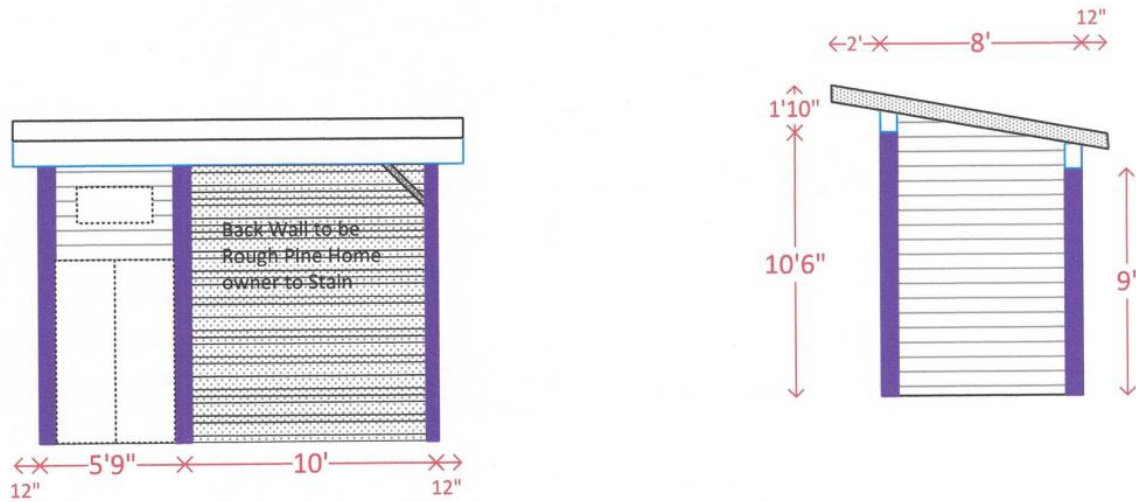


Figure 2 - Drawing of shed elevation to right shows the fascia height to be no more than 3.7 metres. (10.6 ft + 1.8 ft = 12.3 ft = 3.7 m)



Figure 3 - View of property from street.

REPORT:

In considering the four tests for the minor variance 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 intent of the designation Low Rise Residential designation in the Official Plan is to accommodate a range of low-density housing types including subject single detached dwellings and accessory structures. The policies do not directly address building height of accessory buildings. It only comments on building height for the main dwelling(s) which is 11 metres. Staff is of the opinion that variance will maintain the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum fascia height regulation from grade to fascia for a shed is to ensure that accessory structures do not dominate the rear yard of properties and do not adversely impact adjacent properties. The shed was built so that the fascia is lower and meets the 3 metre height restriction towards the neighbour to the rear lot line and the building is also set back the minimum required 0.6 metres from the rear lot line. The roof slopes up towards the main dwelling. (see Figure 4).



Figure 4 - View of accessory structure from the right side.



Figure 5 - View of accessory structure from the left side.

The left side of the structure is located 0.7 metres from the left side yard. Though the height of the fascia towards the main building is greater than 3 metres, the impact is lessened by 0.7 metre setback and the fact that only one side of fascia is 3.7 metres above grade. (see Figure 5). As the shed meets the minimum required setbacks, and the maximum fascia height on one side, the variance to permit an increase of in height will maintain the intent of the Zoning By-law.

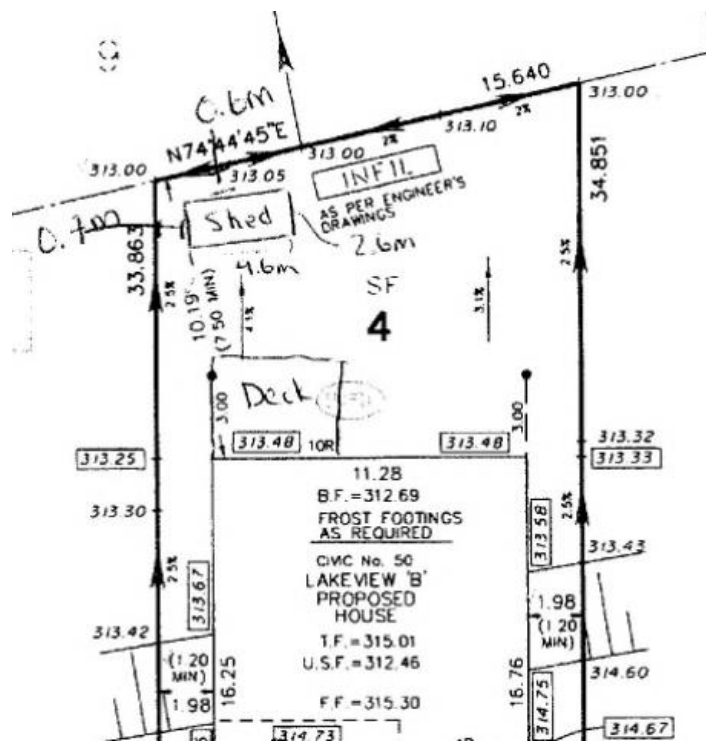


Figure 6 - Location drawing of shed

Is/Are the Effects of the Variance Minor?

The effect of having one side fascia of the shed to be 3.7 metres rather than 3 metres is a difference of 0.7 metres. The shed is not a large building, such as a garage, and the impact of the higher roof line which faces toward the main house is considered minor by staff. There have been no complaints by neighbours as this was brought to staff's attention by another department.

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

The variance is desirable and appropriate as it will legalize the shed in the rear yard and allow it to continue to be used as part of the amenity area for the owners. It is not a large structure in relation to the overall area of the rear yard and as noted does not adversely impact adjacent properties.

Heritage Planning Comment:

No concerns.

Building Comment:

The Building Division has no objections to the proposed variance.

Engineering Comment:

No concerns.

Parks/Operations Division Comment:

No concerns.

Transportation Planning Comment:

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*