

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Jade McGowan, Student Planner, 519-707-4759

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: July 2, 2025

REPORT NO.: DSD-2025-300

SUBJECT: Minor Variance Application A2025-062 – 124 Tupper Crescent

RECOMMENDATION:

That Minor Variance Application A2025-062 for 124 Tupper Crescent requesting relief from Section 5.3 a) of Zoning By-law 2019-051, to not require a visual barrier to be provided and maintained between a parking lot and a lot line abutting a residential zone, whereas a minimum 1.8 metre high visual barrier is required in this location, to facilitate the addition of 2 new dwelling units within the existing building for a total of 25 dwelling units, in accordance with Site Plan Application SP24/049/T/AP, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of a Minor Variance Application for relief from parking space and parking lot provisions related to visual barriers abutting a residential zone.
- The key finding of this report is that the requested variance meets the 4 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 on the southeast corner of Tupper Crescent and Confederation Drive, in the Heritage Park Planning Community. The property currently contains a three-storey multiple dwelling and associated paved parking lot at the rear of

the building. The lands immediately surrounding the subject property are comprised of low rise and high rise residential uses, including detached dwellings a multiple dwellings. It should be noted that the three (3) properties that directly abut the rear yard parking lot contain multi-storey multiple dwellings, as follows:

- 301 Heritage Drive: 6-storeys
- 144 Confederation Drive: 5-storeys
- 116 Tupper Cres: 3-storeys



Figure 1: Location Map Outlined in Red

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 property is subject to Site Plan Application SP24/049/T/AP, which was conditionally approved July 26th, 2024. The Site Plan Application is to convert the three storey multiple dwelling building from 23 dwelling units to 25 dwelling units within the interior of the existing building (i.e., creating 2 new dwelling units).

The purpose of the Minor Variance Application is to request relief for there not to be a visual barrier around the existing parking lot adjacent to a residential zone, where a 1.8 metre visual barrier is required. The visual barrier is required to bring the property into compliance with current zoning regulations with the addition of 2 new dwelling units. Relief is required as a Bell easement is located on the subject property and the provision of a visual barrier would otherwise impede access to the utilities within the easement. The easement projects approximately 1.5 metres (5 feet) onto the property along the

southeastern interior side lot line and approximately 1.2 metres (4 feet) along the northeastern interior side lot line.

It should be noted that the visual barrier is shown on the approved Site Plan drawing (Figure 2) and will be amended to remove the visual barrier, subject to Committee's decision on the subject Minor Variance Application.

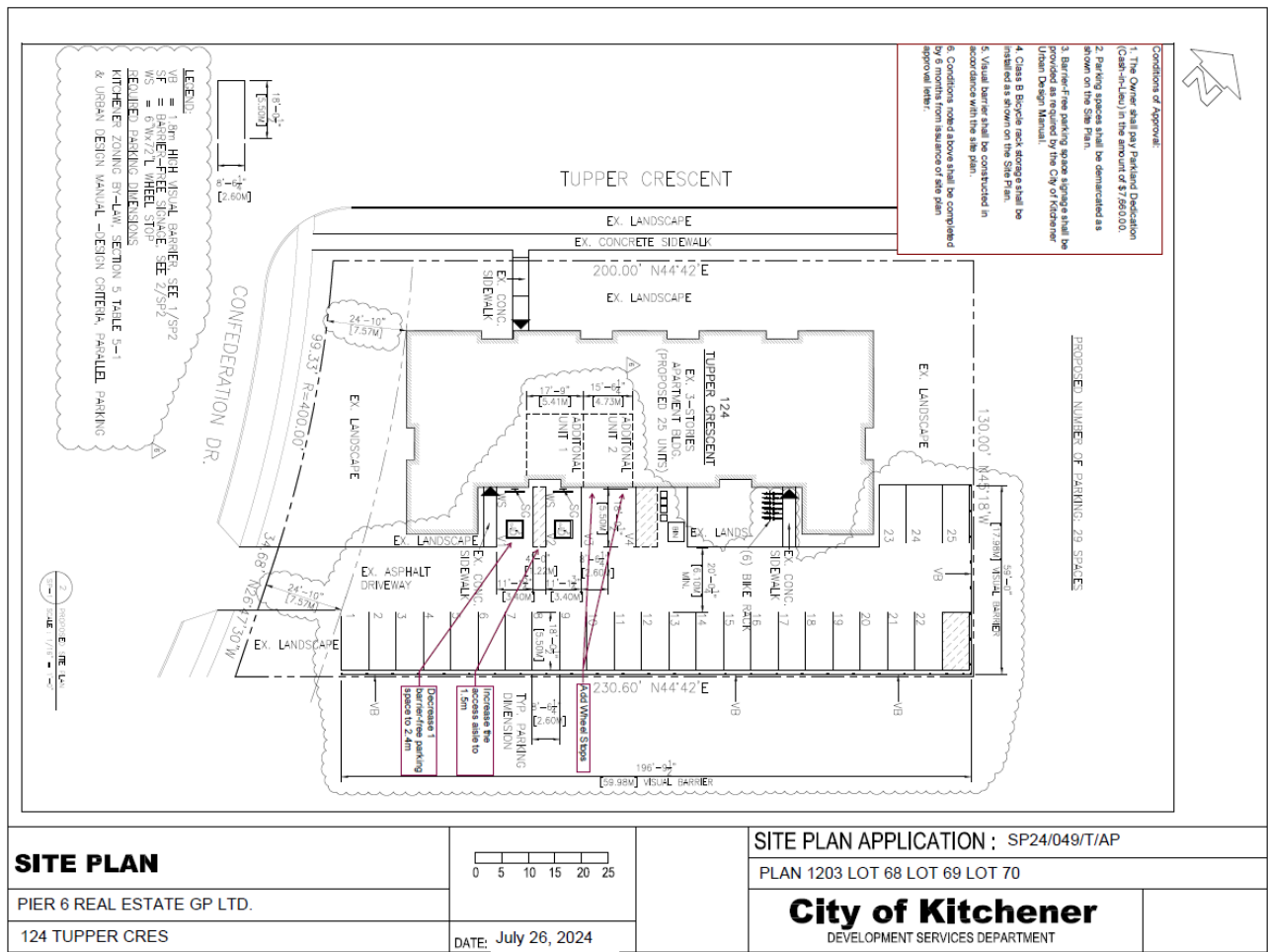
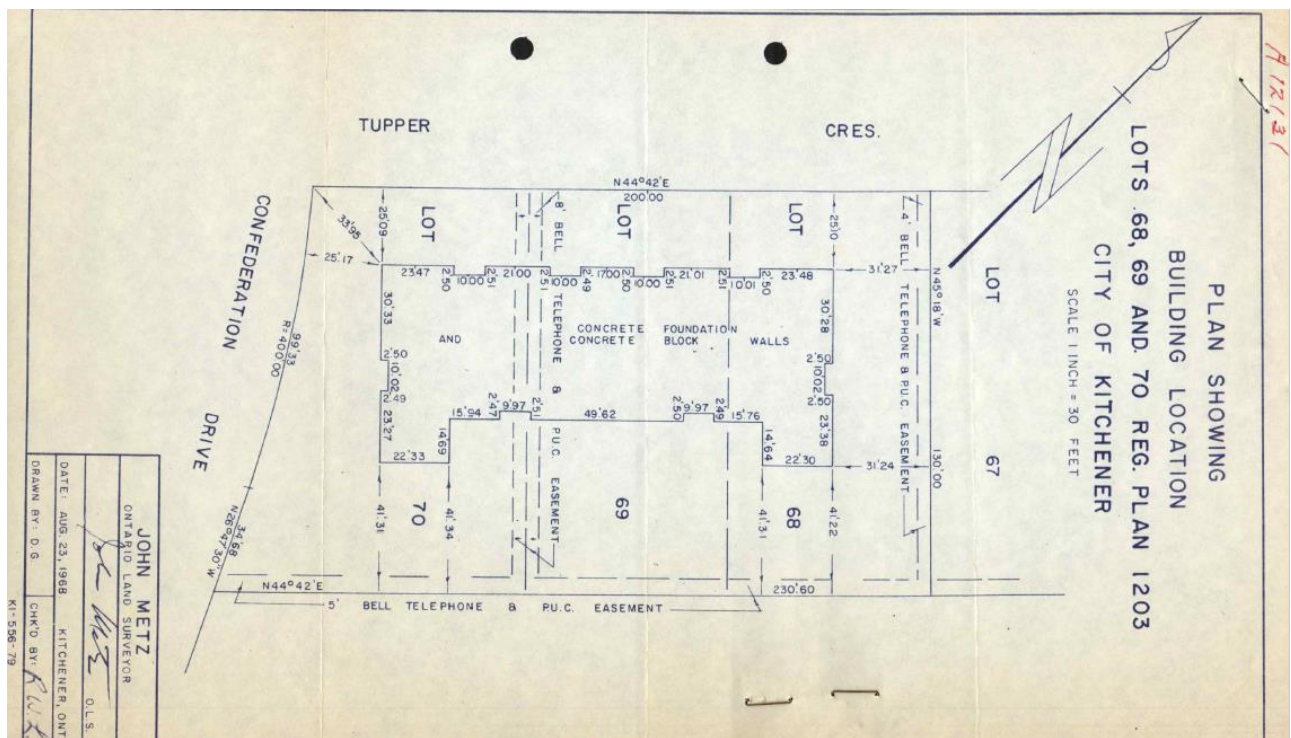


Figure 2: Site Plan



Planning Staff visited the site on June 25, 2025.





Figure 5: Rear parking lot and landscaped area on the abutting property

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 Official Plan. The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the existing multiple dwelling use. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form.

Section 15.D.3.4 of the Official Plan also provides direction that *additions and/or modifications to existing residential buildings in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site.*

The requested variance to allow for no visual barrier will facilitate the construction of two new dwelling units within the existing building, which maintains a low-rise form of development and is compatible with the neighbourhood scale and design. Therefore, Planning Staff are satisfied that the variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the visual barrier regulation is to ensure that parking lots are adequately screened and buffered from adjacent residential uses.

Section 5.3(a) of the Zoning By-law states that where a parking lot is situated on a lot and abuts a residential zone, a visual barrier shall be provided and maintained between the parking lot and such abutting residential zone lot line in accordance with Section 4.18, which states that where a visual barrier is required it shall be a minimum height of 1.8 metres.

The visual barrier minor variance is required because of a Bell easement along both the rear lot line and the interior side lot line. Installing a visual barrier in these areas would obstruct access to the utilities within the easement. The property maintains a minimum of approximately 10 metres of landscaped area between the parking lot and the neighbouring multiple dwellings on two different properties along the rear lot line to the southeast. To the northeast, there is approximately 4 metres of landscaped buffer between the parking lot and the abutting property. This landscaping provides an adequate buffer between the parking lot and the neighboring residential uses.

It should be noted that there is a chain link fence along the eastern portion of the southeastern interior side lot line, however this fence is located on the abutting property.

Planning Staff are satisfied that the variance meets the general intent of the Zoning By-law.

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

The proposed relief will not result in any substantial negative impact on neighboring properties. As such, Planning Staff are of the opinion that the effects of the requested variance is minor in nature.

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

The requested variance would facilitate the construction of two additional dwelling units within the existing multiple dwelling, providing a form of gentle intensification. It will also allow unobstructed access to the existing Bell easement. As such, Planning Staff are of the opinion that the requested variance is desirable and appropriate for the subject property.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

No concerns.

Engineering Division Comments:

No concerns.

Parks Planning Comments:

Parkland dedication is not required for this application as it will be charged to the Applicant during the Site Plan Application Process. Parkland dedication of \$7,660.00 will be required.

Transportation Planning Comments:

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Approved Site Plan Application SP24/049/T/AP*