

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

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

PREPARED BY: Kieran, Luckhai, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: April 5, 2023

REPORT NO.: DSD-2023-146

SUBJECT: Minor Variance Application A2023-051 – 110 Clark Avenue

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-051 for 110 Clark Avenue requesting relief from Table 7-2 of Zoning By-law 2019-051 to permit a front yard setback of 5.5 metres instead of the minimum required 9.5 metres to permit the construction of a 1 storey addition, 13 square metres in area, at the front of the existing single detached dwelling in accordance with the drawings prepared by Caryndale Contracting, JR Design and Consultants, Rob Sajkunovic, dated July 2022, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance requesting relief from Table 7-2 of Zoning By-law 2019-051 to permit a front yard setback of 5.5 metres instead of the minimum required 9.5 metres to permit the construction of a 1 storey addition, 13 square metres in area, at the front of the existing single detached dwelling.
- 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 east side of Clark Avenue, within the Vanier neighbourhood. The surrounding context of the subject property is primarily comprised of low rise residential uses.

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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The applicant is requesting relief from Table 7-2 of Zoning By-law 2019-051 to permit a front yard setback of 5.5 metres instead of the minimum required 9.5 metres to permit the construction of a 1 storey addition, 13 square metres in area, at the front of the existing single detached dwelling.

City Planning staff conducted a site inspection on March 29, 2023.



Figure 1: Location Map: 110 Clark Avenue



Figure 2: Front View of 110 Clark Avenue

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 lands are designated 'Community Areas' on Maps 2 – Urban Structure and designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of the Low Rise Residential designation is to accommodate a variety of low-density residential uses. The requested variance to permit the construction of a front addition is compatible in scale, massing, design and character with the adjacent properties and is in keeping with the character of the streetscape. The variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that calculates front yard setback on the average setbacks of the 2 abutting lots (based on the Residential Intensification within Established Neighbourhoods Study) is to preserve consistent building lines within established neighbourhoods and to ensure that development does not negatively affect the consistent building line on a street or the streetscape. The requested variance will result in a front yard setback that will still be consistent with several houses along Clark Avenue. The proposed addition will not adversely impact the consistency of the building line along the streetscape and of the surrounding neighbourhood. Therefore, the requested variance meets the general intent of the Zoning By-law.

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

The proposed setback will be compatible with the streetscape and will still provide an adequate front yard open space, maintaining site functionality. Staff are of the opinion that the effects of the requested variance are minor.

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

The requested variance is desirable and appropriate as it will permit the enlargement of the existing single detached dwelling to better accommodate the current owner's requirement for their family. It is also desirable and appropriate as the proposed addition will maintain the character of the streetscape and be compatible with the existing low rise built form of the property and the surrounding neighbourhood.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the front yard addition and it is currently under review.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

There are existing City-owned street trees that may be impacted by the proposed development and suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for existing trees; an ISA valuation of City-owned trees and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed 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:

Attachment A – Site Plan

Attachment B – Building Location Survey

Attachment C – Notice of Source Protection Plan Compliance