

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-45/17  
**LOCATION:** 16 Jodi Place  
**DATE AND TIME OF HEARING:** July 13, 2017 at 4:00pm  
**OWNER:** Brad Flood  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit the existing swimming pool to be located 1.42 metres from the left lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line.
<b>STAFF RECOMMENDATION:</b>	Deferral
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits residential uses which includes swimming pools. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant proposes to maintain an existing in-ground pool in the rear yard and requires a variance to Section 4.5.5.3 of the Zoning By-law. Section 4.5.5.3 of the Zoning By-law requires that every swimming pool be located a minimum of 1.5 metres from any lot line. The existing in-ground pool was installed at 1.42 metres from the left lot line. The general purpose and intent of having a minimum setback for swimming pools is to ensure that an adequate distance is maintained to allow for proper maintenance and to ensure there are no negative impacts to neighbouring properties in terms of grading/drainage and privacy.

Planning has reviewed Engineering staff comments and understands that there have been grading and drainage concerns related to the subject property. Planning staff can support Engineering's recommendation for deferral to allow the applicant time to have the property line surveyed and to further evaluate the impacts of the pool on grading and drainage.

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

Staff therefore recommend that the Committee defer this application sine die.

### **ENGINEERING SERVICES:**

The applicant is seeking relief from the By-law requirements to permit the existing swimming pool to be located 1.42 metres from the left (south) lot line. Engineering staff conducted a site visit on July 4, 2017 and determined that the provided information for the variance application is incorrect. In addition, it was determined that the applicant has removed a 'C' swale from his backyard which was conveying drainage for westerly properties to Jodi Place. Please note that due to the construction of the pool, the subject property is partially draining into the adjacent property to the south. Our site visit revealed that the measurements provided on the variance application were taken from the fence and not the property line; this is an unusual case as the fence was installed crooked and the owner does not know the exact location of the south property line. On the site visit, staff did ask the home owner for the location of the iron-bar stakes but the home owner could not identify the location. Staff advised the owner that they should hire a surveyor to locate the south property line. In addition, please note the pool was constructed without a pool permit.

Therefore, Engineering Services is requesting the Committee defer this application and give the home owner sufficient time to hire a surveyor to determine the exact location of the westerly property line and resolve aforementioned drainage concerns.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant proposes to maintain an existing in-ground pool in the rear yard. The By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line. A variance from Section 4.5.5.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services understands the concerns raised by Engineering Services.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-46/17  
**LOCATION:** 101 Tovell Drive  
**DATE AND TIME OF HEARING:** July 13, 2017 at 4:00pm  
**OWNER:** Mark Campognolo  
**AGENT:** Mark Enchin  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 98.4 square metres, or 27% of the total floor area.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building size or a maximum of 80 square metres, whichever is lesser.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits residential uses which includes accessory apartments. The requested variance therefore conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1D) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an accessory apartment within the existing single detached dwelling and requires relief from the By-law requirements to permit an accessory apartment size of 98.4 square metres or 27% of the total floor area. An accessory apartment is a permitted use in the R.1D zone subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. The applicant is seeking relief from the By-law requirements to permit the accessory apartment to have an area of 98.4 square metres. An accessory apartment of this size would occupy approximately 27% of the gross floor area of the house.

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 27% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, if restricted to 80 square metres, there would be unusable floor space in the basement. The accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

The requested variance conforms to the general intent and purpose of the Official Plan, conforms to the general intent and purpose of the Zoning By-law, is considered desirable for the appropriate development of the lands and is considered to be minor in nature. Staff recommend approval of the variance.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 98.4 square metres, or 27% of the total floor area from an engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1D) Zone. The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 98.4 square metres, or 27% of the total floor area. A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 98.4 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that proposed accessory apartment will make up 27% of the total floor area. Therefore the accessory apartment does appear to remain subordinate to the host dwelling and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45% of the total floor area of the building).

A Building Permit and Two-unit Registration has been applied for.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE.**

## Trista Di Lullo

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**From:** GODFREY PADAVATTON  
**Sent:** June-29-17 8:11 PM  
**To:** Committee of Adjustment  
**Subject:** REW: Notice of Public Hearing

I received a 'notification' regarding 101 Tovell Drive regarding an 'accessory' Apartment  
My 'Application Number' is A-46/17  
I reside at 96 Tovell Drive.

I do not have an issue with the Application, my concern is that whoever the Tenant/s might be, the owner needs to ensure the Street(Tovell Drive) is not used as a 'Parking Lot', instead they need to park in their Driveway. There are too many vehicles that park on Tovell Drive, instead of using their Driveway, so I am very tired of 'weaving' among these parked cars on the Street, Bylaw Parking needs to monitor on a daily basis the illegal parking on Tovell Drive.

I know previously Properties used to be listed as having a 'Single' or 'Double' Garage, now Agents are listing them as having 'Parking Spaces' ie. 4 or 6 etc, which results in some parking on the Street practically all the time.

So to reiterate, I have no problem with the Application, but the Owner has to ensure that the Tenant/s do not use the Street as a Parking Lot.

Charles Godfrey Padavatton

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-47/17

**LOCATION:** 155 Suffolk Street West

**DATE AND TIME OF HEARING:** July 13, 2017 at 4:00pm

**OWNER:** Susan Barber Holdings Limited

**AGENT:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Convenience Commercial (C.1)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: a) an office use as an additional permitted use on the property; and b) a minimum total of 84 parking spaces.
<b>BY-LAW REQUIREMENTS:</b>	The By-law: a) permits a variety of uses in the C.1 Zone, but does not currently permit an office; and b) requires a minimum total of 100 parking spaces.
<b>STAFF RECOMMENDATION:</b>	Deferral
<b>CONDITIONS RECOMMENDED:</b>	N/A

### COMMENTS

#### **PLANNING SERVICES:**

The applicant is proposing to establish 223 square metres of office use on the second floor of the existing commercial building and requires two variances. The applicant has applied for a parking variance to permit a minimum of 84 parking spaces, however, based on the site plan provided and site visit, only 25 parking spaces can be accommodated on the subject property.

As per Section 4.13.1 of the Zoning By-law, for all properties in the City, every off-street parking area shall be located on the same lot as the use requiring the parking. Staff are therefore recommending that the Committee defer this application to allow the applicant time to apply for a variance that accurately reflects on-site parking conditions for the subject property.

#### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking from the By-law requirements to permit an office use as an additional permitted use on the property and a minimum total of 84 parking spaces from an engineering perspective, subject to the following condition:

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

1. The owner applies to the City Solicitor for a license agreement and obtains approval for the parking spaces within the City's right of way.

However, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for deferral.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Convenience Commercial (C.1) Zone. The applicant is seeking relief from the By-law requirements to permit:

- a) an office use as an additional permitted use on the property; and
- b) a minimum total of 84 parking spaces.

Variances from Sections 6.1.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services shares the concerns and agrees with the recommendations of Planning Staff.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-48/17  
**LOCATION:** 12 Brant Avenue  
**DATE AND TIME OF HEARING:** July 13, 2017 at 4:00pm  
**OWNER:** 1822997 Ontario Ltd.  
**AGENT:** Hans Maden, Labreche Patterson & Associates  
**OFFICIAL PLAN DESIGNATION:** Medium Density Residential  
**ZONING:** General Apartment (R.4A)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> <li>a) parking spaces to be located 0.3 metres from the side lot line;</li> <li>b) a minimum total of 28 parking spaces;</li> <li>c) a minimum common amenity area of 520 square metres;</li> <li>d) a side yard of 4 metres where windows of a habitable room face on the side yard; and</li> <li>e) a side yard of 1.4 metres.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires: <ul style="list-style-type: none"> <li>a) that in a R.3A or R.4 Zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line;</li> <li>b) a minimum total of 39 parking spaces;</li> <li>c) that the minimum common amenity area be no less than 30 square metres per dwelling unit for up to 20 units, and 20 square metres for each additional dwelling unit [requires 740 square metres total];</li> <li>d) where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres; and</li> <li>e) a minimum side yard equal to one-half the building height, being 7 metres, but not less than 2 metres.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
<ol style="list-style-type: none"> <li>1. That variance (a) shall only apply to the side lot line and general location as shown in the Public Notice.</li> <li>2. That variances (d) and (e) shall only apply to the locations generally shown in the Public Notice.</li> </ol>	



# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Medium Density Residential" in the Official Plan. The "Medium Density Residential" land use designation permits multiple unit residential buildings, such as townhouses, row dwellings and walk-up apartments. The requested variances will facilitate an addition to the existing apartment building which is a permitted use and therefore the variances are considered to conform to the general intent and purpose of the Official Plan.

The subject property is zoned "General Apartment" (R.4A) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a 980 square metre addition to the existing residential apartment building. Five (5) variances to the Zoning By-law are required to facilitate this proposal. The Site Plan Review Committee has reviewed a preliminary site plan application and in response to comments provided, the applicant has revised the site plan. The variances requested will facilitate the addition and provide for more units. The surrounding lands are developed with similar apartment-style housing. The requested variances are considered to be desirable for the appropriate development of the land.

The first variance is requesting that parking spaces be located 0.3 metres from the side lot line, whereas Section 4.13.2.2, of the Zoning By-law requires that every parking space in a R.4 Zone not be within 3 metres of any lot line. This variance recognizes an existing situation and will apply to only the left side lot line. This area of the subject property abuts an existing parking area on the adjacent property. There are no anticipated impacts to the neighbouring property as a result of this variance.

The second variance is requested to provide a minimum of 28 parking spaces, whereas Section 4.13.4.3 requires a minimum of 39 parking spaces. The site plan has been designed to provide the maximum number of parking spaces. The applicant has provided a Parking Study, prepared by LMM Engineering Inc. in support of the reduced number of parking spaces. Staff accept the findings of the study, which concludes that 28 spaces is sufficient based on existing parking utilization and expected reduced demand. A reduction in 11 parking spaces represents approximately 28% of the required parking spaces and is considered to be appropriate for this location.

The third variance requested is to permit a minimum common amenity area of 520 square metres, whereas Section 5.4.2.4.1 of the Zoning By-law requires a minimum common amenity area of no less than 30 square metres per dwelling unit for up to 20 units and 20 square metres for each additional dwelling unit for a total of 740 square metres based on a proposed 27 units. The maximum feasible common amenity area has been provided and is considered sufficient based on limited use by current tenants. There is currently a limited amount of common amenity area behind the existing building and as shown on the revised site plan, common amenity area is proposed to extend to the rear property line.

The fourth variance requested is to permit a side yard of 4 metres where windows of a habitable room face on the side yard, whereas Section 5.4.2.1 of the Zoning By-law requires where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres. This variance is only required for a portion of the building addition due

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

to the angle of the easterly property line. The location of the proposed addition will directly abut a landscape area/parking area of the adjacent property so privacy is not expected to be an issue with the neighbouring property.

The fifth variance is requested to permit a minimum side yard of 1.4 metres, whereas Section 5.4.2, Row 8 of the Zoning By-law requires a minimum side yard equal to one-half the building height, being 7 metres, but not less than 2 metres. Only a portion of the building addition will be at this setback based on the angle of the property line. As noted above, the proposed addition will directly abut a landscape area/parking area of the adjacent property so privacy is not expected to be an issue with the neighbouring property.

The requested variances conform to the general intent and purpose of the Official Plan, conform to the general intent and purpose of the Zoning By-law, are considered to be desirable for the appropriate development of the land and are considered to be minor in nature.

Staff recommend approval of the application subject to the above noted conditions.

### **ENGINEERING SERVICES:**

Engineering has no objections with the request of seeking relief from the By-law requirements to permit parking spaces to be located 0.3 metres from the side lot line; a minimum total of 28 parking spaces; a minimum common amenity area of 520 square metres; a side yard of 4 metres where windows of a habitable room face on the side yard; and a side yard of 1.4 metres, from an engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the General Apartment (R.4A) Zone. The applicant is proposing to construct a 980 square metre addition to the existing residential apartment building, resulting in a total of 27 units for the entire building. The property is currently subject to an application for site plan approval (File SP16A015). Variances from Sections 4.13.2.2, 4.13.4.3, 5.4.2.4.1, 5.4.2.1 and Table 5.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit:

- a) parking spaces to be located 0.3 metres from the side lot line;
- b) a minimum total of 28 parking spaces;
- c) a minimum common amenity area of 520 square metres;
- d) a side yard of 4 metres where windows of a habitable room face on the side yard; and
- e) a side yard of 1.4 metres.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant