



## **Committee of Adjustment Minutes**

**April 2, 2019**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, April 2, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

**Present:** Mr. Robert Short, Vice Chair  
Mr. Claude Dufresne  
Mr. Tom Green  
Mr. Stewart Hamilton

**Regrets:** Mr. Mauro DiCarlo, Chair

**Also Present:** Ms. Christie Gilbertson, Planner, Policy and Research  
Ms. Andrea Stillman, Permit Technician, Plans Examiner  
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 6:03 p.m.

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

- File No.: A13/19**  
**Address: 175 Lock Street**  
**Applicants: Douglas and Stephanie Logan**

This matter relates to a minor variance application submitted by Douglas and Stephanie Logan, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum setback from the rear lot line for an attached platform from 4.6 metres to 2.25 metres to allow the construction of a 4.3 metre by 7.3 metre platform.

Mr. Logan attended the meeting and addressed the Committee as follows:

- A platform along the south side of the house was removed to facilitate a foundation repair. He requires the variance to construct a slightly larger platform than what was previously established.
- The proposed platform would measure 4.3 by 7.3 metres in size.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, the applicant advised as follows:

- He has not finalized the design of the platform, although there will likely be a privacy wall on the west end, closest to rear lot line. There will not be railings as they are not required by the Building Code for a platform of this height.

## **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, a variance is granted to reduce the minimum setback of a platform to the rear lot line to 2.25 metres to facilitate the construction of a 4.3 metre by 7.3 metre platform.**

2.     **File No.:**     **A14/19**  
       **Address:**    **13 Bayleaf Court**  
       **Applicants:** **George and Jana Roudny**

This matter relates to a minor variance application submitted by George and Jana Roudny, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum building setback from the east side lot line from 1.2 metres to 0.3 metres to permit the construction of an attached shed.

Mr. Roudny attended the meeting and addressed the Committee as follows:

- The variance is required to permit the construction of an attached shed large enough to function as storage for pool equipment and a changing room.
- Because the east side lot line is adjacent to a walkway leading into Kawartha Heights Park, there is no direct neighbouring property that would be impacted by the reduced setback.
- He clarified that the damage to the structural integrity of the previous shed was caused by a large cedar tree that has been removed and that the existing hedge along the property line was not the cause of the damage.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, the applicant advised as follows:

- He has reviewed the staff report and is willing to alter the design of the shed to fit within a reduced variance of 0.6 metres from the lot line.

## **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee agreed with staff's conclusion that a 0.3 metre building setback would not allow adequate room for construction and grading of the attached structure. The Committee determined that the application for a reduction to the minimum building setback to 0.3 metres is not minor and the proposal is not desirable for the appropriate development or use of the land.

**Therefore a variance to reduce the minimum building setback from the east side lot line to 0.3 metres is DENIED.**

However, the Committee concurred with staff's conclusion that some relief from the required 1.2 metre setback would be appropriate, as the walkway situated along the east side lot line would minimize any impact on neighbouring properties and that a reduced variance permitting adequate access around the structure for construction and maintenance would be appropriate. The Committee determined that the application should be approved as per the Staff Recommendation and that the reduced variance is minor, is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore a variance is granted to reduce the minimum building setback from the east side lot line to 0.6 metres to permit the construction of an attached shed.**

3.     **File No.:**     **A15/19**  
       **Address:**    **849 George Street North**  
       **Applicant:** **Jaco Verster**

This matter relates to a minor variance application submitted by Jaco Verster, the owner of the property that is the subject of the application.

The application proposes to reduce the lot width per unit from 9 metres to 6 metres, reduce the minimum required number of parking spaces per unit from 2 to 1.5, reduce the length of a parking space from 5.7 metres to 5.5 metres, reduce the width of a parking aisle from 6.4 metres to 6 metres, increase the lot coverage by parking or driveway area from 20% to 40%, and reduce the setback from the centreline of George Street North from 16 metres to 14.75 metres to allow a covered front verandah that is 5.5 metres from the streetline. The variances are required to build a new, two-unit dwelling on the vacant lot.

Mr. Verster and J. Laurie Young, the designer of the proposed two-unit dwelling, attended the meeting and addressed the Committee as follows:

- The applicant has purchased the vacant lot and is proposing to develop the lot with a two-unit dwelling.
- The applicant plans to live in the rear unit and rent the front unit to students.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, Staff advised as follows:

- The Building Division will require a lot grading and drainage plan to be submitted for review along with the application for a Building Permit. A separation distance between the driveway and the property line would not be a requirement of the plan, as the proposal does not meet the minimum number of parking spaces that would trigger that requirement for residential properties under the Zoning By-law. If the number of parking spaces exceeds this threshold, the Zoning By-law requires a separation distance of 1.5 metres from parking and driveway areas and the lot line.
- If the Committee determines that locating the driveway leading to the parking area at the rear of the property with no separation distance from the lot line would negatively impact the property to the south, and was not an appropriate development, they have the authority to add a condition that a landscaped strip be established along the southern side lot line.
- The Development Agreement recommended as a condition of approval would incorporate all requirements related to the parking area and driveway. There is a higher test for the surface treatment along arterial roads to avoid gravel going onto the street. Security would be collected from the applicant to ensure that all aspects of the agreement have been adhered to before the security is released.

- The reduction in required parking spaces reduces the total number of spaces on the property from four to three. Staff considered the location of the property on a transportation corridor, access to the Rotary Trail, availability of transit, and the need to accommodate rear yard parking to preserve the public realm along the arterial road. Staff are satisfied that the parking reduction and layout will be functional.
- George Street is identified as an Intensification Corridor in Schedule A1 of the Official Plan.

In response to questions from the Committee, Ms. Young advised as follows:

- Pedestrian access from George Street to the rear unit is provided along the driveway to the entrance at the rear of the dwelling.
- If a separation distance between the driveway and the south side lot line is imposed, the house would be reduced in width to 24 feet. With the space lost to walls, siding, and insulation, each bedroom would be only 11 feet wide. The applicant would prefer to maintain larger bedrooms for the student market.

In response to questions from the Committee, the applicant advised as follows:

- He is prepared to locate the parking in the rear of the property and include tree planting in the front yard to prevent front yard parking.
- Although the only pedestrian access to the rear unit from George Street is along the driveway, there could also be access for pedestrians and people on bicycles from the Rotary Trail, which runs along the rear of the property.
- Because the lot is only 40 feet wide, the original plan was to construct a 32 foot wide dwelling with the parking in the front. Following consultation with City staff, the proposal was changed to locate the parking to the rear and the size of the dwelling was reduced to 26 feet to accommodate room for the driveway. He advised the Committee that he planned to store snow from the driveway in the front and rear of the property and that it would not be pushed onto the neighbouring property to the south. He believes it would be challenging to make the dwelling any narrower than the current design.

## **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee considered the requested variances and the proposed site plan, including the proposal to locate the parking spaces in the rear of the dwelling. The Committee determined that locating the parking in the rear of the property was necessary to preserve the streetscape and the character of the neighbourhood, as well as to ensure vehicles do not back out onto the arterial road. However, the Committee expressed concern that a driveway located directly along the south side lot line and extending into the rear of the property would have a negative impact on the adjacent property to the south, relating to lot grading and drainage and snow removal. The Committee determined that in order to meet the test of an appropriate and desirable development or use of the land, the driveway should be located a minimum of 0.6 metres from the south side lot line to reduce the impact of the development on the neighbouring property and to maintain all of the activities related to maintenance and drainage of the driveway on the subject property. The Committee determined that the application should be approved as per the Staff Recommendation, provided that the Development Agreement also include a requirement for a 0.6 metre landscaped strip between the south side lot line and the driveway. The Committee therefore determined that, with the inclusion of the modified condition, the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, variances are granted as follows:

- a) **A reduction to the minimum lot width per dwelling unit to 6 metres;**
- b) **A reduction to the number of minimum number of parking spaces to 1.5 per unit;**
- c) **A reduction to the length of a parking space to 5.5 metres;**
- d) **A reduction to the width of a parking aisle to 6 metres;**
- e) **An increase to the minimum lot coverage by parking or driveway area to 40%; and**
- f) **A reduction to the minimum building setback from the centreline of George Street to 14.75 metres to allow a covered front verandah that is 5.5 metres from the streetline.**

**CONDITIONAL UPON the applicant entering into a development agreement with the City to address access to the property, parking, a 0.6 metre landscaped strip between the driveway and the south side lot line, plantings, fencing and individual sanitary and water service connections, to the satisfaction of the Planner, Urban Design.**

### **Minutes**

Moved by Claude Dufresne

**That the minutes of the Committee of Adjustment hearing held on March 5, 2019 be approved.**

“CARRIED”

### **Other Business**

There were no items of other business.

### **Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Tuesday, May 7, 2019.

### **Adjournment**

The meeting was adjourned at 6:34 p.m.

(Sgd.) Robert Short, Vice-Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer