



CITY OF
ST. CATHARINES

Technical Report

REVISED

Report from Planning and Building Services, Planning Services

Date of Report: June 18, 2019

Date of Meeting: June 26, 2019

Report Number: B-25/19SC
B-26/19SC
A-80/19
A-81/19
A-82/19

File: 60.84.2252
60.84.2253
60.81.5514
60.81.5515
60.81.5516

Subject: 2 Weston Road

Recommendation

That Submissions **B-25/19SC** and **B-26/19SC** by Stephen Ford, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 & 2; and Parts 3 & 4), to address the following conditions:
 - a. That Building Permit plans & elevation plans for 40A and 40B Edith Street be generally in accordance with the plans submitted to the Design Review Panel for the May 28th, 2019 meeting (site plan dated May 13, 2019, by Kirkup, Mascoe & Ure Surveying Ltd.) and associated elevations (dated May 9, 2019 by Better Neighbourhoods Development Consultants), to be submitted for review and approval by the City's Urban Design Planner to ensure the following:
 - i. That the ground floor elevation of the semi-detached dwelling units not exceed 2 feet above grade.
 - b. That the approved lot grading and drainage plan be included in the Development Agreement to ensure it is binding to future development after the lot is created.
2. The existing accessory structure (garage) on Parts 1, 3, and 4 is to be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines;
3. The rear portion of the existing dwelling on Part 5 and associated deck is to be removed. A building permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines;

4. The applicant shall pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals for the existing dwelling;
5. The applicant shall complete any relocations of the existing sanitary lateral and/or water service on private property deemed through the above inspection to cross existing or future property lines;
6. The applicant shall pay the City to relocate any portion of the existing water service and/or sanitary sewer lateral on City property to eliminate services crossing existing or future property lines, as deemed necessary through the above inspection;
7. The applicant shall dedicate to the City free and clear of any encumbrances, a 0.80 m road widening along the Edith Street frontage and a 0.86 m road widening along the Weston Road frontage, to be known as Public Highways Edith Street and Weston Road;
8. The applicant shall provide the City a draft reference plan indicating the proposed widenings for review and approval, prior to registration of the plan in the Land Registry Office;
9. The applicant shall submit a payment of \$915.40 (\$457.70 for **each new lot**) for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
10. Payment of 5% of the appraised value of **each new lot** shall be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser; and,
- ~~11. The applicant shall arrange to have an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor and submitted for review and approval by City Development Engineering staff, prior to the finalization of the Consent.~~

That Submissions **A-80/19 and A-81/19** by Stephen Ford, as outlined in the Notices of Hearing, be approved, with the exception of Variance 3 on both Applications **A-80/19 and A-81/19**, and that Variances 7 and 8 of **A-81/19** be conditional on a minimum 1.2 metre interior side yard along the west lot line of Parts 3 and 4.

That Submission **A-82/19** by Stephen Ford, as outlined in the Notice of Hearing, be approved as follows:

- i) Variance 1 be approved with a minimum lot area of 234.0 m²;
- ii) Variance 2 be approved;

- iii) Variance 4 be approved;
- iv) Variances 1, 2 & 4 be subject to the condition that the height of the dwelling on the lot be limited to 1 storey, up to a maximum height of 5.0 m;

And that Variance 3 of **Submission A-82/19SC** be withdrawn; no decision is required since it is not a required variance.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Applications **B-25/19SC** and **B-26/19SC** are desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through Applications **A-80/19**, **A-81/19**, **A-82/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained, with the exception of Variance 3 on both Applications **A-80/19** and **A-81/19**. Staff recommends that the requested consents and all variances (with the exception of Variance 3 on both Applications **A-80/19** and **A-81/19**) be approved, subject to the conditions outlined above. Staff further recommend that Variance 3 of Application **A-82/19** be withdrawn.

The Proposal

Firstly, application **B-25/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 186 m² of land (Parts 1 & 2 on the submitted sketch) creating a new lot to be known as 40A Edith Street, which will hold one half of a semi-detached dwelling, and subject to an easement over Part 2 (4 m²) for eaves, gutters and footings, in perpetuity, to benefit 40B Edith Street (Parts 3 & 4). A 495 m² remnant parcel (Parts 3, 4 & 5) holding the other half of the proposed semi-detached dwelling as well as the existing single detached dwelling is to be retained. There are concurrent minor variance applications **A-80/19**, **A-81/19** and **A-82/19**.

Secondly, application **B-26/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 234 m² of land (Parts 3 & 4 on the submitted sketch) creating a new lot to be known as 40B Edith Street which will hold one half of a semi-detached dwelling, and subject to an easement over Part 3 (3 m²) for eaves, gutters and footings, in perpetuity, to benefit 40A Edith Street (Parts 1 & 2). A 261 m² remnant parcel (Part 5) with the existing single detached dwelling is to be retained for residential use. Parts 3 & 4 propose a non-traditional lot configuration with frontage on both Edith Street and Weston Road. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-80/19**, **A-81/19** and **A-82/19**.

Application **A-80/19** (Parts 1 & 2) is made to vary Zoning By-law 2013-283, for the following variances in order to facilitate the concurrent consent applications **B-25/19SC** & **B-26/19SC** to sever a proposed semi-detached dwelling.

1. A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling unit from 280 m² to 186 m².

2. A reduction of the minimum rear yard setback from 6 metres to 5.5 metres.
3. A reduction of the minimum front yard setback to a platform structure from 3 metres to 1.7 metres for a platform structure at 1.1 metres in height.
4. An increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to the lot line to 0 metres.
5. A reduction of the interior side yard setback from the dwelling (where the dwelling protrudes from the common wall) and the porch to the lot line from 1.2 metres to 0 metres.

Application **A-81/19** (Parts 3 & 4) is made to vary Zoning By-law 2013-283, for the following variances in order to facilitate the concurrent consent applications **B-25/19SC & B-26/19SC** to sever a proposed semi-detached dwelling (please note the lot configuration for Parts 3 & 4 is unique and accordingly, the lot frontage is Weston Road and the rear lot line is the common wall lot line, for the purposes of determining zoning compliance):

1. A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling unit from 280 m² to 234 m².
2. A reduction of the minimum rear yard setback from 6 metres to 0 metres (common wall lot line).
3. A reduction of the minimum setback to a platform structure from 3 metres to 1.7 metres for a platform structure at 1.1 metres in height (Edith Street façade).
4. An increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to the lot line to 0 metres.
5. A reduction of the setback from a platform structure to the lot line from 3 metres to 0 metres (common wall lot line)
6. A reduction of the minimum lot frontage from 7.5 metres to 5.76 metres (Weston Road lot line).
7. Permission for a detached garage to be located less than 1 metre beyond the front wall of the dwelling.
8. To vary Section 2.1 (b) to permit an accessory structure (garage) to be located in a required front yard (yard facing Weston Road).

Application **A-82/19** (Part 5) is made to vary Zoning By-law 2013-283, for the following variances to the remnant parcel with the existing single detached dwelling, and in order to facilitate the concurrent consent applications **B-25/19SC & B-26/19SC**:

1. A reduction of the minimum lot area per dwelling unit for a single detached dwelling from 300 m² to 261 m².
2. A reduction of the minimum rear yard setback from 6 metres to 3.6 metres.
3. A reduction of the minimum front yard setback from 3 metres to 2.45 metres (yard facing Weston Road).
4. A reduction of the minimum interior side yard setback from 1.2 metres to 0.6 metres.

Location and Site Description

The subject property is located on the northwest corner of Weston Road and Edith Street, to the north of Rykert Street. The surrounding area consists of primarily detached

dwelling, as well as multiple schools, greenspace and nearby commercial services and restaurants.

Circulation of Application

The application was circulated to all appropriate departments and agencies: no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E6-7 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings and private road development.

Report

Consent

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The consent applications **B-25/19SC** and **B-26/19SC** are requesting to sever the rear portion off the lot at 2 Weston Road for the purpose of constructing a new two-storey semi-detached dwelling on two newly created lots, to be known as 40A and 40B Edith Street. A 261 m² remnant parcel (Part 5) with the existing single detached dwelling known as 2 Weston Road is to be retained for continued residential use. The applications allow for each unit of the proposed semi-detached dwelling as well as the existing detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-80/19**, **A-81/19** and **A-82/19**.

The Zoning By-law requires a minimum lot size for semi-detached dwellings of 280 m² per dwelling unit, and a minimum lot area for detached dwellings of 300 m². Both the two new lots and the remnant parcel of land require minor variances to reduce the minimum lot areas. However, lots in the surrounding area vary considerably in shapes and sizes, with many deep but skinny lots nearby, as well as a number of irregularly shaped parcels. The proposed lots will be slightly smaller than those in the surrounding vicinity, albeit not significantly out of character with the established parcel fabric for the area. The proposal is an example of good infill development in an established residential area. It maintains sufficient sized front yards, rear yards and side yards, and does not significantly

compromise the amenity space or parking available on the parcels, despite the lots being smaller than required by the zoning by-law. Staff is of the opinion that the proposed lots will not negatively impact the established character of the neighbourhood.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff is of the opinion that every effort has been made to establish an efficient use of the underutilized subject lands and achieve a level of compatibility and urban design that is in character with the surrounding neighbourhood and adjacent properties.

Section 7.1 of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood, as well as the provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping. While the proposed lots are smaller in area than many of those adjacent, the proposed lot sizes have demonstrated they can comfortably fit semi-detached dwelling units and retain the existing detached dwelling while abiding by the majority of the required setbacks for the zone. The consent facilitates the construction of a new semi-detached home that will contribute positively to the quality and character of the streetscape and established pattern of development in the neighbourhood. As such, the consents are not expected to adversely impact the streetscape or the established character of the surrounding area, and represents a compatible means of infill housing within an existing residential neighbourhood, subject to the recommended conditions. Staff recommend approval of the requested consents.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The proposed consent was submitted to the DRP for review at the meeting of April 2nd, 2019, and upon discussions with the panel and the request for some revisions, was resubmitted for review at the meeting of May 28th, 2019. The DRP first reviewed a proposal to sever 2 Weston Road, which included severing the rear yard and a portion of the side yard of the existing home, to facilitate the construction of a semi-detached dwelling fronting onto Edith Street. The existing dwelling is planned to be preserved and refurbished. The southerly semi-detached unit (Parts 3 & 4) would have a detached garage that is accessed from Weston Road. The Panel did not support the proposal,

citing concerns about overdevelopment, and suggesting that a single-detached dwelling on the new lot with an accessory dwelling unit would be more appropriate.

The applicant subsequently revised the semi-detached dwelling plans for the property and the design of the dwellings, to present itself more as a larger single-detached dwelling through unifying the architectural approach and placing a single garage to one side of the building (on Parts 1 & 2). The applicant advised the Panel that the changes sought to improve the fit of the proposal with the neighbourhood by simplifying the massing and materials and were made in response to the Panels previous support for a single detached building form on the property.

Panel members did express concern about the lack of amenity space, particularly on the retained lands, and advised that their previous concerns with the proposal being overdevelopment had not been satisfactorily addressed. However, Panel members noted improvement with the proposal but also expressed concerns about the raised ground floor of the new building and the impacts of the additional height on neighbourhood fit. The pitch of the roof was also identified as a concern, further increasing the height of the building. Resultantly, it was moved by the Panel that the DRP supported the revised proposal, subject to the further revision that the ground floor elevation of the semi-detached dwelling units not exceed 2 feet above grade.

The City's Building Department notes that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4, as well as for the proposed detached garage on Part 4, and for the proposed carport on Part 5. A demolition permit is required for the existing garage that is planned to be removed, as well as for the portion of the dwelling at 2 Weston Road that is planned to be demolished.

The City's Development and Engineering Department notes Weston Road and Edith Street are designated as Local roads per the City's Official Plan with desired rights-of-way widths of 20 m. Their current widths are 18.28 m, and therefore the City shall request 0.80 m along the Edith Street frontage of Parts 1 & 4, and 0.86 m along the Weston Road frontage of Parts 4 & 5, to be dedicated to the City free and clear of any encumbrances to be known as Public Highways Edith Street and Weston Road.

Sidewalks and curbs exist along the frontage of the subject properties at this time. Care should be taken not to damage these services with the construction of the proposed dwelling, if approved. A sidewalk damage deposit shall be obtained through the Building Permit process to ensure that damages do not occur to these services with the proposed dwelling's construction.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor, and submitted for review and comment by City staff, prior to approval and the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the modified existing, and proposed future lots convey drainage to a suitable outlet, while at the same time do not adversely

affect abutting properties. The approved grading and drainage plan shall be included in the Development Agreement registered on title to ensure future development complies with the approved plans.

Sump pump flows are typically discharged to grade, when no opportunities exist to connect to a piped municipal storm sewer. Since storm sewers do exist on both Weston Road and Edith Street, weeping tile flows shall be pumped via sump pump and discharged to a storm sewer lateral directly to the municipal storm sewer. The cost of the storm sewer lateral shall be the Owner's responsibility through the servicing fees calculated through the Building Permit.

Roof water leaders (downspouts) shall be directed to discharge to the front of the proposed lot and subsequently out to Edith Street. These too must be shown on the approved grading plan.

The Owner shall pay to have City forces confirm that both the location and condition of the existing water service and sewer lateral to the existing dwelling do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only Permit. The Owner shall also pay the City the fee to install any new water service and/or sewer lateral, from the City owned main line sewer and water main to the front property line, in order for each property to be serviced individually. Fees to complete this work are to be paid prior to the issuance of the Plumbing Only permit.

Variances

A-80/19 & A-81/19 – Semi-detached dwelling on Parts 1 through 4

Lot Area – Variance 1 on both

Zoning By-law 2013-283 requires a minimum lot area for a semi-detached dwelling unit of 280 m² per unit. The minimum lot area requirement of the By-law is meant to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space and ensure the dwelling will not overwhelm the lot or neighbouring properties. The applicant is requesting a reduction in minimum lot area in application **A-80/19** to 186 m², and in application **A-81/19** to 234 m². Staff is of the opinion that the properties still allow for adequate amenity space, sufficient rear yard areas, the provision of the required parking spaces on site, and the reductions will not have a measurable effect on the existing lot or surrounding lots. The reduced lot areas will not impact the compatibility of the proposed semi-detached dwelling with the character of the neighbourhood. The applicant has demonstrated the dwelling envelope is appropriate for the lot. Staff recommend approval of Variance 1 in both applications for the semi-detached dwelling.

Rear Yard – Variance 2 on both, and Variance 5 of A-81/19

Zoning By-law 2013-283 requires a minimum rear yard setback of 6 metres. The intent of the rear yard setback is to ensure sufficient rear yard amenity space can be provided on a site, and ensure the building mass is proportional to the lot. With the increasing frequency and impact of storm events, yard space is increasingly important in ensuring

effective storm water management. The applicant is requesting a reduction in the rear yard set back from 6 metres to 5.5 metres in Application **A-80/19** (Parts 1 & 2). A reduction of 0.5 metres in the rear yard is acceptable in this context given the location of a detached garage on the abutting lot where the side façade of the garage almost completely extends across the rear lot line of Parts 1 & 2. Accordingly, the land use impact of a reduction in rear yard is minimal, if any.

In Application **A-81/19**, the applicant is requesting a reduction of the rear yard set back from 6 metres to 0 metres (Variance 2). The applicant is also requesting a variance for a reduction of the rear yard setback from a platform structure to the lot line from 3 metres to 0 metres (Variance 5). The requested variances are a result of the L-shaped lot configuration for Parts 3 and 4. The interpretation in the zoning by-law for this lot configuration identifies the rear lot line as the common wall lot line. As such, the defined rear yard of the property on Parts 3 and 4 therefore becomes the common lot line between the two semi-detached dwelling units. Due to the staggered design of the semis, portions of the dwellings and the platform structures protrude past the common wall, which results in a portion of the building being 0 metres from the common lot line. It is physically impossible for the property to have a semi-detached dwelling unit and meet the required rear yard setback, because of the irregular lot shape and defined yards. Staff recommend approval of Variance 2 of both applications for the semi-detached dwelling, as well as Variance 5 of application **A-81/19**.

Minimum Setback to a Platform Structure – Variance 3 on both

Zoning By-law 2013-283 requires a minimum setback to a platform structure that is less than 1.2 metres above grade, of 3 metres. The applicant is requesting a reduction in the setback to a platform structure that is 1.1 metres in height above grade to a setback of 1.7 metres from the lot line (along the Edith Street lot line) for both applications **A-80/19 and A-81/19**. The intent of the minimum setback to a platform structure is to promote a balanced neighbourhood streetscape, to prevent the built form from overwhelming a property, ensuring adequate yard space for landscaping and greenspace, and to not limit amenity space. With the inclusion of the requested road widening along Edith Street of 0.8 metres, the setback of the platform structure for both units to the lot line will be 0.9 metres. The steps to the platform structures will extend right to the lot line with the landing for the steps at grade, extending beyond the lot line into the road widening. Staff are supportive of the design which includes the platform structures since it is a desirable feature that contributes to the streetscape. If a reduction in the overall unit size could be reduced slightly to pull the platform structures back from the Edith Street lot line to comply with the 3.0 m required setback, that redesign would be a better fit with the existing streetscape. Staff are of the opinion that the Zoning By-law should be upheld where reasonably possible, and as such staff recommend denial of Variance 3 for both applications **A-80/19 and A-81/19**.

Encroachment of Eaves – Variance 4 on both

The Zoning By-law permits the encroachment of eaves into a required yard to a maximum of 0.15 m from the lot line. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto the respective lot. Applications **A-80/19 and A-81/19** request to vary the zoning by-law for an increase of the maximum

encroachment for eaves and gutters into a required yard from 0.15 metres to 0 metres (to the lot line). Because the subject property is currently being developed into a staggered semi-detached dwelling, the resultant design is that the eaves of the units (shown as Parts 2 and 3 on the submitted sketch) extend past what is permitted in the zoning by-law and into the adjacent yards. With the construction of staggered townhouses becoming more prevalent in the City, the eaves encroachment variance is likely to be requested more frequently. Staff do not have concerns with these requested variances.

Interior Side Yard – Variance 5 of A-80/19

Zoning By-law 2013-283 requires a minimum interior side yard setback of 1.2 metres. The intent of the minimum interior side yard setback is to ensure that sufficient distance and a buffer is maintained between structures on adjacent properties and sufficient distance from property lines is maintained to support on-site drainage and access to rear yards. The applicant is requesting a reduction for the minimum interior side yard from the dwelling and the platform structure to the lot line, from 1.2 metres to 0 metres for Application **A-80/19**. Similar to the request for reduced rear yards to the dwelling and platform structure to 0 metres in Application **A-81/19**, the requested Variance 5 is a result of the staggered design of the semi-detached dwelling due to the protrusion of portions of the unit walls and the platform structure beyond the common wall, which results in a portion of the building being 0 metres from the common lot line. It is physically impossible for the property to have a semi-detached dwelling unit and attached platform structure and meet the required interior side yard setback at the common lot line. Staff recommends approval of Variance 5 of Application **A-80/19**.

Lot Frontage – Variance 6 of A-81/19

Zoning By-law 2013-283 requires a minimum lot frontage of 7.5 metres. The applicant is requesting a reduction from 7.5 metres to 5.76 metres for Part 3 & 4 of Application **A-81/19**. The requested variance is a result of the L-shaped lot configuration for Parts 3 and 4, resulting in the frontage of the lot, as defined in the zoning by-law being the shortest lot line facing a public road, being Weston Road. The applicant has demonstrated adequate parking for the requirements of the zoning by-law and vehicular access to the site can be provided, while still maintaining sufficient amenity space on the site. The variance is necessary as a result of the irregular shaped lot configuration. Staff recommend approval of Variance 6 of A-81/19.

Detached Accessory Garage – Variances 7 & 8 of A-81/19

Zoning By-law 2013-283 prohibits a detached garage from being located less than 1 metre beyond the front wall of the dwelling, and Section 2.1 further prohibits an accessory structure from being located in a required front yard. The intent of these provisions on a traditional lot configuration, is to ensure that a detached accessory structure is not located flush with or beyond the front face of the dwelling, is not located closer to a road right of way than the dwelling on the lot so as not to overwhelm the streetscape, and to ensure that an accessory structure remains accessory to the primary structure on the lot. The zoning by-law defines the front yard in this instance as the yard facing Weston Road where the detached garage for the dwelling on Parts 3 & 4 is proposed. The applicant is requesting permission to allow the detached garage to be located less than 1 metre

beyond the front wall of the dwelling, and to be located in what is defined as the required front yard.

These requests are due to the L-shaped parcel configuration of the lot, and the fact that the defined “frontage” of the property is located along Weston Road, albeit not functioning as such. This portion of the property will function as a rear yard area in reality, and will only be used for the purposes of vehicular parking. The location of the detached accessory structure will not impact the overall compatibility of the site or the established character of the neighbourhood, and will not detract from the primary dwelling unit on the site or overwhelm the streetscape. It provides for the provision of adequate parking and storage on site in an inconspicuous manner. Staff recommend approval of Variances 7 and 8 of A-81/19, conditional on a minimum 1.2 metre interior side yard being maintained along the west lot line of Parts 3 and 4, to facilitate drainage adjacent to the detached garage.

A-82/19 – Existing Single Detached Dwelling on Part 5

Variances 1 through 4 for Lot area, Rear yard, Front yard and Side yard

The existing dwelling on Part 5 seeks reductions to the lot area, rear yard, front yard and interior side yard, as outlined earlier in this report.

Staff note that the front yard setback (variance 3) is a long standing existing condition created by the position of the existing dwelling. It is non-compliant with the current zoning but is legal since it predates the current zoning by-law. No variance for the front yard is required and the applicant has been advised to withdraw that variance. No decision is required of the Committee for the reduced front yard.

The lot area (Variance 1) requires further reduction from that requested by the applicant, to 234.0 m² to account for the road widenings (a 261 m² lot area was requested). Staff are supportive of a reduction, provided that the height of the dwelling be limited to 1 storey, and not exceeding 5.0 m in height.

Variance 2 for a rear yard reduction is supported by staff, since the overall minimum landscaped open space (35% of the lot) is still retained.

Variances 1, 2 and 4 are recommended for approval subject to the dwelling on the lot be limited in height to 1 storey (a maximum height of 5.0 m). This condition ensures the building mass on the lot is proportional to the reduced lot size and reduced yards.

Variance 4 for a reduced interior side yard setback of 0.6 metres is recommended for approval by staff. The existing dwelling at 2 Weston Road is proposed to have a carport attached to it, and the requested reduction is from the outer wall of the carport to the lot line. The side wall of the carport is adjacent to the detached garage and driveway of the neighbouring property. The detached garage on Parts 3 and 4 provides greater than necessary side yard space and adequate drainage can be accommodated for on both lots. The reduced side yard will not impact the amenity space on the subject parcel, nor cause overwhelming or overlook on the neighbouring property.

The City's Building Department notes that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

Conclusion

Staff is of the opinion that Application **B-25/19SC** and **B-26/19SC** are compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consents to sever be approved, with the conditions outlined in the recommendation.

Staff is of the opinion that, with the exception of Variance 3, Applications **A-80/19** and **A-81/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

Application **A-82/19** (Part 5) is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is appropriate and desirable for the use of the land providing Variances 1, 2 and 4 are approved, subject to conditions, and Variance 3 is withdrawn.

Prepared by:



Mallory Smith
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services