

2023-06-1



**Minor Variance**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 1**

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Site Address: 149 Willow Street

Legal Description: Part of lot 14, Registered Plan 62

File No.: D08-02-23/A-000103

Date: June 1, 2023

Hearing Date: June 7, 2023

Planner: Margot Linker

Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving  
Neighbourhood Overlay

Zoning: R4UB (Residential Fourth Density, Subzone UB)

Mature Neighbourhood Bylaw: N/A

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**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department has **no concerns** with the above-noted application.

**REQUESTED VARIANCES**

The Owner/Applicant requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced lot area of 249.4 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
- b) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 10 metres.
- c) To permit a reduced interior side yard of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- d) To permit a parking space, whereas the By-law states that no motor vehicle parking is permitted on lots less than 450 square metres in area.
- ~~e) To permit a reduced aggregated soft landscaped area of 26% of the front yard (8.98 square metres), whereas the By-law requires a minimum aggregated soft landscaped area of 30% of the front yard (10.28 square metres). (as amended)~~
- f) To permit reduced fenestration on the front façade of 14.75%, whereas the By-law requires a minimum of 25% fenestration on the front façade

**DISCUSSION AND RATIONALE**

The subject property is located within the Downtown Core Transect Policy Area on Schedule A and is designated Neighbourhood within the Evolving Neighbourhood



Overlay on Schedule B1 in the Official Plan. Neighbourhoods located within the Downtown Core are anticipated to maintain a low-rise built form, allowing and supporting a wide variety of housing types with a focus on missing-middle housing to accommodate residential growth to meet the Growth Management Framework of 80 to 120 dwellings per hectare.

Staff note that the R4UB (Residential Fourth Density, Subzone UB) zone permits a wide mix of residential building forms ranging from detached to low rise apartment dwellings. Minimum lot sizes seek to ensure that all elements associated with introducing a low-rise apartment building can be adequately accommodated on site. Staff have no concerns with the reduced lot width and lot area to accommodate this conversion.

The subject zone requires that the front façade be comprised of at least 25 per cent windows. Since the use is changing, the existing conditions will not be legal non-complying and therefore the proposal should comply with the zoning. Staff recognize this is an existing façade that will not be impacted by the addition of a unit in the basement, and due to the nature of the proposed conversion, staff have no concerns with the variance request to permit a reduced window area on the front elevation.

Staff have no concerns with the requested reduced interior side yard setback. Staff recognize that this variance is to formalize the 1.2 metre setback of the existing three-unit dwelling as it changes use to a low-rise apartment dwelling. In addition to the 1.2 metre setback and walkway, the site has the benefit of a Right-of-Way providing sufficient space for the movement of waste and bicycles.

Staff have no concerns with the request to permit parking on the undersized site. As driveways and parking take up a large amount of space, this provision ensures that all of the functions of a low-rise apartment building can be managed on an undersized site before parking can be permitted. Staff recognize the existing conditions and that the rear yard, where the parking is proposed, meets the minimum soft landscaping requirements.

Variance (e), relating to front yard soft landscaping, is no longer applicable as the updated calculation confirms that the front yard soft landscaping is compliant with the Zoning By-law.

**Infill Forester Comments:**

This site has already been constructed. One City-owned tree was removed (with a permit) through this development, and one refundable tree fee paid. One new 50mm tree must be planted in the ROW for refund of this fee.



**Additional Comments:**

1. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
2. Existing grading and drainage patterns must not be altered.
3. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
4. In the reviewing the Application, the Owner is seeking relief to maintain the current onsite parking. However, the ROW would like to point out that, if the Committee were inclined to refuse the variance that the applicant would be required to reinstate the right-of-way. As a result, a private approach permit would be needed to close off the approach/driveway.

*Margot Linker*

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