

2023-07-28



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address:	7035 Notre-Dame Street
Legal Description:	Part 1 and 2, 4R-24393
File No.:	D08-02-23/A-00157
Date: July 27, 2023	Hearing Date: August 1, 2023
Planner:	Evode Rwagasore
Official Plan Designation:	Suburban (East) Transect, Neighbourhood, subject to Evolving Neighbourhood Overlay
Zoning:	R2N

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The lot is in the Orléans Village Chateaufort Neighbourhood and has approximately 19 metres of frontage on Notre Dame Street, a local road. The subject property was severed from 7035 Notre Dame Street circa 2010/2011 (File Number D08-01-09/B-00389).

Minor Variances – Lot Size

The minimum required lot area and frontage for each semi-detached dwelling unit subject to the R2N zone provisions are 270 square metres and 9.0 metres, respectively. The proposed semi-detached dwelling units comply in every respect with the applicable zone provisions except for the lot area. Minor variances are requested to permit semi-detached dwelling units with a lot area of 244.56 square metres (west lot) and 247.22 square metres (east lot), as described in the materials filed with the Committee of Adjustment. Staff has no concerns with the requested variances. The Owner has shown that a conventional semi-detached dwelling can be constructed on the lot.

Minor Variances – Secondary Dwelling Units

One Secondary Dwelling Unit (SDU) is proposed in each dwelling unit (total of four units). According to Subsect. 133(3) of Zoning By-law 2008-250, a Secondary Dwelling Unit is not permitted on a lot that is legally non-complying with respect to lot width or lot area (an undersized lot).



The requested minor variances to permit a Secondary Dwelling Unit on each lot having a reduced lot area are no longer required as per Bill 23, which takes precedence over the Zoning By-law. The [City has initiated a zoning by-law amendment to respond to Bill 23](#), and it is proposed to remove the prohibition on Secondary Dwelling Units on lots that are legally non-complying with respect to lot area, as this provision is now beyond the scope of the Zoning By-law.

ADDITIONAL COMMENTS

Planning comments:

Staff note that the site plan has been updated so that the driveways lead to legal parking spaces to reflect the width of the garage door.

It is also noted that the open and unenclosed decks within the rear yards, as shown on the materials filed with the Committee of Adjustment, do not appear to comply with the maximum allowable projections into a required rear yard in accordance with Sec. 65 of the Zoning By-law. The applicant is advised to ensure that any proposed decks comply with the provisions of Section 65 of the Zoning By-law.

Forestry comments:

There is one City-owned tree affected by this project - specifically the design presented for the eastern driveway. The consulting arborist is proposing removal of the City tree due to the conflicting driveway as well as its fair condition. The original design also included walkways between driveways which reduced the soft landscaping available for planting new trees with sufficient soil volumes. The design has now been revised to narrow the driveways and reduce the walkways, thereby increasing the amount of soft landscaping in front of each unit to provide sufficient space for planting one medium or large tree in front of each lot, toward compensation for the loss of the City tree. The value of the City asset will be determined by Forestry Services at the Building Permit stage, and the planting plan will need to reflect the required number of compensation trees, with planting in the ROW as a priority to improve the streetscape and prevent driveway expansion.

Right-of-Way comments:

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the owner shall be made aware that a private approach permit is required to establish a driveway/private approach on the property.

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