

2024-03-14



**MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 6 Oak Street  
Legal Description: Part of Lots 1, 2 and 3 on Registered Plan 82974  
File No.: D07-02-24/A-00031  
Report Date: March 14, 2024  
Hearing Date: March 20, 2024  
Planner: Margot Linker  
Official Plan Designation: Downtown Core, Neighbourhood, Evolving Overlay  
Zoning: R4UB (Residential Fourth Density, Subzone UB)

**REQUESTED VARIANCES:**

The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:

- a) To permit a reduced lot area of 215.3 square metres, whereas the By-law requires a minimum lot area of 420 square metres.
- b) To permit a reduced lot width of 11.08 metres, whereas the By-law requires a minimum lot width of 14 metres.
- c) To permit a reduced front yard setback of 3.84 metres, whereas the By-law requires a minimum front yard setback of 4.12 metres (average of abutting lots).
- d) To permit a reduced rear yard area of 14.7% of the lot area or 31.59 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 53.83 square metres.
- e) To permit a reduced rear yard soft landscaping area of 30 square metres, whereas the By-law requires a minimum rear yard soft landscaping area of 35 square metres.
- f) To permit a reduced rear yard setback of 16.4% of the lot depth or 3.59 metres, whereas the By-law requires a minimum required rear yard setback of 25% of the lot depth or 5.47 metres.
- g) To permit a reduced westerly interior side yard setback of 0.25 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- h) To permit a reduced easterly interior side yard setback of 1.23 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- ~~i) To permit a gutter to project **1.25 metres into a required yard** and 0.25 metres from the lot line, whereas the By-law permits a maximum projection for a gutter of 1 metre into a required yard and no closer than 0.3 metres from a lot line. **(as amended by Planning Staff)**~~
- j) To permit the balcony, above the first floor, on a lot with a depth of less than 23.5 metres, to project **1.73 metres** ~~3.6 metres~~ into the **rear required** yard, whereas the By-Law permits a balcony above the first floor, on a lot with a depth less than 23.5 metres, to project a maximum of 0 metres above the first floor. **(as amended by Planning Staff)**
- ~~k) To permit stairs above the floor level of the first floor to project of **2.83 metres into the required rear yard**, whereas the By-law permits an open stairway above the first floor to project a maximum of 1.5 metres into the required yard and no closer than 1 metre to a lot line. **(as amended by Planning Staff)**~~

## DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the application.

## DISCUSSION AND RATIONALE

Staff have requested changes to the variances to allow the requested minor variances for projections to be measured into the proposed yards rather than the currently required yards. A variance for the stairs and the gutter is no longer applicable after this change.

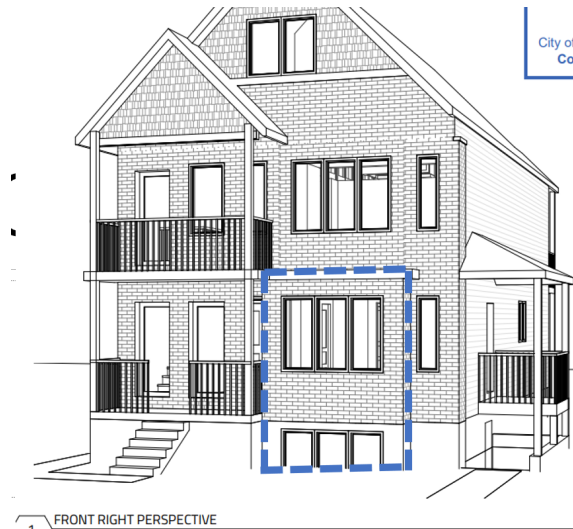
Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is located within the Downtown Core Transect and designated Neighbourhood within the Evolving Overlay on Schedules A and B1 in the Official Plan. This area is planned for higher-density development with an intended urban built form, which acknowledges a range of lot sizes, including smaller lots, and higher lot coverages, and emphasizes the built form relationship with the public realm. Form-based regulation should account for local context and character of existing development as well as appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping to support livability. The policies of the Official Plan indicate goals of balancing encouraging intensification and missing middle housing and ensuring development is functional including prioritizing soft landscaping and space for tree planting.

The site is zoned R4UB (Residential Fourth Density, Subzone UB), which permits a wide variety of housing typologies, ranging from detached dwellings to low-rise apartment dwellings.

Staff have no concerns with the front yard setback as proposed on the plans stamped 2024-02-23. There is a contiguous front yard setback for every dwelling on Oak Street and many have balconies and porches projecting into the front yard. There are also

many dwellings that have bay windows and other large architectural projections. It is staff's understanding that the relief required is only for the area outlined in blue on the image below, and that the rest of the wall is set back 4.45 metres. While this wall does not qualify as a projection, like a bay window, staff don't believe that it breaks the established massing pattern on this street.



Staff have no concerns with the reduced interior side yard setbacks. The lot shape is irregular and about half of the westerly lot line abuts a section of the City's right-of-way, which acts as an additional 3.51-metre-wide buffer between the subject site and 8 Oak Street to the west. This City property can also be used to maintain this side of the house. The balcony on the west side of the house faces an interior side yard of 8 Oak Street and will not have privacy impacts on any private outdoor amenity area. Much of the proposed building envelope is similar to the existing duplex dwelling footprint.

Staff have concerns with the proposed 1.73 metre balcony projection into the rear yard. The lot depth, which is 21.87 metres, currently prohibits this type of projection into the rear yard and a lot with a depth between 23.5 metres and 30.5 metre would only permit a covered balcony to project 1.2 metres above the first floor, which is less than the proposed 1.73 metre projection. The balcony is also located 1.87 metres away from an abutting rear yard, which may result in privacy concerns for that property.

Staff have concerns regarding the cumulative impact on the functions of the site caused by the reduced lot size. It is apparent that, due to the undersized lot, the proposed development is not able to meet the setback requirements. While the proposed footprint appears to be very similar to the existing duplex dwelling's footprint and might not have new impacts on the abutting properties, a stacked dwelling does have different required functions than a duplex dwelling that should be met. In other zones amenity area may not be required for such a proposal, however, in this particular zone, there is a requirement for a certain amount of green space, which is intended to provide space for

outdoor amenity, infiltration, and tree planting. The proposed rear yard includes bicycle parking, stairs, and a balcony which, while permitted in the landscaped area, does take away from its functionality. Staff believe that a larger lot could better accommodate a more functional rear yard, and that a lot of this size might be more suitable for a lower density development.

## **ADDITIONAL COMMENTS**

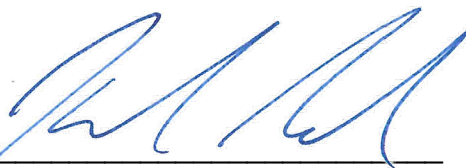
### **Planning Forestry**

From a tree-perspective the main concerns with this application are the reduced setbacks and landscaping areas, though it does not appear that the reductions affect the ability to plant trees. Please ensure that sufficient soil volume is provided to plant large-growing trees to improve the streetscape and canopy cover of the site, toward the Official Plan target of 40%. It is strongly recommended to provide a revised planting plan with a large-growing tree in the Oak St ROW.



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