

2023-07-13



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 176 Holmwood Avenue
Legal Description: Part of Lot 18, South Holmwood Avenue, Reg Plan 78373
File No.: D08-02-23/A-00147
Report Date: July 13, 2023
Hearing Date: July 19, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R3L[1474] (Residential Third Density, Subzone L, Urban Exception 1474)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The subject site is located within the Inner Urban Transect Policy Area in Schedule A and designated Neighbourhood within the Evolving Neighbourhood Overlay in Schedule B2 in the Official Plan. The Inner Urban Transect encourages reducing the impact of parking by concealing it from the street. A detached garage accessed by a rear lane allows parking to not form an integral part of the building. The proposed garage aligns with Policy 2 in Section 6.3.2 in the Official Plan by proposing setbacks which have regard for local context and character of existing development and appropriate interfaces between residential buildings. The proposed garage appears slightly larger than the existing conditions and reasonable and appropriate soft landscaping is still provided.

The proposed detached garage is located generally in the same location as the existing garage, with the wall located 0.7 metres from the lot line and the eaves located 0.4 metres from the lot line. Generally, accessory structures are permitted to be located no closer than 0.6 metres from a lot line in the rear yard and eaves are generally permitted

to be located no closer than 0.3 metres from a lot line. However, accessory structures are not subject to the Zoning By-Law's provisions for permitted projections into required yards and, therefore, the eaves are subject to the same 0.6m setback for the accessory structure. Staff have no concerns with the reduced setback as the wall and eaves can still be adequately maintained and there are no concerns regarding stormwater runoff onto the abutting neighbour's property.

Staff also have no concerns regarding the reduced separation between the accessory structure and principal building from 1.2 metres to 0.2 metres. The intent of the provision is to ensure separation at grade between accessory structures and the principle building to ensure adequate access to other parts of the site. Staff understand that this is a technical variance as the eave of the detached garage will be located 0.2 metres from the bottom of the second storey which cantilevers over the rear deck. It appears that there will still be adequate access to all areas of the rear yard and Staff don't anticipate any negative impacts.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. 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**.
3. Existing grading and drainage patterns must not be altered.

Planning Forestry

1. The Tree Information Report (TIR) shows there is one protected tree on an adjacent property. The concrete foundation of the existing garage will be removed and replaced to support the new structure. The footprint of this slab is roughly the same as the existing, so the TIR indicates that there will likely be minimal impacts to tree roots as a result. The mitigation measures in the TIR must be followed if tree roots are encountered during this construction process. The applicant is also advised to communicate with their neighbour on what construction is planned and what influence it has on their tree.

Building Code Services

1. That the Owner(s) demolish the accessory structure and rebuilt under the authority of a building permit.

Margot Linker

Margot Linker
Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department

Eric Forhan

Eric Forhan
Planner II, Development Review, Central
Planning, Real Estate and Economic
Development Department