

2024-08-15



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 2019 Kings Grove Crescent
Legal Description: Lot 483 Registered Plan 828
File No.: D08-02-24/A-00197
Report Date: August 15, 2024
Hearing Date: August 20, 2024
Planner: Penelope Horn
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: Residential First Density, Subzone WW (R1WW [637])

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application. However, Staff recommend an alteration to variance listed as “d” on the Public Notice and are requesting a change to plans submitted for the portion of the driveway located within the public right-of-way.

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 variances meet the “four tests”.

Deck Variance in the Corner Yard

The current variance wording reads: *To permit an increased deck projection of 94% of the yard depth and 0.3 metres from a lot line, whereas the By-law permits a maximum deck projection of 50% of the yard depth and 1 metre to a lot line.*

However, since the deck is not attached to the dwelling, a more accurate description of the variance would be: *To permit an accessory structure 0.3 metres from a lot line, whereas the By-law requires a minimum setback of 1.2 metres for accessory structures abutting a corner side lot line.*

The proposed wording would capture that the existing deck and gazebo do not project from the building, rather are separate accessory structures, thus requesting a variance under Section 55 is more appropriate. Despite this change, the purpose and effect of the

variance sought remains the same as the structure is existing, appropriately screened, with access for any maintenance available.

Reduced Corner Side Yard Setback

The reduction in corner side yard setback recognizes the current conditions on the site. No changes to that side of the building are proposed.

Rear Yard Area and Rear Yard Setback

The reduction in rear yard area and setback are minor in nature. The purpose of minimum rear yard area and rear yard setbacks are to maintain privacy and adequate amenity area. In this scenario, the layout of the site allows for sufficient amenity space and privacy.

Garage Setback

The intent of the garage setbacks is to ensure that the front entrance is more prominent than the garage. Given that the front wall of the garage does not extend beyond the front porch, Staff are satisfied that it meets the intent of the Zoning By-law and is minor in nature.

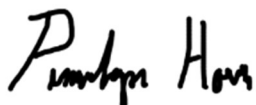
ADDITIONAL COMMENTS

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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, Development and Building Services Department.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.

Planning Forestry

- The proposed driveway widening would impact the city-owned lilac located in front of the adjacent property at 2021 Kings Grove Crescent (tree 5 in the TIR). While impacts to the tree are expected to be minor, loss of the softscape in the ROW is generally undesirable as it will reduce available soil for the tree and severely limit the possibility of future plantings at this location. Updates to the TIR have been requested to provide tree protection and injury mitigation measures for the trees on site.



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