

**Extract of Draft Minutes 17
Planning Committee
November 28, 2019**

**Extrait de l'ébauche
du procès-verbal 17
Comité de l'urbanisme
le 28 novembre 2019**

Zoning By-law Amendment – 300, 302, 304 and 306 Elmgrove Avenue

ACS2019-PIE-PS-0130

Kitchissippi (15)

Report recommendations

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 300, 302, 304 and 306 Elmgrove Avenue to permit four (4) low-rise apartments with four (4) dwelling units each, as detailed in Document 2.**
- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of December 11, 2019," subject to submissions received between the publication of this report and the time of Council's decision.**

The committee heard two delegations:

Charles Ficner¹ raised concerns about safety due to the reduced side yard setback and the long, narrow driveways onto which three dwellings in each of the units exit. He suggested significant potential for accidents between pedestrians exiting their dwellings and vehicles using those driveways. He spoke to the legal responsibilities of municipalities, including building inspectors and the Chief Building Official, to ensure development complies with Building Code and all applicable law and to ensure safety.

¹ Submission held on file

He also spoke to the requirement to ensure that development does not occur in a way that deviates from approved plans.

Murray Chown, Novatech (applicant), spoke in support of the report recommendations and in support of a proposed motion to amend the minimum interior side yard setback (see motion 17/5, below).

The following staff responded to questions: Andrew McCreight, Planner III, and Doug James, Manager, Development Review – Central, Planning, Infrastructure and Economic Development department.

The following correspondence was provided to the committee coordinator for the Planning Committee between November 18 (the date the report was published to the City's website with the agenda) and the time it was considered on November 28, a copy of which is held on file:

Comments dated November 19 from Aiman Zahran

Comments dated November 21 from Tara Hennessy

Comments received November 25 from Karen Johnson, Chair, Planning Subcommittee, for Westboro Community Association

Comments dated November 27 from Charles Ficner

Motion N° PLC 2019-17/5

Moved by acting Vice-chair G. Gower

WHEREAS report ACS2019-PIE-PS-0130, Zoning By-law Amendment 300, 302, 304 and 306 Elmgrove Avenue, recommends reducing the required interior side yard setback from 1.5 metres to 1.2 metres; and

WHEREAS during the construction process and surveying method, the use of cladding on the side of the building accounts for a minimal amount of construction tolerance; and

WHEREAS the cladding on the side walls may extend slightly closer than the proposed 1.2 metres;

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that

1. **The recommended interior side yard setback be a minimum of 1.1 metres to avoid a sideyard zoning deficiency; and**
2. **That Document 2 – Details of the Recommended Zoning be amended to change the minimum interior side yard setback from 1.2 metres to 1.1 metres; and**
3. **That pursuant to the *Planning Act*, subsection 34(17) no further notice be given.**

CARRIED

The committee carried the report recommendations as amended by motion 17/5