

Present

Tom Copeland – Vice-Chair
David Johnson – Chair
Eric Newton
Denise Rundle
Sean Wiley

Also Present

Deborah Wylie, Secretary-Treasurer
Samantha O'Brien, Assistant Secretary-Treasurer

(I) Adoption of Agenda

Moved by Eric Newton
Seconded by Tom Copeland

That the agenda for the Wednesday, May 31, 2017 meeting be adopted.

Carried Unanimously

(II) Adoption of Minutes

Moved by Eric Newton
Seconded by Tom Copeland

That the minutes of the 6th meeting of the Committee of Adjustment held Wednesday, May 10, 2017 be adopted.

Carried Unanimously

(III) **Reports**

1. P/CA 20/17
B. Knight
826 Fairview Avenue
-

The applicant requests relief from Zoning By-law 2511, as amended:

- to permit a minimum front yard setback of 2.2 metres; whereas, the by-law requires a minimum front yard setback of 7.5 metres
- to permit a minimum north side yard width of 0.7 of a metre; whereas, the by-law requires a minimum side yard width of 1.5 metres on one side and 2.4 metres on the other side, however where a garage (including a carport) is erected as part of the dwelling, a minimum side yard width of 1.5 metres is required on both sides
- to permit a minimum south side yard width of 0.9 of a metre; whereas, the by-law requires a minimum side yard width of 1.5 metres on one side and 2.4 metres on the other side, however where a garage (including a carport) is erected as part of the dwelling, a minimum side yard width of 1.5 metres is required on both sides
- to permit an accessory structure (Shed A) to be setback 0.6 of a metre from the north lot line; whereas, the by-law requires accessory structures greater than 10 square metres in area shall be set back a minimum of 1.0 metre from all lot lines

The applicant requests approval of these variances in order to obtain a building permit to construct a second storey addition, a covered front porch, a carport, and to recognize an accessory structure (Shed A) in the rear yard.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were also received from the City's Engineering Services Department expressing no comments on the application.

Beverley Knight, applicant, was present to represent the application. No further representation was present in favour of or in objection to the application.

Moved by Sean Wiley
Seconded by Eric Newton

That application P/CA 20/17 by B. Knight, be **Approved** on the grounds that a minimum front yard setback of 2.2 metres, a minimum north side yard width of 0.7 of a metre, a minimum south side yard width of 0.9 of a metre, and an accessory structure (Shed A) to be setback 0.6 of a metre from the north lot line, are minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That these variances apply only to the proposed concept site plan, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 31, 2019, or this decision shall become null and void.

Carried Unanimously

2. P/CA 30/17
D. L. Gray & A. J. Lepp
1282 Commerce Street
-

The applicant requests relief from Zoning By-law 2511, as amended:

- to recognize a minimum lot frontage of 10.2 metres, whereas the by-law requires a minimum lot frontage of 15.0 metres
- to recognize a minimum lot area of 455 square metres, whereas the by-law requires a minimum lot area of 460 square metres
- to permit a covered second-storey balcony and an uncovered third-storey balcony to project a maximum of 3.0 metres and 1.5 metres, respectively, into the required front yard, whereas the by-law permits uncovered steps or platforms not exceeding 1.0 metre in height above grade to project a maximum of 1.5 metres into the required front yard

The applicant requests approval of these variances in order to obtain a building permit for the construction of a new three-storey detached dwelling.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were also received from the City's Engineering Services Department expressing no comments on the application.

Written comments were received from the applicants as additional information in support of the application, containing several photographs of dwellings in the surrounding neighbourhood which have a similar character to the minor variances being applied for.

Written comments were also received from the residents of 685 Pleasant Street in support of the application stating the future development appears to be of a similar character to the existing neighbourhood.

Dylan Gray & Alexandra Lepp, applicants, were present to represent the application. No further representation was present in favour of or in objection to the application.

A Committee Member stated that the photographs from the applicants have been received and were observed at the time of the site visit. A Committee Member also stated acknowledgment of a couple neighbours who were in objection to the application, however it was determined that the proposed development of the subject property overall maintained the same character of the neighbourhood.

Moved by Tom Copeland
Seconded by Eric Newton

That application P/CA 30/17 by D. L. Gray & A. J. Lepp, be **Approved** on the grounds that a minimum lot frontage of 10.2 metres, a minimum lot area of 455 square metres, and a covered second-storey balcony and an uncovered third-storey balcony projecting a maximum of 3.0 metres and 1.5 metres, respectively, into the required front yard, are minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That these variances apply only to the proposed development, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 10, 2019, or this decision shall become null and void.

Carried

Vote

Tom Copeland	in favour
David Johnson	in favour
Eric Newton	in favour
Denise Rundle	opposed
Sean Wiley	in favour

3. P/CA 31/17
B. & R. Huckstep
1321 Forest Park Drive
-

The applicant requests relief from Zoning By-law 3036, as amended by By-law 1103/80:

- to permit an accessory building (shed) in the flankage side yard; whereas the by-law requires all accessory buildings, which are not part of the main building, shall be erected in the rear yard
- to permit an uncovered platform (deck) and associated steps not exceeding 1.0 metre in height above grade to project a maximum of 5.9 metres into the required rear yard; whereas the by law permits uncovered steps and platforms not exceeding 1.0 metre in height above grade to project a maximum of 1.5 metres into the required rear yard

The applicant requests approval of these variances in order to permit an uncovered platform (deck) in the rear yard, and an accessory structure (shed) in the flankage side yard.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending refusal for an existing uncovered platform (deck) and associated steps and recommending approval for an accessory building (shed) subject to conditions. The Secretary-Treasurer also outlined the staff recommendation from the City Development Department for approval if the applicant were to request the application be amended for an existing uncovered platform (deck) and associated steps subject to conditions.

Bonnie & Ron Huckstep, applicants, were present to represent the application. David Craighill of 1323 Forest Park Drive was also present in objection to the application.

Bonnie & Ron Huckstep stated they are willing to work with the City to obtain a building permit. They agreed to amend the application to permit a proposed uncovered platform (deck) and associated steps not exceeding 1.0 metre in height above grade to project a maximum of 5.5 metres into the required rear yard acknowledging that this would require the removal of a portion of the deck which encroaches into the municipal easement. They also stated that the Committee was able to see the proposed revisions as marked on the deck during their site visit to the dwelling.

David Craighill spoke to the correspondence that was previously submitted in opposition to the application. He also stated his disagreement with the process of the Committee of Adjustment and the lack of action taken during proceedings.

In response to questions from Committee Members, Bonnie & Ron Huckstep stated they are also willing to remove a portion of the deck required to bring the deck into compliance with the required minimum setback of 0.6 of a metre from the north lot line.

In response to a question from a Committee Member, the Secretary-Treasurer stated the amended application proposed by the City Development Department would satisfy the Engineering Services Department with regards to the municipal easement.

Moved by Sean Wiley
Seconded by Eric Newton

That application P/CA 31/17 by B. & R. Huckstep, be **Approved** on the grounds that an accessory building (shed) that is not part of the main building be located in the required flankage side yard is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following condition:

1. That this variance applies only to the accessory building (shed), as generally sited and outlined on the applicant's submitted plan.

And

That the amended application P/CA 31/17 by B. & R. Huckstep, be **Approved** on the grounds that a proposed uncovered platform (deck) and associated steps not exceeding 1.0 metre in height above grade to project a maximum of 5.5 metres into the required rear yard is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following recommendations would apply:

1. That the applicant obtains a building permit for a revised uncovered platform (deck) and associated steps not exceeding 1.0 metre in height above grade to project a maximum of 5.5 metres into the required rear yard by May 10, 2018, or this decision shall become null and void.

Carried Unanimously

4. P/CA 37/17
A. Ahmed
736 Hillview Crescent
-

The applicant requests relief from Zoning By-law 2511, as amended, to permit a minimum flankage yard depth of 2.1 metres; whereas the by-law requires a minimum flankage yard depth of 4.5 metres.

The applicant requests approval of this variance in order to obtain a building permit to construct a detached dwelling.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions.

Written comments were received from the City's Engineering Services Department stating any new driveway constructed at 736 Hillview Crescent should be at least 1.0 metre from the base of the silver maple tree that is located on the City road allowance.

Written comments were also received from a resident of 740 Hillview Crescent noting that the submitted plan attached to the circulated notice lacked north, south, east and west arrows and contained an incorrect street name. In addition, concerns were expressed about a possible relocation of the tree located on the northeast corner of the lot; the existing 1.5 metre north side yard depth; health concerns related to the future demolition of the existing structure; the City zoning by-laws not protecting neighbourhoods, and the proposed building height (number of proposed storeys should be restricted to the height of the building being replaced). The comments noted that there was no concern with the variance requested for the side yard depth on the Oklahoma Drive side.

Amjad Hafeez, applicant, was present to represent the application. No further representation was present in favour of or in objection to the application.

In response to a question from a Committee Member, the Secretary-Treasurer stated the status and conditions of the tree will be evaluated at the building permit stage.

Moved by Eric Newton
Seconded by Tom Copeland

That application P/CA 37/17 by A. Ahmed, be **Approved** on the grounds that a minimum flankage yard depth of 2.1 metres is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That this variance applies only to the detached dwelling, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 31, 2018, or this decision shall become null and void.

Carried Unanimously

5. P/CA 38/17
C. Annable
303 Fiddlers Court
-

The applicant requests relief from Zoning By-law 3036, as amended, to permit an uncovered platform (deck) and associated steps not exceeding 1.8 metres in height above grade to project a maximum of 1.7 metres into the required rear yard; whereas, uncovered steps and platforms not exceeding 1.0 metre in height above grade may project a maximum of 1.5 metres into the required rear yard.

The applicant requests approval of this minor variance application in order to obtain a building permit to construct an uncovered platform (deck) and associated steps in the rear yard.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were also received from the City's Engineering Services Department expressing no comments on the application.

Neither the applicant nor agent was present to represent the application. No further representation was present in favour of or in objection to the application.

Moved by Denise Rundle
Seconded by Eric Newton

That application P/CA 38/17 by C. Annable, be **Approved** on the grounds that an uncovered platform (deck) and associated steps not exceeding 1.8 metres in height above grade to project a maximum of 1.7 metres into the required rear yard, is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That this variance applies only to the proposed uncovered platform (deck) and associated steps, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 31, 2019, or this decision shall become null and void.

Carried Unanimously

6. P/CA 39/17
D. Kawall
1650 Pepperwood Gate

The applicant requests relief from Zoning By-law 3036, as amended by By-law 2015/85:

- to permit an accessory building (gazebo) to be setback a minimum of 1.2 metres from the south lot line of the flanking street; whereas, the By-law requires all accessory buildings, detached from the main building, shall be setback a minimum of 4.5 metres from the south lot line of the flanking street
- to permit an uncovered platform (deck) not exceeding 2.1 metres in height to project a maximum of 1.8 metres into the required rear yard; whereas, the By-law requires that uncovered steps or platforms not exceeding 1.0 metre in height may project a maximum of 1.5 metres into the required rear yard
- to permit a total lot coverage of all accessory buildings, excluding private detached garages, to be a maximum of 6.7 percent of the lot area; whereas, the By-law requires the total lot coverage of all accessory buildings, excluding private detached garages, shall not exceed 5.0 percent of the lot area

The applicant requests approval of these variances in order to permit an accessory building (gazebo) in the flankage (corner) side yard, and to recognize an existing uncovered platform (deck) in the rear yard.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions.

Written comments were received from the City's Engineering Services Department expressing no comments on the application.

Written comments were also received from a resident of 1667 Pepperwood Gate in opposition to the application. The resident expressed concerns that the accessory building (gazebo) would obstruct the views for motorists near an elementary school; the proposal may affect drainage on the subject lot; and that the character of the neighbourhood would be impacted.

D. Kawall, applicant, was present to represent the application. Carmen Campa of 1661 Middleton Street was present in opposition to the application. Carmen Campa expressed concerns that the measurements submitted in the application are inaccurate; the height of the accessory building (gazebo) would obstruct views for motorists in a school zone; and existing water drainage issues at 1661 Middleton Street.

In response to the concerns expressed by Carmen Campa, a Committee Member stated Engineering Services can inspect the dwelling at 1661 Middleton Street for drainage issues, and that the height is not part of the minor variances brought before the Committee of Adjustment.

In response to a question from a Committee Member, the Secretary-Treasurer stated the drawings received by the applicant in the report reflect the reduced slope of the accessory building (gazebo), and that the height met all requirements of the By-law during the zoning compliance check completed by the zoning examiner.

In response to questions from Committee Members, D. Kawall stated that construction has already begun and he was unaware that a building permit was required.

Moved by Eric Newton
Seconded by Tom Copeland

That application P/CA 39/17 by D. Kawall, be **Approved** on the grounds that an accessory building (gazebo) to be setback a minimum of 1.2 metres from the south lot line of the flanking street, an uncovered platform (deck) not exceeding 2.1 metres in height to project a maximum of 1.8 metres into the required rear yard, and a total lot coverage of all accessory buildings to be a maximum of 6.7 percent of the lot area, are minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That these variances apply only to the proposed accessory building (gazebo) and uncovered platform (deck) as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 31, 2018, or this decision shall become null and void.

Carried Unanimously

7. P/CA 40/17
Mattamy (Seaton) Limited
1024 Reflection Place
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The applicant requests relief from Zoning By-law 7364/14 to permit a minimum rear yard depth of 4.4 metres, whereas the by-law requires a minimum rear yard depth of 5.0 metres where the property is located adjacent to a Natural Heritage System (NHS) Zone.

The applicant requests approval of this variance in order to obtain a building permit for one unit within a seven unit street townhouse block.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were also received from the City's Engineering Services Department expressing no comments on the application.

David Hegarty, agent, was present to represent the application. No further representation was present in favour of or in objection to the application.

David Hegarty stated that 65 percent of the rear yard is in compliance with the zoning by-law minimum rear yard requirements, and the minor variance is only for 35 percent of the property due to the irregularly shaped lot.

Moved by Tom Copeland
Seconded by Eric Newton

That application P/CA 40/17 by Mattamy (Seaton) Limited, be **Approved** on the grounds that a minimum rear yard depth of 4.4 metres is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following condition:

1. That this variance applies only to the townhouse unit, as generally sited and outlined on the applicant's submitted plans.

Carried Unanimously

8. P/CA 41/17
2450734 Ontario Inc./Marshall Homes (Centre Point) Inc.
1555 & 1575 Kingston Road

The applicant requests relief from Zoning By-law 3036, as amended by By-law 6172/03:

- a) to permit a minimum building height of 12.0 metres and four storeys; whereas the by-law states that no building, part of a building, or structure that is less than 16.0 metres and six storeys in height, or greater than 35.0 metres and twelve storeys in height, shall be erected on the lands
- b) to permit buildings to be located outside the building envelope having a minimum setback of 1.8 metres from the Kingston Road lot line; whereas the by-law states that all buildings and structures shall be located entirely within the building envelope having a minimum setback of 4.5 metres from the Kingston Road lot line
- c) to permit buildings to be located outside the building envelope having a minimum setback of 0.7 of a metre from the west lot line; whereas the by-law states that all buildings and structures shall be located entirely within the building envelope having a minimum setback of 4.5 metres from the west lot line
- d) to permit any portion of a building or structure in excess of 11.0 metres in height, to be setback a minimum of 17.0 metres from the southern limits of the "(H)RH/MU-1" Zone; whereas the by-law states that any portion of a building or structure in excess of 11.0 metres in height, shall be setback a minimum of 20.0 metres from the southern limits of the "(H)RH/MU-1" Zone
- e) to permit a minimum of 1.0 parking space per dwelling unit for residents be provided both above and below grade; whereas the by-law states that for each multiple dwelling vertical there shall be provided and maintained a minimum 1.2 parking spaces per dwelling unit for residents; all resident parking is to be provided in a below grade structure

- f) to permit a minimum of 0.2 of a parking space per dwelling unit for visitors; whereas the by-law states that for each multiple dwelling vertical there shall be provided and maintained a minimum of 0.3 of a parking space per dwelling unit for visitors
- g) to permit at grade parking lots to be no closer than 2.5 metres from the southern limit of the "(H)RH/MU-1" Zone; whereas the by-law states that at grade parking lots shall be permitted no closer than 3.0 metres from the limits of the "(H)RH/MU-1" Zone
- h) to permit at grade parking lots to be zero metres from the western limit of the "(H)RH/MU-1" Zone; whereas the by-law states that at grade parking lots shall be permitted no closer than 3.0 metres from the limits of the "(H)RH/MU-1" Zone
- i) to permit at grade parking lots to be no closer than 0.8 of a metre from the eastern limit of the "(H)RH/MU-1" Zone; whereas the by-law states that at grade parking lots shall be permitted no closer than 3.0 metres from the limits of the "(H)RH/MU-1" Zone

Variance c) above has been revised to permit buildings to be located outside of the building envelope from 0.8 of a metre from the west lot line to 0.7 of a metre from the west lot line. This change is required to provide the applicant a minor tolerance in order to accommodate the proposed development.

The applicant is requesting approval of this minor variance application in order to obtain Site Plan Approval to permit a residential development consisting of 136 stacked townhouse units.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were received from the City's Engineering Services Department expressing no comments on the application.

James Koutsovitis, agent, was present to represent the application. No further representation was present in favour of or in objection to the application.

In response to a question from Committee Members, James Koutsovitis stated the revision to Variance c) to allow some minor tolerance relates to a balcony setback resulting from staff rounding up the measurement of 0.75 of a metre to 0.8 of a metre. James Koutsovitis also stated the applicant will work with the City to meet the necessary requirements of the site plan approval date.

Moved by Denise Rundle
Seconded by Tom Copeland

That application P/CA 41/17 by 2450734 Ontario Inc./Marshall Homes (Centre Point) Inc., be **Approved** on the grounds that the requested variances are minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That these variances apply only to the proposed concept site plan, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtain Site Plan Approval for the proposed development by March 9, 2019, or this decision shall become null and void.

Carried Unanimously

9. P/CA 42/17
K. Strezov
661 Front Road

The applicant requests relief from Zoning By-law 2511, as amended:

- to permit a minimum rear yard depth of 1.5 metres; whereas the by-law requires a minimum rear yard depth of 7.5 metres
- to permit a maximum lot coverage of 37 percent; whereas the by-law requires a maximum lot coverage of 33 percent

The applicant requests approval of these variances in order to obtain a building permit to construct an addition and an attached garage to the existing detached dwelling.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions.

Written comments were received from the City's Engineering Services Department expressing no comments on the application.

Written comments were received from a resident of 602 Annland Street indicating the public notice circulated has been reviewed and they are in support of the application and proposed project.

Written comments were also received from a resident of 663 Front Road indicating the public notice circulated has been reviewed and they are in support of the application and proposed project, and understand that a shadow will be cast into their backyard.

Katelyn Strezov, applicant, was present to represent the application. No further representation was present in favour of or in objection to the application.

In response to a question from a Committee Member, Katelyn Strezov stated that the proposed attached garage will not exceed the footprint of the existing carport, and that the swimming pool is located in the front yard on Front Road.

Moved by Sean Wiley
Seconded by Eric Newton

That application P/CA 42/17 by K. Strezov, be **Approved** on the grounds that a minimum rear yard depth of 1.5 metres, and a maximum lot coverage of 37 percent are minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That these variances apply only to the detached dwelling, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtain a building permit for the proposed construction by May 31, 2019, or this decision shall become null and void.

Carried Unanimously

10. P/CA 43/17
C. & J. Estrela
1435 Highbush Trail
-

The applicant requests relief from Zoning By-law 3036, as amended, to permit a minimum south side yard width of 1.2 metres; whereas the by-law requires a minimum side yard width of 1.5 metres, where a garage is erected as part of a detached dwelling.

The applicant requests approval of this minor variance application in order to obtain a building permit to construct a two-storey detached dwelling.

The Secretary-Treasurer outlined the staff recommendation from the City Development Department recommending approval subject to conditions. Written comments were also received from the City's Engineering Services Department expressing no comments on the application.

Raja Uppuluri, agent, was present to represent the application. No further representation was present in favour of or in objection to the application.

Raja Uppuluri explained the application and stated the purpose of this minor variance is to construct a two-storey detached dwelling with a minimum south side yard width of 1.2 metres.

Moved by Tom Copeland
Seconded by Eric Newton

That application P/CA 43/17 by C. & J. Estrela, be **Approved** on the grounds that a minimum south side yard width of 1.2 metres, where a garage is erected as part of a detached dwelling, is minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent and purpose of the Official Plan and the Zoning By-law, subject to the following conditions:

1. That this variance applies only to the proposed dwelling, as generally sited and outlined on the applicant's submitted plans.
2. That the applicant obtains a building permit for the proposed construction by May 31, 2019, or this decision shall become null and void.

Carried Unanimously

(IV) **Appointment of Secretary-Treasurer**

Moved by Tom Copeland
Seconded by Eric Newton

That Deborah Wylie be appointed as Secretary-Treasurer.

Carried Unanimously

(V) **Adjournment**

Moved by Denise Rundle
Seconded by Tom Copeland

That the 7th meeting of the 2017 Committee of Adjustment be adjourned at 8:10 pm and the next meeting of the Committee of Adjustment be held on Wednesday, June 21, 2017.

Carried Unanimously

Date

June 21 / 17

Chair



Assistant Secretary-Treasurer

