

**ADDENDUM - MEETING #3 – February 8, 2016**

<b>HEARING NO. 1</b>
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**File**

**540-02-A-005/16**

**APPLICANT**

**PROPERTY:**

**2170 Ghent Avenue,  
PLAN 125 PT LOT 6  
City of Burlington - Regional Municipality of Halton.**

**Site Planning**

**The subject application has been submitted as a result of previous Committee of Adjustment approvals lapsing. Since 2013, the applicants have refined the proposed building design; however, the nature and extent of the previously approved zoning relief is exactly the same as what is being proposed as part of this application. The City's Zoning Section has changed the way it interprets some of the zoning provisions; and as such, the wording and numbering of the variances has changed since 2013. Notwithstanding, as mentioned, the nature and extent of the zoning relief applied for as part of this application has not changed from that what was approved back in 2013. The building design changes will be reflected in a concurrent application for Site Plan Approval under File: 535-14/13.**

**While the proposed building design has been refined since 2013, these changes have not altered staff's position from June 2011, August 2013 or September 2013. Although the approval of the previous variances has lapsed due to time, the staff comments remain applicable and the relevant excerpts are attached below for the Committee's review and consideration. Additional comments dated January 26, 2015 are located at the end of the Site Plan Comment Section.**

**EXCERPTS FROM THE ORIGINAL SITE PLANNING COMMENTS OF JULY 18, 2011:  
FILE A52/2011- FOR INFORMATION ONLY**

The subject lands are located on the south side of Ghent Ave., east of Brant Street and west of Clarendon Park Drive. The lands are located in a mature residential neighbourhood. The lands are currently vacant, but previously supported two single detached dwellings (one dwelling per lot). There is some variety in the type of residential built form that exists in the area, with low-density development in the form of single detached dwellings occurring to the north, east and south. To the west are high density residential uses which are generally less than 4 storeys in height. Staff also note the presence of some medium density residential development in the area. The

property is currently zoned “RM2” but previously had a holding symbol prefix attached to it. Application was made in 2010 to remove the “H” symbol and allow the underlying “RM2” zoning regulations to take effect.

The applicant requests the approval of the below variances to allow the development of a 4 storey, 81 unit retirement home. The variances generally relate to building setbacks, landscape area, floor area, and parking, and will be discussed in detail in the following paragraphs.

The following variances are required:

- 1) To permit a 2.55 m front yard setback for the proposed canopy instead of the minimum 6.5 m (7.5 m – 1 m encroachment allowance)
- 2) To permit a 4.0 m landscape area abutting a street have a deemed width up to 26 m (Ghent Avenue) instead of the minimum required 4.5 m landscape area
- 3) To permit a 3 m side yard setback for the proposed 4 storey retirement home instead of the minimum 4.5 m
- 4) To permit a floor area ratio of 1.26:1 for the proposed 4 storey retirement home instead of the maximum floor area ratio 1.25:1
- 5) To permit 39 parking spaces instead of the required 67 parking spaces

## 1) OFFICIAL PLAN

### **DOES THE PROPOSED MINOR VARIANCE FROM THE ZONING BY-LAW MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN?**

Variances 1, 2, 3, & 4 – Reduced front yard setback, landscape area abutting a street, reduced side yard setback, increased floor area ratio

**YES**

The subject lands are designated as “Residential – Medium Density” under the City’s Official Plan. This designation permits ground or non-ground-oriented housing units with a density ranging between 26 and 50 units per net hectare. This permission includes walk-up apartments. Further, the City’s OP contains objectives and policies under Section 2.6 of Part III which pertain to “Assisted and Special Needs Housing”. Specifically, the following policies are listed:

- e) *City Council shall encourage providers of special needs housing in maintaining the supply of special needs housing in the City*
- g) *The supply and integration of seniors housing shall be encouraged throughout the City*
- h) *Notwithstanding the other provisions of this Plan, assisted and special needs housing containing dwelling units without full culinary and sanitary facilities may be excluded from the density provisions of the Plan*

Further, the following definitions are contained within Part VIII of the City’s Official Plan:

*Seniors Housing* – Housing designed to primarily serve the needs of senior citizens and the elderly

*Special Needs Housing* – Any housing, including dedicated facilities, in whole or in part, that is designed to accommodate individuals with specific needs beyond economic needs, and includes, but is not limited to, needs such as mobility requirements or support functions required for daily living. Examples may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for the elderly, group homes, emergency shelters, housing for the homeless, and independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community-based support services in their own home.

Based on the above, staff are of the opinion that the proposed use is in keeping with the permissions of the “Residential – Medium Density” land use designation. In assessing the proposed variances for reduced front yard setback, reduced landscape area abutting a street, reduced side yard setback, and increased floor area ratio, staff have assessed the proposed development against the general housing objectives and policies contained under Section 2.2 of Part III and other relevant policies within the City’s OP, specifically the design guideline policies found in Section 6.5, and are of the opinion that the proposed variances are within the general intent and purpose of the City’s OP.

Variance 5 – To permit reduced off-street parking

**YES**

The City’s OP does not contain any specific policies pertaining to minimum parking ratio requirements for specific land uses. Such provisions are implemented through the Zoning By-law. The OP does, however, contain policies pertaining to transportation under Section 3 of Part II. One of the objectives listed under this section is to encourage alternative travel by creating an urban environment that encourages walking, cycling, and transit use. Further, the O.P. contains the following policy under subsection 3.2.2 of Part II:

- j) Reduced parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation by the City of the appropriateness of such standards, and implemented through the approval of development applications or other City initiatives.*

Staff note the submission of a detailed parking study commissioned by the applicant in support of the reduced parking proposal. This study was reviewed by Planning and Transportation staff prior to the submission of the variance application. Generally, staff

accept the study and its findings and are of the opinion that a parking reduction can be considered for this type of land use. Staff have previously discussed the issue of parking with the applicant throughout the pre-consultation process, which included multiple plan reviews and revisions and detailed discussion on facility operation and expected parking numbers. Staff have maintained through the process that the reduction should be applied to tenant parking, since the number of tenant vehicles on site can be controlled, while the minimum employee and visitor parking required under the Zoning By-law should be maintained. Staff are still of this opinion and request that should the Committee grant the variance for reduced parking, that it be applied to the tenant parking ratio only.

## 2) Zoning By-law Designation:

### **DO THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW?**

Variances 1, 2, 3, & 4 – Reduced front yard setback, landscape area abutting a street, reduced side yard setback, increased floor area ratio

**YES**

Zoning By-law 2020 contains provisions for various items in specific zoning designations, including, but not limited to, building setbacks, landscape areas and floor area ratios. The intent of the applicable provisions are described as follows:

- i) *Front yard setback* – to ensure a consistent and attractive streetscape; to ensure buildings are setback adequate distance from road allowance; to provide front yard amenity space and vehicular access and/or parking. Encroachments are allowed for defined building projections, such as canopies, to allow for inclusion of such features without further restricting main building envelope.
- ii) *Side Yard Setback* – to ensure buildings are setback suitable distance from lot lines to lessen impacts on adjacent buildings; to allow for access to and maintenance of building elevations; to encourage consistent and attractive streetscape.
- iii) *Landscape Areas* – to ensure provision of pervious surface; to provide a setback to the lot line for paved areas; to ensure landscape material can be planted and maintained on site
- iv) *Maximum Floor Area Ratio* – to prevent overbuilding on a lot; to help control building massing

Staff are of the opinion that the proposed variances for front yard setback, landscape area abutting a street, side yard setback and increased floor area ratio maintain the general intent and purpose of the Zoning By-law. In the case of each variance, the deviations are minor in nature and do not result in proposed development that is not anticipated by the Zoning By-law. With respect to the side yard setback, the proposed 3 m distance to the westerly lot line will allow for construction, access and maintenance of

the proposed building while still ensuring compatibility with the multi-storey high-density residential buildings abutting the subject lands. With respect to the front yard setback and landscape area, the reduction of the landscape area is minor in size and only applies to a portion of the required buffer. The reduction in setback for the canopy will allow for an architectural enhancement to the building façade which will also provide some utility (i.e. shelter). Lastly, the proposed increase in floor area ratio will not result in a scenario of overbuilding on the subject lot or inappropriate building mass in relation to the lot area.

#### Variance 5 – To permit reduced off-street parking

**YES**

Zoning By-law 2020 contains provisions for parking requirements for various land uses. The intent behind these provisions is to ensure that developments are self sufficient in terms of parking so as not to rely on on-street parking or to create a nuisance for the surrounding area. For a retirement home use, the Zoning By-law requires separate parking ratios for tenant, employee and visitor parking. The intent behind this breakdown is to anticipate the typical daily parking requirement on a more detailed level.

In this case, the applicant is requesting an overall reduction in the required on-site parking. The applicant has developed a proposed plan indicating a total of 39 parking spaces (the proposed plan shows 41 spaces but 2 spaces are located within the drop-off area and thus are not counted as formal parking spaces). Further, the applicant has submitted a parking study justifying a reduced parking ratio. This study is partly based on a comparison of similar facilities in Burlington and uses a ratio of units to number of parking spaces for comparative purposes.

Staff generally accept the study and find that the overall ratio planned for the proposed development is in keeping with similar retirement home facilities in Burlington. However, staff note that the parking study only deals with the overall parking requirement, and does not provide a more detailed breakdown of recommended parking numbers by category (i.e. tenant, employee, visitor) as required under the Zoning By-law. As mentioned, staff have been supportive of a reduction in on-site parking during the pre-consultation phase and reviewed the parking study prior to the submission of any applications. Staff's opinion has been consistent in that the required employee and visitor parking should be provided, while tenant parking may be reduced. The variability in visitor and employee parking on a day-to-day basis should be considered as a reduction in required parking for these users could have an impact on the surrounding area.

As discussed earlier, staff request that should the Committee approve the variance application, the required minimum of visitor and staff parking as stipulated under the By-law be maintained.

### 3) Desirability:

#### **ARE THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND, BUILDING OR STRUCTURE?**

Variances 1, 2, 3, & 4 – Reduced front yard setback, landscape area abutting a street, reduced side yard setback, increased floor area ratio

**YES**

The proposed variances 1 – 4 contribute to an overall development plan that is desirable for the subject lands. The Zoning Bylaw and OP anticipate, permit and encourage retirement home uses and staff are generally satisfied that the proposed plan is functional, compatible and aesthetically pleasing. Staff are of the opinion that the requested variances are reasonable and do not produce a development proposal that is incompatible with the area nor with the “Residential – Medium Density” OP designation and “RM2” Zoning By-law designation.

Variance 5 – To permit reduced off-street parking

**YES**

Staff are generally supportive of a reduced amount of parking on-site as, in this case, it allows for a functional and orderly site layout that meets most setback requirements and provides the full required landscape buffers along the side and rear lot lines. Staff are of the opinion that a specific assessment of parking requirements for the proposed development allows for the parking requirements to be targeted to the specific anticipated operating requirements. As mentioned, staff have identified one concern with the overall parking provided in that the proposed variance does not address the needs of visitor and employee parking. Staff would prefer that these minimum amounts as stipulated by the By-law be provided on site so as to reduce the potential negative effects of variable fluctuations in visitors and employees driving to and from the site.

Staff note that the development proposal includes a full basement. Based on this, it would be relatively simple to include one level of underground parking in addition to the surface parking proposed. This would likely result in a loss of some surface parking spaces proposed and possibly still a shortfall in overall required parking, although it may be possible to provide all required parking in a scenario of a combination of surface and one level of underground parking. While providing more spaces on site in the form of underground parking may allow for compliance with overall parking requirements, it also may result in un-utilized underground spaces.

### 4) Minor in Nature:

#### **ARE THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW**

## CONSIDERED MINOR IN NATURE?

**YES**

Variances 1, 2, 3, & 4 – Reduced front yard setback, landscape area abutting a street, reduced side yard setback, increased floor area ratio

Staff are of the opinion that variances 1-4 each represent minor numerical deviations from the Zoning By-law requirements and the potential impacts resulting from these proposed variances, taken individually or collectively, are minor in nature. As staff have discussed, these variances will not result in a situation of over-building on the subject lot, in-compatible building placement or negative impacts to the streetscape. Given that the resulting plan is orderly, functional and addresses compatibility with surrounding land uses, staff are satisfied that variances 1-4 are minor in nature.

Variance 5 – To permit reduced off-street parking

**YES**

Given that the applicant has prepared a parking study in support of the application and that the staff have reviewed it and the concept plan in detail prior to the submission of the variance application, staff are of the opinion that the proposed overall parking reduction is minor in nature. Generally, staff are of the opinion that a reduction in parking on-site is warranted and can be implemented in a manner that will ensure the proposed development is self-sufficient in terms of parking. Again, staff prefer that the parking reduction be achieved by reducing the tenant parking, which can be controlled more regularly on site, while maintaining visitor and employee parking as per the By-law required minimums.

### **Cumulative Effects of Multiple Variances and Other Planning Matters:**

N/A

### **Recommendation:**

Staff has reviewed the proposed variance in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Should the Committee wish to approve the application, staff request the following condition be attached to the decision:

1. That the proposed variance for reduced parking applies to the tenant parking requirement only.

Note: The Applicant is advised that the appropriate form of site plan approval is required

to facilitate the proposed development.

Date: July 18, 2011 Prepared By: Mike Crough

**SITE PLANNING COMMENTS OF AUGUST 29, 2013: FILE A092/2013 - FOR INFORMATION ONLY**

The newly submitted application includes the below 6 variances.

1. To permit a front yard setback of 6.0 m instead of the minimum required 7.5 m for the proposed 4 storey retirement home building
2. To permit a 0 m landscape area abutting a street of instead of the minimum required 4.5 m
3. To permit a west side yard setback of 3.0 m instead of the minimum required 4.5 m for the proposed 4 storey retirement home building
4. To permit a maximum floor area ratio of 1.26:1 instead of the maximum 1.25:1 for the proposed 4 storey retirement home building
5. To permit a 30 m<sup>2</sup> maximum per balcony/terrace area instead of the permitted maximum of 10 m<sup>2</sup>
6. To permit 11 occupant parking spaces, including 0 accessible parking spaces instead of the minimum required 30 parking spaces, including 1 accessible parking space

Variances #3 and #4 were approved previously and continue to be supported. Variance #6 relates to the provision of occupant parking spaces. The previous approval included 15 occupant spaces for 81 residential units (1 space : 5.5 units). The applicant has reduced the unit count to 60 units and has extended the parking ratio accordingly. At 1:5.5 unit/spaces, the required resident parking is 11 spaces as proposed. Staff have no objection to this change especially since the overall outcome is a less intensive development. Staff note that accessible spaces are still included on the plan as visitor spaces and that other opportunities for accessible spaces could be pursued as part of the concurrent application for Site Plan Approval. The variance relates only to occupant/resident space zoning requirement.

Variance #1 and #2 are new variances that result from an ongoing design exercise whereby Planning staff have encouraged the siting of the building up close to the street with its main entrance and circular pickup/drop off driveway also up close to Ghent Ave. This has been done for two reasons. Firstly, having the building relate to Ghent Avenue is how it will make a positive contribution to the Ghent Ave streetscape. The proximity to the street creates a functional relationship. It also addresses issues related to overall walkability and transit usage. A main entrance connected to the street is considered ideal to achieve these types of objectives.

The second reason for the building being up close to the street relates to compatibility with the adjacent residential uses. Uses are considered compatible when they are able



to co-exist in harmony. It is desirable therefore that the main entrance and the activity associated with a main entrance be at the street side and not on the side adjacent to existing residential uses. Being a higher density type use, it is important that building activities especially as they relate to automobile use be kept away from the abutting single detached residential properties.

Variance #5 relates directly to the reduction in unit numbers from 81 units to 60 units and the fewer balconies that are required as a result. As 81 units are converted to 60 units the units become larger and then so do the balconies/terrace features. While staff do not oppose the enlargement of the balcony/terraces in principle, the matter of overall design including the size of the balconies is still being review as part of the concurrent application for site plan approval. The balcony configurations will be finalized as part of that separate process but may reach a size of 30 m<sup>2</sup> where it is appropriate to do so. Staff expect that the enlarged balconies will occur at the east elevation only, adjacent to the proposed parking lot.

#### Recommendation

Staff has reviewed the variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Should the Committee wish to approve the application, staff request the following additional conditions be attached to the decision:

1. That the proposed variance for reduced front yard setback and landscape strip be to accommodate the building location and front driveway loop and is not to be used over the entire length of the site's frontage.
2. Oversized balconies are restricted to the east side of the building only, facing the parking lot.

Note: The Applicant is advised that the appropriate form of site plan approval is required to facilitate the proposed development as has been applied for under File 535-14/13

Date: August 29, 2013 (Revised) Prepared By: Charles Mulay MCIP RPP

#### **SITE PLANNING COMMENTS OF SEPTEMBER 18, 2013: FILE A092/2013 - FOR INFORMATION ONLY**

A couple minor revisions were recently made to the proposed development which created the need for 2 additional variances which have been included as Variances #7 and #8, as listed below.

7. To permit a 1.8 m wide walkway with a maximum length of 9 m in the east side landscape buffer where a walkway is not permitted within a required landscape buffer.
8. To permit the proposed transformer to be located within the required landscape

buffer

abutting a residential zone where it is not permitted within a required landscape buffer

Both variances relate to a reduction in the landscape buffer on the east side of the property in order to accommodate a 1.8m wide walkway and a hydro transformer.

As part of the previous development concept, a walkway on the east side of the site was shown to cross a proposed landscaped island at the front of the property. During review, it was identified that the location of the walkway would impact the health of an existing City tree, located within the proposed landscaped island. As such, planning staff worked with the applicant to revise the location of the proposed walkway to the east side of the property. This resulted in the need for an additional variance as the walkway would be located in the required landscape buffer. However, planning staff is of the opinion that the location of the walkway along the east side of the drive aisle is appropriate and the impact of locating such in the landscape buffer is minimal. The remaining landscape buffer between the eastern extent of the proposed walkway and the property line would measure approximately 3.8 metres, which is considered sufficient space to accommodate an appropriate landscape buffering and plantings.

The applicant is also proposing to locate a hydro transformer pad within the landscape buffer. Given the proposed configuration of the development, the amount of available space on the site is limited, which has resulted in the applicant proposing to locate the transformer pad within the landscape buffer. It is noted that landscaping is generally prohibited in the immediate area adjacent to a transformer pad; however, planning staff is of the opinion that the location of the transformer pad still provides sufficient area on-site for an appropriate landscape buffer and plantings. To that extent, planning staff is of the opinion that the impact of locating the transformer pad within the landscape buffer is considered minor and that relief of this zoning provision meets the general intent and purpose of the Zoning By-law.

#### Recommendation

Staff has reviewed the variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Should the Committee wish to approve the application, staff request the following additional condition be attached to the decision:

1. That the applicant submit revised landscape plans, to be reviewed and approved by planning staff, which demonstrate appropriate landscape buffering and plantings.

Note: The Applicant is advised that the appropriate form of site plan approval is required to facilitate the proposed development as has been applied for under File 535-14/13

Date: September 18, 2013 (Revised) Prepared By: Kyle Plas, MCIP, RPP

## **NEW SITE PLANNING COMMENTS OF JANUARY 26, 2016: FILE A005/2016**

**As mentioned, while the numbering and wording of the proposed variances has changed slightly since the previously approved variances, the nature and extent of the zoning relief has not changed. While the design of the building has been refined, the location and size of the proposed building has not changed. There was previously a variance required for the size of the proposed balconies; however, that provision has since been removed from the Zoning By-law, and therefore relief of that provision is no longer applicable. There is also a revised variance for 0 employee accessible parking spaces, whereas the Zoning By-law requires 1 accessible employee parking space. The Zoning By-law requires a separate accessible parking space for the employees, residents / occupants and the visitors. Notwithstanding, the typical standard for accessible parking spaces is 2 accessible parking spaces for 51 – 90 standard required parking spaces, which this proposal would meet. As such, the 2 proposed accessible parking spaces are considered sufficient to meet the needs of the proposed development. Relief of this revised variance is considered appropriate and would meet the four test outlined in *The Planning Act*.**

**While the proposed building design has been refined since 2013, these changes have not altered staff's position from June 2011, August 2013 or September 2013. Although the approval of the previous variances has lapsed due to time, staff's previous position, as outlined above, remains applicable.**

Date: January 26, 2016 Prepared By: Kyle Plas, MCIP, RPP

### **Site Engineering**

A 0.84 metre widening is required as per reference plan 20R19974, dated Oct. 14, 2014. Deemed road width is 20m.

Date: January 15, 2016 Prepared By: A. Capone

### Variances 1 to 9 inclusive

Site Engineering has no objection to the required variances.

Date: January 25, 2016 Prepared By: J. Mclsaac

## **Building**

- 1) A Building Permit is required for all building construction;
- 2) Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

Date: January 27, 2016 Prepared By: Kathy Pavlou

## **Transportation Planning**

Given that the proposed parking reduction is significant, parking justifications based on parking utilization survey and/or parking supply of the similar type of residential use should be provided.

Date: January 26, 2016 Prepared By: Linda Wu

## **Finance**

### **Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

### **Tax**

Pay all property taxes owing. The taxes owing includes any outstanding balances plus current year taxes that have been billed to the satisfaction of the Director of Finance. Local improvement must be commuted.

Date: Jan 26, 2016 Prepared By: L. Bray

**ADDENDUM - MEETING #3 – February 8, 2016**

<b>HEARING NO. 6</b>
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**File**  
**540-02-A-060/15**

APPLICANT  
PROPERTY:                   **1379 Caroline Street,**  
                                  **PLAN 117 PT LOTS 52,53**  
                                  City of Burlington - Regional Municipality of Halton.

**Site Planning**

**The subject application is an updated and revised proposal submitted to address the concerns raised by Planning staff during the review of the original submission. The applicant has reduced the size of the house and made design modifications which now more closely meet the intent of the By-law regulations**

**1) Official Plan Designation:**

**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?**

**YES**

The subject property is located within the St. Luke's Precinct of the Downtown Mixed Use Centre. Part III – Land Use Policies, Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.4 The St. Luke's and Emerald Neighbourhood Precincts state the following:

- a) To preserve the stable residential and heritage character of these neighbourhoods, and to ensure that any re-development is compatible with the existing character of the area.
  
- d) All development and re-development shall be compatible with the existing character of these neighbourhoods with respect to such matters as heights, setbacks, massing, design and community features.

The applicant now requests 8 variances needed to facilitate the redevelopment of the subject property, to construct a new two storey single detached home. The majority of the variances deal with encroachments into required yards and the provision of parking. The Official Plan does not speak directly to matters of individual setbacks or parking but

it does call for new development to be compatible with surrounding development especially with regards to overall structure size and mass. Setbacks and the ability to provide on-site parking are affected by the size of the proposed house.

With regards to size, the applicant is requesting a variance to increase lot coverage from the permitted 25% to 35% where 37.7% was originally proposed. Although the change from the original submission is minimal, it is now sufficient to ensure adequate spacing around the house and also to provide the functional parking. The coverage increase will not result in a house size that negatively impacts overall compatibility in the area and will be able to co-exist in harmony with surrounding development.

## **2) Zoning By-law Designation:**

### **Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?**

The applicant requests 8 variances needed to allow for the redevelopment of the subject property. Staff will address the variances in groups related to the individual area of relief requested.

#### **Variance #1 – Parking Space**

##### **YES**

By-law 2020 requires that a minimum of two parking spaces be provided on this property to accommodate the parking needs of the residents without causing an impact to any adjacent site or to the off-site/road parking system. Two parking spaces is a minimum requirement to ensure a reasonable provision of parking to the site.

The applicant has modified the original plan to propose two required parking spaces. However, a variance is still needed to allow the new second space to maintain an area of 15 m<sup>2</sup> where 16.5 m<sup>2</sup> is the minimum size for a legal parking space.

The 16.5 m<sup>2</sup> area requirement ensures that a car/truck can park in a parking space without overhanging into the road allowance and also to allow space in front of a parked car for outside access and to allow a garage door to open. In this case, staff understands that the garage door will be a roll up door design and so no additional space is needed between the garage door and the parked car. Any overhang into the laneway will be minimal if any (up to about 10 cm) as 5.5 m is sufficient to fit a car and the proposed space has a depth of 5.4 m. A slight reduction to the area of the parking space is not expected affect the function of the space.

#### **Variances #2 and #3 – Front Yard Setback**

##### **YES**

The property fronts onto Caroline Street and flanks a municipal laneway. The house has been designed to present a very attractive and architecturally pleasing presentation to Caroline Street.

By-law 2020 requires a 6 m front yard setback (plus encroachments for porch, steps etc) at the street. The applicant has revised a previous proposal which proposed a 2.3 m setback between the house and the street and is now proposing a front yard setback of 2.9 m plus an encroachment for a porch feature (porch setback will be 2.2 m from the street).

The intent of the zoning regulation is to promote the compatible siting of a house on a lot and to ensure that the character of the existing streetscape is not negatively impacted. Specifically, setbacks are one of the regulations utilized to deter the over building of a lot.

The proposed modifications to the house design satisfy staff's concerns regarding potential impact to the streetscape and overbuilding. The proposal continues to include a driveway and garage that are to be located at the side of the house adjacent to the laneway, so there is not a specific need to provide space for parking at the front of the house. This is a benefit to the streetscape.

The absence of a driveway or parking facing Caroline Street allows the reduced front space to serve a single purpose as open space only. The space will not be shared with a car for parking. Although reduced in size, having the setback utilized only as open space meets the intent of the zoning by-law regulation in this case.

#### **VariANCES #4 and #8 – Rear Yard Setback**

##### **YES**

The 4.5 m rear yard setback (plus encroachments) is meant to allow for a functional rear yard amenity space (open space) behind a house on a corner lot. While a 4.5 m setback would not allow for a large type rear yard, that size of rear yard is deemed acceptable at a corner property.

The applicant proposes that the 4.5 m setback requirement be reduced to 1.2 m for the house and 1 m for a proposed balcony. While the encroachments are substantial from a mathematical perspective, they are sufficient to allow adequate spacing around the house for access and maintenance purposes. Staff notes that the rear yard in this case does not abut an open rear yard amenity space on the adjacent lot. That adjacent lot utilizes its rear yard space to support a rear garage building. The adjacent space is a functional space that takes advantage of the laneway for vehicle access and parking. This being the case, typical rear yard amenity spaces (areas to recreate) do not exist between these two lots.

A more modest setback for the house and balcony are acceptable given the existing development in the area and will not impact the ability to provide a compatible development.

### **Variations #5 and #7 – Street Side Yard Setback**

#### **YES**

These variations request the encroachment of the proposed house into the required side yard. This includes the balcony which also encroaches. The By-law requires that a minimum setback of 4.5 m be maintained from a street side yard (municipal laneway in this case) as the lot is technically a corner lot. The intent of the regulation is to ensure that new houses maintain a setback (by way of house size and mass) that is complimentary to the design and appearance of a municipal street.

Staff notes that the street side yard flanks a laneway and not a formal public street. Usage of the laneway is very much limited to owners of properties that back or side onto it. In effect, the laneway is an enhanced driveway in terms of its operation. The By-law expectation that the side of new structures not detract from the overall streetscape especially where it might abut an adjacent front yard (side yard and front yard flanking each other on a municipal street) will be maintained. The laneway design and usage does not create this juxtaposition of yards.

The intent of the By-law will be maintained.

### **Variance #10 – Coverage**

#### **YES**

Overbuilding within mature residential neighborhoods has been a concern of City Council for many years. It is especially important in some of the more historic neighbourhoods of Burlington, including those found in the downtown. One method used to address this concern is to designate various parts of the Residential Zones (DRL – Downtown Residential) to limit coverage to 25% instead of the 35% that is allowed in a standard residential zone. This enhanced limit is meant to identify downtown neighbourhoods that have lot sizes which could appear over-developed if built to the maximums permitted under the standard residential zoning regulations. This has curtailed over-building and has also encouraged house designs that recognize and relate to the built form that exists in the surrounding neighbourhoods. Minor increases to coverage are considered on case by case bases, when matters of overall compatibility can be satisfactorily addressed by other means.

The applicant originally proposed a coverage of 37.7% (rounded up to 38%). Staff noted a concern with the proposed increase especially given the encroachments into



required yard and the loss of onsite parking. Staff considered the coverage increase as impacting these other zoning requirements and did not support the increase.

Since that time, the applicant has not only reduced the number of required variances but also provided increased setbacks from lot lines and has provided the second required parking space. This occurs as a result of a minor redesign of the house which will now maintain a coverage of 35%. Although the coverage increase is still mathematically large, its impact is minimized by the more close compliance to other zoning regulations, the size of the lot being relatively small (and so the 35% coverage is also smaller than if it were applied to a larger lot) and also fact that the lot abuts a laneway to the east which gives the appearance of more space between structures on that side.

Staff has also discussed the matter of coverage with the City's Engineering Department who confirm that the coverage will not in itself negatively impact the grading or drainage of the developed site. They will still require the submission of additional details to confirm this as is standard practice with this type of application.

### **3) Desirability:**

**Is the proposed minor variance from the Zoning By-law desirable for the appropriate development or use of the land, building or structure?**

**YES**

In each case, the variances are considered desirable to allow a compatible infill development.

### **4) Minor in Nature:**

**Is the proposed minor variance from the Zoning By-law considered minor in nature?**

**YES**

The variances are considered minor as they facilitate the construction of a house having a size and coverage that is in general accord with the expectations of the property's zoning regulations and its intention to promote a consistent and compatible streetscape.

### **Cumulative Effects of Multiple Variances and Other Planning Matters:**

Individually or together, the variances are considered acceptable to allow for the development of the subject lot.

### **Recommendation:**

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and does not object to the variances requested subject to the following condition:

1. The applicant obtains the appropriate form of Site Plan Approval whereby the more technical aspects of the proposed development may be given further consideration.

Date: January 28, 2016 Prepared By: Charles Mulay MCIP RPP

### **Site Engineering**

Caroline Street has a deemed width of 20m and an existing width of 17.6784m according to Reg Plan 117. In order to meet the deemed width a 1.1608 widening is required.

City staff determined the widening requirement from compiled information and is not responsible for any errors or omissions. Any widening information supplied by the city staff must be verified by a licensed Ontario Land Surveyor. The widening will not be taken at this time.

The laneway abutting the eastern boundary of the property is a City owned public right of way.

Staff has reviewed the revised variances proposed and has no objections. Although staff had concerns with surface water drainage due to there being insufficient room along the north boundary line for drainage swales it is now felt that with the increased rear yard set back, a satisfactory drainage solution can be provided through the review and approval of a site plan to be provided through the Minor Development approval process.

Date: January 26, 2016 Prepared By: Reg Bainbridge

### **Building**

- 1) A Building Permit is required for all building construction;
- 2) Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

Date: August 21, 2015 Prepared By: Kathy Pavlou

## **Transportation Planning**

Ensure the visibility triangle satisfy the zoning by-law requirement to provide sufficient sightlines.

Date: August 13, 2015 Prepared By: Linda Wu

## **Finance**

### **Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

### **Tax**

Pay all property taxes owing. The taxes owing includes any outstanding balances plus current year taxes that have been billed to the satisfaction of the Director of Finance. Local improvement must be commuted.

Date: Aug 10, 2015 Prepared By: L. Bray