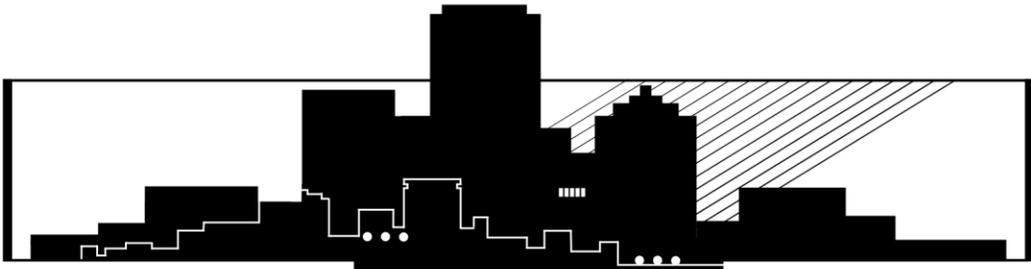


**Addendum No. 1
Hearing No. 7 at 388 Pepper Drive
File No. A-094/2020**

**Committee of Adjustment
Virtual Meeting
August 11, 2021
1:00 pm**

AGENDA



Site Planning Comments

The subject property is located on the north side of Pepper Drive, east of Delaware Avenue and south of New Street. The property currently supports a single detached dwelling. The applicant is proposing to demolish the existing one-storey dwelling and construct a one and a half storey detached dwelling with an attached garage and rear covered deck. The following variances are required to facilitate the proposed development:

1. To permit lot coverage of 31.6% instead of the maximum permitted 30% for a proposed one and a half storey dwelling with attached garage.
2. To permit a floor area ratio of 0.47:1 instead of the maximum permitted 0.45:1 for a proposed one and a half storey dwelling with attached garage.
3. To permit a building height of 9.0 m instead of the maximum permitted 8.5 m for a proposed one and a half storey dwelling with attached garage.

1) Official Plan Designation:

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

Variances # 1 and #2 – Yes

Variance #3 - No

The subject property is designated as “Residential – Low Density” under the City’s Official Plan (OP). This designation permits single detached dwellings to a maximum density of 25 units per net hectare given that development is compatible with the scale, urban design and community features of the neighbourhood. Part III, Section 2.2.1 g) of the City’s Official Plan requires new residential development to be compatible with surrounding properties. Additionally, Part II, Section 6.5 a) of the Official Plan provides that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.

In addition to the Official Plan 1997, as of December 22, 2020 the City’s new Official Plan is to be consulted for information and direction only, as it is not yet in full force and effect. Development applications continue to be subject to the policies outlined in the Official Plan 1997, with policies from the Official Plan 2020 providing guidance and more current expectations from Council on development throughout the City. Under the new Official Plan 2020, the subject property is also designated low-density residential which maintain consistent policies as the current Official Plan 1997.

Staff notes that the applicant is proposing to construct a one and half dwelling with an increased building height of 9 m. The City’s Official Plan includes a policy that shall be considered when evaluating minor variance applications that request an increased building height. Part III, section 2.5.2 e) states:

e) The following criterion shall be considered when evaluating minor variance applications for increased height to detached and semi-detached dwellings in low density residential designations:

i) the maximum building height should not exceed the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application.

The intent of this policy is to recognize the built form context of the surrounding area and to ensure that any proposed increase to building height is deemed to be compatible with heights maintained by houses on adjacent lots. One and a half storey dwellings with a peaked roof are permitted a maximum 8.5m building height. The applicant has completed a height survey and the proposed height of 9m is shown to exceed the average roof heights (7.26m) of the adjoining properties. Staff notes that there are no adjoining properties to the rear. As such, the proposed height does not properly relate to the heights on the adjacent lots. The intent of the Official Plan which is to consider existing heights when proposing height increases, and overall compatibility is not achieved. A modification to building height is required.

With regards to Variance #1 and #2, staff is of the opinion that the proposed development is appropriately sited and incorporates design features that adequately respond to mitigating potential impacts of massing through design. Despite a slight increase in lot coverage (1.6%), the proposed development complies with all setbacks and provides sufficient rear yard amenity space and spatial separation from adjacent lots and the streetscape. The placement and coverage of the house on the lot is deemed to be compatible with surrounding development. Adequate open space is maintained. Design features that mitigate for the potential impacts of floor area and mass have also been included in the proposal. The incorporation of various materials, dormers and a prominent entry feature contributes positively to the streetscape and upper level massing is considered to be well sized and designed relative to the first level. Despite an FAR increase of 1.3% (not rounded), the proposed development is one and a half storeys in design and complies with front, side yard and rear yard setbacks and will continue to provide sufficient rear yard amenity space. Massing resulting from the proposed increase in FAR is considered to be well integrated on the site.

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?

Variance #1 - Lot Coverage

Yes

To facilitate the proposed development, the applicant requires a variance to permit lot a coverage of 31.6 % instead of the maximum permitted 30% for a proposed one and a half storey dwelling. Staff notes that the subject property is located within a Designated

Area for lot coverage and as such also requires the application of more restrictive maximum floor area ratio (FAR) requirement. The intent of Designated Areas is to provide established residential areas of the City with enhanced protection from overbuilding and to assist in maintaining the unique characteristics of these locations. The intent of the lot coverage provision is to ensure that the overall siting of the house is appropriate for the lot size, thus maintaining the relationship between built form and space as part of the existing design elements of a community while ensuring that a sufficient amount of open space is maintained on each individual lot. Staff has assessed the size of the proposed house and impacts to the site and is of the opinion that the increased lot coverage is minimal, in keeping with surrounding development and is acceptable given the proposed design and area context. Sufficient open space and overall compatibility is maintained.

Based on the above, staff is of the opinion that variances #1 would maintain the general intent and purpose of the Zoning By-law.

Variance #2 – Floor Area Ratio

Yes

Given the proposed design, massing and appearance of the new house, the impact of the increased FAR of 0.47 (46.3):1 is minimized. Staff notes that prior to the creation of the enhanced FAR requirement of .45:1 in established neighbourhoods, an FAR of 0.50:1 could be applied with the 25% lot coverage. This resulted in a second floor that replicated the ground floor with equal massing on the upper level. The house would attain a box like design. The FAR regulation has been amended to ensure that upper level massing is reduced relative to the ground floor to create a more appropriate relationship between the lower and upper levels of a house. Given the proposed house design, staff is of the opinion that an FAR of 0.47 (46.3):1 will meet the intent of the Zoning By-law. The design contributes positively to the streetscape and upper level massing is considered to be well sized and designed relative to the first level. As such, the additional floor area (9.08m²) and subsequent massing will be in line with expectations under zoning.

Based on the above, staff is of the opinion that variance #2 would maintain the general intent and purpose of the Zoning By-law

Variance #3 – Height

No

The applicant requests that the peak of the roof for the proposed development be 9m where a maximum of 8.5m is permitted for the one and a half storey detached dwelling. The intent of this regulation is to prevent the impact of vertical massing on adjacent properties and to the overall streetscape. In this case, the proposed dwelling height is not deemed to meet the compatibility test for increased height, as the proposed height exceeds the average heights (7.26m) of homes on adjoining lots. It is recommended that the height be modified to meet the zoning requirement in this case.

As such, staff is of the opinion that variance #3 would not maintain the general intent and purpose of the Zoning By-law.

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?

Variances #1-#2 – Yes

Staff is of the opinion that the requested variances would facilitate a development that is compatible with the surrounding neighbourhood with regards to siting and floor area. As such, these proposed variances are desirable for the subject property and surrounding area.

Variances #3 – No

Based on the results of the height assessment provided, planning staff is of the opinion that the requested variance does not optimize compatibility with the surrounding neighbourhood and is as such undesirable for the subject property.

4) Minor in Nature:

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

Variances #1-#2 – Yes

The proposed relief is not anticipated to pose any negative impacts on the subject property, adjacent properties or to the surrounding streetscape. As such, staff is of the opinion that the requested variances are considered minor in nature.

Variances #3 - No

Based on the results of the height assessment provided, staff is of the opinion that the requested variance does not represent a minor deviation from the zoning provision as the proposed relief is not considered to be consistent with the surrounding development. As such, staff is of the opinion that the proposed variance is not minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that there is no cumulative impact related to the subject application.

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 variances #1 and #2 and objects to variance #3.

Date: August 8, 2021

Prepared By: Andreas Houlios MCIP, RPP

Halton Region

- The owner must contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their draft detailed site servicing drawing for the Region's review. The owner shall obtain a Regional Services Permit (if required) and pay all necessary fees. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, may be required to be disconnected at their respective mains by the owner. The owner can at any time investigate with their builder and contractor, and by obtaining all utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.

Date: August 08, 2021

Prepared By: Brooke Fleming