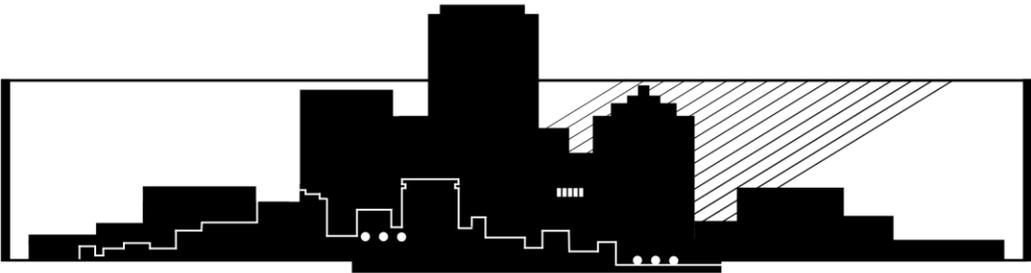


**Addendum No. 1
Hearing No. 4 at 485 Martha Street
File No. A-057/2021**

**Committee of Adjustment
Virtual Meeting
August 25, 2021
5:30 pm**

AGENDA



Site Planning Comments

Site Planning

The subject Site is located on the east side of Martha Street, south of Caroline Street and north of New Street. The applicant is proposing the construction of a roofed over front porch and walkway in conjunction with the existing dwelling. The following variances are required to facilitate the proposed development:

1. To permit a front yard setback of 1.8 m instead of the minimum required 5.35m (6m – 0.65m encroachment) for a proposed roofed-over porch including steps and overhang.
2. To permit a south side yard setback of 2.0 m instead of the minimum required 2.35m (3m – 0.65m encroachment) for a proposed roofed-over porch including roof overhang.
3. To permit the combined width of all hard surfaces to be 8.6m instead of the maximum permitted 7.5m for an existing driveway and proposed walkway

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 property is designated Downtown Mixed-Use Centre in the City's Official Plan and is located within the Emerald Neighbourhood Precinct. Part III Section 5.5, Subsection 5.5.1 Principles states the following:

- b) As a Mixed-Use Centre, the Downtown shall take advantage of the unique qualities that set it apart from all other areas of the City and contribute to a distinct identity. These qualities include the waterfront location and related activities, historic buildings, streetscapes and development pattern, cultural activities, pedestrian orientation, and recognition as a centre of business and civic activity.

Section 5.5.4 The St. Luke's and Emerald Neighbourhood Precincts include the following:

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

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 located within the Emerald Neighbourhood which maintain consistent policies as the current Official Plan 1997.

Staff have reviewed these policies against the proposed site plan and elevations, submitted together with the subject application, and are satisfied that the proposed development is in keeping with these requirements. In terms of siting and overall compatibility, it is important to ensure that setbacks do not result in negative impacts to adjacent properties or to the streetscape. In this case, the proposed roofed over porch will increase functionality for the home owners, provide architectural definition and character to the dwelling and contribute to the streetscape in a positive manner without adversely impacting adjacent properties. The siting of the proposed porch is deemed to be consistent and compatible with development on adjacent lots.

With respect to combined hard surfaces, staff notes that the proposed development will utilize the existing driveway configuration with the provision of a small walkway connection to the front steps of the roofed over porch. Staff has reviewed the proposed driveway and walkway design and is of the opinion that the overall presentation is compatible with the surrounding area and does not limit the subject property's ability to provide compatible open space in the front yard.

The requested variances promote a compatible development and as such, staff is of the opinion that the general intent and purpose of the City's Official Plan is met.

2) Zoning By-law Designation:

The subject property is zoned DRL, Downtown Residential Low-Density Zone, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage. The DRL zone permits a detached dwelling subject to R3.2 regulations.

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

Variance #1 – Front Yard Setback

Yes

The applicant is requesting a reduced front yard setback to permit the construction of a roofed over front porch. A setback of 1.8 m is proposed where 5.35 m is the By-law requirement (6m minus a .65 encroachment allowance). Staff note the existing house is already encroaching into the required front yard setback and this will not change. While the roofed over porch will extend further beyond the front face of the dwelling, staff is of the opinion that a reduced front yard setback to accommodate a porch feature would yield a porch design that remains compatible with surrounding development and

complimentary to the overall streetscape. Staff notes that the proposed development does not encroach into the deemed street width and would continue to provide an appropriate amount of front yard open space as well as access for maintenance within the property, in a manner consistent with surrounding development.

It is staff's opinion that the reduced front yard setback to facilitate a roofed over porch will not create any adverse impacts on the property, the adjacent properties or the existing streetscape. As such, staff is of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Variance #2 – South Side Yard Setback

Yes

The applicant is requesting a reduction to the south side yard setback needed to facilitate the construction of a roofed over porch. The intent of the setback regulation is to ensure adequate spatial separations between structures of various forms on adjacent lots, achieving an aesthetically pleasing streetscape. The space itself also serves a functional purpose by ensuring that a structure may be maintained from within the property boundaries.

Staff is of the opinion that the proposed variance would meet the general intent and purpose of the Zoning By-law in this case. The proposed roofed over porch will utilize the side walls of the existing house which allows for a full integration of the front porch feature as part of the existing one storey house structure, without a need to use a more restrictive setback for the porch. Contextually, negative impacts regarding massing and privacy on adjacent properties resulting from the proposed side yard setback is not anticipated and overall compatibility will be maintained. The proposed side yard setback would continue to provide sufficient distance around the proposed house for maintenance purposes and provide adequate spacing between structures on adjacent lots. As such, staff is satisfied that the requested variance maintains the intent of the Zoning By-law.

Given the above, staff is of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-Law

Variance #3 – Hard Surface Width

Yes

The applicant is requesting a variance to provide the combined width of all hard surfaces to be 8.6m instead of the maximum permitted 7.5m.

The intent of the limit on combined hard surface widths is to preserve the streetscape by maintaining a landscaped area and preventing properties from being predominantly paved or hardscaped. Staff notes that the existing driveway, proposed walkway and associated reduction to green space is consistent with properties in the surrounding area. Staff is of the opinion that the existing driveway configuration and additional walkway extension will not substantially detract from required open and green space in the front yard in a manner that would negatively impact surrounding development or the

streetscape design. The walkway extension serves has a connection to the front steps and the majority of the existing landscaped area will be maintained. As such, the intent of the Zoning By-law is met as there is a consistent balance between hardscaped area and landscaped open space for this area.

Given the above, staff is of the opinion that the requested variance maintains the general intent and purpose of the City's 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?

Yes

Staff has considered the proposed zoning relief in the context of the existing development and neighbourhood and is of the opinion that the proposed variances are desirable as the relief recognizes the built form of the surrounding area.

4) Minor in Nature:

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

Yes

Staff has considered the proposed zoning relief in the context of the current lot and neighbourhood configuration and is of the opinion that the proposed variances are minor in nature, as the relief is not anticipated to create any undue hardships or impacts on adjacent properties. Staff is of the opinion that the requested variances are minor with regards to overall impact to the neighbourhood.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that the variances, either considered separately or cumulatively, would not create any adverse impacts on the subject or adjacent properties.

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 has no objection.

Date: August 18, 2021

Prepared By: Andreas Houlios MCIP, RPP