



## **Committee of Adjustment Minutes**

**May 26, 2021**

### **Draft Minutes Not Approved**

Minutes of an Electronic Meeting of Committee of Adjustment held on Wednesday, May 26, 2021 at 6:00 p.m.

**Present:** Robert Short, Chair  
Mauro DiCarlo  
Tom Green

**Regrets:** Claude Dufresne  
Stewart Hamilton

**Also Present:** Christie Gilbertson, Planner, Policy and Research  
Andrea Stillman, Zoning Administrator  
Jennifer Sawatzky, Secretary-Treasurer  
Nolan Drumm, Assistant Planner

Committee of Adjustment was called to order at 6:01 p.m.

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

1. **File No.:** A25/20  
**Address:** 556 Stewart Street  
**Applicant:** Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, as applicant on behalf of Blair Taylor, the owner of the property that is the subject of the application.

This application was deferred from the March 30, 2021 hearing.

Christie Gilbertson, Planner, Policy and Research, advised that the applicant has requested that the application be deferred to allow additional time to complete revisions to the proposal.

The Committee deferred the application sine die to allow for revisions to be made to the application.

2. **File No.:** A17/21  
**Address:** 215 Rogers Street  
**Applicant:** Adam Hanes

This matter relates to a minor variance application submitted by Adam Hanes, the owner of the property that is the subject of the application.

The purpose of the application is to increase the maximum lot coverage of a residential accessory building from 10% to 14.8% of the lot area to permit the construction of a 29.7 square metre addition onto the existing detached garage.

This application was deferred from the March 30, 2021 hearing.

Adam Hanes attended the meeting and addressed the Committee as follows:

- He is not a contractor and uses the tools stored at the property on his own residence.
- He considers the 4.8% increase to the lot coverage of an accessory building to be minor compared to the lot coverage achieved on properties located in newer subdivisions.
- The garage addition will be used to store the items shown in the photographs provided to the Committee and not as a dwelling unit. The addition will allow him to store items that are currently located both outdoors and in the shed that is being removed.
- The neighbours to the north of his property, who would be most impacted by the addition, have submitted a letter in support of the application.

Christie Gilbertson, Planner, Policy and Research advised she had nothing further to add to the information presented in the Staff Report. She further advised that staff do not consider the proposal to meet the four tests of a Minor Variance and do not support approval of the request.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, the Planner, Policy and Research advised as follows:

- Although the applicant has provided additional information on the proposed use for the garage addition, supporting the residential use of the property, the overall size of the accessory structure remains an issue for staff.
- The maximum lot coverage of an accessory building in the Zoning By-law is 10%. The application was evaluated on several factors, and the percentage increase to the lot coverage was not the specific reason for staff's recommendation for denial.
- Staff review each application within the context of the site and each application is considered independently. In this case, the proposed addition would increase the size of the accessory structure to be almost equivalent in size to the principal building. Factors considered during the evaluation of the application included the lot, the neighbourhood context, the structures established on site compared to what is proposed, and what is established on similar sized lots in the area, .
- The proposed addition meets all the setback and height requirements of the Zoning By-law.
- There were concerns raised during the March hearing regarding the potential for the garage addition to be used to support a commercial business or an additional dwelling unit. The applicant has provided additional information on the types of materials he will be storing and has suggested modifications to the configuration of the garage, including a connection between the addition and principal garage.
- The term 'Accessory Building' refers not only to the use of the structure being accessory to the residential use of the property, but also to the physical structure being subordinate and incidental to the principal dwelling on the site.
- An inground pool is considered landscaping and is not considered in lot coverage calculations.

Moved by Mauro DiCarlo

**That the application be approved subject to the proviso recommended in the Staff Report.**

"CARRIED"

## Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application, supporting materials and letter of support provided by the applicant, the Committee determined that the application should be approved, and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, a variance is granted from Section 6.18 of the Zoning By-law to increase the maximum lot coverage of a residential accessory building to 14.8% of the lot area to permit the construction of a 29.7 square metre addition onto the existing detached garage PROVIDED THAT construction related to the approval proceeds substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated May 26, 2021.**

3.     **File No.:     A23/21**  
          **Address:    1122 Rippingale Trail**  
          **Applicant:  Mason Homes Limited**

This matter relates to a minor variance application submitted by Mason Homes Limited, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the street line from 3.0 metres to 0.62 metres to permit the development of a single detached dwelling.

Karen Liu of Mason Homes Limited attended the meeting and addressed the Committee as follows:

- She has reviewed the staff report and is satisfied with the recommendation to the Committee.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

Moved by Tom Green

**That the application be approved in accordance with the recommendation in the Staff Report.**

“CARRIED”

## Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, a variance is granted from Section 359.3(k)(i) of the Zoning By-law to reduce the minimum building setback from the street line to 0.62 metres to permit the construction of a single-detached dwelling PROVIDED THAT construction of the dwelling related to this approval proceeds substantially in accordance with the concept sketch attached as Exhibit C to the Staff Report dated May 26, 2021.**

4.     **File No.:**     **A24/21**  
          **Address:**   **1059 Danita Boulevard**  
          **Applicant:** **Peter Dalliday and Sarah Dalliday**

This matter relates to a minor variance application submitted by Peter Dalliday and Sarah Dalliday, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the rear lot line from 7.6 metres to 4.8 metres to facilitate the construction of a covered, unenclosed patio at the rear of the dwelling.

Sarah Dalliday and Peter Dalliday attended the meeting and addressed the Committee as follows:

- They are requesting an adjustment to the setback from the rear lot line to facilitate a covered patio.
- The variance is required due to the irregular lot line at the rear of property, and the adjustment to the setback will apply to approximately one-third of the length of the roof.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, the Planner, Policy and Research advised as follows:

- The recommendation of staff includes a proviso that the construction proceed substantially in accordance with the concept sketch attached as an exhibit to the staff report, which would prohibit a structure from being located at a reduced setback elsewhere on the property. The concept sketch is uploaded into the property database and is available for all Building and Planning staff to review along with the record for the minor variance.

Moved by Tom Green

**That the application be approved in accordance with the recommendation in the Staff Report.**

“CARRIED”

### **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, a variance is granted from Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line to 4.8 metres for a covered, unenclosed patio PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept sketch attached as Exhibit D to the Staff Report dated May 26, 2021 and, should any tree removal be required at the time of construction, the applicants contact Urban Forestry staff prior to the removal of trees to ensure compliance with the Woodlands Conservation By-law.**

5.     **File No.:     A25/21**  
          **Address:    422 Wellington Street**  
          **Applicant:  Lori Van Belle**

This matter relates to a minor variance application submitted by Lori Van Belle, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the Wellington Street street line from 6 metres to 1 metre for the deck and from 6 metres to 0.425 metres for the stairs to the deck to permit the reconstruction and expansion of the front deck.

Lori Van Belle attended the meeting and addressed the Committee as follows:

- She has read the staff report and is satisfied with the recommendation of staff.
- The house has an existing front deck, which she would like to replace with a slightly larger deck, in line with the edge of the mudroom. The stairs would not extend much further than what is existing.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

Moved by Mauro DiCarlo

**That the application be approved in accordance with the recommendation in the Staff Report.**

“CARRIED”

### **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, variances from Section 6.11 (a) of the Zoning By-law are granted as follows:**

- a)     **A reduction to the minimum building setback from the Wellington Street street line to 1 metre for the deck; and**
- b)     **A reduction to the minimum building setback from the Wellington Street street line to 0.425 metres for the stairs to the deck.**

**PROVIDED THAT the construction of the deck related to this approval proceed substantially in accordance with the concept sketch attached as Exhibit E to the Staff Report dated May 26, 2021.**

6.     **File No.:     A26/21**  
          **Address:    91 Princess Street**  
          **Applicant: Lexi Kolt-Wagner, LKW Architect**

This matter relates to a minor variance application submitted by Lexi Kolt-Wagner, LKW Architect, as applicant on behalf of Ian Burns and Pat Maitland, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the west side lot line from 1.2 metres to 0.39 metres to facilitate a renovation and addition to the existing home.

Ian Burns and Pat Maitland attended the meeting and addressed the Committee as follows:

- The variance is required for the proposed addition that will extend along the existing setback from the property line. The variance will allow them to extend this setback 14 feet, which is in line with the houses established on neighbouring properties.
- A concern was raised by staff regarding maintenance of the house along the western wall, as maintenance activities would require access from the neighbouring property. They have an excellent relationship with the owner of 93 Princess Street, who has provided a letter of support for the application and has committed to providing ongoing access for maintenance.
- The rear addition would be in line with the depth of the houses at 87, 89 and 93 Princess Street and would not obstruct any sight lines.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

No one spoke in objection to the application and no written objections were received.

Moved by Tom Green

**That the application be approved in accordance with the recommendation in the Staff Report.**

“CARRIED”

### **Decision**

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

**Therefore, a variance is granted to Section 7.2(e)(i) of the Zoning By-law to reduce the minimum building setback from the west side lot line to 0.39 metres PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit F to the Staff Report dated May 26, 2021 and that eavestroughing and downspouts be placed on the addition in such a way that rainwater is directed into the rear yard.**

**Minutes**

Moved by Mauro DiCarlo

**That the minutes of the Committee of Adjustment hearing held on April 27, 2021 be approved.**

“CARRIED”

**Other Business**

The Secretary-Treasurer provided information to the Committee regarding the signing of Decisions while meetings are being held electronically.

**Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Tuesday, June 22, 2021.

**Adjournment**

The meeting was adjourned at 6:39 p.m.

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Robert Short, Chair

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Jennifer Sawatzky, Secretary-Treasurer