

PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE

FROM: PLANNING AND DEVELOPMENT

MEETING
DATE: TUESDAY, JUNE 22, 2021

SUBJECT: DP2021-14 – 160 SYDENHAM STREET
CLASS II
*Report Amended June 21, 2021 to include lot coverage
corrections*

Background:

PROPERTY: 160 SYDENHAM STREET

LEGAL DESC: PLAN 86 PT LOT 76 GAN R E/S

LOT COVERAGE: 35% MAXIMUM

OFFICIAL PLAN: RESIDENTIAL

DEVELOPMENT PERMIT: TRADITIONAL RESIDENTIAL

Purpose and Effect:

The Applicant is seeking relief from front yard setback, side yard setback and lot coverage provisions for the construction of a tiered deck to be used to access the front entrance of the existing dwelling.

Background:

The subject property contains a set of existing non-conforming concrete steps proposed to remain under the new tiered deck but will not be used. The existing steps have a 0' setback as they were originally built to meet the front property line.

The driveway of the subject property is located at the rear of the lot, accessed via Spruce Alley, and therefore does not impact configuration or use of the front or side yards as related to this application.

In review of the proposal, staff reviewed provisions for established building line and permitted projection to determine whether a Development Permit application would be required however neither of these permissions provided applicable or sufficient relief to

forgo a Development Permit application. Explanation of these provisions is provided in Appendix B.

The proposal is under concurrent review with the Building Department for the required Building Permit. As seen in the site photographs (Appendix A), construction of the deck began prior to all approvals being in place. No further work has been permitted and no Building Permit will be issued prior to approval of the subject application.

PROVINCIAL POLICY STATEMENT:

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein.

The following policies may be taken into consideration in evaluating the current proposal.

Healthy, livable and safe communities are sustained by:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

OFFICIAL PLAN:

The subject property is designated Residential within the Official Plan. The goal of the Residential designation is to promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community while providing opportunities to develop new residential uses in mixed use buildings as well as non-residential neighbourhood components such as schools, community facilities, places of worship, parks and local commercial uses.

The Goal and Objectives of the Residential designation generally speak to the primary use of properties. Direction on accessory structures is provided for in Section 5.3.1 of the Official Plan which states that *wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.*

Comment: The variation is not required for the use itself but rather the location of the use on the site (as identified within the Development Permit By-law).

The Official Plan further addresses minor variance or permission under Section 5.3.2.2 stating that *a Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general intent and purpose of the*

Zoning By-law are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.

DEVELOPMENT PERMIT:

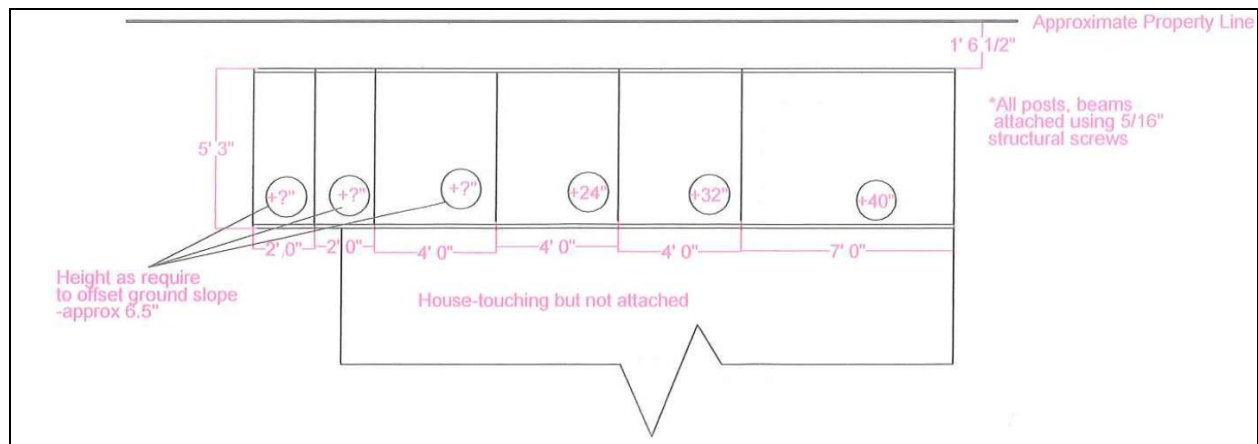
The subject property is designated Traditional Residential within the Development Permit By-law. The intent of this designation is to provide for respectful and appropriate development and infill that considers the design criteria.

The proposed use requires variation from the provisions for front yard setback side yard setback and lot coverage.

Provision	Requirement	Proposed
Front Yard Setback	19.6'	18"
Side Yard Setback (East Side)	3.9'	3'
Side Yard Setback (West Side)	3.9'	4.25'
Lot Coverage	35% total	Existing – Approx. 47.5% Proposed – Approx. 50%

Note: The requested setback has been rounded from 18.5" to 18" and the lot coverage has been rounded from 49.7% to 50% to avoid further application should final construction result in a slight difference. It should further be noted that the existing dwelling has a front yard setback of approximately 6' 10" (a variation of 12.8').

Preliminary building plans are provided in Appendix C. The excerpt below indicates the width, tiers and setback of the proposal. The deck is not proposed to be enclosed and should enclosure be desired in the future, further permission shall be required as the structure would no longer be considered a deck or similar use.



Design Criteria

Section 5.2.4 of the By-law states that there is no particular architectural style required for residential structures but the focus should be on the development of high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style and individual dwelling units should be distinguishable from another.

Further applicable design criteria include:

- Long uninterrupted exterior walls should have “relief” to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can soften the architecture.
- The use of materials and colours that are representative of the texture, character and palette of the community/neighbourhood is strongly encouraged.
- Avoid altering the streetscape façade of the building.
- Match setback, footprint, size and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours.

Circulation to Agencies

Circulation of 120 m to adjacent property owners and prescribed agencies (comments received to date):

Union Gas/Endrige	<p>Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.</p> <p>Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.</p> <p>If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.</p> <p>Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.</p>
CBO	
CRCA	
CDSBEO and UCDSB	UCDSB – No Comment.

Hydro One	We are in receipt of Application DP2021-14 dated June 7, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.
Fire/ Police	Fire – No Concerns.
LG Health Unit	
Water/Sewer	Deck should not cover water service line curb stop valve. Owner to contact Utilities Division to schedule appointment for curb stop operation before deck is constructed. Should the curb stop require repairs, excavation and repairs should be completed before deck construction. (Curb stop sketch attached).
Public Works	
Cogeco	No Comments.
Other: Public Comment	Correspondence was received from the following members of the public and are attached to this report: <ul style="list-style-type: none"> • June Humble dated June 9, 2021 • Jim Taylor dated June 17, 2021

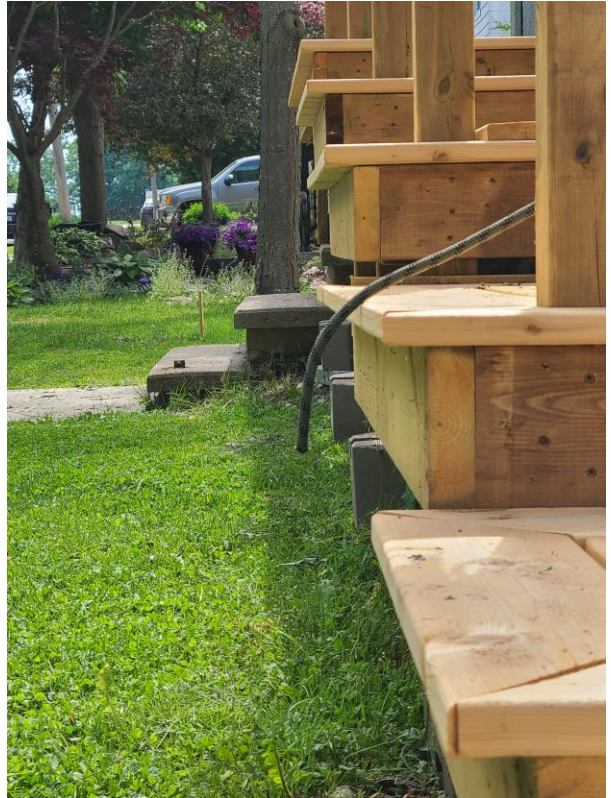
Staff have no objection to the proposed use provided the following conditions are met:

- Owner obtain Building Permit for use,
- Confirmation from Utilities that deck will not interfere with curb stop valve,
- Owner enter into a Development Permit Agreement within one year of approval,
- All costs associated with fulfilling the conditions of this decision are borne by the Owner.

Appendix A
Site Photographs

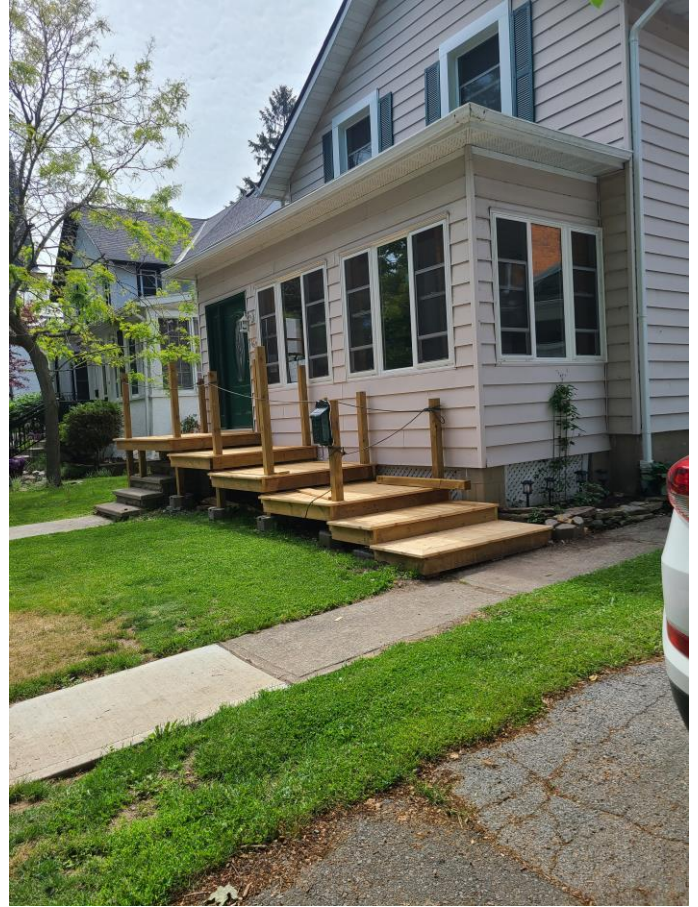


Subject property with view of adjacent property (170 Sydenham St)



View of deck in relation to existing step.





Appendix B

Established Building Line and Permitted Projections

Established Building Line

Section 3.12 of the Development Permit By-law provides relief of front yard setbacks where one or both adjacent properties have existing reduced front yard setbacks. The established building line does not apply to accessory structures or structures noted in the permitted projection list. The established building line applies to the primary structure.

Permitted Projections

Section 3.35 of the Development Permit By-law establishes a list of uses that may project into required yards, based on type of use. Decks are not included in the permitted projections list. Further, similar uses such as an unenclosed porch or balcony only provided a 3 m (9.8 ft) projection into the front yard setback. With this permission, a front yard setback of 9.8' would still be required.

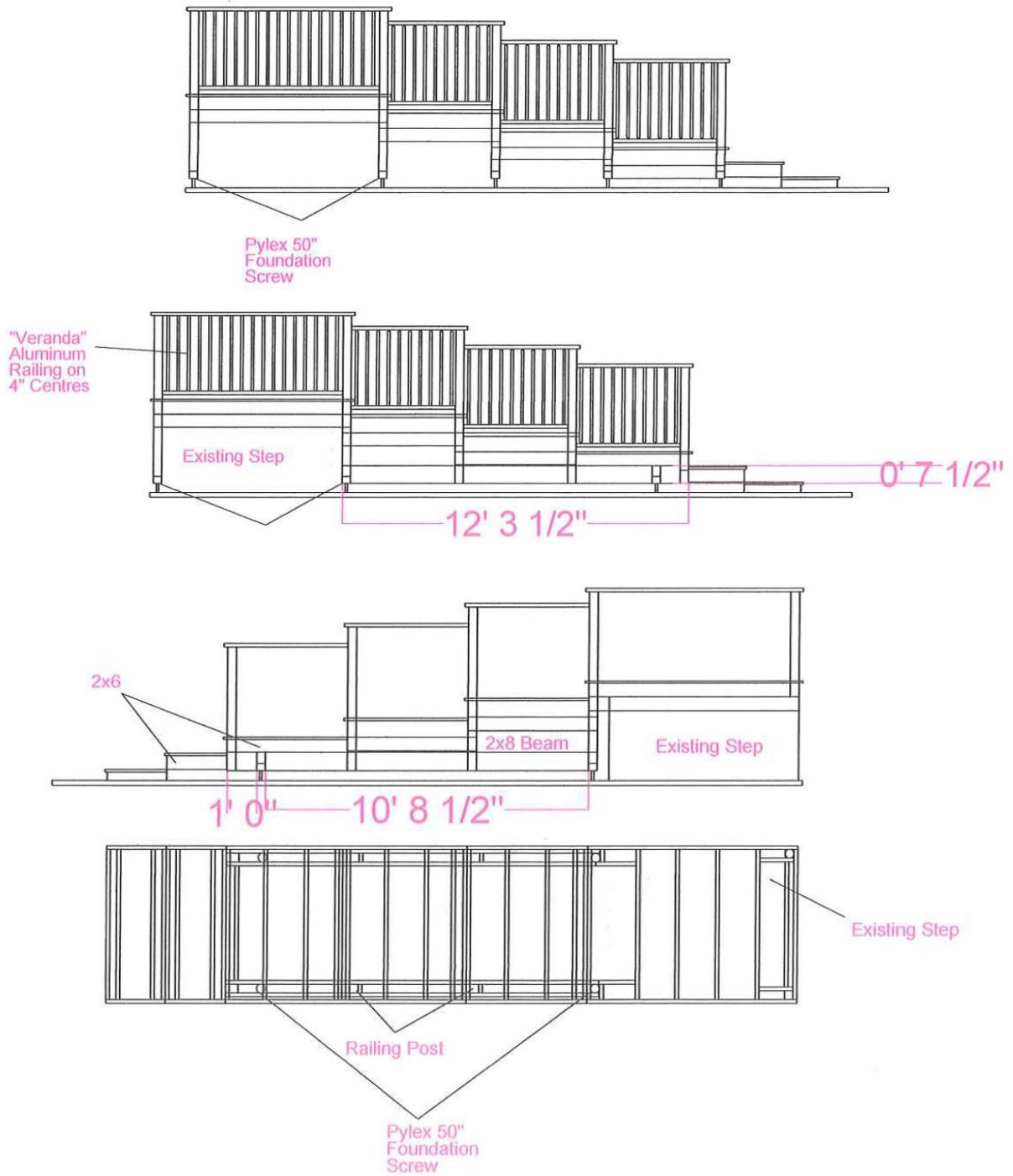
Non-Conforming and Non-Complying Uses

A legal non-conforming use refers to a use that was legal at the time it was established but was brought into non-compliance through introduction of a new by-law with new provisions. The concrete steps at the subject property are considered legal non-conforming as they existed prior to passing of the current by-law.

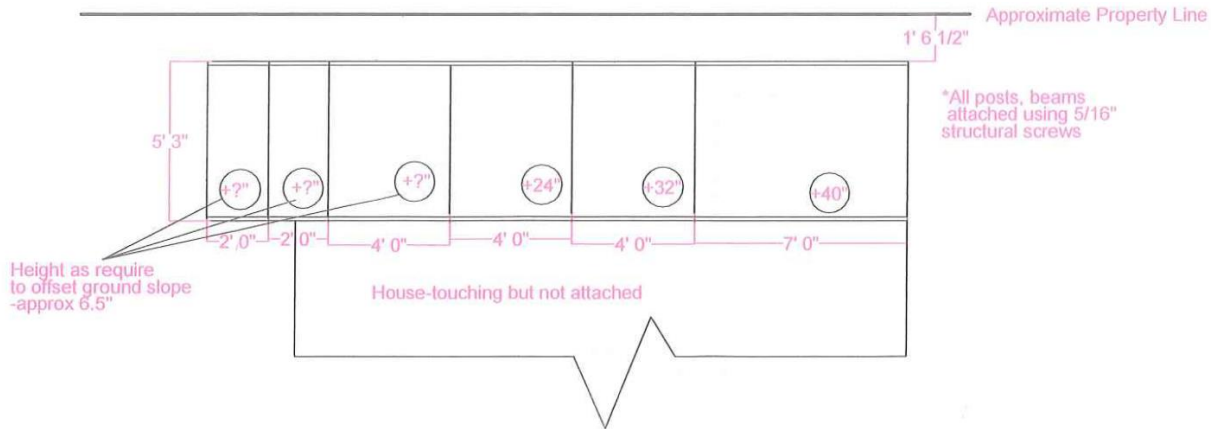
By way of planning application, legal non-conforming uses may be extended or expanded where considered appropriate however this permission would apply to expansion of the same type of use. Steps are considered a different use than a deck which is supported through the Building Code definition of steps. The current proposal is not considered an expansion of the steps but rather a new use.

The non-confirming status of the steps does not establish a new building line or setback relief for any other use.

Appendix C Preliminary Building Plans



Appendix C Con't Preliminary Building Plans



Appendix D
Curb Stop Location

James Stevenson
160 Sydenham Street
Walk: 0620
Water Service: 5/8 Lead
Sanitary Service: 6"
Location: North side of Sydenham Street
Service Installed:

