

Zoning By-law Site Specific Modifications – “DE-3” (Multiple Dwellings) – District

Provision	Required	Requested Amendment	Analysis
<b>Section 10C: (Multiple Dwellings) - Uses</b>			
(1) Restriction on number of dwelling units  <i>**Proposed By Staff</i>	Permits a Multiple Dwelling.	To restrict a multiple dwelling to a maximum of six dwelling units within the building existing on the date of the passing of the By-law.	The proposed modification is to restrict a multiple dwelling to be contained within the existing building and to have a maximum of six units. The modification will maintain the existing character of the neighbourhood and preserve a building of Cultural Heritage value, while limiting the overall density of the subject lands to a compatible scale.  Therefore, the proposed modification can be supported.
(1)  <i>**Proposed By Staff</i>	Emergency Shelter and Long Term Care Facility are uses permitted in the “DE-3” (Multiple Dwelling) District.	To prohibit an emergency shelter and a long term care facility.	Neither an emergency shelter or long term care facility are permitted in the current “D” (Urban Protected Residential – One and Two Family Dwelling, Etc.) District. The applicant is not proposing to establish either an emergency shelter or long term care facility, however, the proposed modification is to ensure that the subject lands are ultimately used only for the use that has been applied for (multiple dwelling).  Therefore, the proposed modification can be supported.
<b>Section 10C “Multiple Dwelling” District - Requirements</b>			
(3) (i) (b) Front Yard  <i>**Applicant requested</i>	A front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height	To permit a front yard setback of 2.7m for the building existing on the date of the passing of the By-	The proposed modification is to recognize the existing front yard setback of the existing building.  Therefore, the proposed modification can be supported.

modification	of the building structure by its width, but no such front yard shall have a depth of less than 4.5 metres and need not have a depth of more than 7.5 metres.	law.	
(3) (ii) (b) Side Yard  **Applicant Requested Modification	Along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres, and need not have a width of more than 9.0 metres, but plus 3.0 metres where any balcony, sunroom or window of a habitable room	To permit a Westerly side yard of 0 metres and a Easterly side yard of 1.2 metres, for the building existing on the date of the passing of the By-law.	<p>The proposed modification is to recognize the existing side yard setbacks of the existing building. The proposed modification also maintains adequate space on the easterly side of the building for access. The merger of the subject lands will improve pedestrian access for 186 Markland Street by allowing pedestrian access through the existing 1.29 metre easterly side yard.</p> <p>Therefore, the proposed modification can be supported.</p>

	does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres and need not have a width of more than 13.5 metres.		
(4) (ii), (iii), and (iv) Lot Width and Lot Area  **Applicant Requested Modification	A minimum lot width of 21 metres and lot area of 640 square metres.	A minimum lot width of 12.8 metres.  A minimum lot area of 545.0 square metres.	The proposed modification is to recognize the combined lot width and lot area of the two existing residential properties (184 and 186 Markland Street). The merger of the two existing lots will improve the function of the subject lands in respect to parking, access, and amenity space. Furthermore the existing lot width of 12.8 metres and existing lot area of 545.0 square metres represent an adequate sized lot in which to accommodate the proposed six unit multiple dwelling along with adequate parking and amenity space.  Therefore, the proposed modification can be supported.
(5) Floor Area Ratio  **Applicant Requested Modification	Maximum gross floor area of no greater than the area of the lot multiplied by the floor area ratio factor of 0.9 (Maximum of 490.5 square metres).	To eliminate the maximum floor area ratio for a multiple dwelling within the building existing on the date of the passing of the By-law.	The proposed modification is to not apply the maximum floor area ratio to the existing building, and therefore permits the existing building to maintain its existing floor area ratio. Any proposal to construct a new building would require the building to conform to the maximum Floor Area Ratio of 0.9 times that of the lot area.  Therefore, the proposed modification can be supported.

Section 18 – Supplementary Requirements and Modifications			
<p>(3) (vi) (b) Encroachment of Eaves and Gutters</p> <p>**Applicant Requested Modification</p>	<p>Eaves and gutters may project into a required front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres.</p> <p>May project into a required rear yard not more than 1.5 metres.</p> <p>May project into a required side yard not more than one-half of its width, or 1.0m whichever is the lesser.</p>	<p>To recognize the eaves and gutters of the building existing on the date of the passing of the By-law.</p>	<p>The proposed modification recognizes the existing eaves and gutters for the existing building.</p> <p>Therefore, the proposed modification can be supported.</p>

(3) (vi) (e) Encroachment of a porch  **Applicant Requested Modification	An uncovered porch and associated stairs which does not extend more than 1 metre above the floor level of the first storey may project into a required yard if distant at least 1.5 metres from the nearest street line.	To permit an uncovered porch and associated stairs to be a distance at least 0 metres from the nearest street line for a multiple dwelling within the building existing on the date of the passing of the By-law.	The proposed modification recognizes the existing uncovered porch and associated stairs located in the front yard.  Therefore, the proposed modification can be supported.
(4) (v) (b) Air conditioners  **Applicant Requested Modification	Air conditioners and pumps and other similar mechanical equipment within a required side has a minimum setback of 0.6 metres from the side lot line.	To permit an air conditioner to located within 0 metres of the westerly side lot line.	The proposed modification is to recognize an existing air conditioner that is located on the westerly side of the existing building. The air conditioner abuts the existing alleyway and therefore will maintain a separation of 3.6 metres from the property located to the west.  Therefore, the proposed modification can be supported.
<b>Section 18A – Parking and Loading Requirements</b>			
(1) (c), (32) and (33) – Minimum No. loading spaces that are unobstructed and accessible	A minimum of 1 loading space is required that is unobstructed and freely accessible without hindrance between the loading	No on-site loading space shall be provided.	Due to the limited size and scale of the proposed development (maximum of six units) a dedicated on-site loading space is not necessary. Loading and unloading activities would be predominately limited to those times when tenants move into and out of the units and given the small number of units this is not anticipated to be a frequent occurrence. Loading can still be undertaken by

**Applicant Requested Modification	space and an access driveway.		<p>way of smaller vehicles parked in the rear parking spaces or with larger vehicles utilizing on-street parking.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(1) (f), (9) and (10) Minimum Manoeuvring Space</p> <p>**Applicant Requested Modification</p>	A minimum required manoeuvring space of 6.0 metres is required to be provided on the subject lands.	To permit a total of 4.2 metres of manoeuvring space, the majority to be provided off-site within an existing alleyway.	<p>The proposed parking spaces are to be accessed off existing un-assumed alleyways, which are not anticipated to have significant traffic levels and any vehicles traveling along the alleyways are anticipated to be traveling at a slow speed. The modification for a reduction in manoeuvring space and to provide most of the manoeuvring space within the existing alleyway is not anticipated to create traffic conflicts.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(11) (a) and (25) Setback of a Parking Area</p> <p>**Applicant Requested Modification</p>	<p>A minimum 1.5 metre setback shall be provided between a parking area and an adjoining residential district.</p> <p>A minimum 3.0 metre setback from an adjacent residential district that does not permit a multiple dwelling.</p>	<p>To not require a minimum setback between a parking area and an adjoining residential district to the north and west.</p> <p>To not require a minimum setback between a parking area and an adjoining residential district that does not</p>	<p>A separation distance of 1.5 metres cannot be provided along the northerly and westerly sides of the parking area as the parking spaces will be accessed directly from the alleyway on the north and west sides. The parking will however be separate from the adjacent properties to the north and west by way of the alleyway.</p> <p>A 1.5 metre separation from the east side will be provided and therefore no modification for the easterly side lot line will be required.</p> <p>A modification will however be required to reduce the setback requirement of 3.0 metres to 1.5 metres. Providing a 3.0 metre setback would require the elimination of one of the seven parking spaces. Only one of the seven proposed parking spaces will be within</p>

		<p>permit a multiple dwelling.</p>	<p>3.0 metres of the property to the east. The parking space will not face directly toward the adjacent lot line which will reduce impacts from head lights. Furthermore the parking space is located adjacent to the parking spaces of the adjacent property to the east and not amenity area. Finally a visual barrier and a 1.5 metre planting strip will have to be provided along the easterly lot line which will provide visual buffering for the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(12) (a), (b) and (c) – Planting Strip and Visual Barrier</p> <p><b>**Applicant Requested Modification</b></p>	<p>To require a landscaped area with a planting strip between a parking area and loading area and a residential district.</p> <p>To provide a visual barrier between a parking area and the boundary of the lot abutting a residential district.</p>	<p>To not require a landscaped area between the parking area and a residential district to the north and west.</p> <p>To not require a visual barrier between a parking area and the residential district to the north and west.</p>	<p>Direct access is provided between the parking and the alleyway to the north and west and therefore a landscaped area or visual barrier cannot be provided along these sides of the parking area. On the adjacent lands on the west side of the alleyway, surface parking and detached garages abut the alleyway. Similarly, surface parking and detached garages are located on the north side of the alleyway. As the parking area abuts parking areas on adjacent properties to the north and west, a landscaped area and visual barrier is not required to buffer the adjacent residential properties.</p> <p>The proposed modifications respecting a planting strip and visual barrier are only applicable for the north and west property lines. A visual barrier and planting strip will still be required along the easterly lot line, which will provide sufficient buffering between the parking area and the adjacent lands to the east.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>(24) (b) (i) and (ii) – Access Driveway Width</p> <p>**Applicant Requested Modification</p>	<p>To require an access driveway width of at least 5.5 metres (two way access) or separate ingress and egress driveways with a width of at least 3.0 metres (one way access).</p>	<p>No on-site access driveway, access to be provided by way of an alleyway.</p>	<p>The proposed parking spaces will be accessed by an alleyway that is greater than 3.0 metres in width. The parking spaces will therefore have sufficient means to provide adequate ingress and egress to the parking spaces.</p> <p>Therefore, the proposed modification can be supported.</p>
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