

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICATION NO.:** SC/A-21:417

**APPLICANTS:** Owner Zenon Wincza  
Agent IBI Group c/o M. Crough

**SUBJECT PROPERTY:** Municipal address **131 Green Rd., Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 3692-92, as Amended by By-law No. 21-077 & 21-167

**ZONING:** R1 district Single Residential

**PROPOSAL:** To permit an existing accessory building in the rear yard of an existing single detached dwelling to be converted into a Secondary Dwelling Unit – Detached notwithstanding that;

1. A maximum gross floor area of 155.53 m<sup>2</sup> shall be provided for the proposed secondary dwelling unit – detached, whereas the By-Law states that the maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.

Notes:

Variances have been written as requested by the applicant.

Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of 0.25 metres. Applicant shall ensure that the eaves or gutters do not encroach beyond the maximum permitted distance; otherwise, further variances may be required.

This application will be heard by the Committee as shown below:

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**DATE:** Thursday, January 20<sup>th</sup>, 2022  
**TIME:** 2:50 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

For more information on this matter, including access to drawings illustrating this request:

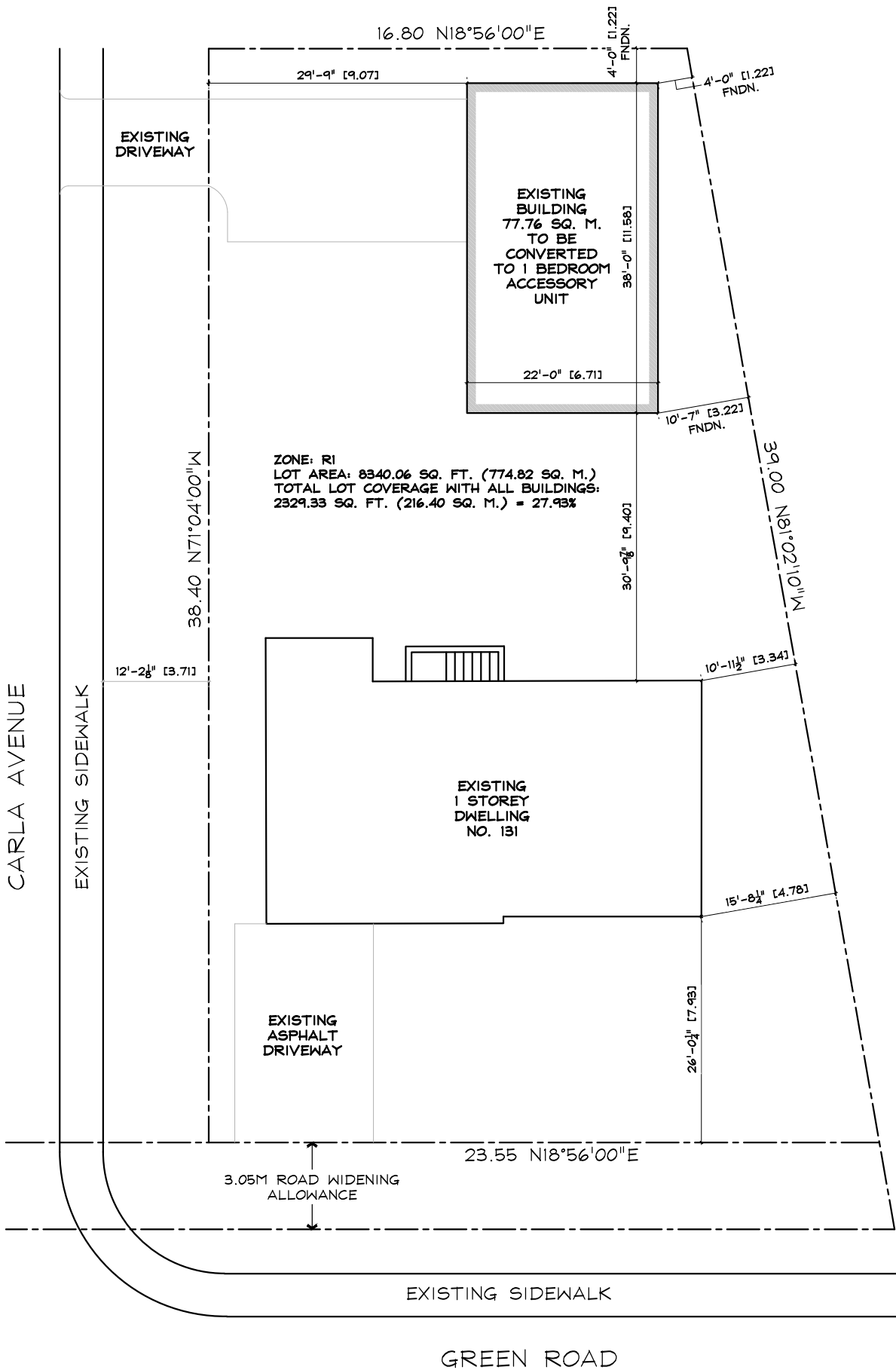
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: January 4<sup>th</sup>, 2022.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***



**PRELIMINARY**  
signature required  
12.15.20

Jennifer Boggar review and takes  
responsibility for the design work  
described in this document  
firm bcn 103416 ■ individual bcn 33001

**JB DRAFTING AND DESIGN**

■ 193 East 43rd Street ■ Hamilton, ON ■ L8T 3C3  
■ jbdraftinganddesign@live.ca ■ 905-517-6027

**131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2**

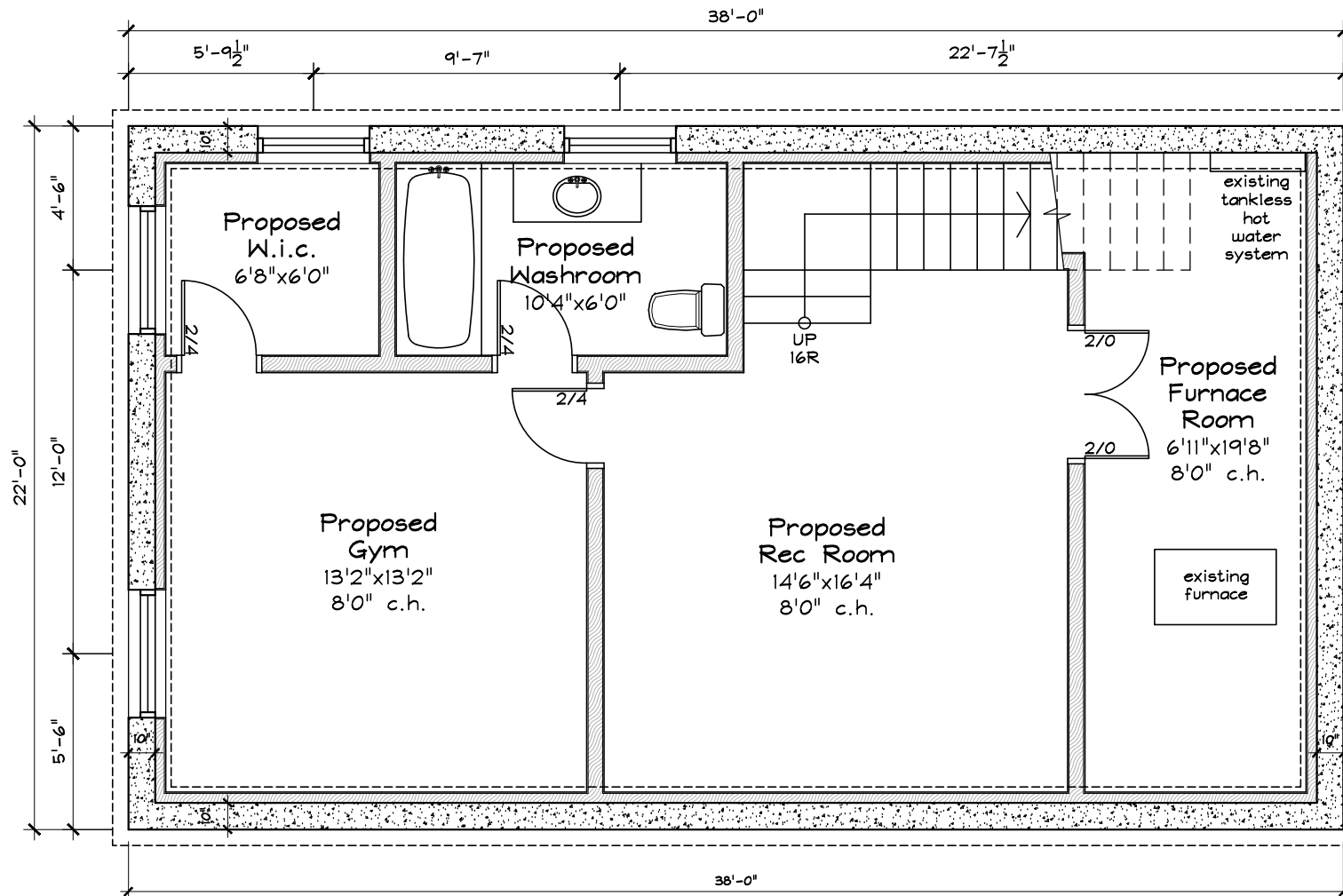
The contractor will check and verify all  
dimensions and job conditions on the job  
prior to the commencement of  
construction. The designer is not liable  
for any changes made by the contractor  
without the designers knowledge and  
permission. All drawings are the property  
of the designer and may not be copied,  
reproduced or used without written  
permission from the designer.

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

**SITE PLAN**  
**1:200**

**A1**

**OF 9**



SHEET

A4

OF 9

PROPOSED  
BASEMENT  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2

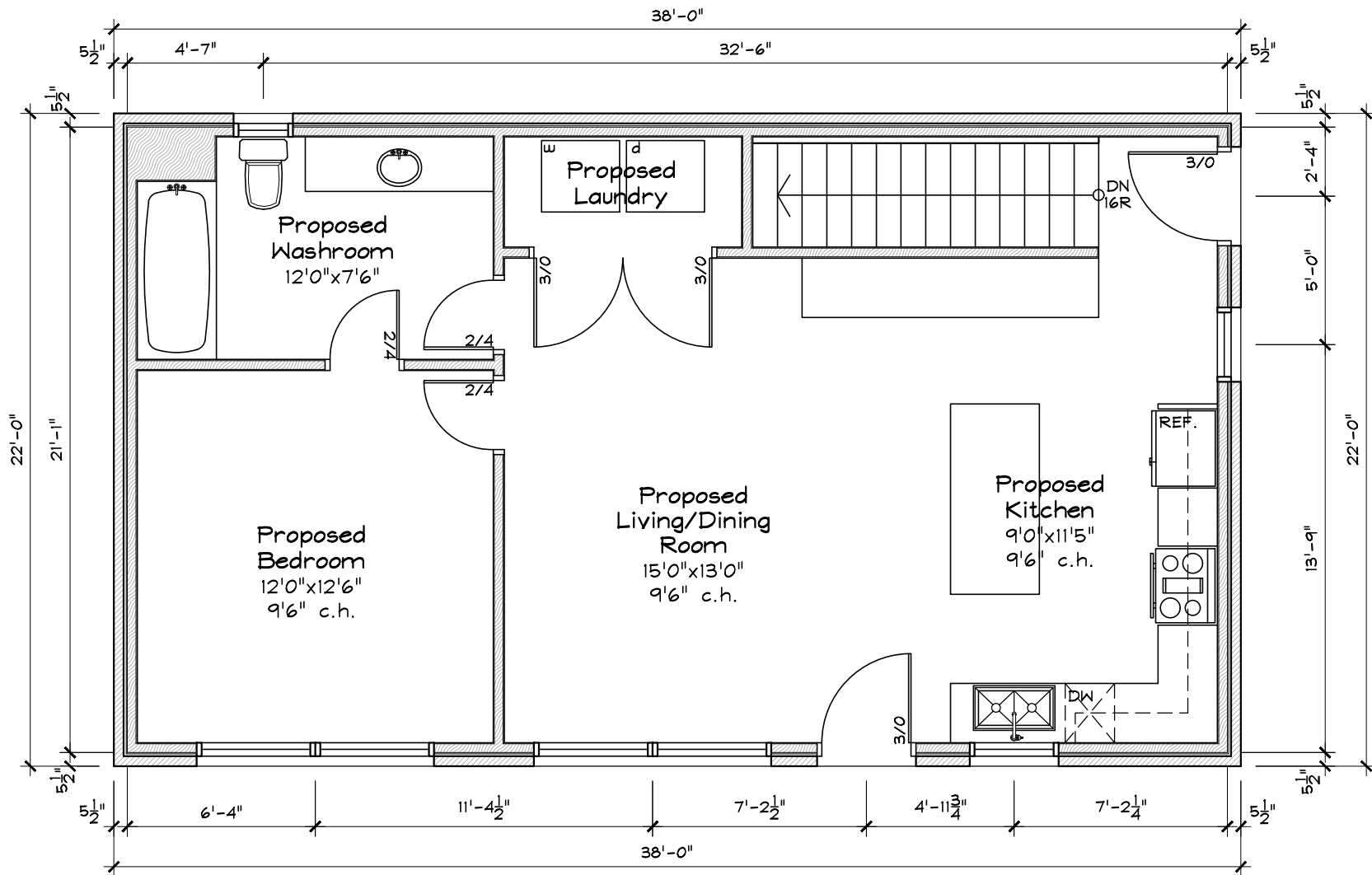
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signature required

12.15.20

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firm bcin 103416 ■ individual bcin 33001



SHEET

A5

OF 9

PROPOSED  
FIRST FLOOR  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2

**JB DRAFTING AND DESIGN**

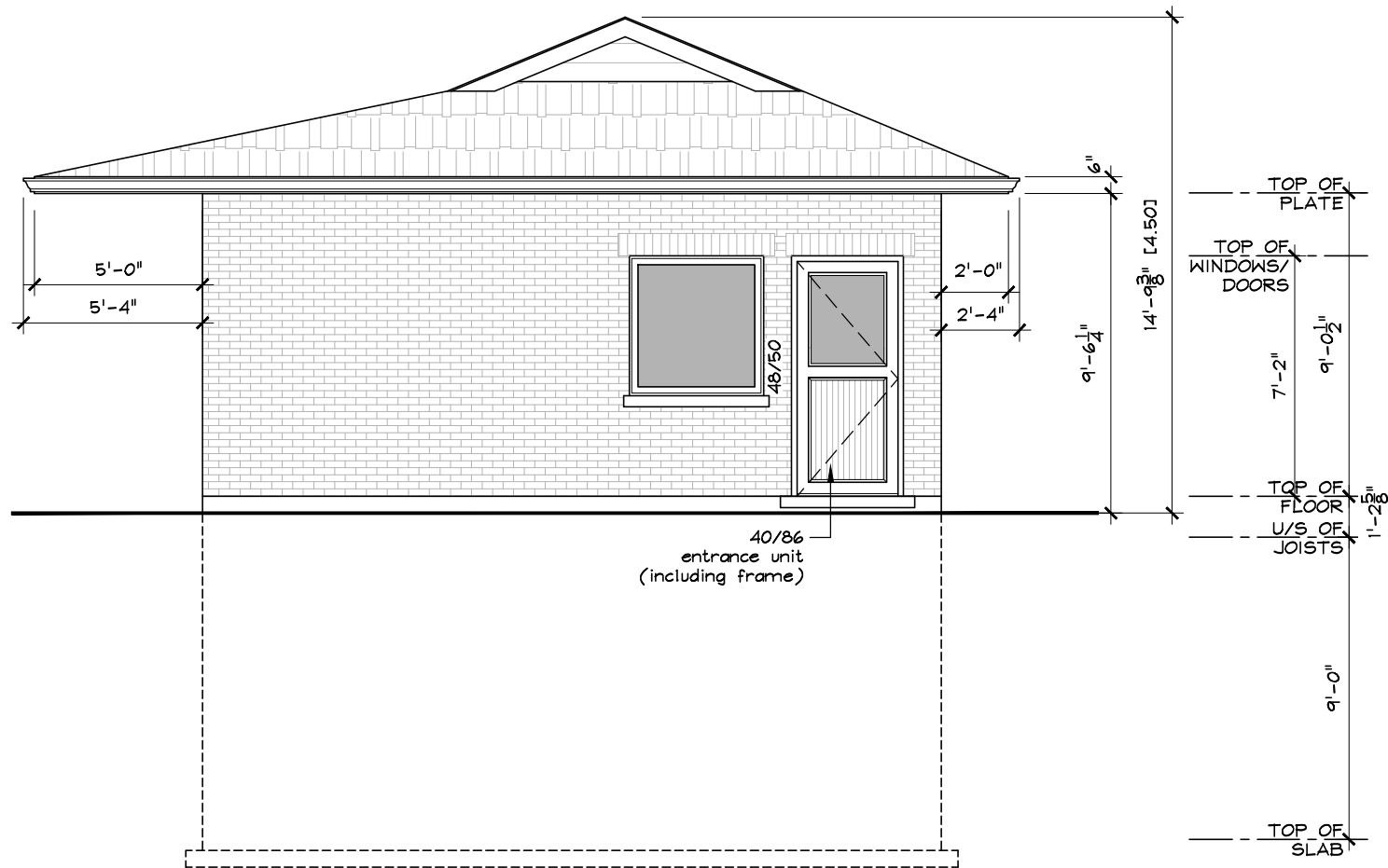
■ 193 East 43rd Street ■ Hamilton, ON ■ L8T 3C3  
■ jbdraftinganddesign@live.ca ■ 905.517.6027

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firm bcin 103416 ■ individual bcin 33001





40/86  
entrance unit  
(including frame)

SHEET

A7

OF 9

EXISTING RIGHT  
SIDE ELEV.  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2

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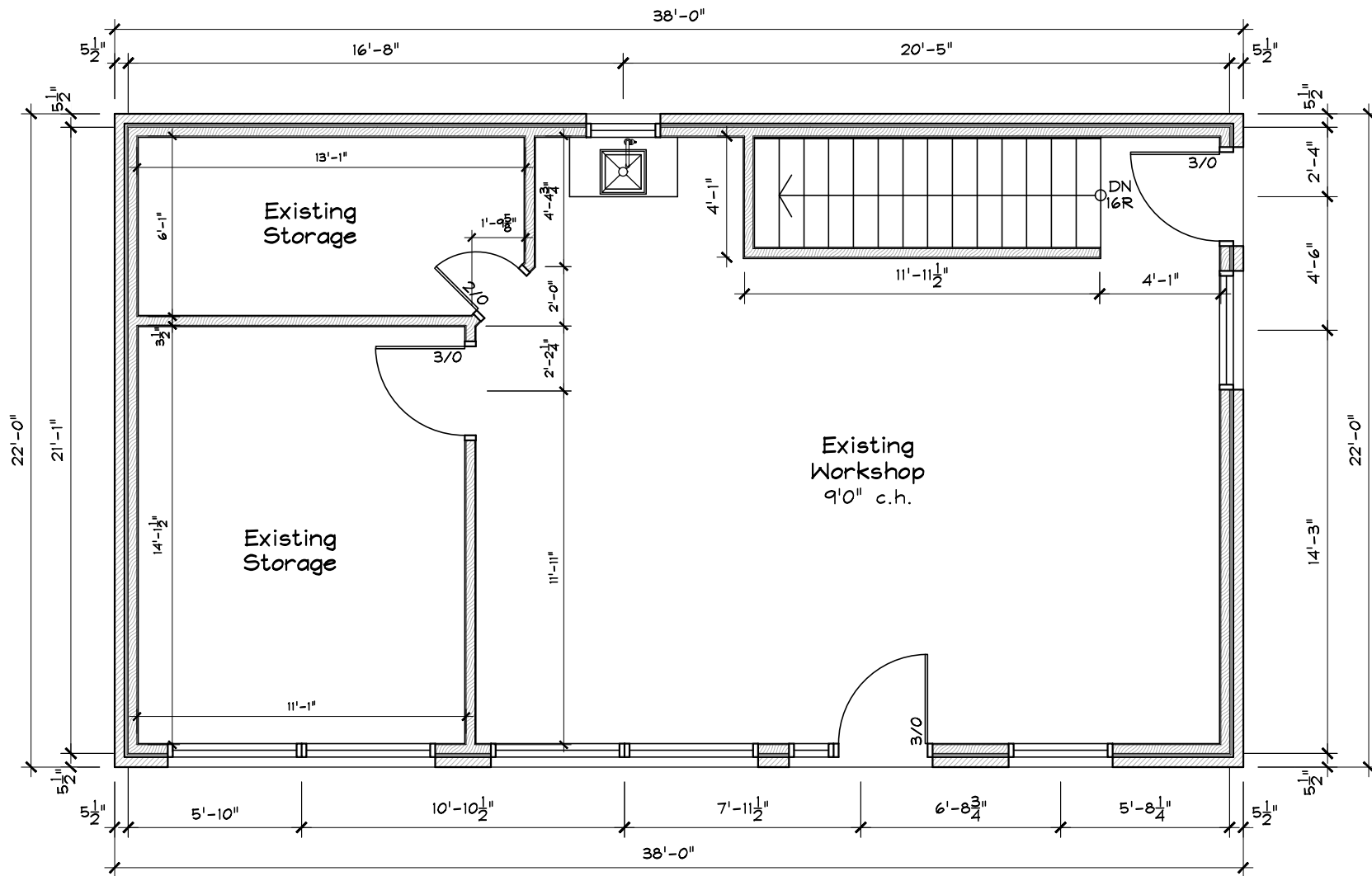
**PRELIMINARY**

12.15.20 signature required

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firm bcin 103416 ■ individual bcin 33001







SHEET

A3

OF 9

EXISTING  
FIRST FLOOR  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2



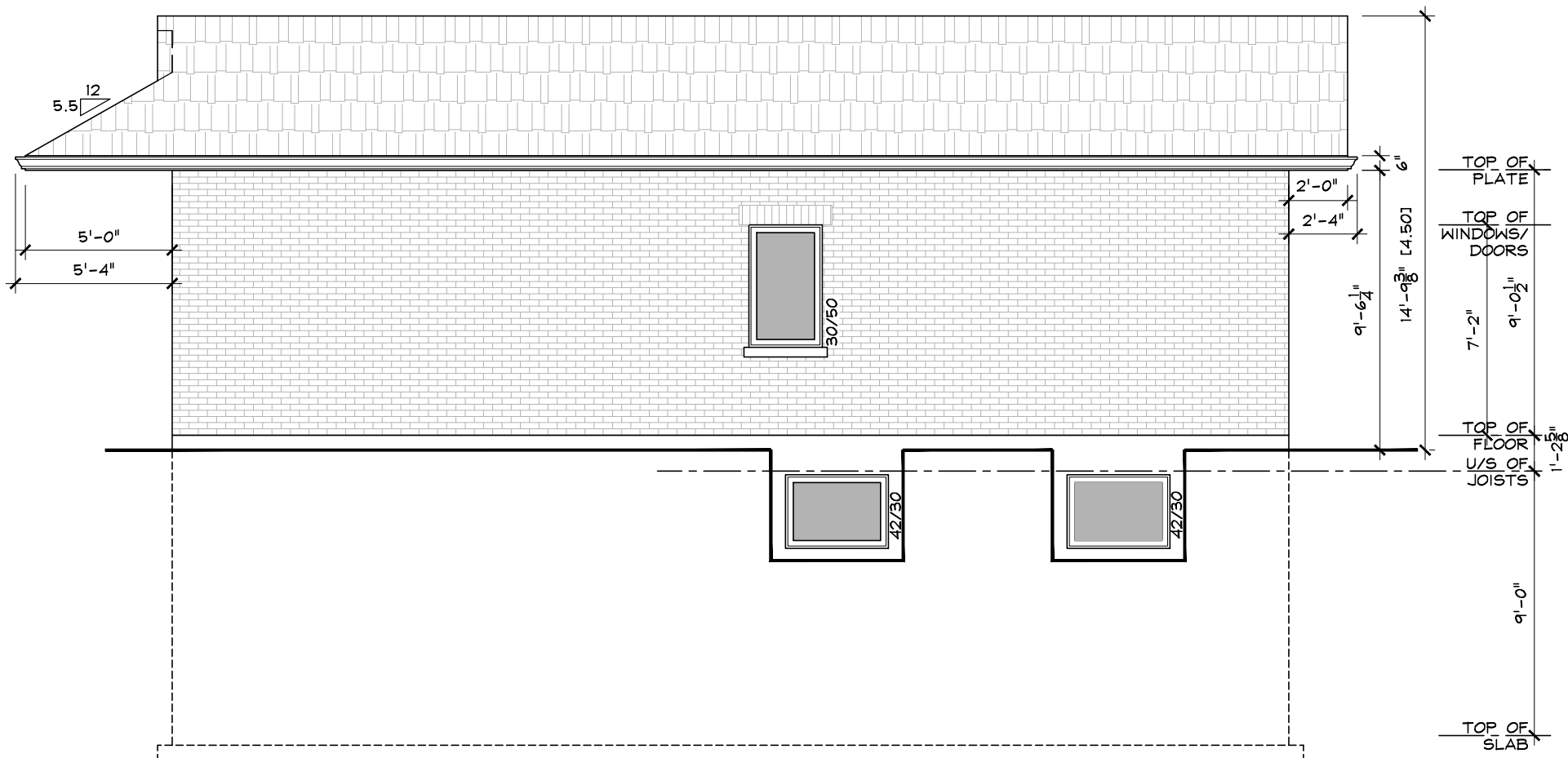
**DRAFTING AND  
DESIGN**

■ 193 East 43rd Street ■ Hamilton, ON ■ L8T 3C3  
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**PRELIMINARY**  
signature required

12.15.20

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responsibility for the design work  
described in this document  
firm bcin 103416 ■ individual bcin 33001



SHEET

A8

OF 9

EXISTING  
REAR ELEV.  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONE CREEK, ON  
L8G 3X2

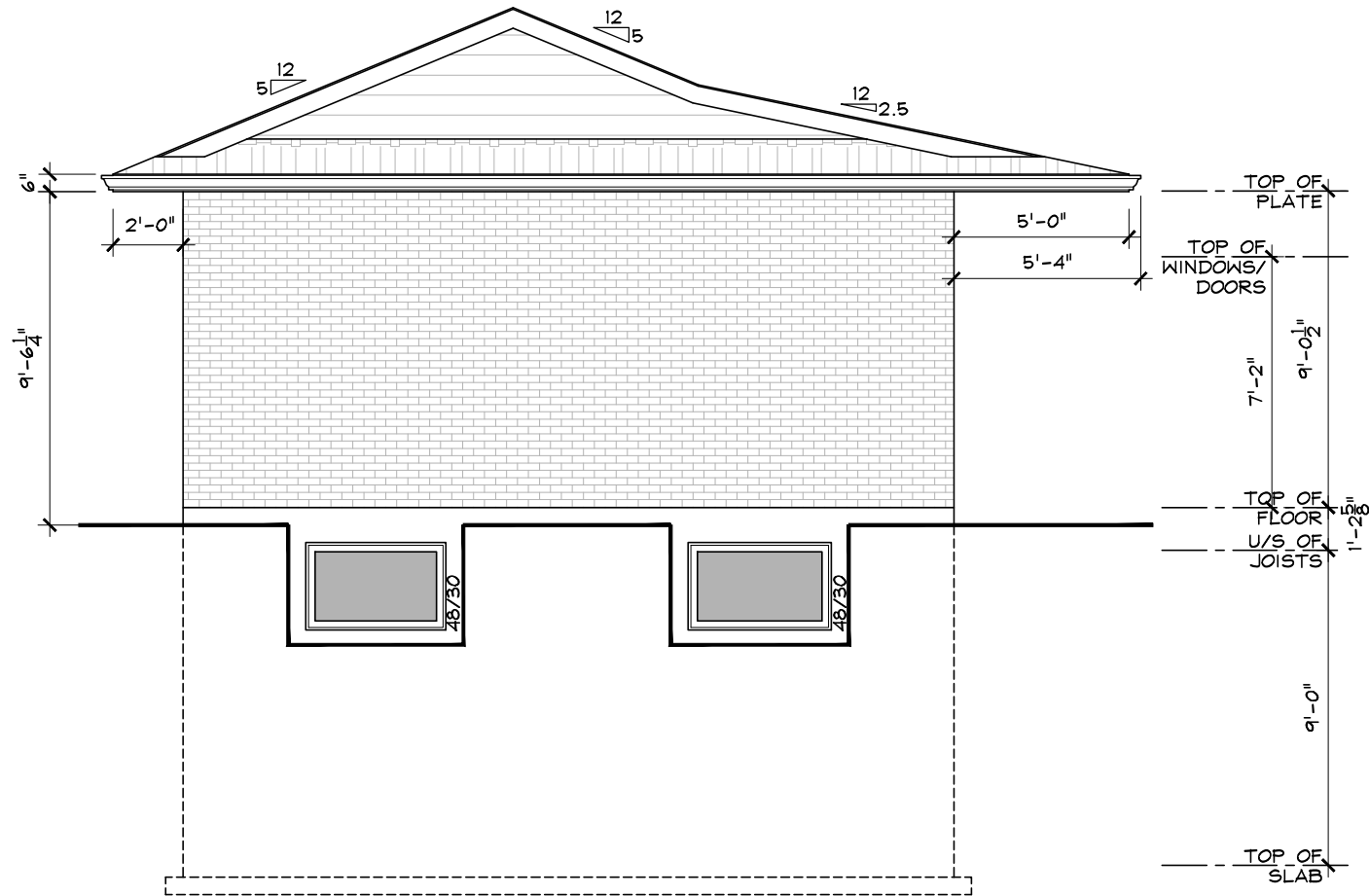
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■ jbdraftinganddesign@live.ca ■ 905.517.6027

**PRELIMINARY**

12.15.20 signature required

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firm bcin 103416 ■ individual bcin 33001



SHEET

A9

OF 9

EXISTING LEFT  
SIDE ELEV.  
3/16" = 1'-0"

NO.	DATE	ISSUE DESCRIPTION
1	12.15.20	ISSUED FOR APPROVAL

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131 GREEN ROAD  
STONEY CREEK, ON  
L8G 3X2

**JB DRAFTING AND DESIGN**

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■ jbdraftinganddesign@live.ca ■ 905.517.6027

**PRELIMINARY**

12.15.20 signature required

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firm bcin 103416 ■ individual bcin 33001

## APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

### The Planning Act

#### Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

**Note:** Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:  
Refer to the planning justification brief

☒ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
The secondary unit exceed the Gross Floor Area permitted

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
Lot 4 on Registered Plan No. 1186. Known as 131 Green Road, Stoney Creek, City of Hamilton.

7. PREVIOUS USE OF PROPERTY

Residential ☒      Industrial ☐      Commercial ☐  
Agricultural ☐      Vacant ☐      Other ☐  
Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐      No ☒      Unknown ☐

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐      No ☒      Unknown ☐

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐      No ☒      Unknown ☐

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐      No ☒      Unknown ☐

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐      No ☒      Unknown ☐

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐      No ☒      Unknown ☐

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐      No ☒      Unknown ☐

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐      No ☒      Unknown ☐

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

- 8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Client knowledge

- 8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☐

**9. ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

November 2nd, 2021

Date



Signature Property Owner(s)

Zenon Wincza

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	23.55 m
Depth	38.40 m
Area	774.82 m <sup>2</sup>
Width of street	20.00 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: \_

Accessory Building:	Width: 6.71 m
Ground Floor Area: 77.76 m <sup>2</sup>	Length: 11.58 m
Gross Floor Area: 155.52 m <sup>2</sup>	Length: 11.58 m
Number of Storeys: 1 Storey + Basement	Height: 4.50 m

Proposed

Same as existing

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Distance from Existing detached dwelling: 9.4 m  
Rear Yard: 1.22 m  
Interior Side Yard: 1.22 m  
Exterior Side Yard: 9.07 m

Proposed:

Same as existing

13. Date of acquisition of subject lands:  
2016
- 
14. Date of construction of all buildings and structures on subject lands:
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Detached Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Detached Dwellings, and Row Dwellings
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Official Plan : Neighbourhoods / Secondary O.P.: Low Density Residential 2b
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
21. Has the owner previously applied for relief in respect of the subject property?  
Yes ☒ No ☐  
If the answer is yes, describe briefly.  
  
Minor variance approval and a building permit to allow  
for the construction of the accessory structure in the rear yard of the subject lands
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes ☐ No ☒
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
[ibigroup.com](http://ibigroup.com)

November 17, 2021

Committee of Adjustment  
City of Hamilton  
71 Main Street West,  
Hamilton, ON L8P 4Y5  
[cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **131 GREEN ROAD - APPLICATION FOR MINOR VARIANCE**

We are the planning consultants retained by Mr. Zenon Wincza (the “client” and “owner”) of 131 Green Road, Stoney Creek, City of Hamilton, legally known as Lot 4, Plan NO.1186 (the “subject lands”). Please accept this application, made on behalf of our client, to permit the use of an existing accessory structure as a Secondary Dwelling Unit.

In accordance with the requirements for a complete application, please find attached, through digital submission, the following in support of this application:

- One (1) copy of the completed Application Form;
- One (1) copy of the Planning Justification Brief, prepared by IBI Group;
- One (1) copy of the Architectural Drawings Set, prepared by JB Drafting & design; and,
- Cheques to be provided under separate letterhead, by owner directly to the City.

It is our opinion that this applications for minor variance for the purpose of permitting the use of an existing accessory structure as a Secondary Dwelling Unit in the the subject lands, municipally known as 131 Green Road, represent good planning, as they are consistent with, and conform to, the Provincial Policy Statement, Growth Plan, Urban Hamilton Official Plan, Western Development Area Secondary Plan, and Zoning By-law No.36992-92 (Stoney Creek) as amended.

We look forward to working with staff on this proposal. Should you require anything further, please contact the undersigned directly.

Yours truly,

**IBI Group**

Mike Crough | MCIP, RPP  
Associate, Senior Planner



*Planning Justification Brief*

# 131 Green Road, Stoney Creek, City of Hamilton, ON

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Minor Variance Application



Prepared for Mr. Zenon Wincza  
by IBI Group  
November 16, 2021

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## 1 Introduction

IBI Group Professional Services (Canada) Inc. ("IBI" or the "Consultant") has been retained by Mr. Zenon Wincza, to assist with an application for the use of an existing accessory structure as a Secondary Dwelling Unit (SDU) in the property located at 131 Green Road, Stoney Creek, City of Hamilton (collectively the "Subject Lands").

## 2 Site Description and Context

The subject lands are municipally known as 131 Green Road in Hamilton, Ontario, legally described as Lot 4, Plan No. 1186. The subject lands are bounded by Carla Avenue to the south, Green Road to the east, a single-detached dwelling to the north and a single-detached dwelling to the west. Currently, there is a single detached dwelling and an accessory structure located on the subject lands. The subject lands have an approximate area of 774.8 m<sup>2</sup> (0.077 ha) and an approximate frontage of 23.5 m along Green Rd and 38.4 m on Carla Ave. The current total lot coverage on the subject lands is approximately 216.4 m<sup>2</sup>, or 28%.

The uses surrounding the subject lands include:

- North: Immediately north there are single-detached and row dwellings, with a florist shop and greenhouse in close proximity. Although the immediate surrounding area; north of the subject lands, is primarily residential there are commercial uses fronting onto Highway 8 consisting of a motel with a commercial plaza;
- East: East of Green Road there are primarily single-detached dwellings as well as an elementary school;
- South: Single-detached dwellings; and
- West: Single-detached and row dwellings.

Overall, the subject lands are located in a neighborhood that consists of low-rise residential uses (singles, towns, etc.), a mix of commercial uses; included, a florist shop, greenhouse, commercial plaza motel and an elementary school; all supporting the community and all within close proximity (i.e. walking distance) of the subject lands. **Figure 1** illustrates the location of the subject lands and the surrounding land use context. **Figure 2** identifies the extent and shape of the parcel.



**Figure 1** Location of Subject Lands and surrounding land use context. City of Hamilton Zoning Map.



**Figure 2** Shape of the parcel. City of Hamilton Zoning Map.

### 3 DEVELOPMENT PROPOSAL

The complete application submission includes a site plan, drawing of the basement and main floor of the existing accessory structure, and the proposed floor plans for the SDU. Together, these documents provide the proposed design and layout of the SDU.

The SDU is proposed to replace the existing workshop and storage areas (as seen on sheet A3 of the architectural drawings provided). It will consist of a one-bedroom unit, with a kitchen, laundry room and washroom identified on the first floor (Refer of sheet A5 of the architectural drawing provided). In the basement of the SDU; a gym, washroom, rec room, furnace room and walk in closet are also proposed. In total, the SDU will have a ground floor area (GFA) of approximately 78 m<sup>2</sup> (830 ft<sup>2</sup>), this calculation excludes the livable space in the basement of the SDU. An existing driveway access is available for the proposed SDU sole use located at the rear of the property. This rear driveway will be able to accommodate one vehicle, which shows a proposed depth of 9.07 m, as per the site plan drawing (refer to sheet A1 of the architectural drawings provided). One dedicated off-street parking space is sufficient to support the proposed SDU, as per section 6.1.7 I) 3) & 4) of Zoning by-law 36-92 (Stoney Creek) as amended by By-Law No. 21-077.

The lot coverages and setbacks will remain unchanged as a result of the proposed development given the SDU is proposed to be constructed within the entirety of the floor area of the existing accessory structure with no expansions.

**Table 1** below provides a summary of site statistics.

Table 1: Statistics

SITE DETAILS	
Lot Area	774.8 m <sup>2</sup>
Principal Residence Lot Coverage (m <sup>2</sup> )	138.6 m <sup>2</sup>
Accessory Structure Lot Coverage (m <sup>2</sup> )	77.70 m <sup>2</sup>
Total Lot Coverage (m <sup>2</sup> )	216.40 m <sup>2</sup>
Total Lot Coverage (%)	28 %
Frontage (Green Road) (m)	23.50 m
Accessory Structure Setback from Principal Dwelling (m)	9.4 m

The site plan and associated drawings that illustrate the proposed SDU design and layout were completed by JB Drafting and Design. These drawings reflect a combination of approved (i.e. building permit) and proposed conditions. The full versions of these documents are attached for further review.

## **4 APPLICABLE PLANNING POLICY AND LEGISLATION**

The Planning Act requires that minor variance applications meet the four tests within Section 45, to ensure good planning to support requested variances. In our opinion this proposal does maintain the general intent and purpose of the Urban Hamilton Official Plan, the Western development Area Secondary Plan, and Zoning By-law No3692-92 Stoney Creek, it is desirable for the appropriate development and land use and that the proposal is minor in nature. A more in-depth explanation, based on applicable legislation, policy, and contextual information, is provided below to support our opinion.

### **4.1 Planning Act**

The Powers of the Committee of Adjustment, with respect to minor variances are provided by Subsection 45 (1) of the Planning Act, which states that the Committee can authorize variances that are desirable, minor in nature, and meet the general intent and purpose of the Official Plan and Zoning By-law. It is our opinion that there are no undue adverse impacts as a result of the proposed development. The proposal is fully contained within an existing accessory structure therefore, it will not introduce any adverse impacts to adjacent properties nor the neighbourhood, which consists of existing residential land uses. Moreover, the size, setbacks, and character of the proposed development is in keeping with the character of the neighbourhood.

### **4.2 Provincial Policy Statement**

Planning decisions made by the Committee of Adjustment must be consistent with the Provincial Policy Statement ("PPS"). The proposed development will contribute to meeting the forecasted needs. The PPS provides direction that new growth should be directed to the built-up area and lands within the urban boundary, where municipal infrastructure and services are available. The subject lands are located within the built-up area, and a full complement of municipal infrastructure and services are available.

### **4.3 A Place to Grow (2020)**

A Place to Grow 2020 ("Growth Plan"), provides municipalities with policy direction to direct growth within the Greater Golden Horseshoe. One of the main goals of the Growth Plan is direct growth to the urban areas of municipalities, where municipal infrastructure and services are available. The proposed development is located within the urban boundary and built-up area of the City of Hamilton. The proposed development conforms to the policies of the Growth Plan.

### **4.4 Urban Hamilton Official Plan**

The subject lands are located within the Urban Hamilton Official Plan. The subject lands are designated Neighbourhood.

**Policy 2.6** *“Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.”*

**Policy 3.2.4.4** *Second dwelling units shall be permitted within single and semi-detached dwellings in all Institutional, Neighbourhoods, Commercial and Mixed-Use designations, as shown on Schedule E-1 – Urban Land Use Designations and shall be subject to zoning regulations.*

**Policy 3.2.4.5** *Subject to the City undertaking a study, in certain conditions it may be appropriate to permit new detached second dwelling units on lots of existing single detached dwellings.*

The proposed development is a residential use that will help to diversify the housing stock to help provide a full range of housing forms, types, and tenures. While Neighborhoods are considered stable areas, the changes proposed by constructing an SDU in the current accessory structure on-site is compatible with the existing character and function of the neighborhood. Residential intensification supports the healthy evolution of existing stable neighborhoods.

## **4.5 Western Development Area Secondary Plan**

The subject lands are located within the Western Development Area Secondary Plan and are designated Low Density Residential 2b.

### **Policy 7.1.1.2 Low Density Residential 2b Designation**

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be single, semi detached and duplex dwellings;*
- b) the density shall range from 1 to 29 units per net residential hectare (UPNRH); and,*

As is mentioned above, the subject lands are designated Low Density Residential 2b in the Western Development Area Land Use Plan. While the permitted uses do not include SDUs, it is our opinion that permitting the SDU on the subject lands is appropriate and conforms to the Planning Act, Provincial Policies and the UHOP. The proposed development has a density of approximately 26 UPNRH which conforms to the policy direction of a density of 1 to 29 units per net residential hectare in the Low Density Residential 2b designation. Further, the proposed SDU conforms to policies B.3.2.4.4 and B.3.2.4.5 of the UHOP (outlined in above UHOP section), which have not been amended by the Secondary Plan restrictions on uses as noted above. These policies provide express permission for SDU's which in our opinion are applicable in this case, ensuring the proposed minor variance conforms to the UHOP. No site-specific policies have been identified on the subject lands.

#### **4.6 Zoning By-law No. 3692-92 Stoney Creek, Amended by By-Law No. 21-077**

The subject lands are regulated by the City of Stoney Creek Zoning By-law No. 3692-92 ("Bylaw"). The version that has been used for this report was consolidated in October 2020. The subject lands are currently zoned R1 -Single Residential Zone. This zone permits single detached dwellings, uses, buildings or structures accessory to the permitted use, and a home occupation. SDUs are currently not permitted in the R1 zone. The current Zoning By-Law No. 3692-92 as amended (Bill No. 077) permits Secondary Dwelling Units with specific conditions. The development will require variances to recognize the proposed building Gross Floor Area.

### **5 MINOR VARIANCES**

In the context of establishing the proposed Secondary Dwelling Unit, we have identified the following required minor variance:

#### **1. Maximum Gross Floor Area**

The current zoning requires that the Maximum Gross Floor Area shall not exceed the lesser of 75.0 m<sup>2</sup> or the Gross Floor Area of the Single Detached Dwelling.

The required variance is to permit a Gross Floor Area up to 155.53 m<sup>2</sup> for a Secondary Unit Dwelling.

#### **5.1 Variance: Secondary Unit Exceeds Maximum Gross Floor Area**

##### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of the quantum of the variance but rather a consideration of the overall impact of the proposed variance. The SDU is proposed to be constructed within the existing structure, that today is being used as an accessory building; therefore, resulting in no adverse impact to adjacent land uses. As such, it is our opinion that the requested minor variance to allow a maximum of 155.53 m<sup>2</sup> to be used as a Secondary Dwelling Unit is minor in nature as the variance does not impact the overall character of the neighbourhood.

##### **2. Are the Variance desirable and appropriate?**

The variance is desirable and appropriate because it is compatible with the existing neighbourhood. The existing residential lands within the vicinity of the subject land, will not be affected by the SDU, as this will have the same location and built form as the existing accessory structure with no changes in its exterior built form. The proposed variance will maintain the rhythm and feel of the area; therefore, the proposal is desirable and appropriate.

##### **3. Do the variances maintain the general intent of the Official Plan?**



The subject land is designated as Neighbourhood / Low Density Residential 2b, which permits residential uses, this will maintain the character and activity in the immediate and surrounding neighbourhoods. The proposed development conforms to the policy to have a density of 1 to 29 units per net residential hectare in the Low Density Residential 2b designation, which conforms with the Official Plan and with the Western Development Area Secondary Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The proposed variance meets the intent and purpose of the Zoning By-law. The only minor variance required for the proposal is to increase the allowable maximum GFA for the SDU; which is proposed to be constructed solely within the existing accessory structure on the property. All other zoning regulations and parking requirements have been met. In our opinion, the proposal is all internal development, with no external modifications of the current existing structure, and therefore; meets the general intent and purpose of the Zoning By-Law.

## **6 CONCLUSION AND RECOMMENDATION**

The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the existing neighbourhood. Under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests. It is our opinion that the proposed development conforms to all requirements and the applications should be approved.

Respectfully submitted this 17 day of November 2021.

Regards,

**IBI Group**



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Cc: Mr. Zenon Wincza