COMMITTEE OF ADJUSTMENT
JUNE 22, 2022
PUBLIC HEARING MINUTES

Members Present: Steve Trotter, Chair
Jay Dolan, Member
Victoria Lemieux, Member
Marc Pumple, Member

Staff Present: Tiffany Thompson, Manager of Growth and Development
Carlissa McLaren, Manager of Planning (Acting)
Madeline Kowalchuk (Snow), Planner
Janice Sadgrove, Secretary-Treasurer

Next Meeting: July 27, 2022, at 5:00 p.m., Virtual Meeting (Zoom)

1. CALL TO ORDER

2. DECLARATIONS OF CONFLICT – POTENTIAL PECUNIARY INTEREST
   There were none.

3. REQUESTS FOR DEFERRAL/ADJOURNMENT
   There were none.

4. ADOPTION OF MINUTES
   The minutes of the Committee of Adjustment hearing held on May 25, 2022, were adopted as circulated.
   Motioned by: Andy Thomson, Member
   Second: Marc Pumple, Member
   CARRIED

5. STATUTORY PUBLIC HEARINGS

5. (a) CONSENT APPLICATION: B21/22 – 440 Dunlop Street West
   APPLICANT: Baldwin Planning and Development Consultants, c/o Angela Baldwin on behalf of Dunlop-Ferndale Inc.

   The application, if granted by the Committee of Adjustment, will serve to permit an easement for existing drainage/stormwater management.

   The proposed easement will have an area of 424 square metres and a width of 10 metres.

   REPRESENTATION:
   Angela Baldwin, Agent

   INTERESTED PERSONS:
   There were none.

   WRITTEN COMMENTS RECEIVED:
   Development Services - Planning: Comments dated June 22, 2022
   Development Services – Transportation Planning: Comments dated June 15, 2022
   Development Services – Parks Planning: No comments
   Development Services – Approvals Branch: No comments
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Building Services: No comments
Finance Department: DCA comments dated June 8, 2022
Alectra Utilities: Comments dated June 8, 2022

DISCUSSION:

Angela Baldwin, the agent, provided an illustration of the easement sketch/site plan to illustrate a reciprocal easement for stormwater management purposes over a portion of 440 Dunlop Street West in favour of the future lot at 125 Ferndale Drive North. Ms. Baldwin noted that there were several applications for consent and easements that were related to the subject application that were approved by the Committee of Adjustment in April, and at that time, an additional easement was requested by the Approvals Branch as a condition of approval for the lot addition (B4/22). The subject application, B21/22, will fulfill a direction from City staff to allow 125 Ferndale Drive (the retained lot) to have access over the existing stormwater management facility and ensure continued use of the stormwater pond until each new parcel is redeveloped with appropriate stormwater management facilities.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be granted with conditions.

Motioned by: Jay Dolan, Member
Second: Marc Pumple, Member
CARIED

5. (b) MINOR VARIANCE APPLICATION: A16/22 – 136 and 112 Bayfield Street, 14 Sophia Street West, 113 and 115 Maple Avenue
APPLICANT: KLM Planning Partners Inc., c/o Keith MacKinnon on behalf of Rockap Holdings Inc., c/o Michael Cappuccitti

This application, if granted by the Committee of Adjustment, will serve to permit exceeding the maximum allowable height to facilitate the construction of a 12-storey mixed use building. The property is subject to site plan application D11-013-2020.

The applicant is seeking the following minor variance(s):

1. To permit a maximum building height of 12 metres within 8 metres of the lot line adjacent to Maple Avenue, whereas Zoning By-Law 2022-006, Special Provision No. 609, permits a maximum building height of 12 metres within 10 metres of the lot line adjacent to Maple Avenue.

2. To permit a maximum building height of 30 metres within 40 metres of the lot line adjacent to Maple Avenue, whereas Zoning By-Law 2022-006, Special Provision No. 609, permits a maximum building height of 25 metres within 40 metres of the lot line adjacent to Maple Avenue.

REPRESENTATION:
Ally Krstajic, Applicant

INTERESTED PERSONS:
Keith MacKinnon
Heather Graham
WRITTEN COMMENTS RECEIVED:
Development Services - Planning: Comments dated June 22, 2022
Development Services – Transportation Planning: Comments dated June 16, 2022
Development Services – Parks Planning: No comment
Development Services – Approvals Branch: Comments dated June 14, 2022
Building Services: Comments dated June 10, 2022
Finance Department: DCA comments dated June 8, 2022
Alectra Utilities: Comments dated June 8, 2022

DISCUSSION:

Ally Krstajic, Planner, KLM Planning Inc. provided an overview of the application. She provided an illustration of the site plan and discussed topics on the site context and surrounding land uses. She noted the subject lands are comprised of 3 parcels and advised the lands are subject to site plan review (Site Plan Application D11-013-2020), and Zoning By-law Amendment 2022-006, which was approved for the proposed development on January 31, 2022. The development proposal is for a twelve (12) storey mixed-use building containing 292 residential condominium units and ground floor commercial space, along with eight (8) townhouse units. She explained the variances are being requested because there was an error when interpreting the calculation of building height during the rezoning process.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the application.

DECISION:

The decision of the Committee is that the application be granted.

Motioned by: Victoria Lemieux, Member
Second: Jay Dolan, Member
CARRIED

5. (c) MINOR VARIANCE APPLICATION: A17/22 – 213 Southview Road
APPLICANT: Bird Custom Home Design, c/o Cassie Harris on behalf of Prana Management, c/o Kevin Joseph

This application, if granted by the Committee of Adjustment, will serve to permit a driveway that exceeds the maximum allowable front yard parking coverage.

The applicant is seeking the following minor variance(s):

1. A driveway that covers 55% of the front yard area, whereas the Comprehensive Zoning By-Law, under subsection 5.3.6.1(a), permits a maximum coverage of 50%.

REPRESENTATION:
Cassie Harris, Applicant

INTERESTED PERSONS:
There were none.

WRITTEN COMMENTS RECEIVED:
Development Services - Planning: Comments dated June 22, 2022
Development Services – Transportation Planning: Comments dated June 15, 2022
Cassie Harris, the applicant, provided an overview of the application. She advised the driveway expansion is to accommodate three parking spaces.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Chair referred to Parks Planning comments regarding the recommended distance between the trunk of the existing tree and the driveway edge. Ms. Harris confirmed the edge of the driveway will be setback a minimum of two metres from the trunk of the tree.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

Motioned by: Marc Pumple, Member
Second: Victoria Lemieux, Member
CARRIED

5. (d) **MINOR VARIANCE APPLICATION: A18/22 – 75 Queen Street**

**APPLICANT:** Brandon Arbour

This application, if granted by the Committee of Adjustment, will serve to permit a deficient side yard setback to facilitate the construction of a proposed addition.

The applicant is seeking the following minor variance(s):

1. A side yard setback of 1.2 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.3.2(b), requires a minimum side yard setback of 3 metres.

**REPRESENTATION:**

Brandon Arbour, Applicant

**INTERESTED PERSONS:**

There were none

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated June 22, 2022
Development Services – Transportation Planning: Comments dated June 15, 2022
Development Services – Parks Planning: No comments
Development Services – Approvals Branch: Comments dated June 14, 2022
Building Services: Comments dated June 16, 2022
Finance Department: DCA comments dated June 8, 2022
Alectra Utilities: Comments dated June 8, 2022
DISCUSSION:

Brandon Arbour, the applicant, provided an overview of the application. Mr. Arbour advised the addition will not impact the existing parking. The driveway will accommodate four parking spaces.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Chair noted he visited the property and commented that the driveway area does not compare to the site plan drawing submitted with the application. Mr. Arbour provided an illustration of the site plan and pointed out the existing driveway and advised there is an existing parking space located at the front of the house that has not been indicated on the drawing. The Chair expressed concern that the driveway may exceed the maximum front yard parking coverage permitted.

Madeline Kowalchuk (Snow), Planner, confirmed the parking area had not been reviewed for compliance with the Zoning By-law. She noted the variance is for a setback to the addition. The driveway would not impact the decision of the variance and staff can investigate the driveway further. Mr. Arbour advised that a building permit has been issued and understands he is not in violation of the Zoning By-law. The Chair advised Mr. Arbour that another variance application will have to be submitted if the driveway does not comply.

The Committee made a motion to approve the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be granted with conditions. 

Motioned by: Victoria Lemieux, Member
Second: Marc Pumple, Member
CARRIED

5. (e) MINOR VARIANCE APPLICATION: B14/22 – 101 Miller Drive
APPLICANT:

The application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot.

The severed lands propose to have a lot area of 815 square metres and a proposed lot frontage of 18.10 metres on Miller Drive.

The retained lands propose to have a lot area of 815 square metres and a proposed lot frontage of 18.11 metres on Miller Drive.

REPRESENTATION:
Colby Marshall, Agent

INTERESTED PERSONS:
Jessica Bloomfield

WRITTEN COMMENTS RECEIVED:
Development Services - Planning: Comments dated June 22, 2022
Development Services – Transportation Planning: Comments dated June 15, 2022
Development Services – Parks Planning: Comments dated June 16, 2022
Development Services – Approvals Branch: Comments dated June 14, 2022
Building Services: Comments dated June 10, 2022
Finance Department: DCA comments dated June 8, 2022
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Alectra Utilities: Comments dated June 8, 2022

DISCUSSION:

Colby Marshall, the agent, provided a photo illustrating the driveway leading up to the house, an aerial photo illustrating the trees on the site, and a severance sketch to illustrate the proposed retained and severed lots. He noted both lots would meet the Zoning By-law requirements.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Jessica Bloomfield, 109 Miller Drive, expressed concern with the impact on her house’s foundation during excavation and the effect on drainage from tree removal.

Mr. Marshall advised that the built form has not been determined yet and the lot grading plans must be approved by City staff prior to issuance of the building permits.

Madeline Kowalchuk (Snow), Planner, clarified that the City would not require a lot grading plan at this time but it would be required, and reviewed in detail, at the building permit stage. The Chair advised the lot grading would be required to comply with City standards and would be designed to ensure the proposed grading does not negatively affect adjacent properties. He noted that if the application was approved, an updated tree preservation is required and there would have to be consultation with the adjacent property owners regarding the removal of boundary trees. All conditions of approval must be satisfied before the severance is finalized.

The Committee made a motion to approve the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be granted with conditions.

Motioned by: Jay Dolan, Member
Second: Marc Pumple, Member
CARRIED

5. (f) CONSENT APPLICATION: B15/22 – 10, 14, 18, 20, 22, 24 Grove Street
CONSENT APPLICATION: B16/22 – 10, 14, 18, 20, 22, 24 Grove Street
CONSENT APPLICATION: B17/22 – 10, 14, 18, 20, 22, 24 Grove Street
CONSENT APPLICATION: B18/22 – 10, 14, 18, 20, 22, 24 Grove Street
CONSENT APPLICATION: B19/22 – 10, 14, 18, 20, 22, 24 Grove Street
CONSENT APPLICATION: B20/22 – 10, 14, 18, 20, 22, 24 Grove Street

APPLICANT: Skydevco Inc. on behalf of Grove Street Developments Inc. c/o MHBC Planning Inc.

The application (B15/22), if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot. The property is subject to site plan application D11-021-2021.

The severed lands propose to have a lot area of 7,266.55 square metres and a proposed lot frontage of 20.11 metres on Grove Street West.

The retained lands propose to have a lot area of 6,874.74 square metres and a proposed lot frontage of 21.50 metres on Toronto Street.

The application (B16/22), if granted by the Committee of Adjustment, will serve to permit the creation of a blanket easement over Parts 2 and 3 in favour of Parts 1, 4, 5 and 6 (shown on the attached sketch) to enable cross/reciprocal access easements for all shared facilities and infrastructure including but not limited to such
items as vehicular and pedestrian access, Ontario Building Code spatial separation to property lines, and shared servicing.

The application (B17/22), if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot. The property is subject to site plan application D11-021-2021.

The severed lands propose to have a lot area of 3,365.49 square metres and a proposed lot frontage of 57.91 metres on Grove Street West.

The retained lands propose to have a lot area of 6,267.08 square metres and a proposed lot frontage of 9 metres on Grove Street West.

The application (B18/22), if granted by the Committee of Adjustment, will serve to permit the creation of a blanket easement over Part 1 in favour of Parts 2, 3, 4, 5 and 6 (shown on the attached sketch) to enable cross/reciprocal access easements for all shared facilities and infrastructure including but not limited to such items as vehicular and pedestrian access, Ontario Building Code spatial separation to property lines, and shared servicing.

The application (B19/22), if granted by the Committee of Adjustment, will serve to permit the creation of a blanket easement over Parts 4 and 6 in favour of Parts 1, 2, 3, and 5 (shown on the attached sketch) to enable cross/reciprocal access easements for all shared facilities and infrastructure including but not limited to such items as vehicular and pedestrian access, Ontario Building Code spatial separation to property lines, and shared servicing.

The application (B20/22), if granted by the Committee of Adjustment, will serve to permit the creation of a blanket easement over Part 5 in favour of Parts 1, 2, 3, 4 and 6 (shown on the attached sketch) to enable cross/reciprocal access easements for all shared facilities and infrastructure including but not limited to such items as vehicular and pedestrian access, Ontario Building Code spatial separation to property lines, and shared servicing.

REPRESENTATION:
Shayne Connors, Agent

INTERESTED PERSONS:
Greg Jones

WRITTEN COMMENTS RECEIVED:
Development Services - Planning: Comments dated June 22, 2022
Development Services – Transportation Planning: Comments dated June 16, 2022
Development Services – Parks Planning: No comments
Development Services – Approvals Branch: Comments dated June 14, 2022
Building Services: Comments dated June 13, 2022
Finance Department: DCA comments dated June 8, 2022
MTO: Comments dated June 10, 2022
Alectra Utilities: Comments dated June 8, 2022

DISCUSSION:
Shayne Connors, the agent, provided a presentation discussing topics including location and surrounding land uses, site history, architectural renders, proposed consents and consent sketch, planning analysis, and zoning by-law. Mr. Connors advised that the site is comprised of six parcels that have merged. He noted the lands were subject to site-specific Official Plan and Zoning By-law Amendment applications, which were approved in 2018. The subject lands are currently under site plan review (D11-021-2021). He provided an illustration of the architectural renders of the proposed development to illustrate the proposed three residential rental towers with a shared podium as well as a rental midrise building. He discussed the proposed consents to
create two new residential lots, two retained lots and proposed easements. The development is to be constructed in three phases.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Greg Jones, President of Skydevco Inc. and representative of the owner of the subject lands, referred to the Ministry of Transportation (MTO) comments and asked for clarification regarding the dedication of the road widening (Part 8 on the draft R-Plan) and expressed concern that they would not be able to start construction if it is required as a condition of approval. Madeline Kowalchuk (Snow), Planner, confirmed the MTO provided them as comments and not as conditions of severance approval, but would be required prior to construction activity. Carlissa McLaren, Manager of Planning, confirmed that MTO comments will be a condition of site plan approval and building permit process as well.

The Committee made a motion to approve the applications with conditions as outlined by staff and added that the MTO permits are not required as a condition of severance.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

Motioned by: Jay Dolan, Member
Second: Victoria Lemieux, Member
CARRIED

6. **OTHER BUSINESS**

7. **DATE OF NEXT MEETING**
   July 27, 2022, at 5:00 p.m.

8. **ADJOURNMENT**
   The meeting was adjourned at 6:23 p.m.