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Date: August 7, 2024

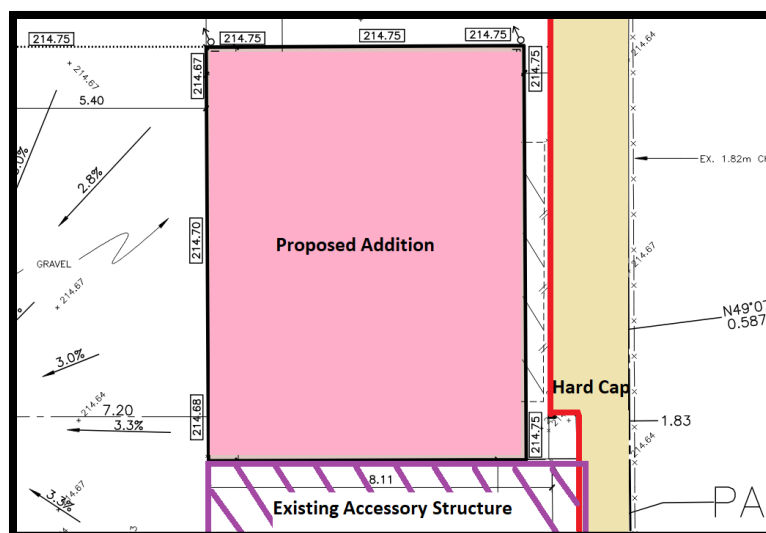
To: Committee of Adjustment

From: Lindsay King
Intermediate Development Planner

Re: File No. B15-2024 & A15-2024 -111 and 113 Pearl Street

This memo provides an updated recommendation on the joint minor variance and consent (boundary adjustment) applications for the properties at 111 and 113 Pearl Street. Following the initial review and recommendation for refusal as discussed in Report 2024-201, the applicant requested a deferral of their applications and subsequently revised their plans and is now proposing a minimum 0.6 m rear yard for proposed accessory building addition, which complies with the rear yard requirement of the zoning by-law.

Figure 1 – Proposed Addition Sketch



The revised addition location has also changed the requested accessory lot coverage from 20.1% to 20.3%. **Figure 1** shows the revised addition location. **Appendix A** shows the complete revised Site Plan.

Planning Staff have established conditions of approval based on feedback from Legal, Long-Range Planning, and Development Engineering Staff. These conditions include that the existing easement agreement (attached as **Appendix B**) be updated to ensure:

- All drainage associated with the accessory building must be directed towards the subject lands.
- Eaves encroachment shall be prohibited along the rear property line, despite the 0.30 m of eaves encroachment otherwise permitted by Section 6.4.1.1 of the Zoning By-law.
- The Easement Agreement must include the location for accessing the “Schedule J” terms of reference identified in the easement agreement to ensure subsequent property owners are aware of the easement requirements. Currently, although the easement agreement is registered on title, Schedule J is not. This recommendation came primarily from Legal Staff.

With the revised location of the accessory structure addition and the additional measures taken to update the easement agreement, Planning Staff are satisfied that the minor variances related to the proposed addition meet the four tests, as discussed below in **Table 1**.

Table 1 - Four Tests of a Minor Variance

Four Tests	Discussion
1. That the requested variance is minor in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought. The proposed 3.32 m rear yard setback requested for 113 Pearl Street will allow for a boundary adjustment, ensuring adequate land for an accessory structure addition. This rear yard deficiency is considered minor because there will be no changes to the built form at 113 Pearl Street, and the existing dwelling (on 113 Pearl Street) will still maintain a distance of approximately 8 m from the proposed addition on 111 Pearl Street.</p> <p>The proposed increase in maximum lot coverage from 18.7% to 20.3% is considered minor and is expected to improve the visual aesthetics of the property by replacing an existing dilapidated garage with the new addition. Furthermore, the recommended conditions of approval</p>

Four Tests	Discussion
	including revisions to the easement agreement will ensure drainage is directed towards the subject lands and will assist with mitigating any potential negative impacts on neighbouring properties.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The proposed variances maintain the purpose and intent of the Zoning By-law 160-90 since the built form at 113 Pearl Street will remain unchanged and since stormwater drainage will be directed towards adequate drainage outlets southwest of the proposed building. The proposed accessory building is smaller than the primary dwelling, ensuring that it remains subordinate in size and use. The addition will also enhance the functionality of the property by providing additional storage area while adhering to the intended residential use stipulated in the Zoning By-law.
3. That the general intent and purpose of the Official Plan is maintained	Staff are satisfied that the application meets the purpose and intent of the Official Plan, which permits a broad range of residential uses within the “Residential” designation.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The requested variances are desirable for the appropriate use and development of the lands because it will allow for a more efficient and practical use of the property by providing adequate space for a new accessory structure. With the proposed conditions of approval, and specifically the condition requiring updates to the easement agreement, Planning Staff are confident that the easement agreement will ensure the addition is environmentally responsible and that all hard cap maintenance requirements will be upheld by the applicant.

Given that Planning Staff are now supportive of the proposed development, Planning Staff also support the proposed boundary adjustment which will provide adequate space for the accessory addition, as discussed in **Table 2**.

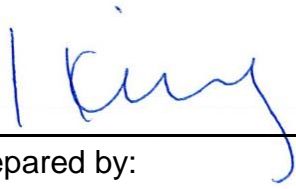
Table 2 - Criteria for Consent

Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	Subject to the conditions of approval, including the requirement for updating the easement agreement, Planning Staff are satisfied that the boundary adjustment maintains the purpose and intent of the Official Plan, which permits a broad range of residential uses and built forms within the “Residential” designation.
2. The dimensions and shapes of the proposed lot	The proposed dimensions of 111 and 113 Pearl Street will increase functionality by providing additional space for the proposed accessory structure addition. 111 and 113 Pearl Street will have unchanged lot frontage. Staff are satisfied that the proposed lot dimensions are appropriate.
3. The adequacy of utilities and municipal services	The proposed retained parcel and severed lots would continue to have frontage on a municipal roadway and access to municipal services and utilities. No changes are proposed to servicing.

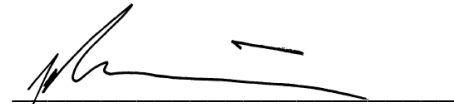
In conclusion, given the proposed revisions, and the recommended amendments to the existing easement agreement, Planning Staff support minor variance application A15-2024, and consent application B15-2024, subject to the recommended Conditions of Approval provided in **Appendix C**. The complete revised recommendation is also attached as **Appendix D**.

Attachments:

Appendix A – Revised Site Plan
Appendix B – Easement Agreement
Appendix C – Conditions of Approval
Appendix D – Revised Recommendation



Prepared by:
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Reviewed by:
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