



**COMMITTEE OF ADJUSTMENT  
FEBRUARY 27, 2024**

**PUBLIC HEARING MINUTES**

*Members Present:* Steve Trotter, Chair  
Graydon Ebert, Member  
Carol Phillips, Member  
Andrea Butcher-Milne, Member

*Staff Present:* Tyler Butler, Planner  
Rachel Mulholland, Planner  
Olga Sanchez, Technical Coordinator  
Janice Sadgrove, Secretary-Treasurer

1. **CALL TO ORDER**

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

3. **REQUESTS FOR DEFERRAL/WITHDRAWALS/ADJOURNMENT**  
There were none.

4. **ADOPTION OF MINUTES**  
The minutes of the Committee of Adjustment hearing held on January 23, 2024, were adopted as circulated.

5. **STATUTORY PUBLIC HEARINGS**

5. (a) **CONSENT APPLICATION: B1/24 – 181 Burton Avenue**  
**APPLICANT: Rudy Mak Surveying, c/o Rudy Mak, on behalf of 8952175 Canada Corp.**  
**MINOR VARIANCE APPLICATION: A2/24 – 189 Burton Avenue**  
**APPLICANT: Rudy Mak Surveying, c/o Rudy Mak, on behalf of Joyce Draper**

The application (B1/24), if granted by the Committee of Adjustment, will serve to permit a lot addition by conveying a portion of land to be added to the abutting property known municipally as 189 Burton Avenue. The property is subject to Site Plan Application D11-010-2023.

The severed lands propose to have a lot area of 0.4 square metres.

The retained lands propose to have a lot area of 1,813 square metres and a proposed lot frontage of 40.3 metres on Burton Avenue.

This application (A2/24), if granted by the Committee of Adjustment, will serve to permit a deficient side yard setback to an existing building.

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

1. To recognize an existing side yard setback adjoining a residential zone of 0.0 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 6.3.1 Table 6.3, requires a minimum side yard setback of 6 metres.

**REPRESENTATION:**  
Rudy Mak, Agent

**INTERESTED PERSONS:**  
There were none.

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated February 27, 2024

Development Services – Transportation Planning: No comments

Development Services – Parks Planning: Comments dated February 15, 2024

Development Services – Approvals Branch: No comments

Building Services: No comments

Finance Department: No comments

Metrolinx: Comments dated February 20, 2024

Alectra Utilities: Comments dated February 13, 2024

**DISCUSSION:**

Rudy Mak, the agent, provided an overview of the application. Mr. Mak noted that 181 Burton Avenue is currently under site plan review for the proposed construction of a four-storey residential apartment building. He advised the existing building on the adjacent property at 189 Burton Avenue encroaches onto 181 Burton Avenue. The purpose of the consent application is to correct the existing encroachment of the building. As a result of the consent, a minor variance application is required for 189 Burton Avenue to recognize a side yard setback deficiency along the shared lot line.

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: Carol Phillips, Member**  
**CARRIED**

**5. (b) MINOR VARIANCE APPLICATION: A1/24 – 123 Dundonald Street**  
**APPLICANT: Richard Forward**

This application, if granted by the Committee of Adjustment, will serve to permit exceeding the maximum allowable height, lot coverage and gross floor area, and a deficient rear yard and side yard setback and landscape buffer width to facilitate the construction of a detached garage with an associated accessory dwelling unit in the second storey.

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

1. A building height of 6.13 metres for a proposed detached accessory dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(a), restricts the height of a detached accessory dwelling unit to a maximum of 4.5 metres.
2. An interior side yard setback of 1.20 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(a), requires a minimum side yard setback of 3 metres.
3. A rear yard setback of 1.65 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(a), requires a minimum rear yard setback of 7 metres.
4. A landscape buffer width of 1.20 metres along the side lot line, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.9.2(n), requires a minimum width of 3 metres.

5. A landscape buffer width of 1.65 metres along the rear lot line, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.9.2(n), requires a minimum width of 3 metres.
6. To permit a lot coverage of 11.89% for a proposed detached accessory dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Sections 5.2.9.2(l) and 5.3.5(h), permits a maximum total lot coverage of 10% for all accessory buildings.
7. A gross floor area of 82.46 square metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(k), permits a maximum gross floor area of 45% of the gross floor area of the principal building, up to a maximum of 75 square metres.

**REPRESENTATION:**

Richard Forward, Applicant/Owner  
Stacey Forfar, Owner

**INTERESTED PERSONS:**

Leah Swales  
William Mailing

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated February 27, 2024  
Development Services – Transportation Planning: No comments  
Development Services – Parks Planning: Comments dated February 27, 2024  
Development Services – Approvals Branch: Comments dated February 20, 2024  
Building Services: Comments dated February 15, 2024  
Finance Department: No comments  
Alectra Utilities: Comments dated February 13, 2024  
Public Comments: Leah Swales and Trevor Anderson dated February 23, 2024

**DISCUSSION:**

Stacey Forfar, the owner, provided an overview of the application seeking variances to facilitate the construction of a detached garage with an associated accessory dwelling unit in the second storey. Ms. Forfar discussed architectural features and noted that there are no windows facing the neighbouring property at 125 Dundonald Street and large cedar trees will be planted for privacy. She advised that the detached dwelling unit is intended to house senior family members and discussed the importance to her family of approval of their application.

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

The Committee opened discussion to the public.

Leah Swales and Trevor Anderson, 125 Dundonald Street, expressed concern with building height and loss of sunlight and privacy, obstruction of view of natural landscape, decrease in property value, preservation of trees, and safety concerns during construction.

William Mailing, 110 Dundonald Street, expressed concern with the closeness of the proposed structure to the adjacent property line.

Stacey Forfar, the owner, advised that the 1.5 metres setback would comply with the City's draft zoning by-law standards and is historically consistent for accessory structures. Richard Forward, the owner/applicant, noted the proposal is for a coach house with garage and the garage would be in line with the existing driveway.

Member Butcher-Milne asked about the location of the windows and the reason for the windows on the front. Ms. Forfar advised that it is an architectural feature and does not face the neighbours' property. It faces down the driveway and its location will not be invading privacy.

Member Ebert asked staff to comment on the draft zoning by-law amendments. Rachel Mulholland, Planner, advised the City has initiated proposed amendments to the zoning by-law regarding second suites and detached accessory dwelling units but current zoning by-law standards would apply. She noted fewer variances would be required if the draft amendments are approved by Council.

Ms. Forfar commented on Parks Planning requirements and advised that they will be consulting an arborist in an effort to satisfy Parks Planning conditions.

The Committee made a motion to defer the application until such time that staff are in a position to report on any approved amendments to the additional residential units zoning standards and/or the applicant revises their submission to address privacy concerns related to the proposed design and location to the detached accessory dwelling unit.

**DECISION:**

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

**Motioned by: Graydon Ebert, Member**  
**CARRIED**

**Not in support: Stephen Trotter, Chair**

**5. (c) MINOR VARIANCE APPLICATION: A68/23 – 145 Clapperton Street**  
**APPLICANT: Corbett Land Strategies Inc. on behalf of Jimmy La**

This application, if granted by the Committee of Adjustment, will serve to permit to exceed the maximum density and gross floor area allowed and lot coverage for parking spaces including aisles required for an apartment dwelling unit, and reduced internal private roadway width, lot frontage, front yard setback and landscaped open space to facilitate the construction of a four-storey, ten-unit, walk-up apartment building.

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

1. A maximum density of 81 units per net hectare, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.5.1(c), requires a maximum density of 53 units per net hectare.
2. An internal private roadway width of 3.4 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.5.2(e), requires a minimum internal private roadway width of 6.4 metres.
3. To recognize an existing lot frontage of 16.54 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum lot frontage of 21 metres.
4. A front yard setback of 4.5 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum front yard setback of 7 metres.
5. A landscaped open space of 26% of lot area, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1 Table 5.3, requires a minimum landscape open space of 35% of lot area.
6. A maximum gross floor area of 100% of lot area, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1 Table 5.3, permits a maximum gross floor area of 60% of lot area.
7. A maximum lot coverage of 52% for parking spaces including aisles required for an apartment dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.6.2(a), permits a maximum lot coverage of 35%.

8. A landscape buffer width of 0.0 metres to 1.95 metres be permitted, whereas the Comprehensive Zoning By-law 2009-141, under Sections 5.3.7.1 and 5.3.7.2, requires a minimum 3 metre adjacent to a parking area and along the side and rear lot lines of any lot occupied by an Apartment Dwelling.

**REPRESENTATION:**

Alicia Monteith, Applicant

**INTERESTED PERSONS:**

Chris Meyer  
Samantha Goddard  
Shane Rutter  
Conor Belanger  
Linda Joy  
Christopher-James Joy  
Eva Meyer  
Caron Wyers  
Nicolas Corsetti  
Bo Stephenson  
Mary Cavanagh  
Alan Priest  
Craig Middleton  
Victoria Lemieux  
Brian Sewell  
Adam Altobelli  
Rourke Howard  
Deborah Sorotschynski  
Chris Goddard  
Kristin Hosie  
Chris Meyer  
Jhenna Gracie  
D. Chaput  
Ken Carlson  
Sheila Courtney  
Katie Richardson  
Ambrose Belcourt  
Shawn Cormack  
Janis Hamilton  
Michelle Cooper  
Chad Woolsey  
Ashley Pyles  
Justin Fraser  
Patrycja Fraser  
Chris L  
Mathew Gordash  
Bruce Martens  
Nikki Ness  
Maryse Lavoie  
Colby Marshall  
Victoria Scott  
Jack van Brunschot  
Lisa Wallis  
Colin Kuhn  
Derrick Shuttleworth

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated February 27, 2024

Development Services – Transportation Planning: No comments

Development Services – Parks Planning: Comments dated February 15, 2024

Development Services – Approvals Branch: Comments dated February 20, 2024

Building Services: Comments dated February 16, 2024

Finance Department: DCA comments dated February 13, 2024

Alectra Utilities: Comments dated February 13, 2024

Public Comments: James and Linda Joy, dated February 12, 15, & 26, 2024

Amantha & Chris Goddard, dated February 13, February 15, February 26, 2024

Eva & Chris Meyer, dated February 13 to 16, February 20 & 26, 2024

Ken Carlson, dated February 14, 2024

Justin & Patrycia Fraser, dated February 14, 2024

Neighbours of 145 Clapperton Street, dated February 21, 2024

Conor Belanger, dated February 15, 2024

Craig Middleton, dated February 17, 2024

Alan Priest, dated February 21, 2024

Edward Sowyrda, dated February 22, 2024

Bruce & Stephanie Martens, dated February 22, 2024

Kristin Hosie & Shawn Cormack, dated February 23, 2024

Morgan Planning & Development Inc., c/o Victoria Lemieux, dated February 22, 2024

Sheila Courtney, dated February 25, 2024

**DISCUSSION:**

Alicia Monteith, the applicant, provided a presentation to the Committee members discussing topics including location and context, surrounding land uses, planning policy framework, proposed development, requested variances, and responses to agency and public comments. Ms. Monteith provided an overview of the application proposing to construct a 4-storey walk-up apartment building with 10 dwelling units. Ms. Monteith pointed out that the subject lands are located within the Grove heritage district and are subject to the heritage neighborhood policies and advised there are no listed or designated heritage properties in the area. Ms. Monteith discussed the structural building types in the area and provided photos of examples of properties with higher density buildings in the area and close to the subject property. Ms. Monteith discussed the City's Official Plan policies and pointed out that development on lands designated Neighbourhood Area which front onto a local street shall be kept to 3 storeys or less, unless otherwise specified in the Zoning By-law and in which case, shall be no more than four storeys. The proposed built form is a permitted use within the Zoning By-law. She discussed the proposed requested variances and responded to some of the public's written comments received prior to the hearing.

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

The Committee opened discussion to the public.

Victoria Lemieux advised she is a Planner with Morgan Planning and Development Inc., and she was retained by the owners of 139, 144 and 150 Clapperton Street to provide representation regarding the application. Ms. Lemieux provided a presentation to the Committee members and discussed topics including location, existing and proposed conditions of the subject property, planning staff report comments, official plan policies and the four tests for a minor variance application. She provided a conceptual elevation sketch to illustrate the proposed building height and to show the impact on the neighbouring properties. She commented on the planning report, specifically relating to staff comments on Official Plan policies on development of lands designated "Neighbourhood Area". She pointed out that the property is located within the Grove Historic Neighbourhood and stated that she feels the historic policies should be applicable to the proposed development and discussed the Official Plan sections that should apply. Ms. Lemieux discussed residents' concerns relating to stormwater management, drainage and runoff, access width, snow storage, loss of sunlight, loss of privacy, building setback and site lines, appropriate buffering, lack of vegetation and grass

and loss of open space on the site. She also pointed out that there are no existing buildings in the Grove neighbourhood that go beyond 3 storeys. It is her opinion that the proposed development does not meet the four tests of the Planning Act.

Justin Fraser, 124 Clapperton Street, expressed concern with building size, scale, and height, privacy, increased density, not in keeping with the character of the neighbourhood, preservation of the historical character of the street, increased traffic and safety.

Mathew Gordash, 115 Clapperton Street, expressed concern that the proposed development is not gentle intensification. Mr. Gordash stated that he feels the requested variances are not minor in nature. He also expressed concern with increased density and safety.

Craig Middleton, 81 Drury Lane, expressed concern with the building height and that the proposed development will not only be visible from properties on Clapperton Street, but from his property on Drury Lane as well.

Conor Belanger, 154 Clapperton Street, expressed concern with negative impact on the charm and character of the neighbourhood, the variances are not minor in nature, and blocking sunlight to surrounding properties.

Rourke Howard, 163 Clapperton Street, expressed concern with the lot frontage size.

Alan Priest, 127 Clapperton Street, expressed concern with the building type and the number of variances requested.

Patrycja Fraser, 124 Clapperton Street, expressed concern that the proposed development will have a negative impact on the charm and character of the neighbourhood. Ms. Fraser also expressed safety concerns with increased density and traffic and pointed out that there is no sidewalk on the subject property's side of the street.

Eva Meyer, 144 Clapperton Street, expressed concern with Building Service's comments that the roof top enclosure may be considered an additional storey, making it a five-storey building.

Victoria Scott, 161 Clapperton Street, expressed concern that the rental units will not be affordable housing units, the building will not have an elevator, accessible parking spaces, and allowing the variances is precedent setting. Ms. Scott stated she is not opposed to the development if it met zoning by-law standards.

Ms. Monteith advised that the plans include an elevator, and the term walk-up is a term within the City's regulations.

Samantha Goddard, 150 Clapperton Street, expressed concern with the building height and loss of privacy, negative impact on the charm of the neighbourhood and historical area.

Member Phillips commented on the impact on shadowing and loss of sunlight to the surrounding properties because of the height of the building and asked staff if a shadow study would be required. Tyler Butler, Planner, advised that Site Plan approval is no longer applicable for residential developments containing no more than 10 units as a result of *Bill 23, More Homes Built Faster Act* (2022) and it is through the site plan approval process that a shadow study would typically be requested to be provided, however the Committee could require one as a condition of approval. Member Phillips commented that that the proposal (hardscaping and building) is almost 100% lot coverage, unlike others she saw in the neighbourhood. Ms. Monteith noted that 26% of the property is not hardscaped and there are a number of recently approved committee of adjustment applications with similar variances. She discussed the variances from a design perspective and reduction possibilities. Member Phillips asked staff about concerns that the property is located within an Historic Neighbourhood. Mr. Butler advised that the City confirmed there are no listed or designated listed heritage properties abutting or adjacent to the subject property, and there is a policy that speaks to the zoning uses and standards prevailing. Member Phillips pointed out that Clapperton Street is a historically narrow

street and asked if consideration is given to density on historic streets. Mr. Butler advised the zoning designation applies to all neighbourhood areas of the City and no policies exist to limiting access to local streets. Member Butcher-Milne asked staff what the height restriction was. Mr. Butler advised that the height for a walk-up apartment is restricted to 20 metres or 4-storeys. Member Butcher-Milne asked if a 3-storey building would provide for more landscape open space and reduce the buffers. Ms. Monteith advised that they could consider reducing the height and keep the same number of dwelling units. Member Ebert commented that many of the variances could be avoided if proposing a 3-storey building. Kartik Singla on behalf of Jimmy La, the owner, discussed their vision and feasibility of constructing a 4-storey building with 10 units.

The Committee made a motion to defer the application until such time as the applicant submits to the Committee (a) a shadow study with respect to the anticipated shadowing that will be caused by the proposed development, to the satisfaction of the Committee; (b) proposed elevation drawings with respect to the proposed building(s) to be constructed as part of the proposed development and (c) a revised concept plan which addresses concerns related to the building height (including the number of storeys of the building), additional greenspace and landscape buffers and the other variances requested by the applicant.

**DECISION:**

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

**Motioned by: Carol Phillips, Member**  
**CARRIED**

6. **OTHER BUSINESS**

7. **DATE OF NEXT MEETING**  
March 26, 2024

8. **ADJOURNMENT**  
The meeting was adjourned at 8:27 p.m.

  
Steve Trotter, Chair

  
Janice Sadgrove, Secretary