



# Memorandum to the Committee of Adjustment

**September 23, 2024**

**Subject: Passing of By-law 2024-19 and Impact to Scheduled Applications**

**Hearing Date: September 25, 2024**

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This briefing provides an overview of the impacts of By-law 2024-19 coming into full force and effect on applications scheduled for the September 25<sup>th</sup> Committee of Adjustment (COA) hearing.

## **Background**

On January 31, 2024, Council enacted [Comprehensive Zoning By-law 2024-19](#), which was subsequently appealed to the Ontario Land Tribunal (OLT). While under appeal, applications made under Section 45 of the *Planning Act* that did not benefit from the transition clauses in Section 1.7 of By-law 2024-19 were required to seek approval for variances under By-law 2024-19 and any previous by-laws in effect where the project did not comply with the applicable development standards of either by-law.

On September 19<sup>th</sup>, 2024, the OLT approved the By-law 2024-19 on a City-wide basis, save and except for lands associated with remaining site-specific appeals. The OLT has ruled that By-law 2024-19 shall be deemed to have come into force on January 31, 2024.

As a result of By-law 2024-19 being brought into full force and effect, there is an immediate impact to Committee of Adjustment applications currently under review.

## **Next Steps**

Applications scheduled for the [September 25<sup>th</sup>, 2024](#) Committee of Adjustment meeting that included requests for variances under a former by-law will no longer be required to seek approval for these variances, and Committee members will only be considering requests for applications requiring a variance to By-law 2024-19. Please refer to Table 1 below for the list of applications and the impact to the variances requested as a result of By-law 2024-19 coming into effect.

**Table 1**

Application	Variances Requested	Impact to Requested Variances
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<p>A/058/24 - 46 Dickson Hill Road</p>	<p><b>By-law 2024-19</b> <b><u>By-law 2024-19, Section 10.3.5.2(c)</u></b>: a minimum front yard setback of 6.4 metres, whereas the by-law requires a minimum front yard setback of 7.6 metres;</p> <p><b><u>By-law 2024-19, Section 10.3.5.2(f)</u></b>: a minimum interior side yard setback of 1.5 metres, whereas the by-law requires a minimum interior side yard setback of 3 metres;</p> <p><b>By-law 91-79</b> <b><u>By-law 91-79, Section 5.7</u></b>: a maximum roof overhang of 0.55 metres, whereas the by-law permits a maximum roof overhang of 0.45 metres;</p> <p><b><u>By-law 91-79, Section 7.2(c)</u></b>: a minimum front yard setback of 6.4 metres, whereas the by-law requires a minimum front yard setback of 7.6 metres; and</p> <p><b><u>By-law 91-79, Section 7.2(c)</u></b>: a minimum interior side yard setback of 1.5 metres, whereas the by-law requires a minimum interior side yard setback of 3 metres;</p>	<p>Variances to By-law 91-79, as amended, no longer required as a result of By-law 2024-19 coming into effect</p>
<p>A/076/24 - 12 Bridleford Court</p>	<p><b>By-law 2024-19</b> <b><u>By-law 2024-19, Section 4.8.1 b) ii)</u></b>: a maximum gross floor area of 50.72 square metres for an accessory building, whereas the by-law permits a maximum gross floor area of 20 square metres for an accessory building for a lot area greater than 500 square metres and less than 4000 square metres;</p> <p><b>By-law 134-79</b> <b><u>By-law 134-79, Section 6.2.1</u></b>: an accessory building to occupy no more than 6.76 percent of the lot area, whereas the by-law permits an accessory building to occupy no more than 5 percent of the lot area;</p>	<p>Application no longer required</p> <p>Variance to By-law 2024-19 no longer required due to updated interpretation and confirmation that the provisions of Section 4.9.10 d) shall override the requirements of Section 4.8.1 b) ii) where the</p>



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		<p>proposed development is related to a Garden Home, as defined.</p> <p>Variance to By-law 134-79, as amended, no longer required as a result of 2024-19 coming into effect</p>
A/086/24 - 15 Wales Avenue	<p><b><u>By-law 1229, Section 1.2 (vi), Amending By-law 99-90:</u></b> a maximum floor area ratio of 59.41 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;</p>	<p>Application no longer required as a result of By-law 2024-19 coming into effect</p>
A/090/24 - 5 Digby Crescent	<p><b><u>By-law 2024-19</u></b> <b><u>By-law 2024-19, Section 6.3.2.2 (a):</u></b> a minimum rear yard setback of 6.93 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;</p> <p><b><u>By-law 90-81</u></b> <b><u>By-law 90-81, Section 6.2.2 (c):</u></b> a maximum lot coverage of 46.36 percent, whereas the by-law permits a maximum lot coverage of 40 percent; and</p> <p><b><u>By-law 90-81, Section 6.2.2 (b):</u></b> a minimum rear yard setback of 6.93 metres, whereas the by-law permits a minimum rear yard setback minimum of 7.5 metres;</p>	<p>Variances to by-law 90-81, as amended, no longer required as a result of By-law 2024-19 coming into effect</p>



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Future applications may require consideration to a former by-law where an application is relying on the transition clauses found under [Section 1.7](#) of By-law 2024-19 for Applications in Process.

Staff will continue to provide guidance to Members and the Public at upcoming meetings as to which applications may no longer require consideration under a former by-law or are continuing per the transition clauses for Applications in Process under Section 1.7 of By-law 2024-19.

PREPARED BY:

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Greg Whitfield, Supervisor, Committee of Adjustment

REVIEWED BY:

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Brad Roberts, Manager, Zoning and Special Projects