


TITLE: VARIANCE 235 GLEN AVENUE OWNER & APPLICANT: LEE CHOY LIMITED (KENNY CHOY)		
MEETING DATE: August 5, 2020		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Sonikile Tembo, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Variance Application V-10-20 to vary Section 39(a)(2) of the Zoning By-law by increasing the fence height in the required side yard from 1.8m to 2.5m along the north site line in the Residential Mobile Home (RMH) Zone be approved at 235 Glen Avenue (Lot 1, Block 4, Plan 925 BLTO) in accordance with the letter of intent (Attachments A-1 and A-2) and landscape plan (Attachment B-3).

BACKGROUND:

Request

The applicant, Kenny Choy of Lee Choy Limited, is applying to vary Section 39(a)(2) of the Zoning By-law No. 7124 to increase the fence height along the north property line from 1.8m to 2.5m at 235 Glen Avenue in the Residential Mobile Home (RMH) Zone. Approval of this application will fulfill one of the conditions in the development agreement for this site to install sound barrier fencing on the north site line between the new residential use and the existing industrial use to the north.

Development Context

The site is located at the northwest corner of the intersection of Glen Avenue and Charles Street. The site is surrounded by a mobile home park to the west and south, an industrial use (Glendale Industries Ltd.) to the north, and commercial uses to the east. Charles Street and Glen Avenue provide access to the site.

History

City Council in May 2020 approved the rezoning of the site from Commercial Arterial (CAR) to Residential Mobile Home (RMH). One of the conditions in the development agreement associated with the rezoning was for a sound barrier fence between this site and the Glendale Industries Ltd. site immediately to the north.

ANALYSIS:

Approval of this application will allow for a 2.5m-high sound barrier fence between the residential and industrial uses.

Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:***1. Will be compatible with the general nature of the surrounding area;***

Fences in this area are 1.8m-tall chain link, with barbed wire extensions on industrial sites. The proposed fence is unique to the surrounding area, but was requested by owners of the adjacent industrial site to reduce the impact of the industrial use to the future residences.

2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;

The increase in fence height will not be detrimental to the welfare of people living in the area, but instead might improve the lifestyle of the neighbours by decreasing impact of the operations of the industrial site on the residential sites.

3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

There is no injurious effect of the Zoning By-law in this case. However, this is the minimum modification required to allow the applicant to fulfill the development agreement condition to provide a sound barrier.

4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law

Apart from this variance, the proposal is consistent with all applicable by-laws.

Commenting Agencies

The City did not receive any comments of significant concern.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

Public Outreach

In accordance with Section 13 of the Zoning By-law, no additional public outreach effort is required, as the variance to the Zoning By-law is not resulting in the increase of intensity or density of use on the site. As of the writing of this report, the Planning & Buildings Department has not received any representation in opposition or in favour of this application.