

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 21, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Kieran Luckhai, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: March 8, 2023

REPORT NO.: DSD-2023-103

SUBJECT: Minor Variance Application A2023-035 - 12 Orchard Mill Crescent

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-035 for 12 Orchard Mill Crescent requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1, to permit the required parking space to be located 2.4 metres from the street (property) line instead of the minimum required 6 metres, in accordance with the drawings prepared by Blue Prints Permit, dated January 12, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 to permit the required parking space to be located 2.4 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing single detached dwelling unit into a duplex.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the east side of Orchard Mill Crescent, within the Lower Doon neighbourhood. The surrounding context of the subject property is primarily comprised of low rise residential uses.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Three Zone (R-3), 319U' in Zoning By-law 85-1.

The purpose of the application is to permit the required parking space to be located 2.4 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing single detached dwelling unit into a duplex. The required parking space cannot be accommodated in the attached garage due to the presence of stairs leading into the basement.

City Planning staff conducted a site inspection on March 3, 2023.



Figure 1: Location Map: 12 Orchard Mill Crescent



Figure 2: Front view of 12 Orchard Mill Crescent

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of the Low Rise Residential designation is to permit a variety of low-density residential uses. Official Plan Policy 4.C.1.8 specifies criteria that should be considered where a minor variance is requested. Subsection 'e' is of relevance to the requested variance and specifies that the variance should be reviewed to ensure that "the lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site". The variance will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 6 metre setback from the street line for the first required off-street parking space in Zoning By-law 85-1 is to ensure that a vehicle can be safely parked without impacting City and public right-of-ways, or access for the surrounding properties. The required setback also ensures clear visibility lines when exiting the driveway and allows enough space for a second legal parking space behind the first required space. Without a legal parking space in the garage, the property will still be able to function appropriately and accommodate up to two (2) parking spaces, side by side, on site. Staff are of the opinion that the requested variance to allow the required parking space at 2.4 metres instead of the required 6 metres meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The requested variance is considered minor as the required off-street parking spaces can be accommodated with the existing driveway, setback 2.4 metres from the street line, in a safe manner. The property will be able to provide two (2) parking spaces. There are no anticipated impacts to the pedestrian right-of-way, the parking requirements, or neighbouring properties. Staff are of the opinion that the requested variance is minor in nature.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the proposed variance is desirable and appropriate as it will support gentle intensification and create additional housing on the subject lands.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made for the change of use to a duplex and it is currently under review.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – [Site Survey]

Attachment B – [Site Plan]

Attachment C – [Proposed First Floor]