

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 16, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: May 5, 2023

REPORT NO.: DSD-2023-214

SUBJECT: Minor Variance Application A2023-053 – 525 Erinbrook Drive

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-053 for 525 Erinbrook Drive requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.2.1 a) to permit a parking requirement of 1.4 parking spaces per dwelling unit (99 parking spaces) instead of the minimum required 1.5 parking spaces per unit (108 parking spaces); and
- ii) Section 6.2.1 b) vi) B) to permit a visitor parking requirement of 14% (14 parking spaces) instead of the minimum required 20% (20 parking spaces);

to facilitate the development of the site with a multiple dwelling (stacked townhouses) having 72 dwelling units, in accordance with Site Plan Application SP22/128/H/TS, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of a 72 unit stacked townhouse residential development.
- 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 western side of Erinbrook Drive, backing onto Westmount Road East. The surrounding context of the subject property is primarily comprised of low-rise residential uses to the south and east. An institutional use is to the north, and commercial uses are to the west.



Figure 1: Subject property – 525 Erinbrook Drive

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

The property is zoned 'Community Institutional Zone (I-2)' with special provisions 222R and 217U in Zoning By-law 85-1. It should be noted that these lands were severed from the adjacent institutional lands and at the time were not zoned 'Institutional' and brought forward into new Zoning By-law 2019-051 at the owners request. Accordingly, these lands are still zoned under Zoning By-law 85-1.

The purpose of this report is to review an application for a minor variance to permit the construction of a 72 unit stacked townhouse residential development, by permitting a reduction in parking to 1.4 spaces per dwelling unit, rather than the required 1.5 spaces per dwelling unit. A reduction in the visitor parking requirement to 14% rather than the minimum visitor parking rate of 20% is also being requested.



Figure 2: Front view of subject property

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

It must be noted that the *Planning Act* test to examine whether the general intent and purpose of the Official Plan is maintained relates to whether the general intent and purpose is maintained with respect to the variance itself for a parking reduction, not the land use or development which might be facilitated by the variance.

Section 13.C.8.2 states that “The City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt Transportation Demand Management (TDM) measures or where sufficient transit exists or is to be provided”.

In response, Planning staff note that the subject property is located on a transit route (Route #22). Additionally, the property is within 500 metres of an iXpress route. The proposal also includes 48 bicycle parking spaces (36 – Class A secured bicycle storage, and 12 Class B).

Transportation Services has also reviewed the application and supports the parking reduction.

Accordingly, Planning staff is of the opinion that the requested variances for a parking reduction and visitor parking reduction meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 1.5 parking spaces per dwelling unit parking requirement is to ensure that there is adequate parking spaces available for the residents and for visitors to the property. The reduction to 1.4 parking spaces per dwelling unit is a slight reduction from the requirement in Zoning By-law 85-1 and is higher than what is required with the future direction for parking requirements in the City's new Zoning By-law 2019-051, 1.15 spaces per unit (1 per dwelling unit, 72 parking spaces, and 0.15 per dwelling unit for visitor parking, 11 visitor parking spaces). Furthermore, alternative transportation options are provided on site, as the property is located close to an existing GRT bus stop. Adequate bicycle parking (both Class A and B spaces) will also be provided in the new development. Staff is of the opinion that the variances meet the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variances are minor as the reduced parking rate and visitor parking rate will not present any significant impacts to adjacent properties or the overall neighbourhood.

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

The proposed variances are desirable and appropriate for the development and use of the land as their approval will facilitate the construction of a multiple residential development having 72 dwelling units, which use is permitted in Zoning By-law 85-1 and will contribute to the housing need in our community.

Environmental Planning Comments:

No natural heritage concerns. Tree management will be addressed through the site plan process.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

All Parks and Cemeteries requirements will be addressed through SP23/019/E/TS. There are no concerns with this application.

Transportation Planning Comments:

Based on the parking analysis completed by MHBC, Transportation Services can support the reduction of required parking from 1.5 spaces per unit to 1.4 spaces per unit. Additionally, Transportation Services can also support the proposed reduction in visitor parking from 20% of required parking (20 spaces) to 14% of required parking (14 spaces).

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 – Draft Site Plan

Attachment A – Draft Site Plan

