

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

SUBMITTED BY: Tina Malone Wright, Interim Manager, Development Review,
519-741-2200 ext. 7765

PREPARED BY: Sheryl Rice Menezes, Planning Technician (Zoning),
519-741-2200 ext. 7844

WARD(S) INVOLVED: 8

DATE OF REPORT: June 9, 2023

REPORT NO.: DSD-2023-274

SUBJECT: Minor Variance Application A2023-057 – 84 Maple Hill Dr

RECOMMENDATION:

That Minor Variance Application A2023-057, as amended, for 84 Maple Hill Drive requesting relief from Section 5.4 f) of Zoning By-law 2019-051 to permit a driveway to have a width of 18.3 metres instead of the maximum permitted 8 metres to facilitate the retention of existing driveway, generally in accordance with the plan prepared by MHBC Planning Ltd., dated May 26, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the retention of an existing driveway within the property boundary only.
- The key finding of this report is that the requested minor variance meets the four tests of the Planning Act.
- 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 on the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

This application was originally discussed at the meeting of May 16, 2023, and, at that time, staff recommended refusal of the application for a requested driveway width of 25.8 metres. The applicant requested deferral to the June meeting to have discussion with staff about what may be supportable.

As noted in the May Staff Report, in January 2013, the owner received approval of Minor Variance Application A2013-002 to permit an increase in the maximum permitted building height and to permit a proposed driveway to have a width of 18.3 metres instead of the maximum permitted (14.3 metres) which was as wide as the attached garage as permitted by previous Zoning By-law 85-1.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

Subsequently, the driveway was not developed in accordance with the drawings that were submitted and considered as part of Minor Variance Application A2013-002.

The property is now zoned in the City's new Zoning By-law, 2019-051, which permits a driveway to only be a maximum of 8 metres (Section 5.4 f), despite the width of the attached garage.

As Minor Variance A2013-002 was to Zoning By-law 85-1 and the driveway was not developed in accordance with that decision, a Minor Variance is also required to Zoning By-law 2019-051 to permit the previously approved 18.3 metres. The applicant is requesting a Minor Variance to Zoning By-law 2019-051 to permit a driveway width of 18.3 metres.



Proposed plan, May 26, 2023

REPORT:

In considering the four tests for the minor variance 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 designation of Low Rise Residential accommodates a full range of housing types and encourages mixing and integration of different forms of housing types to achieve a low overall intensity of use. The use of the land is for a single detached dwelling. The proposed driveway width of 18.3 metres to access the 4-car garage with a width of 16.1 metres is not considered onerous and staff are of the opinion that it meets the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation for a maximum driveway width is to ensure that the driveway is an appropriate size for the dwelling and the property. As well, that it does not negatively impact the property or streetscape. The current bylaw regulation which restricts the driveway to 8 metres is standard throughout the residential zones. However, for the subject property, there is a 4-car garage with a width of 16.1 metres and therefore a wider driveway is required to access the parking spaces in the garage.

As noted by Transportation staff in their comments for the May 2023 meeting, they have no concern with the driveway width.

The applicant's is proposing to modify the existing driveway and remove asphalt to achieve a maximum width of 18.3 metres at any point. The removed asphalt will be replaced with landscaping. The proposed 18.3 metre width exceeds the 16.1-metre garage width by 2.2 metres. This is an increase of approximately 9% and staff are of the opinion that it meets the intent of the Zoning Bylaw.

Is the Effect of the Variance Minor?

As noted above, a driveway width of 18.3 metres is considered to meet the intent of the by-law and staff also are of the opinion that the proposed changes are minor in nature.

Is the Variance Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?

The proposed driveway width of 18.3 metres can be considered appropriate in relation to the width of the 4-car garage. The proposed changes to incorporate additional landscaping make it appropriate for the use of the property.

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:

- *DSD-2023-218*
- *Committee of Adjustment Decision A2013-002*
- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014) and Zoning By-law 2019-051*