

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 20, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: May 7, 2025

REPORT NO.: DSD-2025-227

SUBJECT: Minor Variance Application A2025-049 - 42 Orchard Mill Cres.

RECOMMENDATION:

That Minor Variance Application A2025-049 for 42 Orchard Mill Crescent requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-05 to permit an interior side yard setback for a driveway of 0 metres instead of the minimum required 1.2 metres to recognize an existing driveway and facilitate the conversion of the existing garage into an entry area for an Additional Dwelling Unit (ADU) (Attached), generally in accordance with drawings submitted as part of Minor Variance Application A2025-049, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit a driveway to be 0 metres from the side lot line.
- 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 Orchard Mill Cres, near the intersection of Orchard Mill Cres and Doon Valley Drive.



Figure 1 — Location of subject property – 42 Orchard Mill Crescent

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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to legalize an existing driveway and permit a driveway setback of 0 metres from the side lot line instead of the required 1.2 metres. The driveway has been in existence since before 2009 with no concerns or complaints from the neighbours.

The owner is proposing to add an Additional Dwelling Unit (ADU) (Attached) to the existing Single Detached Dwelling and is in the process of obtaining a Building Permit. The existing attached garage will be converted to an entrance for the Additional Dwelling Unit and will have a principal entrance off of the front portion of the building. A 1.1 metre unobstructed walkway is not required where the principal entrance to the dwelling unit is located on the street line façade. Figure 2 does indicate a proposed walkway; however, it is not a requirement for the development should the owner/applicant choose not to move forward with the walkway.



Figure 4 — View of 42 Orchard Mill Cres from the street.

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 designated 'Low Rise Residential' in the City's Official Plan. The intent of this designation is to encourage a range of different housing to achieve a low rise built form in the neighbourhood.

Specifically, Section 13.C.8.4 of the Official Plan states:

"All parking area or facilities will be designed, constructed and maintained:

- f) to result in aesthetically acceptable parking areas which blend into the general environment of the area."

Planning staff are of the opinion that the existing driveway currently blends into the streetscape and surrounding environment. The appearance of the driveway does not have any adverse impacts. Therefore, the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Section 7.3, Table 7-2 of Zoning By-law 2019-051 states that a driveway shall be no closer to the side lot line than the required side yard setback. This ensures that vehicles and their access do not encroach upon adjacent properties. Staff note that the exiting driveway does not encroach onto the neighbouring property, this section of the driveway does not present any encroachment issues.

Therefore, the proposed variance maintains the general intent of the Zoning By-Law.

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

The proposed variance will allow an existing driveway, that was established in 2009, to remain. The proposed variance will legalize an existing situation that has received no complaints while in existence for over the past 15 years. Staff do not anticipate any changes to the appearance and function of the existing driveway. Staff do not anticipate any significant or adverse impacts as a result of the minor variance. Therefore, the effects of the proposed variance is minor in nature.

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

The proposed variance is desirable and appropriate for the use of the land because it will recognize a driveway that has existed since 2009 without a history of complaint and facilitate a gentle intensification with the development of an Additional Dwelling Unit (ADU) (Attached).

Environmental Planning Comments:

No environmental concerns, as no new development/construction is proposed.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the change of use to a Duplex.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application. For future reference, the parking space dimensioning should be noted in the plan.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*