



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: June 27, 2019

REPORT NO.: PL-2019-53
A.12/2019 – 387 Elizabeth Street
Minor Variance Application

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Minor Variance Application A.12/2019 respecting 387 Elizabeth Street for the following Variances:

- To reduce the required Minimum Front Yard Setback from 6.0 metres to 5.3 metres
- To increase the Maximum Lot Coverage for an accessory building from 5% to 9.16%
- To increase the Maximum Height for an accessory building from 4.0 metres to 4.88 metres
- To increase the Maximum Driveway Width from 8.5 metres to 9.3 metres

To permit the construction of a detached garage subject to the following Condition:

1. That a Building Permit be obtained within one (1) year.
2. That Approval is granted to the general size and extent as shown on the Site Plan attached to Staff Report PL-2019-53 dated June 27, 2019 and shown on Attachment #2.

BACKGROUND:

Site and Surrounding Area

The Town received an application for a Minor Variance on May 22, 2019, for the property known as 387 Elizabeth Street. The subject property is legally described as Part Lots 11 and 12, Plan 378. The subject property is located near the east side of the intersection between Elizabeth Street and Manly Street (See Attachment #1: Location Map).

The property has a frontage of approximately 26.8 metres on the Elizabeth Street and a depth of approximately 20.12 metres for a lot area of approximately 539 square metres. The property currently has a two-storey single detached dwelling and deck with a building footprint of approximately 95.24 square metres. According to MPAC, the subject dwelling was constructed in 1922. The subject dwelling has a legal non-complying front yard setback of 0.97 metre.

Surrounding Land Uses:

North: Residential
 South: Residential
 East: Residential
 West: Residential

Proposed Development and Application Request

The Applicant is proposing to construct a detached garage on the subject property with the general dimensions of 7.3 metres by 6.7 metres for an area of 44.53 square metres and a height of 4.88 metres. A sketch of the proposed new garage is included in the report as Attachment #2. To permit the garage, the Applicant is requesting the following variances:

Table 1 Requested Variances for Application A.12/2019

Provision	Proposed	Required	Variance/Relief
Minimum Front Yard Setback	5.3 metres	6.0 metres	0.7 metres
Maximum Accessory Building Lot Coverage	9.16%	5%	4.16%
Maximum Accessory Building Height	4.0 metres	4.88 metres	0.88 metres
Maximum Driveway Width	9.3 metres	8.5 metres	0.8 metres

Provincial Policy Statement, Provincial Plans and County Official Plan

Section 3 of the *Planning Act* states that all planning applications must be consistent with the Provincial Policy Statement. The PPS contains several policies regarding intensification and redevelopment in fully serviced settlement areas. Section 14(1) of the *Places to Grow Act*, 2005 requires that all decisions under the *Planning Act* shall conform to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, which came into effect on May 16, 2019. The Growth Plan 2019 directs growth to *delineated built-up areas* within communities that have the capacities to accommodate the growth

and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities.

Town of Midland Official Plan

The property is designated as **RESIDENTIAL DISTRICT** in the Town of Midland's Official Plan. The objectives of the designation stated in Section 3.3.1 a) are to create, maintain and enhance residential areas, which foster a sense of neighbourhood, character and belonging and to protect these areas from inappropriate development.

Town of Midland Zoning By-law 2004-90, as amended

The subject property is zoned **Residential Zone – R2**, in the Town's Zoning By-law 2004-90, as amended. The permitted uses of the R2 Zone include an Accessory Building, a Detached Dwelling Unit, Home Occupation, Public Use, and Second Unit. The Maximum Lot Coverage is 33%. The current dwelling unit represents approximately 17.1% of lot coverage.

Section 3.8 of the Zoning By-law sets out the performance standards for accessory buildings. Accessory buildings are permitted a maximum height of 4 metres and a maximum lot coverage of 5%. An accessory building is not permitted in a Minimum Front Yard.

Section 4.1.6.9 of the Zoning By-Law provides that an individual driveway accessing a detached dwelling to have a Maximum Driveway Width of 50% of the lot frontage, to a maximum of 8.5 metres, whichever is less.

Departmental and Agency Comments

July 2, 2019 - Director of Engineering, Water and Wastewater

- The reduction in the length of the driveway to 5.3m is opposed by Engineering. Our reference vehicle is a Ford F150 (the most popular vehicle sold in Canada) and it ranges from 5.316 to 6.363 metres. Although there is a large Town boulevard that would be parked on it should not be our practice to put a homeowner into an encroachment situation.

June 28, 2019 - Director of Operations

- No issues.

ANALYSIS:

As set out by section 45 of the *Planning Act*, Minor Variance should only be approved based on whether it meets all four tests:

- Is the application minor in nature?

- Is it desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it in keeping with the general intent and purpose of the Official Plan?

Minor in Nature

The Applicant is proposing to reduce the required Minimum Front Yard Setback from 6.0 metres to 5.3 metres. The proposed garage is setback further than the existing dwelling which has a legal non-conforming setback of 0.97 metre. Additionally, there is approximately 3.5 metres of Town property between the front property line and the roadway, which creates the appearance that there is a larger setback and minimizes impact on the pedestrian experience.

The Applicant is requesting an accessory building lot coverage increase from 5.0% to 9.16%. The 4.16% increase is required only for the accessory building and not to the overall lot coverage. The current single detached dwelling on the property does not have a garage and occupies 17.7% of the permitted 33% lot coverage. With the garage, the total coverage of the lot is 26.86%. Given the context that the house is much smaller than the permitted coverage, the increase in accessory building coverage is minor in nature and the total lot coverage would be significantly below the By-Law maximum.

The increase in building height from 4.0 metres to 4.88 metres is a difference of 0.88 metres which represents 22% of the By-Law requirements. The garage is being proposed to be setback 2.5 metres from the neighbor to the east and 7.5 metres from the neighbor to the south, which is a larger setback than what is required in the By-Law. Additionally, the proposed garage location will be against the neighboring rear yard and driveway rather than living space. As such, the proposed height variance is not anticipated to have a foreseeable impact on the neighboring properties.

The Applicant is proposing to increase the Maximum Driveway Width from 8.5 metres to 9.3 metres. Currently, there are two existing driveways on the subject property. The driveway to the west has an approximate width of 2.73 metres while the driveway to the east has a width of approximately 4.97 metres. The additional 0.8 metre that's being requested is proposed to be an expansion of the east driveway. The front lot line of the subject property is approximately 26.8 metres, which is 56% wider than the required Minimum Lot Frontage in the R2 zone. The requested 9.3 metres driveway represents 35% of the lot frontage. Furthermore, there is approximately 8.4 metres of distance between the west and the east driveway which will mitigate visual and functional impacts of a wide driveway. Given the context and relatively large frontage of the lot, the requested variance is minor in nature.

Desirability

The Applicant is requesting the Variances to facilitate the construction of a detached garage for storage purposes and to utilize an existing driveway. As previously described,

there is minimal impact on the neighbourhood with the proposed Variances. Rear Yard garages are a common occurrence in the neighbourhood. As such, it is the opinion of staff that the proposed Variance is a desirable and appropriate use of the property and will not negatively impact the neighbourhood.

Intent and Purpose of the Zoning By-law

The intent of the Zoning By-law regulations as it relates to setbacks is to provide for appropriate separation between dwellings, structures and public infrastructure and to create an appropriate relationship of the dwellings to the street and streetscape. The proposed garage will be setback further than the existing dwelling. If the garage were proposed to have been attached to the dwelling, the variance wouldn't have been required. There's approximately 3.5 metres of Town property between the front property line and Elizabeth Street, which combined with the proposed 5.3 metres of setback, will provide an appropriate distance from pedestrians.

The intent of the Zoning By-Law for accessory building coverage and height is to ensure the accessory building remains secondary to the primary residential dwelling use and does not become the primary feature of the lot. The proposed garage is further setback from the street than the house. The additional height is minimal and would not compete or intrude on the main dwelling or adjacent uses. The proposed detached garage would remain secondary to the dwelling. Therefore, the proposed garage meets the general intent and purpose of the Zoning By-Law in ensuring an accessory building remains secondary and accessory to the residential dwelling.

The intent of the Zoning By-Law for maximum driveway width is to minimize impervious surface, preserve front yard green space, and providing lands for landscaping. The combined driveway width of the property at 9.3 metres would be approximately 35% of the lot's frontage. This still provides ample space for front yard green space and landscaping.

In addressing the Director of Engineering's comments, the subject property has two driveways. The east driveway is being proposed to be widened to provide access to the garage. The entire length of the driveway extends approximately 9.5 metres (see figure on the right). As such, there is ample room for a Ford F150 to be parked on the driveway without encroaching on Town property.

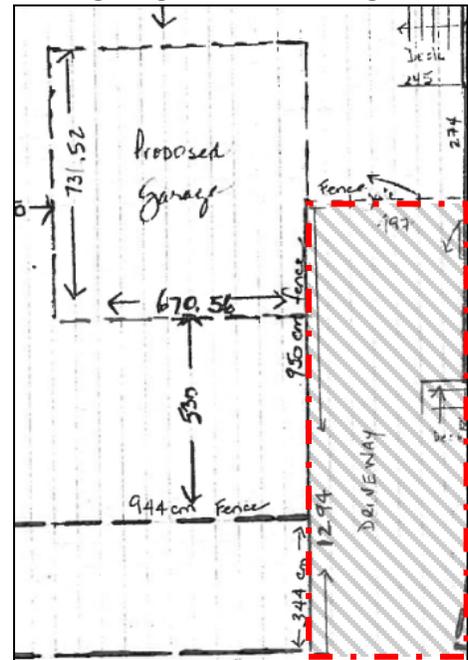


Figure 1 Site plan with driveway highlighted

Intent and Purpose of the Official Plan

The property is designated as **RESIDENTIAL DISTRICT** in the Town of Midland's Official Plan. The intent of the designation is to foster a sense of neighborhood and protect areas from inappropriate development. Staff finds that it does not disrupt from the sense of neighbourhood and is it appropriate for the development of the last vacant lot on the cul-de-sac. Therefore, it is the opinion of Staff that the application meets the general intent and purpose of the Official Plan.

CONCLUSIONS:

Based on a review of Minor Variance Application A.12/2019, it is the opinion of the Planning and Building Services Department that the Application satisfies the four tests for Minor Variances as set out in Section 45 of the *Planning Act*. It should be noted that, therefore, Planning and Building Services are supportive of the application, subject to the following Condition:

1. That a Building Permit be obtained within one (1) year.
2. That Approval is granted to the general size and extent as shown on the Site Plan attached to Staff Report PL-2019-53 dated June 27, 2019 and shown on Attachment #2.

FINANCIAL IMPACT:

There are no financial impacts as a result of this application.

Prepared by: Angela Zhao, Planner
Approved by: Wesley Crown, MCIP, RPP
Director of Planning & Building Services

Attachments:
#1: Location Map
#2: Site Plan

Attachment #1: Location Map

