



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: June 27, 2019

REPORT NO.: **PL-2019-55**
A.15/2019 – 1532 Par Four Drive
Minor Variance Application

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Minor Variance Application A.15/2019 respecting 1532 Par Four Drive for the following Variances:

- To increase the Maximum Height for an accessory building from 4.0 metres to 4.6 metres for the purpose of a detached garage

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-2019-55 dated June 27, 2019 and shown on Attachment #2.

BACKGROUND:

Site and Surrounding Area

The Town received an application for a Minor Variance on June 7, 2019, for the property known as 1532 Par Four Drive. The subject property is legally described as Part Lot 12, Plan 57M-321, Concession 1, more particularly described as Part 3 of Reference Plan 51R-23063 located in the Town of Midland. The subject property is located on the north side of Par Four Drive (See Attachment #1: Location Map).

The property is an irregularly shaped lot with an approximate lot area of 3,544 square metres. The property currently has a one-storey single detached dwelling. The property is serviced by private well and septic.

Surrounding Land Uses:

North: Rural
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 a general dimension of 12.2 metres by 9.1 metres for an area of 111.5 square metres and a height of 4.6 metres. A sketch of the proposed garage is included in the report as Attachment #2. To permit the garage, the Applicant is requesting a variance to the Maximum Height for an accessory building from 4.0 metres to 4.6 metres, a variance of 0.6 metre.

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 a number of 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 – R5**, in the Town's Zoning By-law 2004-90, as amended. The permitted uses of the R5 Zone include Accessory Building, Boat Dock, Boat House, Boat Slip, Detached Dwelling Unit, Home Occupation, Public Use and Secondary Unit.

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%.

Departmental and Agency Comments

June 28, 2019 – Director of Operations

1. 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?

The Applicant is requesting an increase in accessory building height from 4.0 metres to 4.6 metres. The increase in building height from 4.0 metres to 4.6 metres is a difference of 0.6 metres which represents approximately 15% of the By-Law requirements. The requested additional height is minimal. The proposed garage is setback approximately 7.6 metres away from the property on the west side and 7 metres from the property on the north side. The proposed setback distance is significantly greater than what would be stipulated in the Zoning By-Law and will serve to further mitigate any potential impacts.

The proposed Variance also conforms with the intent of the Zoning By-Law which is to ensure the accessory building remains secondary to the primary residential dwelling use. The additional height is minimal and would not compete or intrude on the main dwelling or adjacent uses. The proposed Variance maintains the intent of the Official Plan in protecting residential neighbourhoods from inappropriate developments.

CONCLUSIONS:

Based on a review of Minor Variance Application A.15/2019, 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*. 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-2019-55 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

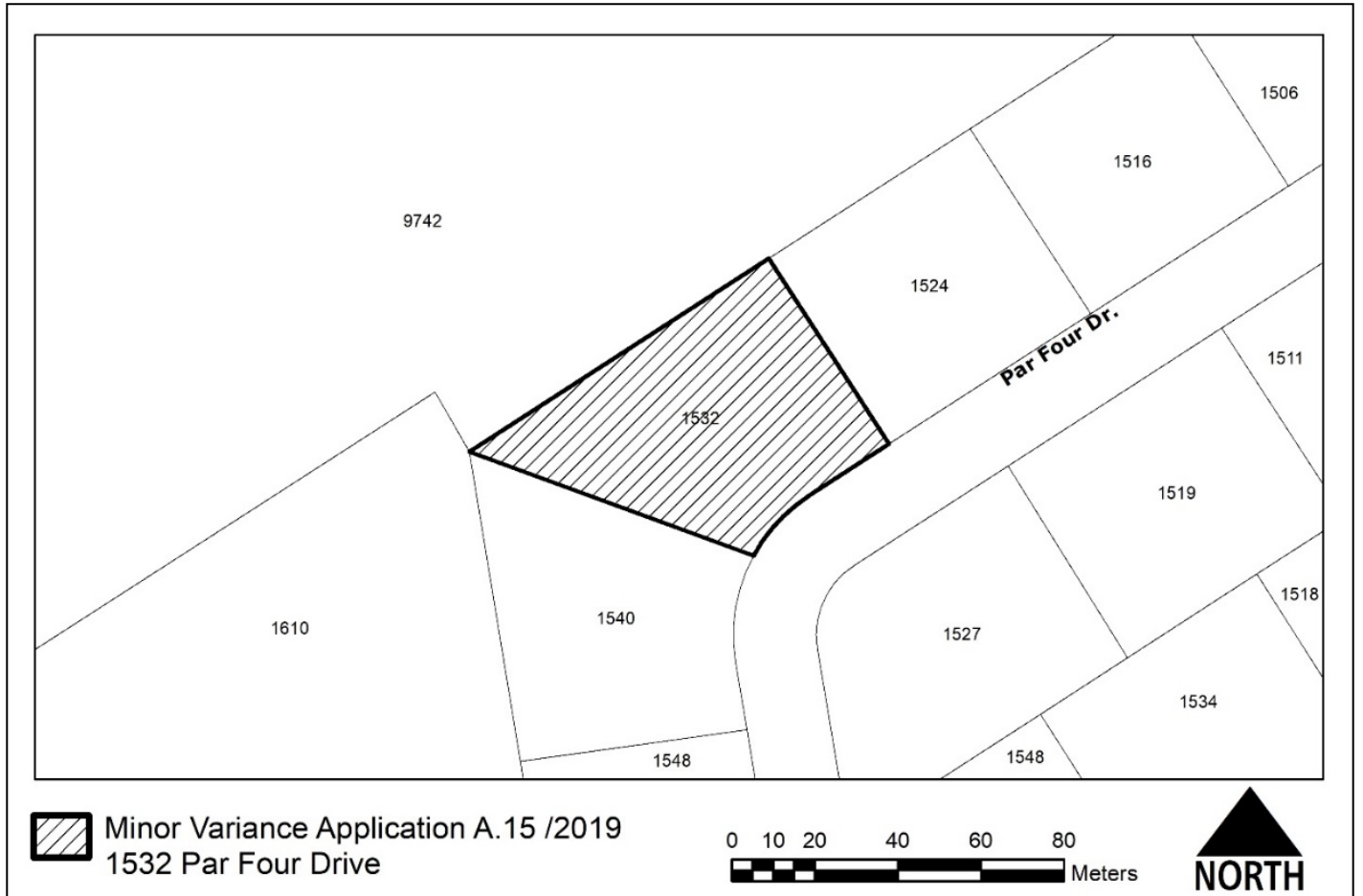
Approved by: Wesley Crown, MCIP, RPP
Director of Planning & Building Services

Attachments:

#1: Location Map

#2: Site Plan

Attachment #1: Location Map



Attachment #2: Site Plan & SKETCH

