



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: June 26, 2019

REPORT NO.: **PL-2019-56**
A.16/2019 – 507 Manly Street
Minor Variance Application

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Minor Variance Application A.16/2019 respecting 507 Manly Street for the following Variances:

- To reduce the required Minimum Front Yard Setback from 6.0 metres to 4.66 metres

To permit the construction of a front yard entry subject to the following Condition:

1. That a Building Permit be obtained within one (1) year.
2. That approval of the Variance is granted and fixed to the size, extent and design of the proposed signage shown on the Elevation attached to Staff Report PL-2019-56 dated June 26, 2019 and shown on Attachment #2.

BACKGROUND:

Site and Surrounding Area

The Town received an application for a Minor Variance on June 21, 2019, for the property known as 507 Manly Street. The subject property is legally described as Part Lots 11 and 12, Registered Plan 378. The subject property is located near the south east side of the intersection between Colborne Street and Manly Street (See Attachment #1: Location Map).

The property has a frontage of 22.35 metres, a depth of 23.77 metres for a lot area of 531.4 square metres. The property currently has a single detached dwelling with a building footprint of approximately 120.9 square metres.

Surrounding Land Uses:

North: Residential

South: Residential

East: Residential

West: Residential

Proposed Development and Application Request

The Applicant is proposing to construct a covered entry on the front yard of the existing dwelling with a general dimension of 1.52 metres by 1.37 metres for an area of 2.1 square metres. A sketch of the proposed entry is included in the report as Attachment #2. To permit the proposed entry, the application is requesting a variance to reduce the required Minimum Front Yard Setback from 6.0 metres to 4.66 metres, a variance of 1.54 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 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 – R3**, in the Town's Zoning By-law 2004-90, as amended. The permitted uses of the R3 Zone include Accessory Building, Detached Dwelling Unit, Duplex Dwelling Unit, Home Occupation, Public Use, Secondary Unit and Semi-Detached Dwelling unit. The Minimum Front Yard setback for the R3 zone is 6.0 metres. The proposed addition complies with all By-law provisions except for the Front Yard setback.

Section 3.13.1 of the Zoning By-Law permits unenclosed porches to project 0.5 metres into any minimum yard.

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?

Minor in Nature

A Variance to the Minimum Front Yard Setback from 6.0 metres to 4.66 metres is a difference of 1.34 metres which represents 22% of the By-Law requirements. It is a relatively small deviation from the Zoning By-Law regulations. The proposed addition meets all other By-Law provisions. The setback reduction is requested only for the covered entry which represents 0.4% of the total lot coverage and less than 6.8% of the lot frontage. The dwelling fronts onto a street with no existing pedestrian sidewalk and minimal foot traffic. The proposed variance maintains an appropriate separation distance from the street and does not have a foreseeable negative impact.

Desirability

The Applicant is requesting the Variance for the purpose of creating an additional landing area at the entrance of the dwelling. There is no foreseeable negative impact on the neighbourhood with the proposed addition, particularly given the relatively large separation distance from the front lot line to the road (approximately 5 metres) and the minimal deviation from the By-Law. The proposed variance is a desirable use on the property and will not disrupt from the neighborhood.

Intent and Purpose of the Zoning By-Law

The intent of the Zoning By-law regulations as it relates to front yard setbacks is to provide for appropriate separation between dwellings and public infrastructure within roadways and to maintain open space within neighbourhoods. As previously described, the dwelling fronts onto a Street in a residential neighborhood where there's no existing pedestrian sidewalk and minimal foot traffic. There is a large separation distance from the front lot line to the road (approximately 5 metres). This provides for an appropriate

setback and maintains open space. As such, the intent and purpose of the Zoning By-Law is met.

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. Staffs find that it does not disrupt from the sense of neighborhood nor is it inappropriate. Therefore, it meets the general intent and purpose of the Official Plan.

CONCLUSIONS:

Based on a review of Minor Variance Application A.16/2019, 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.

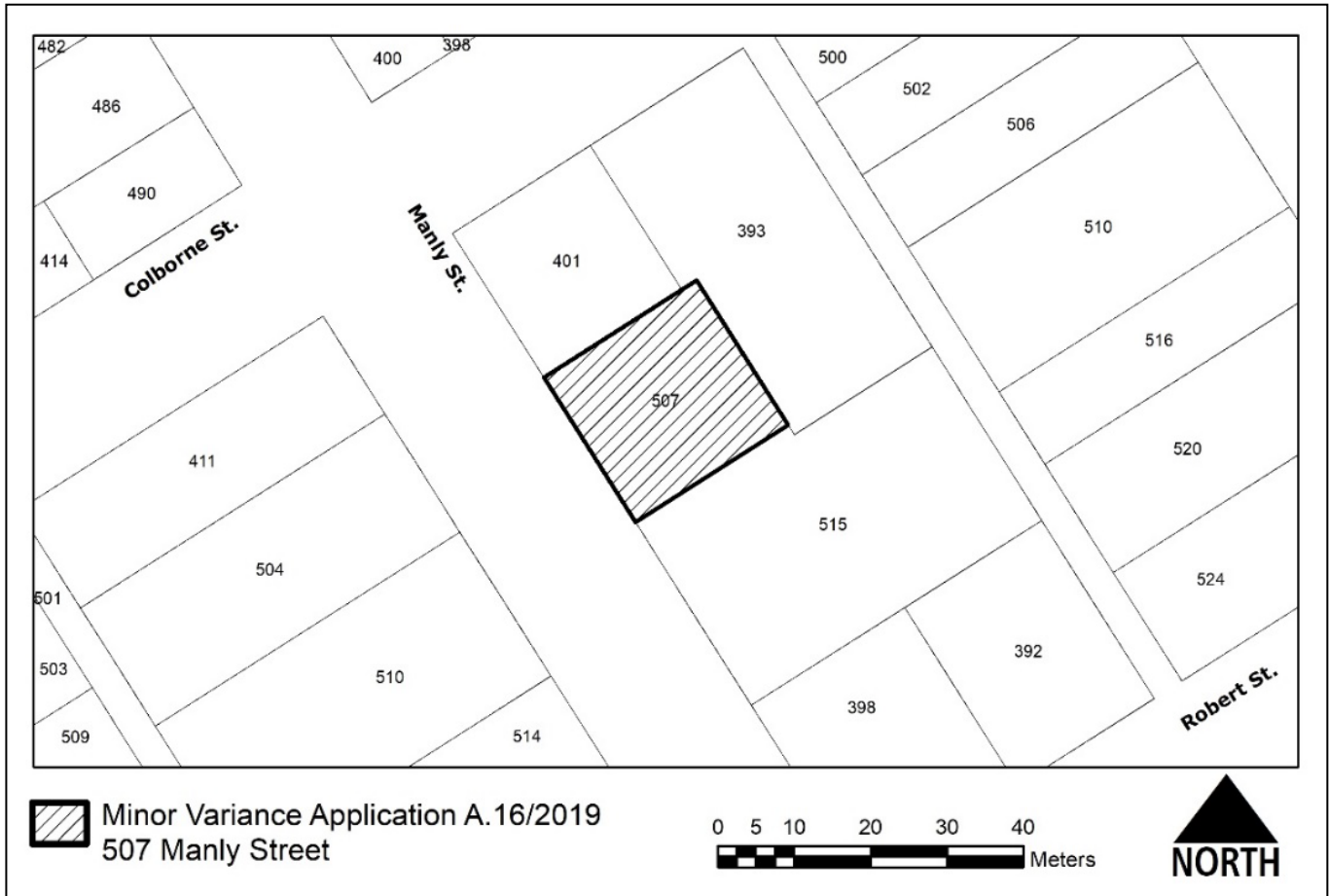
FINANCIAL IMPACT:

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

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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

