



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: April 30, 2019

REPORT NO.: **PL-2019-34**
Minor Variance Application A.6/2019
1014 King Street

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Application No. A.6/2019 respecting 1014 King Street for the following Variance:

- To reduce the Minimum Lot Area from 4000 square metres to 2795.3 square metres

BACKGROUND:

The Town received an application for a Minor Variance on April 23, 2019 for the property located at 1014 King Street. The property is legally described as Part Lot 100, Concession 1 in the Geographic Township of Tay, now the Town of Midland. See Attachment #1 for the Location Map.

The subject property is located on the south west side of the intersection between Prospect Boulevard and King Street and has frontage on both streets. The property has a lot frontage of 42.06 metres, a land depth of approximately 144.77 metres for a land area of 5833.4 square metres. The subject property has an existing legal non-conforming single detached dwelling.

On April 11, 2019 the subject property received Provisional Consent Approval (Application B.3/2019) from the Committee of Adjustment. The Application was for a consent to sever a portion of land at the rear of 1014 King Street, for lot addition purposes, having a general dimension of 39.34 metres by 63.98 metres for an area of 3038.1 square metres. The severed parcel will be merged with the adjacent property at 619 Prospect Boulevard. No new lots will be created. The retained lands have a Lot

Frontage of 42.06 metres and Lot Area of 2795.3 square metres. As part of the approval, the Committee included a condition for the Applicant to receive Minor Variance approval to address the Lot Area deficiency for the retained lands, which resulted in the Application herein. See Attachment #2 for the Survey Sketch.

Proposed Development and Application Request

The Applicant is requesting a variance to the required Minimum Lot Area for the purpose of facilitating an approved Provisional Consent Application. The Applicant is requesting to reduce the Minimum Lot Area from 4000 square metres to 2795.3 square metres.

Surrounding Land Uses:

North: Commercial

South: Residential/Industrial

East: Commercial

West: Vacant/Industrial

Provincial Policy Statement, 2014

Section 3 of the Planning Act states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement states that settlement areas are to be the focus of growth and development.

Growth Plan for the Greater Golden Horseshoe

Section 14(1) of the *Places to Grow Act*, 2005 requires that all decisions under the *Planning Act* shall conform to the Growth Plan for the Greater Golden Horseshoe area. Generally, the Growth Plan directs growth to built-up areas within communities that have the capacity to accommodate the growth and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities.

County of Simcoe Official Plan

The Town of Midland is designated as a “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally indicates that settlements should be the focus of growth and that compact form which provides efficient use of land on full services should be promoted.

Midland Official Plan

The property is designated **EMPLOYMENT AREAS** in the Official Plan. The Employment Area designation identifies a range of areas within the Town for business and commercial uses, industry and compatible community and institutional uses. Commercial uses are permitted and should be zoned to recognize and regulate the uses and development. It’s intended that the Employment provide for and maintain an adequate supply of developable land.

With respect to Consent policies, the following apply:

- The Consent Policies of the Official Plan allow for lot additions as stated in Section 8.14.5.
- All lots must have frontage on and have direct access to an open, improved public road which is maintained on a year-round basis and is of a reasonable standard of construction.
- Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines.
- Strip development shall generally be prohibited although infilling in existing building up areas may be permitted.
- Lot area and frontage of all lots must be adequate and must comply with the provisions of the Zoning By-law.
- Engineering services policies allow for new developments to be on partial service, but those areas may ultimately be connected.

Zoning By-law 2004-90, as amended

The subject property is zoned **INDUSTRIAL – M1**. The M1 Zoning standards are as follows:

- Minimum Lot Area: 4000 m²
- Minimum Lot Frontage: 30 .0 m
- Maximum Lot Coverage: 60%
- Minimum Yard Setbacks
 - Front: 7.5 m
 - Rear: 8.8 m
 - Interior side: 6.0 m
 - Exterior side: 7.5 m
- Maximum Building Height 11.0 m

The Applicant is proposing a Lot Area of 2795.3 square metres whereas 4000 square metres are required for the M1 Zone.

Department and Agency Comments

April 30, 2019 – Director of Engineering, Water and Wastewater Services

1. No comment.

May 3, 2019 – Director of Operation, Parks and Facilities

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?

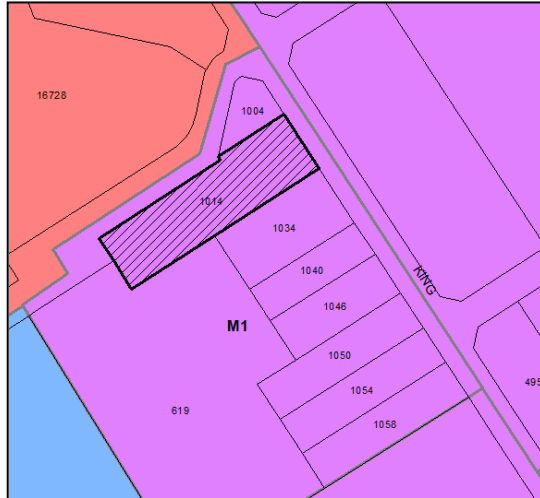


Figure 1.0 Zoning of Surrounding lands

The Applicant received approval to sever a portion of land at 1014 King Street and merge it with the adjacent property at 619 Prospect Boulevard. As noted above, although Zoned for Industrial uses, the lot currently hosts a legal non-conforming single detached dwelling. The proposed severed portion will be merged with the adjacent property while the retained lands will continue to support the existing residential dwelling. The retained lands will have a Lot Area of 2795.3 square metres, a variance of 1204.7 square metres from the required 4000 square metres.

Minor

When determining if a Variance is minor, it is not just a numerical calculation. The size and dimension of the proposal and the neighborhood context should all be considered when determining minor. The subject property is in an area of Town that was previously part of the Township of Tay and annexed into Midland in 1965. The residential use of the subject property and the surrounding properties were established prior to the Town's Zoning By-law and have been deemed legal non-conforming. Figure 1.0 above shows the Zoning of the subject property and the surrounding neighbourhood. As illustrated, the subject property and neighbouring properties to the south are all zoned M1, with a Lot Area requirement of 4000 square metres. Table 1.0 below lists the neighboring properties to the south and their approximate Lot Area.

Table 1 Surrounding Lands and Area

Address	Approximate Area
1034 King	3363 sqm
1040 King	1972 sqm
1046 King	2464 sqm
1050 King	2950 sqm
1054 King	2950 sqm

1058 King	2979 sqm
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There are no properties south of the subject property that complies with the M1 Zone requirement for Lot Area. The adjacent properties have a Lot Area that ranges from 1972 square metres to 3363 square meters. The proposed variance will put the subject lands at a similar size and dimension as the surrounding lands. Given the above, Staff finds that the requested Variance is minor.

Desirability

As previously described, the Applicant is requesting the Variance to facilitate an approved Provisional Consent Application. The requested Variance will allow the Applicant to continue to use the subject lands for their desired purpose as a single detached dwelling as well as facilitate an adjacent development. There is no foreseeable negative impact on the neighbourhood with the proposed Variance as the reduction in Lot Area is consistent with the character of the neighbourhood. Furthermore, the lot area that is being severed from the subject lands are at the rear of the property and will not have a foreseeable impact on the character of the neighborhood. 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 Lot Area is to ensure the lots are appropriately sized for its permitted uses and to maintain neighborhood character. The subject lands are currently hosting a legal-non conforming residential dwelling. In the Town’s By-law, the largest Lot Area requirement for a single detached dwelling is 2000 square metres in the Rural – RU zone. As such, the proposed 2795.3 square metres of Lot Area should be adequate to continue supporting the existing dwelling.

As shown in Table 1.0 above, there are no properties south of the subject property that comply with the M1 Zone requirement for Lot Area. Should development occur, the lands would have to be consolidated to comply with the Zoning standards. It is staff’s opinion that the subject application will not negatively impact the development of the property as the subject property and surrounding lands have been intended to be consolidated for the purpose an industrial development. Prior to consolidation, the retained lands can continue to support the legal non-conforming residential dwelling. Given the above, it is Staff’s opinion that the intent and purpose of the Zoning By-law is maintained.

Intent and Purpose of the Official Plan

The Employment Area designation identifies a range of areas within the Town for business and commercial uses, industry and compatible community and institutional uses. The Official Plan recognizes legal non-conforming uses and states that nothing will interfere with the continuation of a land use which legally exists at the time of the

passing of the Plan. The requested variance will continue to maintain the legal non-conforming use and does not discriminate future commercial, industry or institutional uses. 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.6/2019, 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.

FINANCIAL IMPACT:

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

Prepared by: Angela Zhao, Planner

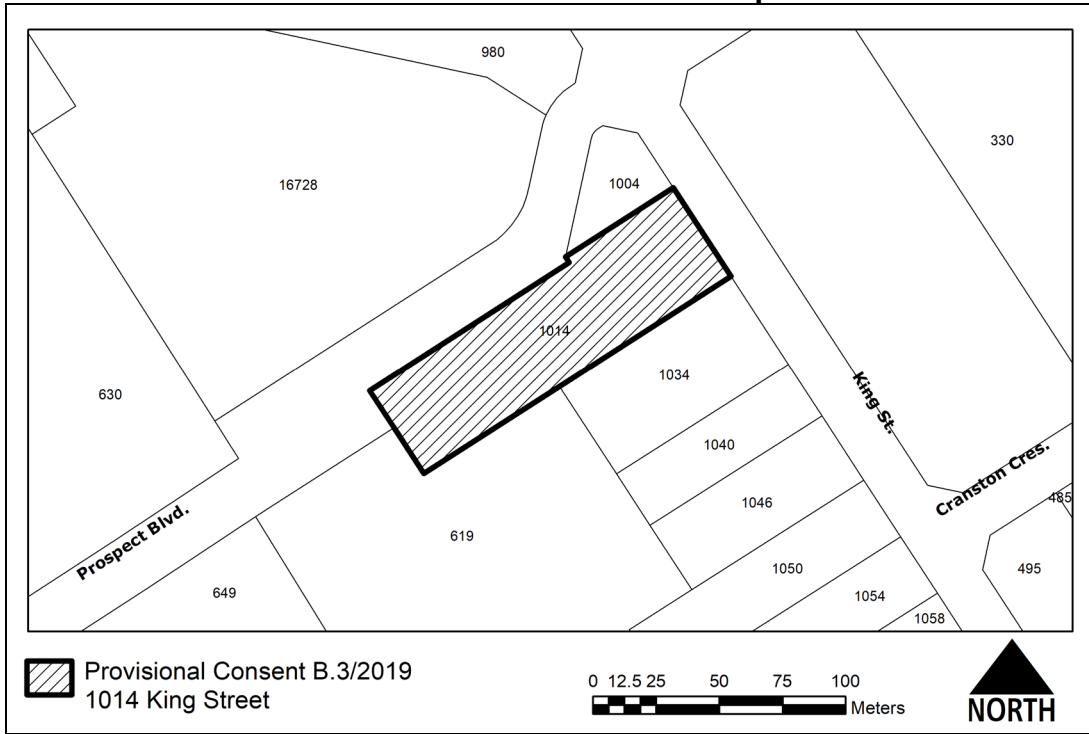
Approved by: Wes Crown, Director of Planning and Building Services

Attachments

#1: Location Map

#2: Survey Sketch

Attachment #1: Location Map



Attachment #2: Applicant Sketch

