



## STAFF REPORT

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**FUNCTION:** Committee of Adjustment

**CHAIR:** Cindy Tremblay

**DATE:** December 4, 2018

**REPORT NO.:** PL-2018-78  
A.23/2018 – 327 Sixth Street  
Minor Variance Application

### **RECOMMENDATION:**

The Planning and Building Services Department supports the approval of Minor Variance Application A.23/2018 respecting 327 Sixth Street for the following Variance:

- To increase the permitted additional Lot Coverage for a Deck in a Residential Zone from 4% to 5.4%

To permit the construction of a Deck subject to the following Condition:

1. That a Building Permit be obtained within one (1) year.

### **BACKGROUND:**

#### **Site and Surrounding Area**

The Town received an application for a Minor Variance from Rene Ouellet on November 19, 2018, for the property known as 327 Sixth Street. The property is located on the East side of Sixth Street and approximately midway between Hugel Avenue and Young Street (See Attachment #1 – Location Map).

The property has a frontage of 15.24 metres, a depth of 38.10 metres, and a lot area of 581 square metres. The applicant is proposing to construct a single detached dwelling and deck on the subject property with a footprint of 223.2 square metres.

Surrounding Land Uses:

North: Residential

South: Residential

East: Residential

West: Institutional (School)

**Proposed Development and Application Request**

The Applicant is proposing to construct a single detached dwelling with a rear deck and a front porch on the subject property with a footprint of 223.2 square metres which represents a lot coverage of 38.4%. Without the deck and porch, the dwelling has a footprint of 186.43 square metre which represents a lot coverage of 32.7%. The proposed development is shown as Attachment #2. To accommodate the deck and porch, the Applicant is requesting an increase in the permitted additional Lot Coverage for a Deck in a Residential Zone from 4% to 5.4%.

**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 the Growth Plan for the Greater Golden Horseshoe (GGH) area. Generally, the Growth Plan 2017 directs growth to 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 Maximum Lot Coverage for the zone is 33%.

Section 3.14 of the Zoning By-law permits an additional 4% lot coverage for decks and porches in Residential Zones.

## **Departmental and Agency Comments**

December 6, 2018 - Director of Operations, Parks and Facilities

1. No issues.

December 6, 2018 - Director of Engineer, Water and Wastewater

1. No comment.

## **ANALYSIS:**

The Applicant is proposing to construct a single detached dwelling (176.3 square metres) with a rear deck and a front porch (33.5 square metres) on the subject property with a footprint of 223.2 square metres which represents a lot coverage of 38.4%. Without the deck and porch, the dwelling has a footprint of 186.43 square metres which represents a lot coverage of 32.7%. To accommodate the deck and porch, the Applicant is requesting an increase in the permitted additional Lot Coverage for a Deck in a Residential Zone from 4% to 5.4%.

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 requested variance in additional lot coverage for the proposed deck and porch is 1.4%, which represents only 8.13 square metres. The Applicant requires a variance only for the deck and porch and not for the dwelling. The proposed development meets all other Zoning By-law provisions. The proposed variance has no foreseeable impact and is minor given the minimal increase in area.

As smaller lots are being developed to promote compact urban form, it is common that additional lot coverage may be requested. The requested variance is a desirable and appropriate use of the land. The requested variance meets the general intent of the Zoning By-law in maintaining adequate open area on the lot and meets the general intent of the Official Plan in maintaining appropriate development.

## **CONCLUSIONS:**

Based on a review of Minor Variance Application A.23/2018, 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.

Prepared by: Angela Zhao, Planner

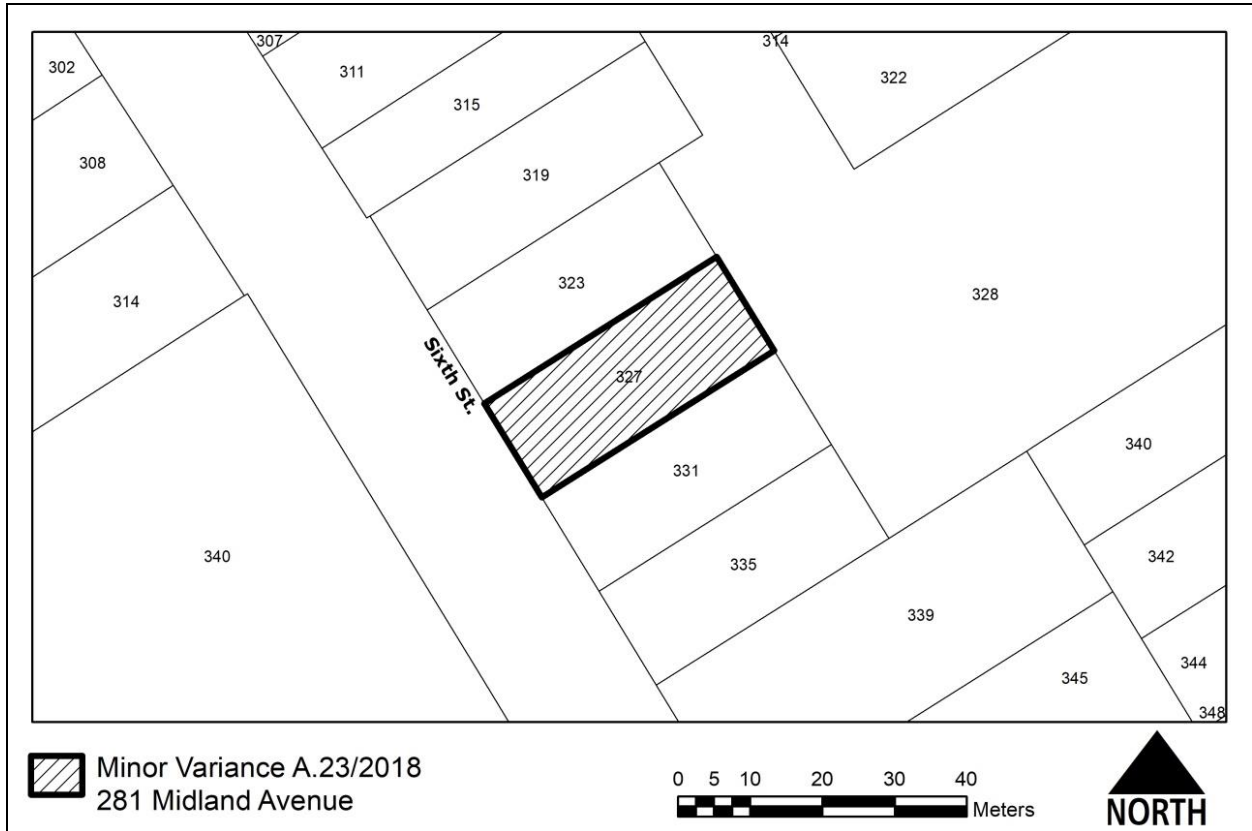
Approved by: Wesley Crown, MCIP, RPP  
Director of Planning & Building Services

Attachments:

#1 Location Map

#2 Site Plan

**Attachment #1: Location Map**



## Attachment #2: Site Plan

