



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: October 10, 2018

REPORT NO.: **PL-2018-73**
A.21/2018 – 728 Dominion Avenue
Minor Variance Application

RECOMMENDATION:

The Planning and Building Services Department recommends approval of Minor Variance Application A.21/2018 respecting 728 Dominion Avenue for the following Variance:

- To increase the Lot Coverage for an Accessory Building from 5% to 7.7%

To permit a Rear Yard detached garage subject to the following Condition:

1. That a Building Permit be obtained within one (1) year of the date of Committee decision.

BACKGROUND:

Site and Surrounding Area

The Town received an application for a Minor Variance on September 17, 2018, for the property known as 728 Dominion Avenue (See Attachment #1 – Location Map). The subject land is located near the east intersection between Seventh Street and Dominion Avenue.

The property has a frontage of 15.26 metres, a depth of 45.69 metres and a lot area of approximately 697.22 square metres. There is an existing Single Detached Dwelling and deck with a footprint of approximately 130.43



square metres and an existing shed with a footprint of approximately 9 square metres.

Surrounding Land Uses:

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

Proposed Development and Application Request

The Applicant is proposing a new 44.5 square metre (6.096 metres x 7.3 metres) rear yard detached garage. The garage will have a rear yard setback and an interior side yard setback of 1.22 metres. The proposed garage is shown on Attachment #2. To accommodate the garage, the Applicant is requesting an increase of the permitted Lot Coverage for an Accessory Building from 5% to 7.7%, a Variance of 2.7%.

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 proposed detached garage meets all R3 Zoning provision, except for coverage.

Section 3.8 of the Zoning By-law sets out Zoning provisions for Accessory Uses. The maximum Lot Coverage for an Accessory Building is 5%.

Departmental and Agency Comments

September 24, 2018 – Director of Engineering, Water and Wastewater

1. No concern.

September 24, 2018 – Director of Operations

1. No comments or concern.

ANALYSIS:

The Applicant is proposing a new 44.5 square metre (6.096 metres x 7.3 metres) rear yard detached garage. The garage will have a rear yard setback and an interior side yard setback of 1.22 metres. The proposed garage is shown on Attachment #2. To accommodate the garage, the Applicant is requesting an increase of the permitted Lot Coverage for an Accessory Building from 5% to 7.7%, a Variance of 2.7%.

As set out by section 45 (i) of the *Planning Act*, a 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?

Is the Variance Minor?

The Applicant is requesting an increase in accessory building lot coverage from 5.0% to 7.7%. The 2.7% increase is required only for the accessory building coverage and not to the overall lot coverage. The current single detached dwelling on the property does not have a garage and combined with the existing shed, occupies 20% of the permitted 33% lot coverage. Given the context that the house is much smaller than the permitted coverage, a 2.7% increase (18.8 square metres) in accessory building coverage is minor in nature.

Is the Variance desirable for the appropriate development of the land?

Currently, the property has a single detached dwelling without a garage. The proposed garage is desirable for the property owner as it would provide an indoor storage space for vehicles and other residential storage. The lot is also underutilized given the current lot coverage is 20% of the permitted 33% lot coverage. The proposed garage is desirable for the development of the land as it will allow the Owners to enjoy their property by providing additional residential storage space.

Maintains the general intent and purpose of the Zoning By-law?

The intent of the Zoning By-law for accessory building lot coverage 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 requested Variance for lot coverage is minimal and would not cause the garage to become a primary use of the property. The proposed garage meets the general intent and purpose of the Zoning By-law.

Maintains the general 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 neighbourhood and protect areas from inappropriate development. Given that the proposed garage is minor in nature, desirable, and meets the intent and purpose of the Zoning By-law, Staff finds that it does not disrupt from the sense of neighbourhood nor is it inappropriate. Therefore, the proposed minor variances meet the general intent and purpose of the Official Plan.

CONCLUSIONS:

Based on a review of Minor Variance Application A.21/2018, it is the opinion of the Planning and Building Services Department that the Application satisfies the four tests as set out in Section 45 (i) of the Planning Act. Therefore, Planning and Building Services recommend approval of the application, subject to the following Condition:

1. That a Building Permit be obtained within one (1) year of the date of Committee decision.

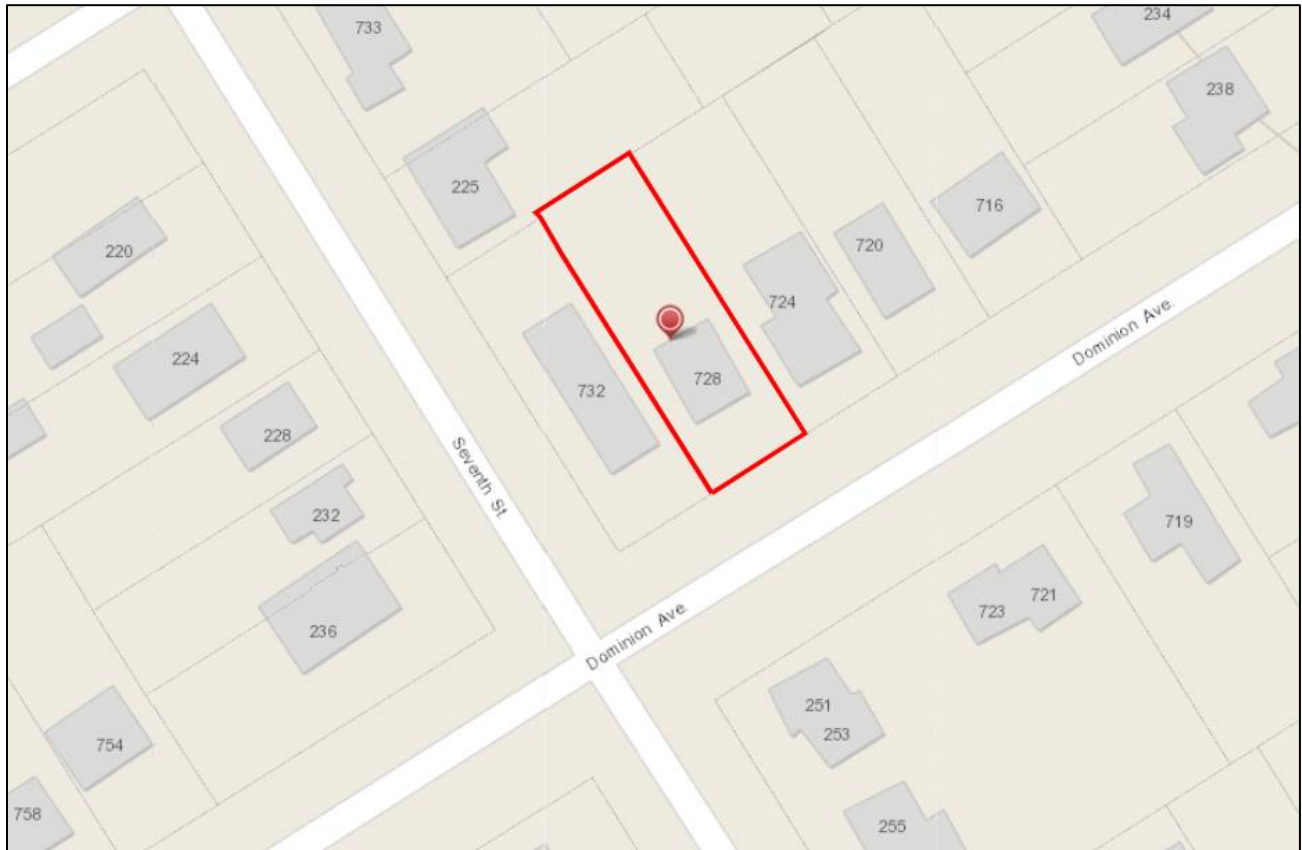
FINANCIAL IMPACT:

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

