

Report

To: Chair and Members of the Committee of Adjustment

From: Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Date: March 3, 2021

Subject: Minor Variance Application No. A-04-21
Lot 120, Registered Plan 7M-11
111 Biscayne Crescent

Applicant: David Creglia – 2142560 Ontario Limited

Official Plan Designation:
‘Low Density Residential’ (Schedule ‘C’)

Zoning (By-law 22-90):
Residential Sixth Density (R6) Zone

1. Introduction

The applicant is requesting a minor variance to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment.

2. Background

The subject property is located on the south side of Biscayne Crescent, between Abbey Road and Sherwood Street. The property is approximately 344 square metres (3,703 square feet) in area, with 9.75 metres (32 feet) of frontage along Biscayne Crescent. A 1-storey detached dwelling exists on the property and is situated within a low-density residential neighbourhood. The location of the subject lands is indicated on Attachment No. 1.

The applicant is proposing to legalize a second dwelling unit, contained within the basement of the detached dwelling. The Zoning By-law requires that a minimum of three (3) parking spaces be provided for the two dwelling units. Based on the existing house/garage configuration and the minimum parking space size requirements of the By-law, the property can only accommodate two (2) parking spaces within the property limits of the driveway. Therefore, the purpose of this application is to seek relief from the required three (3) parking spaces, reducing it to two (2) in order to accommodate the second dwelling unit.

Pending approval by the Committee of Adjustment of this application, the second dwelling unit may still require approval of applicable permits under the Ontario Building Code but will comply with the Zoning By-law.

3. Staff Comment

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, outlines four tests that the Committee of Adjustment must be satisfied have been met when considering an application for a minor variance. Planning Division staff offer the following comments for the Committee's consideration in review of these four tests:

3.1. Conformity with the Official Plan

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings and second dwelling units are permitted land uses pursuant to the residential policies of the Official Plan. The proposed parking space reduction would facilitate a legal second dwelling unit and does not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variance is considered to conform with the intent of the Official Plan.

3.2. General Intent of the Zoning By-law is Maintained

The subject lands are zoned Residential Sixth Density (R6) Zone on Schedule 'A' of Zoning By-law 22-90, as amended. The R6 Zone permits a range of residential uses, including detached dwellings.

The General Provisions of the By-law (Section 5.29) permit a second dwelling unit within a single detached or semi-detached dwelling, provided that there is only one entrance in the front wall of the dwelling unit, and at least three (3) parking spaces are provided. Parking spaces must have a minimum width of 2.6 metres (on a driveway) or 2.7 metres (in a garage) and a depth of at least 5.5 metres (Section 5.17.2.b and 5.29 (c)). The maximum driveway width for the subject lands is 5.2 metres (for lots with a frontage of between 9.0 metres to 12.0 metres) based on the subject lot having a frontage of 9.75 metres.

The applicant is requesting a minor variance to reduce the minimum required number of parking spaces from three (3) to two (2) to accommodate a second dwelling unit.

A total of three (3) parking spaces are required in order to permit the second dwelling unit. The purpose of requiring three (3) parking spaces is to ensure there is sufficient off-street parking to accommodate the vehicles associated with two dwelling units. The detached unit is required to have two (2) parking spaces, and one (1) additional parking space is required for the second dwelling unit.

The property has an existing 1 car garage. However, based on internal modifications to the garage, it can no longer accommodate a parking space size of 2.7 metres by 5.5 metres.

The property has an existing paved driveway that is approximately 6.3 metres (20.7 feet) long, measured to the front lot line as indicated on Attachment 2. It has a paved width of approximately 4.8 metres (15.75 feet). The applicant is proposing to widen the driveway from 4.8 metres to 5.2 metres within the property limits, as permitted by the Zoning By-law.

Based on the required driveway parking space size of 2.6 metres by 5.5 metres, the 5.2 metre widened driveway will only accommodate two (2) parking spaces side by side within the property limits (i.e., 6.3 metres deep). There is no sidewalk on this side of Biscayne Crescent, which results in an extended paved driveway length of approximately 5.7 metres (18.8 feet) within the Town's right-of-way. The combined length of the existing paved driveway is approximately 12 metres (39.5 feet). As such, an additional space can be accommodated in tandem within the right-of-way.

Based on the existing configuration of the lot, planning staff are satisfied that three (3) driveway parking spaces are available for the sole use of the property, even though only two (2) spaces are within the property limits, as shown in Attachment No. 3. As such, the reduction of this parking requirement will not create circumstances that could result in spill over parking into the street and will legalize the additional dwelling unit within the detached dwelling.

The requested variance maintains the general intent and purpose of the Zoning By-law.

3.3. Desirable Development or Use of the Land, Building or Structure

Detached dwellings and second dwelling units are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while legalizing an additional dwelling unit on the subject land.

The requested variance is considered desirable and appropriate for the use of the land.

3.4. Minor in Nature

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

4. Recommendation

Planning Division staff recommends that Minor Variance Application (File No. A-04/21) to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment, be approved.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "L Russell", positioned above a horizontal line.

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

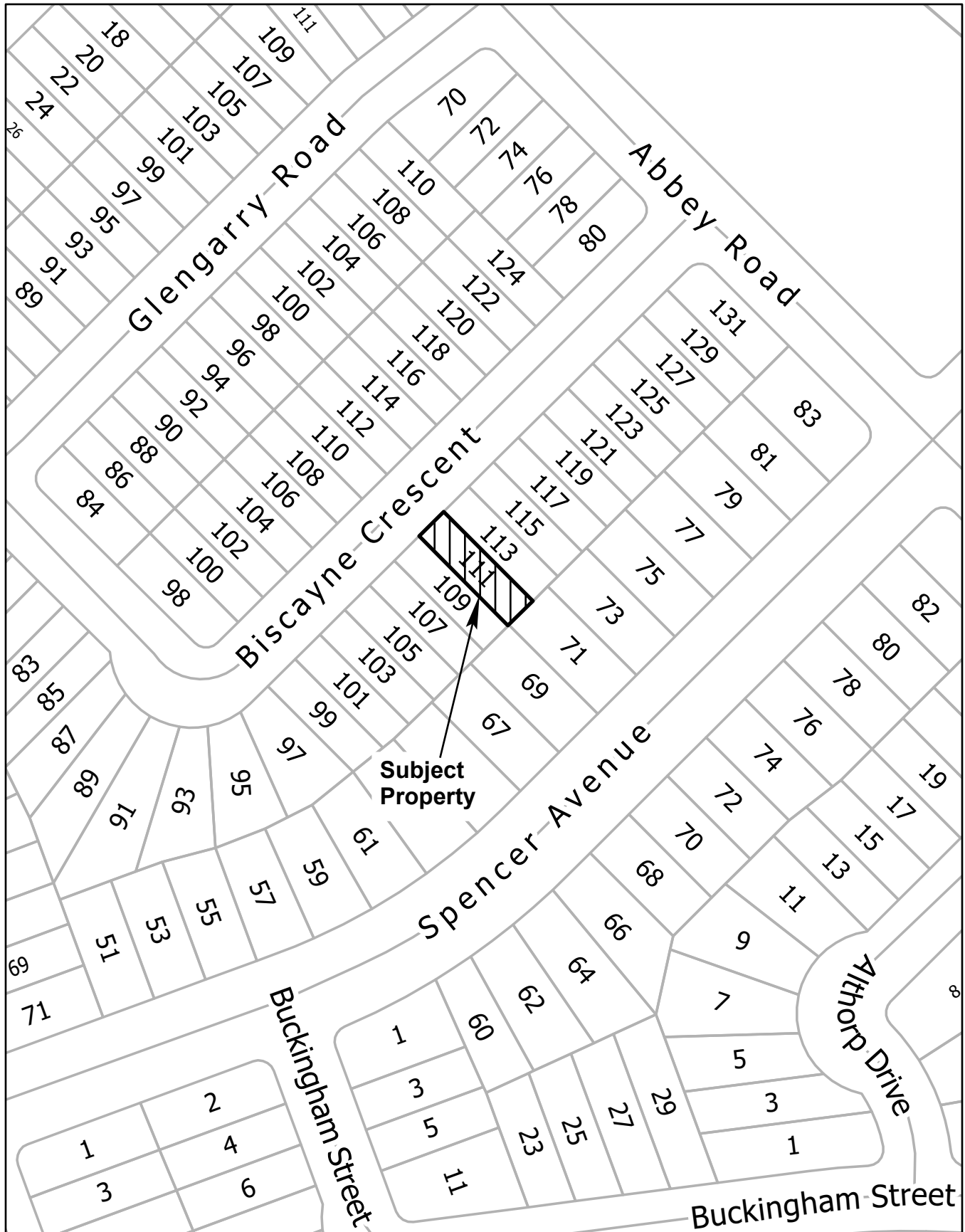
Attachments:

1. Location Map
2. Site Plan
3. Parking Layout Mark-up

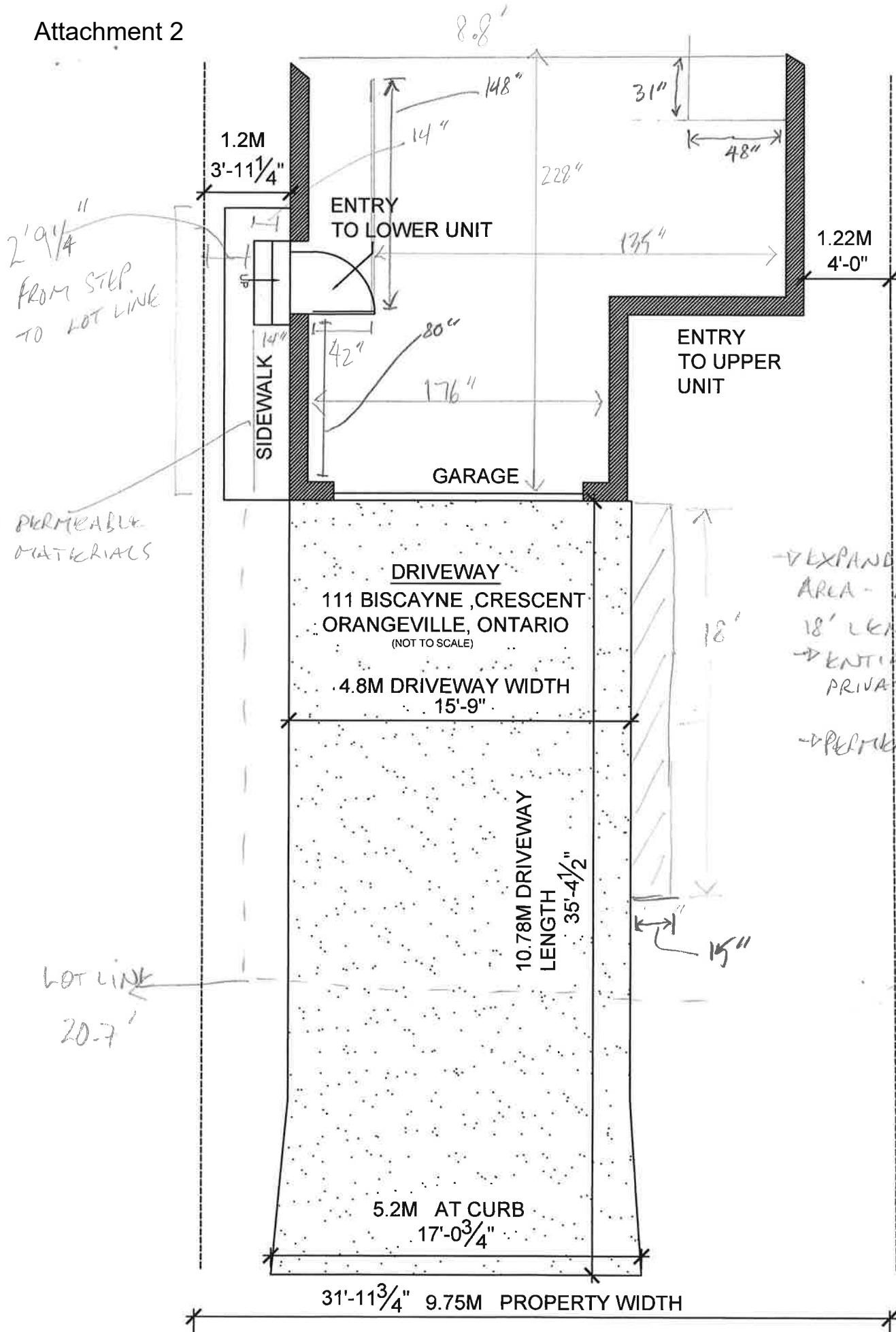
Location Map

File: A-04/21

Applicant: 2142560 Ontario Limited
c/o David Creglia



Attachment 2

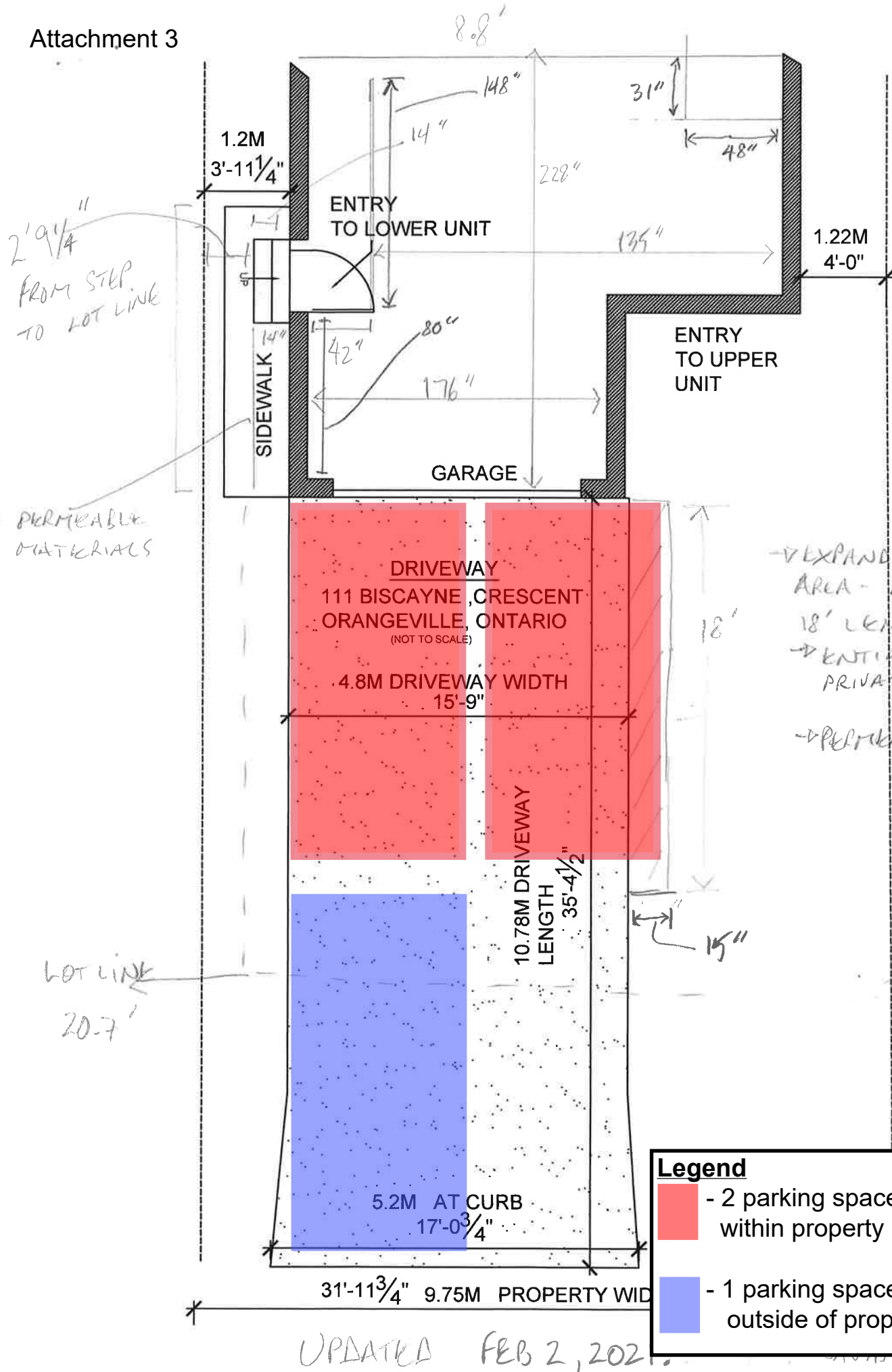


- EXPAND PARKING AREA - ADD $15"$ WIDTH, $18'$ LENGTH.
- ENTIRELY ON PRIVATE PROPERTY
- PERMEABLE MATERIALS

UPDATED FEB 2, 2021.

DAVID CREGLIA

Attachment 3



Legend

- 2 parking spaces on driveway within property limits
- 1 parking space on driveway outside of property limits