

**Subject: Planning Report – A14-21 – 393 Jay Crescent**

**Department: Infrastructure Services**

**Division: Planning**

**Meeting Date: 2021-09-01**

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### **Recommendations**

**That Planning Report – A14-21 – 393 Jay Crescent be received;**

**And that the Minor Variance Application (File No. A14-21) to permit steps to encroach into the garage by 0.5 metres, and to increase the maximum driveway width from 4.0 metres to 5.4 metres, to accommodate the three parking spaces required for two dwelling units, be approved, subject to the following condition:**

- 1. That a maximum 5.0 metre-wide portion of the driveway, matching the exterior extent of the garage, be paved, and the additional driveway width be constructed of a different hard-surface permeable material, such as patio stones or permeable pavers.**

### **Introduction**

**Legal Description:** Part of Lot 220, Registered Plan 43M-1187, Parts 13, 14, 15 on Reference Plan 7R-4711

**Municipal Address:** 393 Jay Crescent

**Applicant(s):** Right Investments Holdings Inc.

**Official Plan Designation:** 'Low Density Residential' (Schedule 'C')

**Zoning (By-law 22-90):** Residential Sixth Density (R6) Zone S.P. 24.84.

**Purpose:** The applicants are requesting a minor variance to permit steps to encroach into the garage by 0.5 metres, and to increase the maximum driveway width from 4.0 metres to 5.4 metres, to accommodate the three parking spaces required for two dwelling units.

## **Background**

The subject property is located on the west side Jay Crescent, east of Highway 10, and north of McCannell Avenue. The property is approximately 274 square metres (2,950 square feet) in area, with 7.6 metres (30 feet) of frontage along Jay Crescent. A 2-storey linked dwelling (shares a party wall underground) 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 create a second dwelling unit within the basement of the linked dwelling. The Zoning By-law requires that a minimum of three (3) parking spaces be provided for the two dwelling units. The existing driveway has a length of approximately 7.1 metres (23.3 feet) measured to the front lot line. It has a paved width of approximately 4.5 metres (14.8 feet), as indicated on Attachment 2.

The lot frontage of the subject land is 7.6 metres. The Zoning By-law prescribes a maximum driveway width of 4.0 metres; however, the combined required driveway width for two (2) parking spaces is 5.4 metres. Further, the parking space length within the garage is partially obstructed by steps. Therefore, the purpose of this application is to seek relief from the maximum driveway width, increasing it from 4.0 metres to 5.4 metres, and to allow steps to encroach into the garage by 0.5 metres, in order to accommodate the (3) three parking spaces required for the two dwelling units.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require applicable permits under the Ontario Building Code.

## **Analysis**

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:

### **1. Conformity with the Official Plan**

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. For the purpose of implementing Official Plan policy, the linked dwelling is considered to be a semi-detached dwelling. Semi-detached dwellings and second dwelling units are permitted land uses pursuant to the residential policies of the Official Plan. The proposed driveway widening and step encroachment in the garage 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.

## **2. General Intent of the Zoning By-law is Maintained**

The subject lands are zoned Residential Sixth Density (R6) Zone, with Special Provisions (S.P.) 24.84 on Schedule 'A' of Zoning By-law 22-90, as amended. For the purpose of the Zoning By-law, the linked dwelling is considered to be a semi-detached dwelling. The R6 Zone permits a range of residential uses, including semi-detached dwellings.

The General Provisions of the By-law (Section 5.29) prescribe that a second dwelling unit is permitted 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 3 parking spaces are provided. Parking spaces are required to be 2.7 metres in width and 5.5 metres in length (Section 5.17.2.b). The maximum driveway width for the subject lands is 4.0 metres (Section 5.17.7.b).

The applicant is requesting a minor variance to permit steps to encroach into the garage by 0.5 metres and to increase the driveway width from 5.0 metres to 5.4 metres in order to accommodate the three parking spaces required for two dwelling units.

A total of three (3) parking spaces are required in order to permit the second dwelling unit. Two (2) parking spaces are proposed in the driveway, and one (1) in the garage.

A parking space is required to be 5.5 metres in length (Section 5.17.2.d). It appears that garage has been modified to add a door with steps, providing access to the interior of the house. The steps encroach 0.5 metres into the garage, and 0.3 metres into the required parking space length located in the garage.

The purpose of the parking space length requirement is to ensure that the average vehicle can fit with the prescribed parking space size. It is intended that the parking space be unobstructed.

Given the configuration of the garage and the location of the internal access door, the parking space is only partially obstructed by the steps. The impact of the obstruction on the parking space is dependent on the vehicle. If the vehicle is less than 5.2 metres in length, which includes many sedans, small and medium SUVs, the parking area will not be obstructed. If the vehicle has a length of 5.3 to 5.5 metres, which includes large SUVs and vans, the space will be obstructed. However, there may be ways to park the vehicle to avoid obstruction (i.e. bumper overhangs steps). It should also be noted that the two (2) parking spaces in the driveway remain unaffected as the length is not reduced. This provides an opportunity to strategically park vehicles where they most conveniently fit, if required. Based on this, staff is satisfied that the step encroachment within the garage will not hinder the ability to accommodate a total of 3 vehicles on the property.

In order to accommodate the width of two (2) parking spaces, each having a width of 2.7 metres, the driveway needs to be 5.4 metres wide. However, the subject lands have a maximum permitted driveway width of 4.0 metres.

The purpose of limiting the driveway width is to maintain a green streetscape, maintain a reasonable ratio of garage/driveway width relative to the front face of the dwelling along the frontage of the property, and to maintain appropriate grades and pervious surfaces associated with drainage.

The existing paved driveway is 4.47 metres wide, resulting in approximately 59% of the frontage being paved. An additional 0.93 metre width is required to create a 5.4 metre wide driveway, and will be constructed from patio stones. The applicant is not proposing to expand the garage, and as such the massing of the house will not be affected. Planning staff is of the opinion that the minimal increase in surface parking area on the property, constructed of patio stones, will not have an adverse impact on the streetscape. It will achieve the necessary parking required to facilitate an additional dwelling unit, which is permitted by the Official Plan and Zoning By-law.

The By-law prescribes a maximum paved driveway width of 4.0m. However, it is reasonable for the paved driveway to match the exterior width of the garage. As such, to limit the paved area and reflect the existing condition, planning staff have recommended a condition that only a maximum of 5.0 metres of the driveway be paved, while the additional required width be constructed of a different material such as patio stones or permeable pavers.

Subject to the recommended condition, the requested variances maintain the general intent and purpose of the Zoning By-law.

### **3. Desirable Development or Use of the Land, Building or Structure**

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

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

### **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.

### **Infrastructure Services – Transportation & Development Comments:**

Infrastructure Services has reviewed the Notice of Hearing for a minor variance for the property described as Part of Lot 220, Registered Plan 43M-1187, Parts 13, 14 and 15 on Reference Plan 7R-4711, municipally known as 393 Jay Crescent, in the Town of Orangeville. The minor variance is to permit steps to encroach into the garage by 0.5 metres, and to increase the maximum driveway width from 4.0 metres to 5.4 metres, to accommodate the three parking spaces required for two dwelling units.

Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of this minor variance. Concluding, Infrastructure Services,

Transportation and Development Division does not object to the minor variance to permit steps to encroach into the garage by 0.5 metres, and to increase the maximum driveway width from 4.0 metres to 5.4 metres, to accommodate the three parking spaces required for the two dwelling units.

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## **Strategic Alignment**

### **Orangeville Forward – Strategic Plan**

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

### **Sustainable Neighbourhood Action Plan**

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities

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**Attachment(s):** 1. Location Map  
2. Site Plan