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Staff Report PL2022-062

Title of Report: PL2022-062 – ZBA C6-22 Victor Santos
Department: Clerks
Branch: Planning Services
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PL2022-062 for information; and
That Council consider approval of by-law 2022-129.

Property Location: 146 Owen Sound Street



Subject Lands:

The subject lands are known as Plan 480 BLK F Lot 4, Geographic Village of Dundalk, Township of Southgate. The lands are further described as 146 Owen Sound Street. The total subject lands are approximately 687m² in size.

The Proposal:

The purpose of the proposed zoning bylaw amendment is to rezone the subject property to allow for a duplex dwelling to be established on the property. The proposed use will require relief from the interior side yard setback from 2m to 1.5m, The front yard setback from 9m to 7m and the required number of parking spaces from four to three. The zoning will also recognize the deficient lot frontage.

The effect of the proposed zoning by-law amendment would be to change the zone symbol on the subject lands from Residential type two (R2) to Residential Type three with exceptions (R3-529) to permit the proposed duplex. There will also be a three car garage at the rear of the property.

Background:

A public meeting was held virtually on April 27, 2022 at 1pm.

The C6-22 zoning link is as follows:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C6-22-Victor-Santos>

A summary of the comments received are as follows:

Historic Saugeen Metis Lands, Resources and Consultation Department have reviewed the relevant documents and have no objection or opposition to the proposed development.

The Grand River Conservation Authority has no comment or concern.

The County of Grey Planning Staff have no concerns with the subject application.

Public works indicate that an entrance is required. Splitting of water & sewer services may have to be altered, or hook up to mains installed at developer's costs to meet their needs.

There are two comments from members of the Public.

Trevor Hald, a local resident and contractor spoke at the meeting and indicated that he did not object to the development but did have concerns with the interior setback proposed. He stated that in his experience the setback would not allow for excavation without impacting the neighbouring house. He also

stated that the 1.5m setback could pose drainage concerns and that if the development proceeds he would request that a 6ft fence be erected on both sides of the property.

Mohanie Harripaul, a local resident is concerned that the side yard setback is too small and will overpower the neighbouring houses and destroy the character of the area.

Financial Considerations:

None.

Staff Comments:

The concerns regarding the interior side yard a valid concerns that require further review.

The applicant it proposing a duplex, which is essentially the same as a two storey house with an accessory apartment which is also a permitted use in the current zone.

The current interior side yard zoning standard for the R2 zone, which the lot is currently zoned is 1.5m. The applicant is requesting that the zoning be changed to R3 to formally recognize the two proposed units as suggested by Township staff. Township staff could have just as easily recommended to the owner to build the two storey home and convert it once complete to accommodate an accessory apartment which would achieve the same result. For this reason the reduction of the zoning standard in the R3 zone to meet the current zone standard is not in staffs opinion a significant variation from the bylaw that warrants changing.

Furthermore, with the conversion of the two storey house from a residence to a, residence with an accessory apartment the parking requirement would be met.

Based on the above the 1.5m setback is acceptable to staff and appropriate for the situation.

Staff Review:

Staff reviewed this application based on the Planning Act, the Provincial Policy Statement (PPS), Southgate Official Plan and the Zoning By-law.

Provincial Policy Statement (PPS):

The PPS has been reviewed in its entirety however only the most relevant policies

have been identified below. The subject land would constitute a "Settlement Area" under the PPS. The PPS directs the majority of growth and development to settlement areas and encourages intensification within existing developed areas. The proposal is consistent with this policy directive.

The PPS also promotes development on full municipal services where possible. The properties will be serviced by full municipal water and sewer connections. The proposal conforms to the servicing hierarchy of the Provincial Policy Statement.

Minimum Distance Separation (MDS)

Regarding MDS 1, it has been reviewed and MDS is not applicable within settlement areas. Staff have no concerns regarding MDS as it is not applicable to settlement areas.

The proposal is consistent with the PPS.

Township Official Plan:

The Township of Southgate Official Plan (OP) designates the subject lands "Neighbourhood Area". The permitted uses within the Neighbourhood area designation are outlined below.

4.1.1 Permitted Uses

Permitted uses shall be limited to:

- i. Low and medium density residential dwellings, including single family, semi detached and multiple unit dwellings, townhouses, private nursing homes, funeral homes, senior citizen/retirement homes and group homes;

The proposed development which would include two new units on one lot is a low density multi unit dwelling and considered a permitted use. The use does not require the extension of municipal services and has direct access onto Owen Sound Street which is an open and maintained road. There are numerous community facilities and services such as parks, schools and churches within walking distance of the development. The addition of two new units in this area would not pose a significant traffic flow problem. The proposal is consistent with the Official Plan permitted uses.

The proposal promotes intensification within the built up area of Dundalk.

The proposal also complies with the MDS formulae as it is not applicable to settlement areas.

The proposal is consistent with the policies of the Official Plan.

Zoning By-law:

The subject property is currently zoned Residential Type Two (R2). The proposed amendment would rezone the subject lands to Residential Type 3 exception 529(R3-529). All other provisions of the bylaw continue to apply.

The proposed by-law implements the policies of the Official Plan and permits the approval of two units in the form of a duplex dwelling by reducing the front yard setback from 9m to 7m and Interior side yard setback from 2m to 1.5m. The Parking requirement will also be reduced from 4 spots to 3 spots. The effect of the bylaw is to change the zone symbol on the property from Residential Type Two (R2) to Residential Type Three Exception 529 (R3-529) to recognise a new standard for front yard setback of 7m and interior side yard setback of 1.5m. The new parking standard will be 3 spaces. The proposed change to the zone standard is relatively minor and is appropriate for the proposed development of the area.

The reduction of the front yard setback from 9m to 7m is still appropriate as it still conforms to the other buildings on their side of the proposed development. The proposal meets the intent of this provision.

The interior sideyard setback reduce from 2m to 1.5m is also appropriate as there is sufficient access to the rear of the lot via the other interior side yard. Furthermore 1.5m is sufficient to address roof overhang and drainage issues on the lot so that the neighbouring house is not impacted. The proposal conforms to the intent of the bylaw in this regard.

Lastly, the reduction of parking requirements from 4 to 3 spaces is acceptable as the units will remain under one ownership. There is still one dedicated space per unit and one extra for guests. The owner of the lands will be the one responsible for ensuring that parking does not become an issue with their tenants.

Concluding Comments:

Staff support the proposal and in my professional opinion represents good land use planning and therefore the application should be **approved**.

Respectfully Submitted,

Municipal Planner: Original Signed By
Clinton Stredwick, BES, MCIP, RPP



Original Signed By

CAO Approval: _____
Dave Milliner, CAO

Attachments: