

DATE: Sept 29th, 2021

REPORT NO: COA-036-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Terrence Rintjema & Amanda Wintemute
File No. A25/2021WL

CONTACT: Madison Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- A minor Variance application has been submitted by Terrence Rintjema & Amanda Wintemute for the property legally known as Concession 9, Part Lot 9, in the former Township of South Grimsby, Plan 30M-178 Lot 47, now in the Township of West Lincoln, Region of Niagara. Municipally known as 11 Farewell Crescent.
- A minor variance application has been applied for that is required to permit a proposed sunroom addition be built with a rear yard setback of 7 metres (22.97 feet) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that minimum rear yard setback is 10 metres (32.81 feet) for a property zoned Residential Low Density – Type 1B 'R1B'.
- The owners are requesting this variance so that the addition is large enough to fit a swim spa within the addition.
- The size of the proposed sunroom is 5.49 metres (18.01 feet) by 7.92 metres (25.98 feet).
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval subject to a condition.

RECOMMENDATION:

1. THAT, the Minor Variance made by Terrence Rintjema & Amanda Wintemute as outlined in Report COA-036-21, to permit the rear setback reduction to 7 metres (22.97 feet) whereas 10 metres (32.81 feet) is permitted, BE APPROVED, subject to the following condition:
 - a. That the 7 metre rear yard setback only apply to a sunroom with dimensions of not more than 5.6 metres (depth) by 8.1 metres (width).

BACKGROUND:

The subject lands legally described as Concession 9, Part Lot 9, Plan 30M-178 Lot 47, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 11 Farewell Crescent (see attachment 1 for a site sketch). The subject property is situated on the east side of Farewell Crescent and west of Westlea Drive.

The subject property is approximately 0.18 acre (0.07 hectares) in size. The property is in the Smithville Urban Settlement area and has a Low Density Residential designation. The property zoned Residential Low Density – Type 1B ‘R1B’. The majority of the surrounding properties to 11 Farewell Crescent also share the same designation and zoning.

A minor variance application has been applied for by the property owners that is required to permit a proposed sunroom addition be built with a rear yard setback of 7 metres (22.97 feet) whereas Table 14 of the Township’s Zoning Bylaw 2017-70, as amended, identifies that minimum rear yard setback is 10 metres (32.81 feet) for a property zoned Residential Low Density – Type 1B ‘R1B’.

The applicant’s initially applied for a building permit on June 4, 2021 to build an addition onto their single detached dwelling. Planning staff indicated to the owners that they would not be able to provide zoning clearance as the proposed addition encroached upon the required rear yard setback. After speaking with Planning Staff the owners have chosen to proceed with a minor variance application rather than to build a shorter addition as the size and shape is important to the owners. The owners are requesting this variance so that the addition is large enough to fit a swim spa within the addition. The size of the proposed sunroom is 5.49 metres (18.01 feet) by 7.92 metres (25.98 feet).

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

Does the proposal maintain the general intent and purpose of the Official Plan?

Yes

The property is within the Smithville Urban boundary and is designated as Low Density Residential in the Township’s Official Plan. It is the intent of this plan that these low density residential neighbourhoods, in Smithville, be protected and rejuvenated (6.2.1). The main residential use shall continue. The proposed sunroom expansion to the main dwelling will continue to facilitate this use.

The minor variance application is proposing to reduce the rear yard setback by 3 metres from 10 metres to 7 metres for the sunroom that expands the dwelling. The applicant requested these minor variances to build a sunroom expansion to fit a swim spa within the sunroom.

The municipal sanitary and water services for this property are located in the front of this property and not in the back yard. The municipal storm system travel straight through the north side yard of the property, however, the addition will not be over top of the storm system.

Township Planning Staff are of the opinion that the minor variance meets the general

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intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes

The subject land is zoned Residential Low Density – Type 1B ‘R1B’ in the Township’s Zoning By-law 2017-70, as amended. The subject parcel is 700 square metres (7534.74 square feet) in size. The R1B zone permits a single detached dwelling unit.

In their application, the applicant has stated that the minor variance is to build a sunroom that extends from the main dwelling. The building permit, which triggered the minor variance application, does not propose a basement, instead the addition is to be built on a concrete pad. The Township’s Building Inspector has informed the applicant that they will be required to have a frost wall installed on the addition. The drawings for the proposed addition can be found in the attachments.

As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

Is the proposal desirable for the appropriate development or use of the land?
Yes

The applicant has applied for a reduction in a rear yard setback by 3 metres from 10 metres to 7 metres for their sunroom expansion of their dwelling. It is notable to mention that after a sunroom is built the applicant will still have over 50% of their lot dedicated to landscaped open space, specifically 60.7%. As the proposed location of the sunroom is central to the lot it is in the opinion of staff that the rear yard setback is appropriate for their neighborhood, subject to the proposed condition.

Is the proposal minor in nature?
Yes

The minor variance application is requesting relief from the zoning bylaw provision limiting the minimum rear yard setback by 3 metre to allow for a 7 metre setback. As the sunroom is being proposed so that the owners can fit a swim spa. Due to this, the owner cannot reshape the addition to better align with the Township’s Zoning By-law. Reducing the rear yard setback by 3 metres is to also reduce the setback by 30%. The survey sketch provided in this application identifies that the applicant is proposing this addition to be central to the middle of his yard. The proposed location has the ability to reduce the burden of the addition on the applicant’s neighbours as it is centred towards the middle of the property.

For the reasons above and as detailed in this report, Staff is of the opinion that this variance is minor in nature, subject to the proposed condition.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on September 9th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department has no objection to the proposed application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on September 9th, 2021. A notice was posted to the Township's website on the same day, and a yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of Sept 24th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Terrence Rintjema & Amanda Wintemute for the property municipally known as 11 Farewell Crescent. The Minor Variance application is submitted to reduce the rear yard setback from 10 metres to 7 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance.

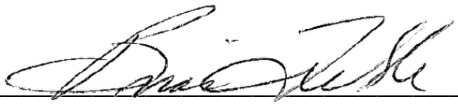
ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions

Prepared by:

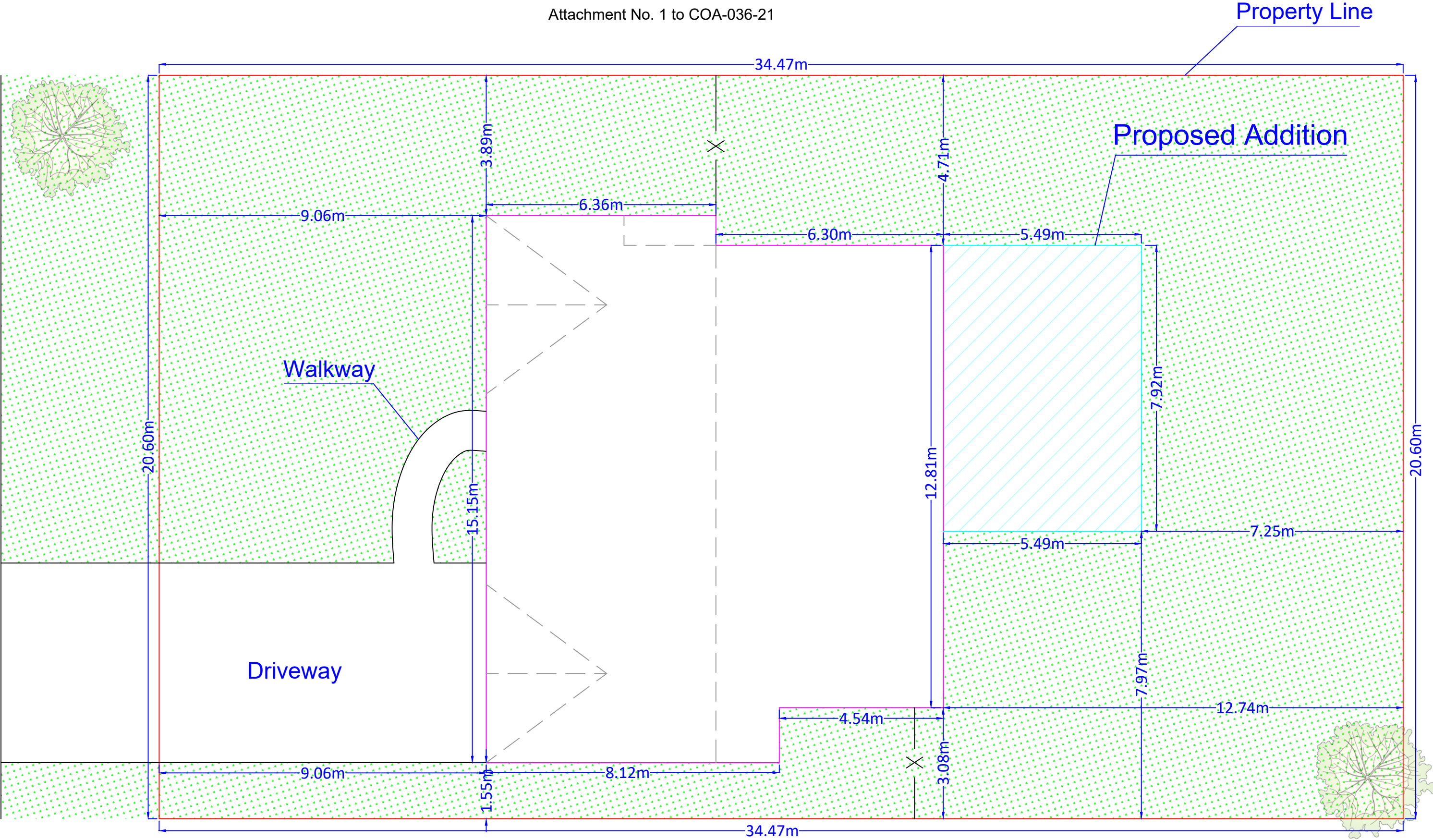
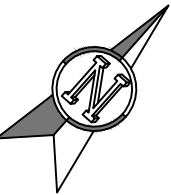


Madyson Etzl
Planner II

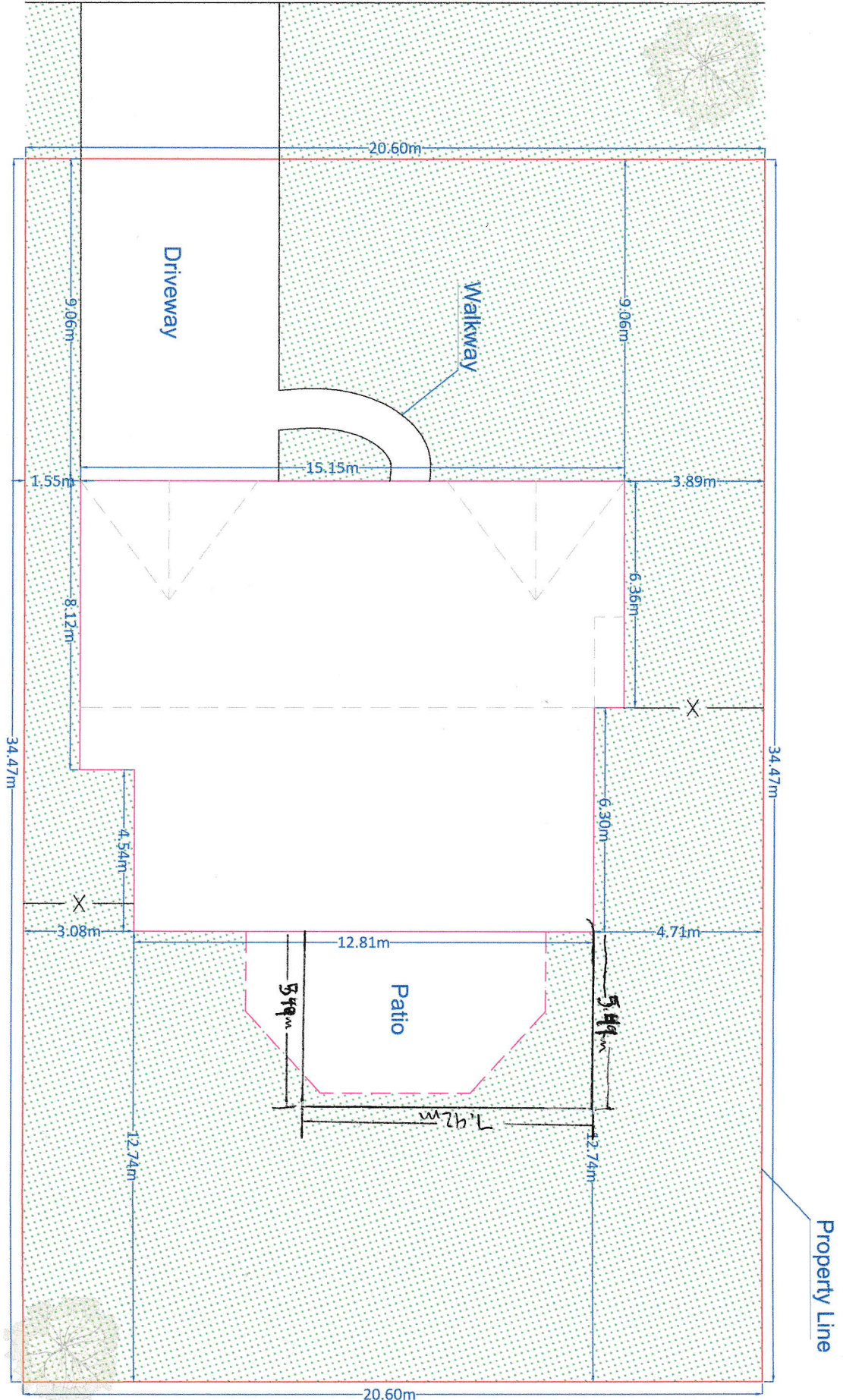


Brian Treble, RPP, MCIP
Director of Planning and Building

Farewell Crescent

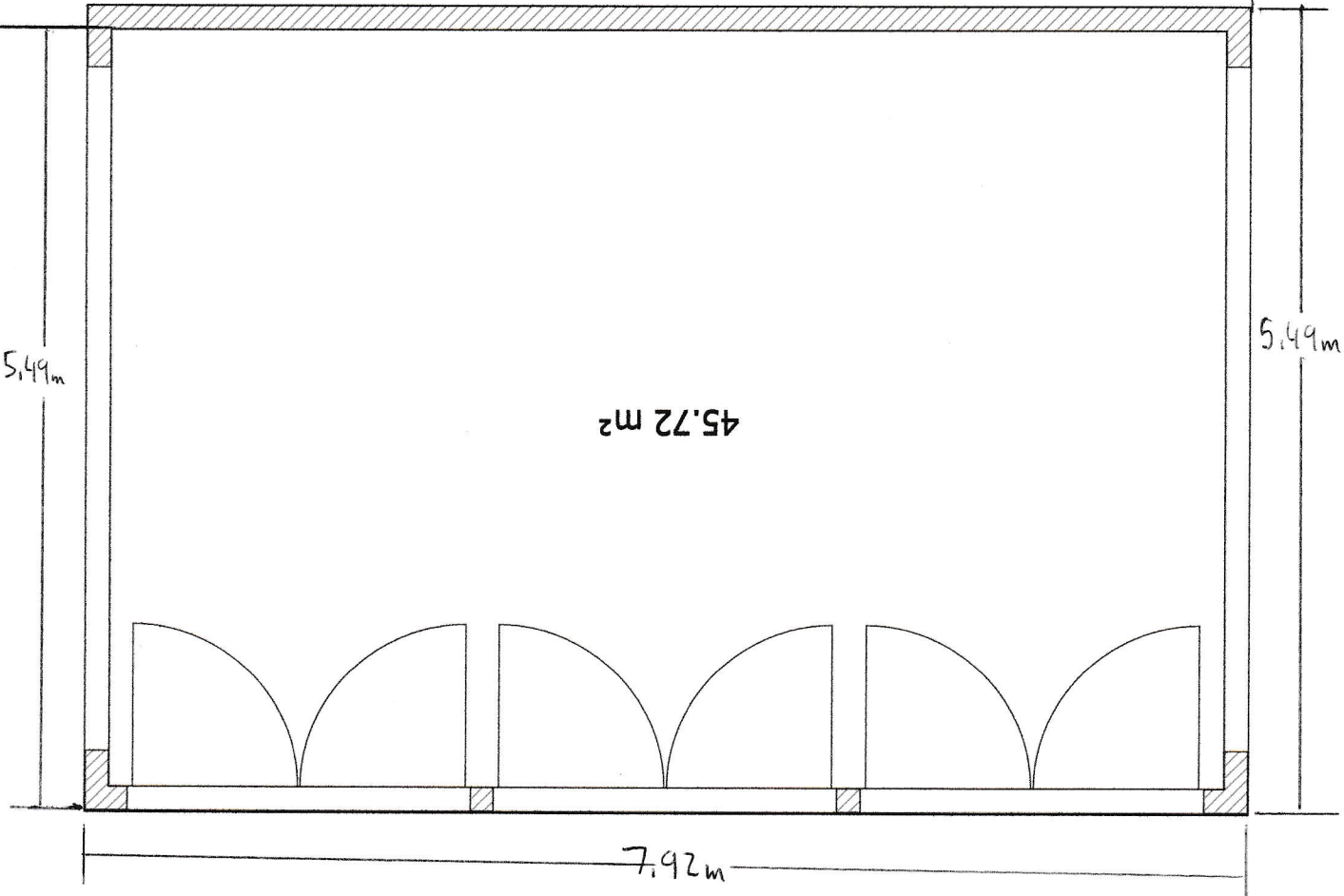


Farewell Crescent

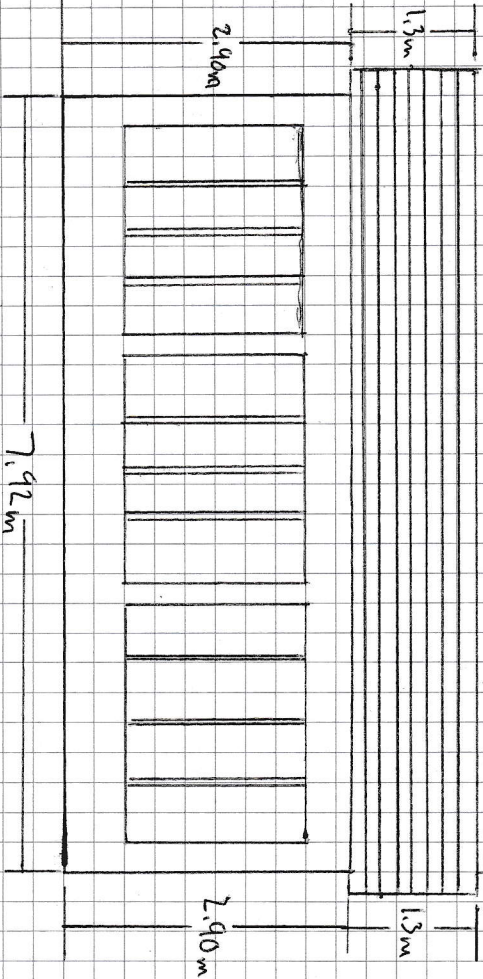


11 Farewell Crescent
Smithville, ON L0R 2A0
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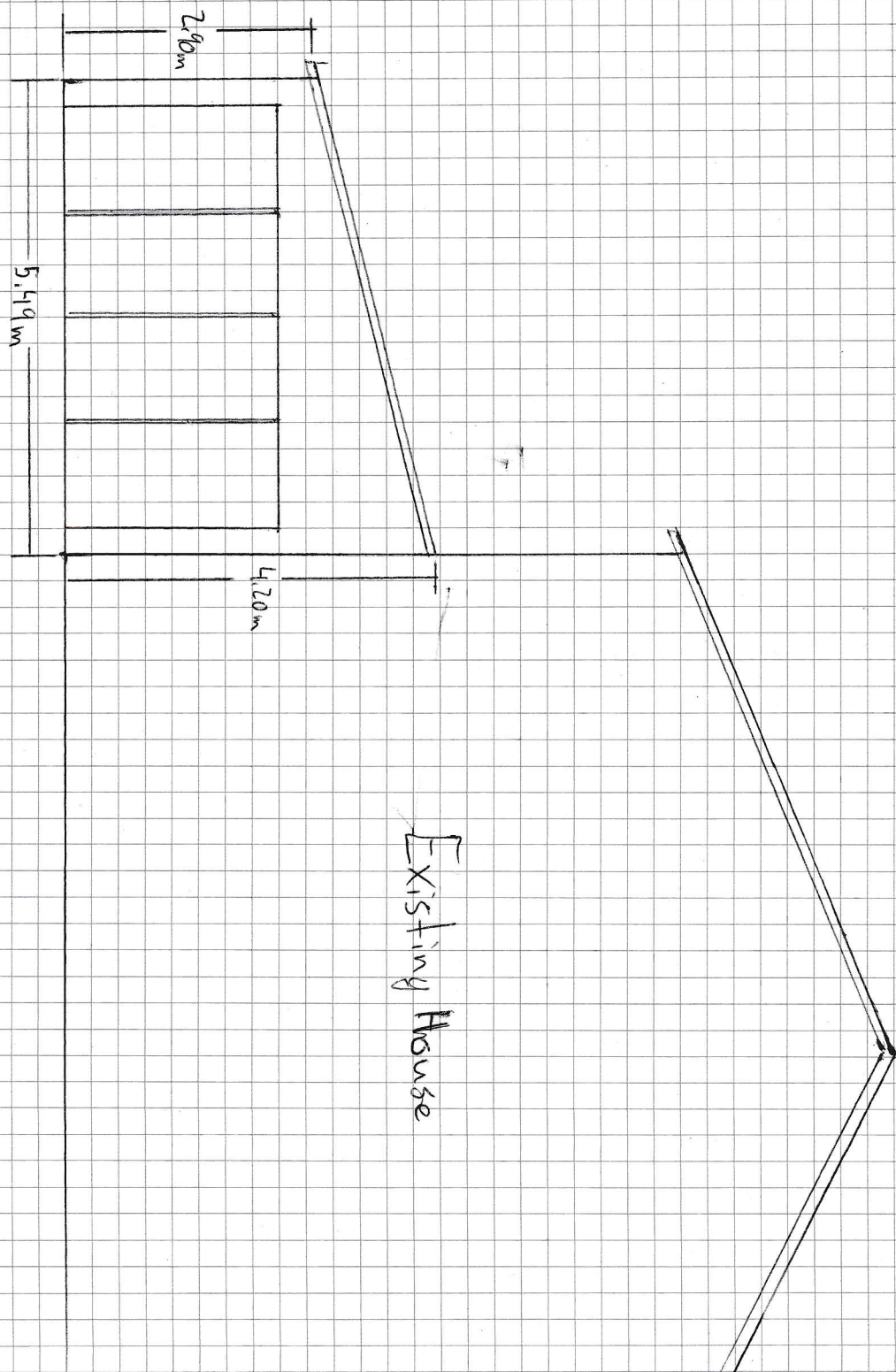
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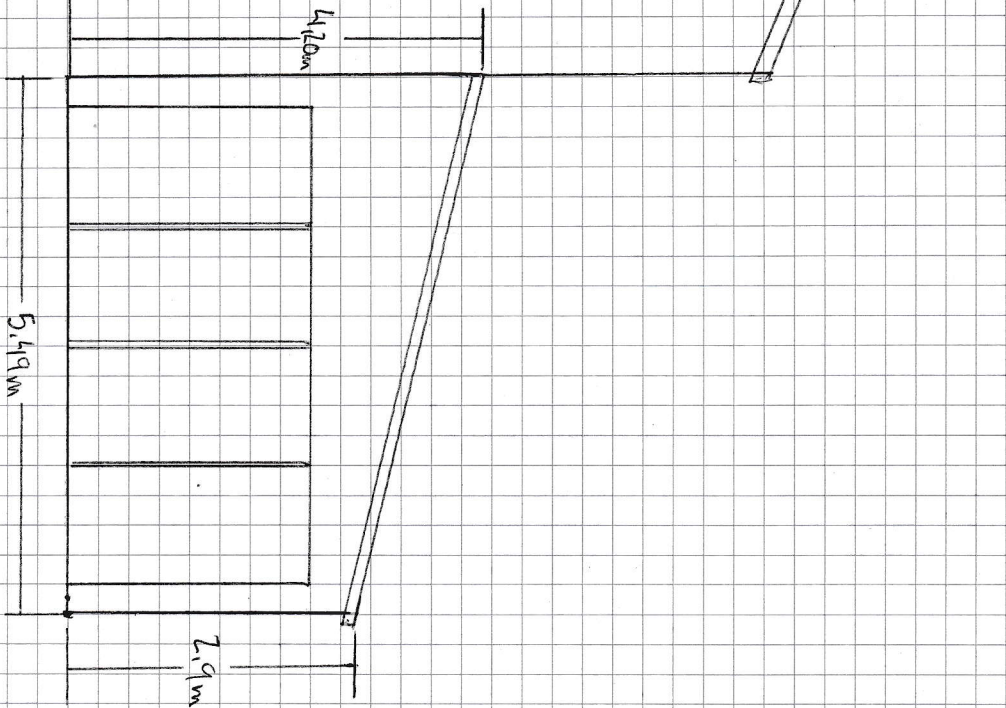
Existing House



Rear Elevation



Existing House



PART 6. RESIDENTIAL ZONES

6.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone	Symbol
Rural Residential	RuR
Residential Low Density	– Type 1A R1A
	– Type 1B R1B
	– Type 1C R1C
	– Type 1D R1D
	– Type 2 R2
	– Type 3 R3
Residential Medium Density	– Type 1 RM1
	– Type 2 RM2
	– Type 3 RM3
Residential High Density	RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

6.2 PERMITTED USES

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 13.

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted											
Principal Uses												
Apartment dwelling										RM3	RH	
Duplex dwelling									RM2			
Fourplex dwelling									RM2	RM3		
Retirement home											RH	
Semi-detached dwelling						R2	R3	RM1	RM2	RM3		
Single detached dwelling	RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling										RM3		
Street townhouse dwelling								RM1	RM2	RM3		
Townhouse dwelling									RM2	RM3		
Triplex dwelling									RM2	RM3		
Accessory Uses ⁽¹⁾												
Accessory buildings or structures and accessory uses (see s. 3.1)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RH ⁽¹⁾	
Accessory dwelling unit (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					
Bed and breakfast establishment (see s. 3.4)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾							

Uses	Zones where Permitted									
<i>Boarding or rooming house</i>	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					RM3 ⁽¹⁾
<i>Garden suite</i> (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					
<i>Group home</i> (see s. 3.6)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Home occupation</i> (see s. 3.7)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Renewable energy system</i> (see s. 3.15)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾ RH ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

6.3 REGULATIONS

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 14: Regulations for Permitted Uses in Low Density and Rural Residential Zones

Regulation				Zone Requirements						
				RuR	R1A	R1B	R1C	R1D	R2	R3
Minimum lot area	Municipal services	Single detached dwelling		0.4 ha	800m ²	550m ²	475m ²	400m ²	360m ²	300m ²
		Semi-detached dwelling ⁽¹⁾							720m ²	450m ²
	Private services			0.4 ha						
Minimum lot frontage	Municipal services	Corner lot	Single detached dwelling	45m	21m	18m		15m	15m	12.5m
			Semi-detached dwelling ⁽¹⁾						24m	18m
		Other lot	Single detached dwelling	45m	21m	18m	15m	13m	12m	10m
			Semi-detached dwelling ⁽¹⁾						24m	18m
	Private services			45m						
Minimum front yard	Dwelling			15m	7.5m	6m	4.5m			
	Private garage						6m			
Minimum exterior side yard				9m	6m	5m	4.5m			3m
Minimum interior side yard	Dwelling			3m	1.5m	1.2m	1.2m ⁽²⁾			
	Private garage (attached to dwelling)						0.6m ⁽³⁾			
Minimum rear yard				15m	10m		7.5m			
Maximum lot coverage	Municipal services			20%	35%	40%	45%			
	Private services				20%					
Maximum height				10m						
Minimum landscaped open space				35%	30%	25%				

- ⁽¹⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, the minimum *lot area* and minimum *lot frontage* for each *dwelling unit* shall be half the requirement identified above for the applicable *zone*.
- ⁽²⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining the two *dwelling units*.
- ⁽³⁾ This provision shall only apply where an attached *private garage* is located on a *lot* where the nearest *interior side yard* on the adjoining *lot* is required to be 1.2 metres or greater in width. If the nearest *interior side yard* on the adjoining *lot* is permitted to be less 1.2 metres, the minimum *interior side yard* for the *private garage* shall be 1.2 metres.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements			
		RM1	RM2	RM3	RH
Minimum <i>lot area</i> (per <i>dwelling unit</i>)	<i>Apartment dwelling</i>	-		160m ²	120m ²
	<i>Duplex dwelling</i>	-	250m ²	-	
	<i>Fourplex dwelling</i>	-		180m ²	-
	<i>Retirement home</i>	-			120m ²
	<i>Semi-detached dwelling</i> ⁽¹⁾	270m ²	200 m ²		-
	<i>Stacked townhouse dwelling</i>	-	-	160m ²	-
	<i>Street townhouse dwelling</i>	225m ²	180m ²		-
	<i>Townhouse dwelling</i>	-	200m ²	180m ²	-
	<i>Triplex dwelling</i>	-	250m ²	200m ²	-
Minimum <i>lot frontage</i> ⁽²⁾	<i>Apartment dwelling</i>	-		30m	
	<i>Duplex dwelling</i>	-	20m	-	
	<i>Fourplex dwelling</i>	-	30m		-
	<i>Retirement home</i>	-			30m
	<i>Semi-detached dwelling</i> ⁽¹⁾	9m/unit	8m/unit		-
	<i>Stacked townhouse dwelling</i>	-	-	30m	-
	<i>Street townhouse dwelling</i>	7.5m/unit	6m/unit		-
	<i>Townhouse dwelling</i>	-	30m		-
Minimum <i>front yard</i>	<i>Dwelling</i>	4.5m			7.5m
	<i>Private garage</i>	6m			
Minimum <i>exterior side yard</i>		3m			Greater of 50% of <i>building height</i> or 3m
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	3m ⁽³⁾			
	Adjoining a <i>lot</i> in any other <i>zone</i>	1.2m ⁽³⁾			3m
Minimum <i>rear yard</i> ⁽⁴⁾	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	7.5m			
	Adjoining a <i>lot</i> in any other <i>zone</i>	6m			
Maximum <i>lot coverage</i>		45%	50%		
Minimum separation distance between <i>dwellings</i> on the <i>same lot</i>	Between exterior side walls	-	3m		
	Between exterior front or rear walls		12m		
	Between exterior front or rear walls and side walls		7.5m		
Maximum <i>height</i>		10m	12m		15m
Minimum <i>landscaped open space</i>		25%			
Minimum <i>amenity area</i> ⁽⁵⁾	<i>Dwelling</i> with 3 or 4 <i>dwelling units</i> on one <i>lot</i>	-	20m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 5 to 8 <i>dwelling units</i> on one <i>lot</i>		40m ² plus 10m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 9 or more <i>dwelling units</i> on one <i>lot</i>		-	80m ² plus 5.5m ² per <i>dwelling unit</i>	

Attachment No. 2 to COA-036-21

- ⁽¹⁾Where *semi-detached dwellings* are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.
- ⁽²⁾ Where multiple attached *dwellings* are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 Zone, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwellings* where each unit is located on a separate *lot*, and for *street townhouse dwellings*, each *lot* shall meet the prescribed minimum *lot frontage*.
- ⁽³⁾Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwellings*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.
- ⁽⁴⁾ No rear yard is required for a *back-to-back townhouse dwelling*.
- ⁽⁵⁾ No common outdoor *amenity area* provided at grade shall have an area less than 40m².