

DATE: April 24, 2024

REPORT NO: COA-06-2024

SUBJECT: **A052024WL – Recommendation Report - Application for Minor Variance – 7 Wade Road - Corey and Shayna Buitenwerf (Agent: Andrew Frandsen)**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A Minor Variance application has been submitted by Andrew Frandsen on behalf of Corey and Shayna Buitenwerf for the property municipally known as 7 Wade Road.
- This Minor Variance application has been applied for in conjunction with a previous conditionally approved severance application B02/2024WL, which conditionally severed Parcel 1 (515 square meters) from Parcel 2 (920 square meters). See the attached survey sketch.
- This Minor Variance application has been submitted to request four variances to permit the proposed building lot and a future dwelling. The variances requested are as follows:
 - A lot area of 515 square metres whereas, the minimum lot area is 550 square metres.
 - A reduced front yard setback of 5.54 metres whereas, 7.5 metres is the minimum permitted.
 - A reduced rear yard setback of 8 metres whereas, the minimum is 10 metres.
 - Recognize an existing rear yard setback of 6.07 metres for the existing dwelling on Parcel 2.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Andrew Frandsen (Agent) on behalf of Corey and Shayna Buitenwerf, as outlined in Report COA-06-2024, to permit a minimum lot area of 515 square metres, a minimum front yard setback of 5.54 metres, a minimum rear yard setback of 8 metres for Part 1, and a reduced rear yard of 6.07 metres for the existing dwelling on Part 2, Be APPROVED

BACKGROUND:

The subject property is located at the north east corner of Wade Road and Wallis Avenue. The subject property is also south of Twenty Mile Creek and Margaret Street, north of Colver Street, and west of Canborough Street (Regional Road 14). The property is currently 1,436.21 square metres (0.35 acres) and contains a one storey dwelling, pool and accessory building. The previous conditionally approved severance which was heard on March 27, 2024, had conditionally severed Parcel 1 (Severed Lands) being 515 square metres in area. A full planning review of that severance application was completed in [Staff report COA-05-2024](#).

The subject lands are located in the Settlement Area of Smithville within a Residential Low Density Designation in the Township's Official Plan. The surrounding land uses are designated in the Township's Official Plan as Residential Low Density to the west, south and east of 7 Wade Road. North of the property is designated as Natural Heritage System and Medium Density Residential. East of the noted low density residential area is designated as Institutional abutting Colver Street and Canborough Street.

The subject lands are zoned as Residential Low Density (R1B) in the Township's Zoning By-law 2017-70, as amended. The surrounding lands are zoned Residential Low Density (R1B) to the east, west and south of the property. North of the property is zoned Environmental Conservation (EC) and Environmental Protection (EP) along Twenty Mile Creek. North of the creek is zoned 'R1B' and Residential Medium Density (RM2).

As a condition of approval for the severance, the applicants are required to apply for either a minor variance or zoning bylaw amendment to ensure that both the severed and retained lots comply with the Township's Zoning Bylaw. Four variances have been applied which include:

- *A lot area of 515 square metres whereas, the minimum lot area is 550 square metres.*
- *Recognize an existing rear yard setback of 6.07 metres for the existing dwelling on Parcel 2.*

These variances above are directly related to the newly created lot that consent application B02/2024WL approved.

- *A reduced front yard setback of 5.54 metres whereas, 7.5 metres is the minimum permitted.*
- *A reduced rear yard setback of 8 metres whereas, the minimum is 10 metres.*

These variances are related to expand the building envelope on the proposed lot.

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 of the Official Plan? Yes

The Township’s Official Plan (OP) designates the subject property in the Urban Boundary within the Settlement area of Smithville. Section 6.1.2 of the Township’s Official Plan (OP) states objectives of Smithville’s urban settlement areas which are protecting and enhancing the character and image of the urban settlement area, to promote higher density residential development, and mixed use development and redevelopment in appropriate locations in Smithville, and to encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln. Additionally, Policy 6.1.2d) also encourages high quality design which is environmentally sustainable and is compatible with the character and image of the adjacent buildings.

The proposed Minor Variance is consistent with the main objectives of Section 5 Growth Management of the OP, including Policy 5.2(i) to encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement area of Smithville. The intent of this minor variance is to recognize deficiencies from a previously conditionally approved consent application which created a new building lot for a single detached dwelling on the corner of Wallis Avenue and Wade Road in Smithville. These applications are both aligned with infilling and meeting the targets for growth as previously mentioned. The applications at 7 Wade Road are aligned with Policy 18.13.4b(iii) of the Township’s Official Plan (OP) as infilling existing built-up areas are permitted and encouraged to meet and address growth patterns in Smithville and projected targets. By providing for a small reduction to the front and rear yard setbacks, the building envelope on the subject property is increased, which would encourage a dwelling that is more compatible with the area with potentially less height.

**Does the proposal maintain the general intent and purpose of the Zoning Bylaw?
Yes**

The subject lands, surrounding area and abutting properties are zoned Residential Low Density ‘R1B’ in the Township’s Zoning By-law 2017-70, as amended.

The conditionally approved building lot will mimic the surrounding low density residential uses and the variances requested are shown in the below table for an “R1B’ zone.

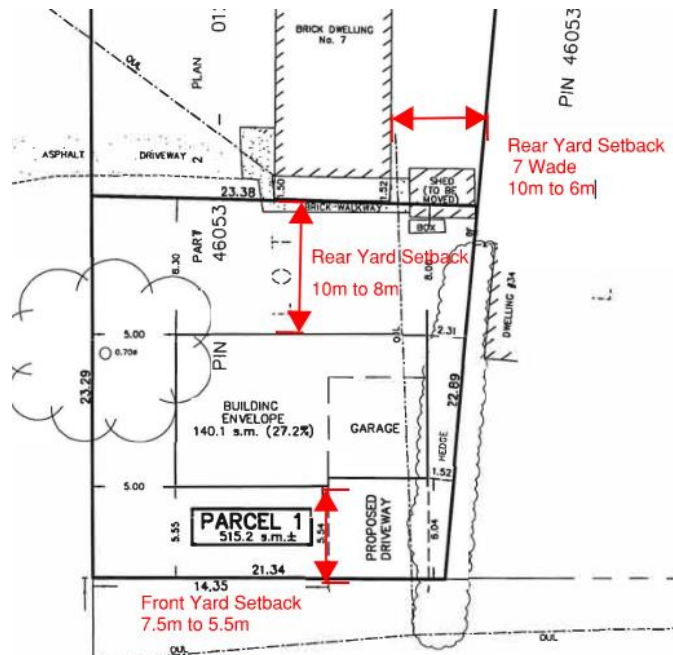
Required	Proposed	Notes
<i>Minimum Lot Area: 550m2</i>	515m2	Proposed size to accommodate a future single detached dwelling and due to the existing dwelling, any increase in size would not be possible.
<i>Minimum Front Yard: 7.5m</i>	5.5m	Front yard is measured along the shortest lot line that abuts a street which in the case is Wallis Avenue.
<i>Minimum Rear Yard: 10m</i>	8m	Rear yard is the distance from the nearest point of the dwelling to the rear lot line. The proposed at 8 metres provides an adequate rear yard for a new residence. Due to the location of existing dwelling, a larger rear yard would not be possible to

		ensure an adequate rear yard and amenity space is being provided on the new lot.
<i>Minimum Rear Yard: 10m</i> (Existing Dwelling at 7 Wade Road)	6m	Rear yard is the distance from the nearest point of the dwelling to the rear lot line.
<i>Minimum Side Yard: 1.5m</i>	1.52m Meets the minimum Side yard setback minimum	Means a yard extending from the front yard to the rear yard between a side lot line and the nearest wall of a building or structure on the lot.

The proposed attached private garage complies with Part 3.12.7 Private Garages of the Township’s Zoning Bylaw 2017-70, as amended, being no closer than 6 metres to a public street at 6.04 metres, does not project closer to the front lot line than the main front wall of the dwelling (see proposed building envelope on Survey Sketch found in Attachment 2), and below the maximum garage width permitted as Part 3.12.7 would allow 50% of the total width of the dwelling (8 metres) and the proposed width is 5.5 metres (see Survey Sketch in Attachment 2).

The minimum total lot size is only 6.5% smaller than what is permitted in the Townships Zoning Bylaw from 550 m² to 515 m², and with the proposed building envelope, there is still adequate open space on both the severed and retained properties for an appropriate amenity area.

The front yard setback proposed is 5.5 metres whereas the required front yard setback is 7.5 metres, this is a 27% reduction. The rear yard is required to be 10 metres and the applicants are proposing 8 metres, this is a 20% reduction, both setbacks still allow for an appropriate front and rear yard area. Planning staff are of the opinion if we allow a larger ground floor building envelope, it might reduce the possibility of a 3 storey dwelling unit. Overall, the applicants are maintaining a minimum interior side yard setback to 34 Wallis Avenue and based on the above staff feel that it meets the intent of the Townships Zoning Bylaw.



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

Planning Staff consider the proposal to be appropriate development and use of the land since this application is primarily recognizing zoning deficiencies resulting from the conditionally approved consent that created a new lot on the subject property. The building envelope is permitted and recognized by the Township's Official Plan policies and staff do not anticipate any adverse effects on the surrounding area or abutting properties as what is being proposed is a single detached dwelling in a low density single detached dwelling neighbourhood. Furthermore, as the remainder of the Township's Zoning regulations are being fulfilled, with exception of those variances applied for, and this will create a building lot for a single detached dwelling which is aligned with infilling and meeting the targets for growth in the urban area of Smithville, which is permitted and encouraged, Planning staff consider this proposal desirable and appropriate for the use of the land.

Is the proposal minor in nature? Yes

The proposed building envelope for a proposed future single detached dwelling is compatible with the existing surrounding low density residential land uses. The requested variances include a reduced lot area of 35 metres squared, from 550 square metres to 515 square metres, a reduced front yard setback of 1.96 meters from 7.5 metres to 5.54 metres, and a reduced rear yard setback of 2 metres from 10 metres to 8 metres. The zoning on the subject property will allow for a maximum height of 10 metres, which could include a 3 storey dwelling. By having a larger building envelope, the need and probability for a third storey is reduced.

Planning staff have compared this to the existing surrounding residential properties and staff consider this proposal for the four requested minor variances minor in nature as the general intent of the Townships Official Plan and Zoning By-Law provisions are being

maintained.

Address	# of Stories	Front Yard Setback
Proposed	Up to 3 (10m)	5.54 m
7 Wade Road	2	7 m
34 Wallis Avenue	2	9 m
11 Wade Road	1	7.5 m
27 Wallis Avenue	2	8.5 m
32 Wallis Avenue	2	6.8 m

The additional variance requested is to recognize an existing rear yard setback deficiency located on the residential property at 7 Wade Road. The deficiency is of 4 metres, from 6 metres to 10 metres to recognize the existing dwelling. This deficiency was a result of the front lot line changing once the severance was conditionally approved. The front lot line is the shortest lot line that abuts a street on a corner lot, and in this case was Wallis Avenue. Now that the front lot line is Wade Road and the property is deficient in terms of rear yard. As there are no physical changes to the location of the dwelling that was constructed in 1969, staff believe this variance as well as the others are all minor in nature as they do not represent a significant departure of what the zoning requires or what other buildings in the vicinity are setback.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, no comments have been received.

Public Works: No objections to provide on this application.

Septic System Inspection Manager: No comments or objections to provide on this application as this lot will be serviced by full municipal water and sewer services.

Niagara Peninsula Conservation Authority: No comments or objections to provide on this application

Niagara Region: Regional staff note that no review is required as a previous comment letter (Township File NO. B02/2024WL) and can be found in the Planning [Staff report COA-05-2024](#).

PUBLIC COMMENTS:

Notice for the Minor Variance was circulated by way of regular mail on April 4th, 2024 to all property owners within 60 metres of the subject property. A yellow notice sign was also posted on the subject property. At the time of writing this report, no public comments have been submitted.

There were two written comments that were submitted as part of the related consent application and were included in [Staff report COA-05-2024](#).

As a part of the consent application, there were concerns with the minimum lot area and setback reductions. Staff have outlined in this report that the minimum lot area and reductions to the required front and rear yard setbacks meets the four tests of a minor variance and should not have a negative impact on the neighbourhood.

There was also one public comment that was resubmitted to planning staff on April 12th with concerns about property values and parking spaces. Staff note that the proposed driveway will accommodate 2 standard sized vehicles. Planning staff also want to make note that some of the immediate neighbouring properties also don't comply with the current setbacks of an R1B zone, specifically interior side yard setbacks and the rear yard setbacks. Therefore, staff feel that this proposed building lot would not cause any negative impacts to the surrounding neighbourhood.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance application A05/2024WL as outlined in report COA-06-2024 to permit a lot area of 515 square metres whereas, the minimum is 550 square metres, a reduced front yard setback of 5.54 metres whereas, 7.5 metres is the minimum permitted, a reduced rear yard setback of 8 metres whereas, the minimum is 10 metres. And to recognize rear yard setback to an existing dwelling on Parcel 1 of 6.07 metres whereas, the minimum is 10 metres to the existing dwelling.

ATTACHMENTS:

1. Site Sketch
2. Agency Comments
3. Public Comments

Prepared & Submitted by:

Approved by:

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