



Committee of Adjustment

Report N° PE2024-035

Date received: 30/05/2024

Date of the meeting: 18/06/2024

Submitted by: Ellory Vincent – JLRichards consultant for the City

Subject: Minor variance

File no: D-13-24-02

Owner: CH Clément Construction Inc.

Agent: Stantec Consulting Ltd. (Aditi Mane)

Civic address: 1465 David Street

Legal description: PT LT 22 CON 2 OS CLARENCE PT 1 50R2668 CITY OF CLARENCE-ROCKLAND

General information

Designation of the Official Plan of the United Counties of Prescott and Russell (2022) (Newly Adopted):

Urban Policy Area

Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland (2013)

Medium Density Residential

Classification of Zoning By-Law No. 2016-10:

Residential Third Density Exception 66 (R3-66) Zone and Parks and Open Space (OS) Zone.

Services:

- Municipal water: YES
- Municipal Sewer: YES
- Road access: Municipal road access.

Purpose

The applicant has requested a minor variance to permit a reduced minimum lot area per dwelling unit (DU) in Block 1 and Block 9 of plan 50R-2668 from the R3 zone provisions of minimum lot area of 140 m²/per DU for stacked townhouse dwellings to the requested variances of a minimum lot area of 119 m²/per DU for Block 1 and a minimum lot area of 110 m²/per DU for Block 9 for low-rise apartment dwellings.

Variance(s) requested

R3 Zone	Block	Permitted	Proposed
Minimum lot area (low-rise apartment dwelling)	1	140 m ² /per DU	119 m ² /per DU
Minimum lot area (low-rise apartment dwelling)	9	140 m ² /per DU	110 m ² /per DU

Conditions and Comments Received

Finance Department:

No comments

Infrastructure Services:

No comments

Protective Services:

No comments

United Counties of Prescott and Russell:

No comments

South Nation Conservation:

No comments

Planning Services:

Through the Planning Rationale provided by Stantec Consulting Ltd. on behalf of the applicant, it has been identified that a minor variance is required to permit a reduced minimum lot area per dwelling unit (DU) in Block 1 and Block 9 of plan 50R-2668 from the R3 zone provisions of minimum lot area of 140 m²/per DU for low-rise apartment dwellings. The requested variance is for a minimum lot area of 119 m²/per DU for Block 1 and the requested variance of a minimum lot area of 110 m²/ per DU for Block 9 for low-rise apartment dwellings. In turn increasing the number of permitted dwelling units through the decreased minimum lot area per DU.

The subject property is located east of the core urban area of Rockland. The property is legally described as Part of Lot 22 Concession 2 (Old Survey), Part 1 and Block 1 and Block 9 (draft plan of subdivision) on Plan 50R-2668. 1465 David Street is on the north side of the street and abuts the Rockland Golf Club along the northern and eastern property lines. The property is currently vacant. The applicant is proposing to develop the property as a residential community with a combination of townhouses, stacked townhouses, and low-rise apartment dwellings, consisting of 234 new homes. The surrounding area consists of open space/recreational, residential, and rural uses as well as vacant lands that make up the Expansion Lands Secondary Plan to the south.

As it exists now the property is an interior lot with a total area of approximately 6.1 ha and 234 m (151 m + 83 m) of non-continuous frontage along David Street. Block 1 of the draft plan of subdivision is proposed to have a frontage

of approximately 42.73 m on Street "A" of the draft plan of subdivision, and an area of approximately 4,297m². Block 9 of the draft plan of subdivision is proposed to have a frontage of approximately 41.64 m on Street "B" of the draft plan of subdivision and an area of approximately 5,943 m². Block 1 will consist of two separate low-rise apartment buildings consisting of 18 dwelling units each, for a combined total of 36 units. Block 9 will consist of three low-rise apartment buildings consisting of 18 dwelling units each for a combined total of 54 dwelling units. The table below illustrates area per dwelling unit for each block.

Block	Dwelling Units (DU)	Block Area	Area/Unit
1	36	4,297 m ²	119 m ² per DU
9	54	5,943 m ²	110 m ² per DU

Planning Act

Section 45(1) of the Planning Act States that:

"The Committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is in effect under section 34 or 38, or a predecessor of such section, or any person authorized in writing by the owner, may despite any other Act, authorize such minor variance from the provision of the by-law in respect to the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and the official plan, in any, are maintained."

The Planning Act allows for owners or representatives (agents) of owners to apply for a minor variance which the Committee of Adjustment will review that the change does not conflict with the overall intent and purpose of the Zoning By-law and the Official Plan(s), if applicable. The four tests in this report will evaluate if the application is considered a 'minor' change, and will be followed by a recommendation by the Planning Division.

Provincial Policy Statement 2020 (PPS)

Section 1.1 of the PPS speaks to Managing and directing land uses to achieve efficient and resilient development and land use patterns. Subsection 1.1.1.(b) states that healthy, liveable, and safe communities are sustained by...accommodating a mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons). Further, Subsection 1.1.3.1 specifies that *settlement areas shall be the focus of growth and development*, as this ensures effective use of infrastructure and public service facilities and minimizes unnecessary public expenditures. The proposed low-rise apartment

dwelling represent growth and development within the settlement area and represent multi-unit housing within the draft subdivision, thereby contributing to the mix of housing options. Overall, the proposed variances are consistent with/does not conflict with the policies of the PPS.

Four tests

I. a. The general intent and purpose of the United Counties of Prescott and Russell Official Plan (2022, Newly Adopted) are maintained:

The subject property is located in the "Urban Policy Area" (Section 2.3.4) on Schedule "A" of the Official Plan of the United Counties of Prescott and Russell (UCPR OP). This OP does not specifically address minor variances or minimum area per dwelling unit, however, section 2.1.2. of the UCPR OP outlines policies on growth targets in order to achieve balanced growth as "Directing growth to our fully services communities will result in compact development which in turn helps to ensure efficient use of infrastructure. The plan further specifies in section 2.1.2.1.(5) that small-scale residential intensification shall be permitted in all Urban Policy Areas, except where infrastructure is inadequate or there are significant physical constraints. As the proposed low-rise apartment dwellings will be located on a municipal road, with municipal water and sewer services, the proposed variances can be considered to conform with the general intent and purpose of the UCPR OP.

b. The general intent and purpose of the Official Plan of the Urban Area of the City of Clarence-Rockland are maintained (2013):

Section 10.9 of the local Official Plan allows the Committee of Adjustment to rule on applications of minor variance applications from the provisions of the Zoning By-law.

The property is located in the Medium Density Residential designation on Schedule "A" of the City of Clarence Rockland Official Plan (OP) (2013). The Section 5.6.1 of the OP outlines general residential policies, stating that "It is the policy of this Official Plan to have a range of housing types throughout Rockland. The purpose of this policy is to avoid uniformity of housing types in new development areas". The proposed low-rise apartment dwellings are a part of the draft plan of subdivision that includes a mix of housing types including townhomes and stacked townhomes. Section 5.6.3. of the OP outlines policies for residential development within the Medium Density Residential designation. This designation permits for townhouses a minimum density of 35 units per net hectare and a maximum of 55 units per net hectare. For stacked dwellings and low-rise apartment, the OP permits a maximum of 65 units per net hectare. The overall site has the draft

plan of subdivision would achieve a density of 55 dwelling units per net hectare. The proposed variances can be considered to conform with the general intent of the City of Clarence Rockland OP.

II. The general intent and purpose of the Clarence-Rockland Zoning By-law 2016-10 are maintained:

The subject site is located in the Urban Residential Third Density (R3) Zone and Open Space (OS) in the City of Clarence-Rockland Zoning By-law 2016-10. The proposed variances of a reduced minimum lot area per dwelling unit from 140 m² of area per DU to a minimum lot area of 119m² of area per DU for Block 1 and to a minimum lot area of 110 m² of area per DU for Block 9 does not significantly impact other provisions in the Zoning By-law, and the proposed development of Block 1 and Block 9 meets all other provisions of the R3-66 Zone. The portion of the subject site that is zoned OS comprises Block 11 of the draft plan of subdivision, therefore, the OS Zone provisions do not apply to Blocks 1 and 9. The proposed variances can be considered to maintain the general intent and purpose of the Zoning By-law.

III. The variance is minor:

The variance requested for Block 1 of a reduced minimum lot area per DU of 119 m² is a 15% reduction from the R3 minimum of 140 m² of lot area per DU for low-rise apartment dwellings. The variance requested for Block 9 of a reduced minimum lot area per DU of 110 m² is a 21.5% reduction from the R3 minimum lot area per DU of 140 m². In addition, there will be negligible impacts on surrounding neighbouring properties.

For these reasons above, the variances requested is considered minor.

IV. The proposed use of land, building or structure is desirable for appropriate development:

The proposed site of the proposed low-rise apartment dwellings within the draft plan subdivision is desirable as it will provide a mix of housing options for the City and it will make efficient use of existing services and infrastructure. The proposed low-rise apartment blocks are surrounded by townhouses, stacked townhouses, and respect the low-rise built form of the existing surrounding residential neighbourhood along David Street. Overall, the proposed low-rise apartment dwellings are desirable and appropriate for the lands in question.

Recommendation from the Planning Division

THAT the Committee of Adjustment accepts the application for Minor Variance submitted by CH Clément Construction Inc. with their agent Stantec Consulting Ltd. for the property identified as 1465 David Street to:

- Permit a reduced minimum lot area per dwelling unit (DU) of 119m²/per DU for Block 1 and of 110 m²/ per DU for Block 9 for low-rise apartment dwellings.

QUE le comité de dérogation accepte la demande de dérogation mineure soumise par CH Clément Construction Inc. avec son agent Stantec Consulting Ltd. pour la propriété identifiée comme le 1465 rue David afin de :

- Permettre une réduction dans l'aire du lot minimum par unité d'habitation (UH) à 119m²/UH pour le bloc et 110m²/UH pour le bloc 9 pour des appartements de faible hauteur.

ATTACHMENTS

Appendix A – Location Map (1465 David Street)

Appendix B – Reference Plan 50R-2668

APPENDIX A – LOCATION MAP (1465 DAVID STREET)

*Map provided by Agent



APPENDIX B – REFERENCE PLAN 50R-2668

- * Plan provided by Agent
- * Block 1 and Block 9 are outlined.

