



Committee of Adjustment Report

Report N° PE2024-054

Date received: 05/11/2024

Date of the meeting: 05/11/2024

Submitted by: Fabien Lalande, J.D.

Subject: Minor variance

File no: D-13-24-06

Owner: CH Clement Construction Inc.

Applicant: Consilio Planning - Dominique Tremblay

Civic address: Darquise Street

Legal description: Block 8 on Plan 50R-378

General information

Designation of the Official Plan of the United Counties of Prescott and Russell:

Urban

Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland:

Medium Density Residential

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

Urban Residential Third Density – Exception 54 (R3-54) Zone

Services:

- Municipal water: Yes
- Municipal Sewer: Yes
- Road access: Darquise Street

Purpose

Minor Variance to reduce the minimum setback of the interior side yard of Block 8 of Plan 50R-378 at the end of Darquise Street from 3 meters to 2.8m.

Variance requested

| | | |
|----------------------------|-----------|----------|
| R3-54 Zone | Permitted | Proposed |
| Minimum interior side yard | 3m | 2.8m |

Conditions and Comments Received

None.

Discussion

The subject property is legally described as Block 8 forming part of the Clement Cove subdivision which consists of a lot with approximately 27m of frontage on Darquise Street, an approximate depth of 45m and an area of 2,700 square meters (0.6 acres).

The subject property is located within the urban area of the City of Clarence-Rockland, at the end of Darquise Street. Darquise Street has access to Caron Street, Dion Avenue and Green Avenue. Caron Street runs from County Road 17 to Baseline Road. The new street in question forms part of the Clement Cove Subdivision project and is currently under construction. The surrounding area consists of residential uses on the south and west and a golf course on the east and north.



Image 1 – location of subject property

Through the Planning Rationale provided by the Consultant Dominique Tremblay on behalf of the owner, it has been identified that a minor variance is required to reduce the minimum interior side yard setback from 3 meters to 2.8 meters to accommodate the positioning of the proposed stacked townhouse building.

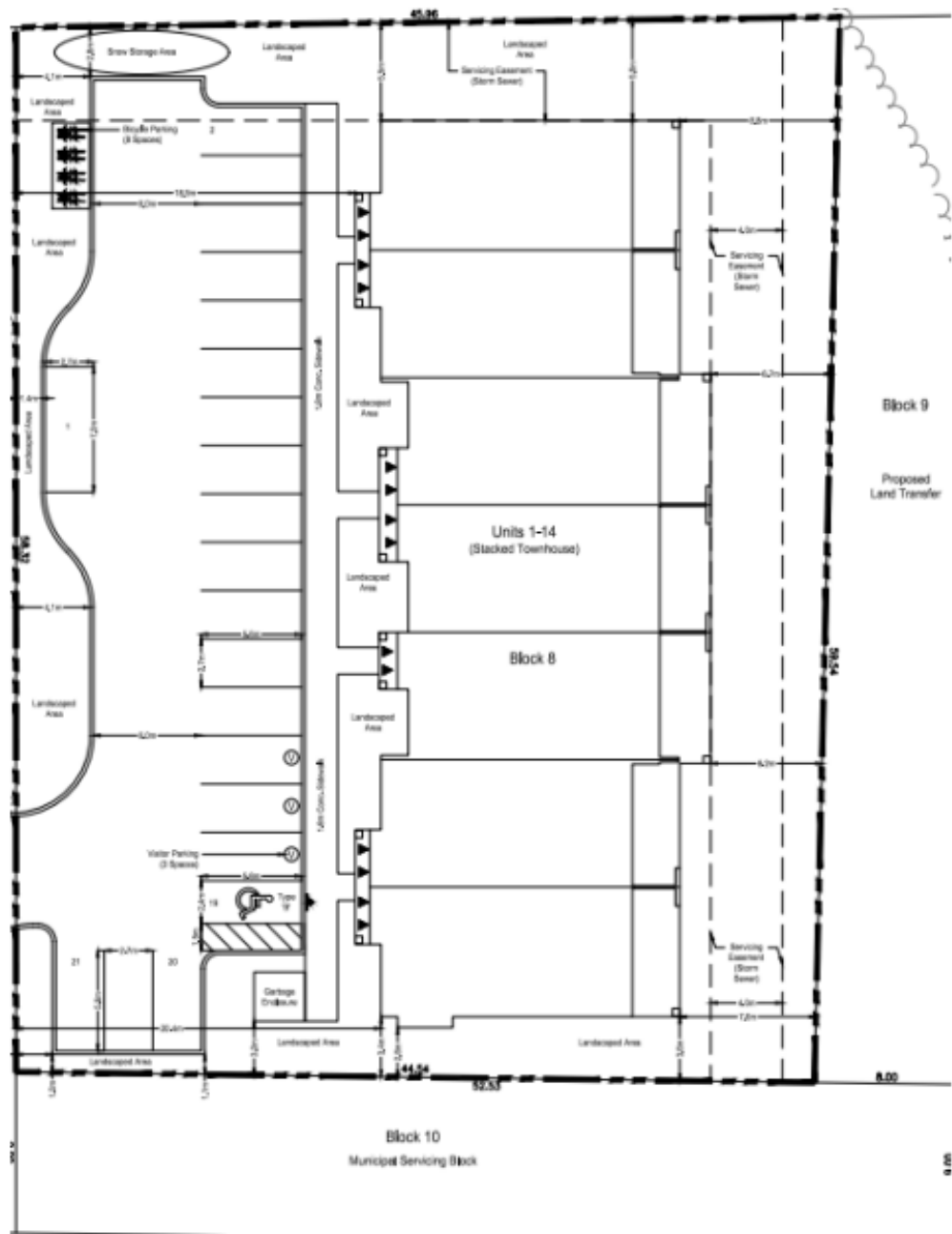


Image 2 – site plan of proposed 14-unit stacked townhouse

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 owners or representatives of owners to apply for a minor variance to the Committee of Adjustment. They will review that the change does not conflict with the overall intent and purpose of the 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 2024 (PPS)

Section 2.3 of the PPS speaks to Settlement Areas, which the subject lands would be in, and generally encourages growth and development. The PPS does not speak to regulations for minor variances. Overall, there are no conflicts with the proposed use or minor variance requested.

Four tests

- I. The general intent and purpose of the Official Plan are maintained:
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 (Section 5.6.3) on Schedule “A” of the local OP. Section 5.6.3.2 3 requires that evaluation of a minor variance give regard to compatibility, parking, vehicular and pedestrian movement, availability of municipal services, safety, noise. The minor variance does not impact any of the aforementioned considerations or the use of the proposed building, which is consistent with the purpose of this designation.
- II. The general intent and purpose of the Zoning By-law are maintained:
The property is located in the Urban Residential Third Density – Exception 54 (R3-54) Zone in the City of Clarence-Rockland Zoning By-law 2016-10. The proposed change of reducing the minimum interior side yard setback to 2.8 meters for the proposed building does not significantly impact other provisions in the zoning by-law, and therefore the general intent and purpose of the by-law are maintained
- III. The variance is minor:
The variance requested is only approximately 6.6% increase of the current minimum interior side yard setback. In addition, there will be negligible impacts on surrounding neighboring properties.
- IV. The proposed use of land, building or structure is desirable for appropriate development:
The proposed use of land is desirable for the area as it will accommodate residential development. The minor variance requested does not impact on the intended use of the proposed town homes or of the surrounding properties in any significant capacity. Overall, this minor variance is desirable and appropriate for development.

Recommendation from the Planning Division

THAT the Committee of Adjustment accepts the application for Minor Variance submitted by Dominique Tremblay on behalf of CH Clement Construction Inc., for the property identified as Block 8 on plan 50M-378, to:

- Reduce the minimum setback of the interior side yard from 3m to 2.8m

QUE le comité de dérogation accepte la demande de dérogation mineure soumise par Dominique Tremblay pour CH Clement Construction Inc., pour la propriété identifiée comme étant le Bloc 8 sur le plan 50M-378 afin de :

- Réduire la marge de recul minimale de la cour latérale intérieure de 3m à 2,8m