



## **PLANNING REPORT for the TOWN OF MINTO**

Prepared by the County of Wellington Planning and Development Department

**DATE:** September 10, 2018  
**TO:** Bill White, C.A.O.  
Town of Minto  
**FROM:** Jessica Wilton, Junior Planner  
Curtis Marshall, Senior Planner  
County of Wellington  
**SUBJECT:** **Dan Sinclair**  
**Part Lot 7 & 8, South Side of Victoria Street, Morrison's Survey**  
**310 Queen Street, Palmerston**  
**Zoning By-law Amendment – Reduced Lot Area and Setbacks**

### **PLANNING OPINION**

The purpose and effect of the proposed amendment is to rezone the proposed retained portion of property to permit a reduced lot area and reduced rear yard setback (existing single detached dwelling). The applicants have also requested to rezone the proposed severed parcel to permit a reduced lot area and reduced rear yard setback to facilitate the construction of a future single detached dwelling.

This rezoning is a condition of severance application B57/18, which has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever a vacant 416.9 m<sup>2</sup> (4,487 ft<sup>2</sup>) residential parcel. A 392.4 m<sup>2</sup> (4,223 ft<sup>2</sup>) residential parcel is retained.

Planning Staff have no concerns with the requested relief for the proposed retained lot that contains an existing dwelling as discussed in the report below.

In regards to the proposed severed lot, Planning Staff recognize that the square shape of the lot, and lack of depth provide a challenge to place a dwelling on the lot and maintain minimum zoning setbacks. The rear yard amenity area is also affected (reduced) on the proposed lot. Consideration to impacts on neighbouring properties should be considered when building setbacks are reduced and a dwelling is located closer to a lot line. In consideration of potential adverse impacts to the neighbouring properties, Planning Staff are recommending that the dwelling on the proposed severed lot be limited to a one storey bungalow as a means to limit impacts to the adjacent properties. Planning Staff have included a provision in the draft zoning by-law to this effect.

A draft zoning by-law amendment is attached as **Schedule 2** to this report for public viewing and Council's consideration.

## INTRODUCTION

The property subject to the proposed amendment is described as Part Lot 7 & 8, South Side of Victoria Street, Morrison's Survey with a municipal address of 310 Queen Street South and is approximately 809.3 m<sup>2</sup> ( 8711 ft<sup>2</sup>) in area.

## PROPOSAL

The purpose and effect of the proposed amendment is to rezone the proposed retained portion of property to permit a reduced lot area and reduced rear yard setback (existing single detached dwelling). The applicants have also requested to rezone the proposed severed parcel to permit a reduced lot area and reduced rear yard setback to facilitate the construction of a future single detached dwelling. An air photo of the property is shown in **Figure 1** below.



This rezoning is a condition of severance application B57/18, which has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever a vacant 416.9 m<sup>2</sup> (4,487 ft<sup>2</sup>) residential parcel. A 392.4 m<sup>2</sup> (4,223 ft<sup>2</sup>) residential parcel is retained. A copy of the severance sketch is attached as **Schedule 1** to this report.

## PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the settlement area of Palmerston. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas, including urban growth centres, major transit station areas, brownfield sites and greyfields.

## WELLINGTON COUNTY OFFICIAL PLAN

The property is located within the Palmerston Urban Centre and is designated RESIDENTIAL. Single detached dwellings are permitted in the Residential designation as a form of low density residential development. The character of existing low density residential neighbourhoods should generally be protected and land uses which would cause significant loss of privacy, loss of view, or loss of sunlight due to shadowing or which would be incompatible due to their nature shall be discouraged. Under Section 8.3.2 of the Official Plan, intensification is encouraged provided that development proposals maintain the stability and character of existing neighbourhoods.

Section 8.3.12 of the County Plan establishes that proposals for intensification shall be evaluated using the following criteria:

- a) the compatibility of the proposed development in built form **including height**, massing, scale, **setbacks**, orientation, use, built form, architectural character and materials, separation distances, shadowing and privacy. Compatible development is considered to be development that may not be the same as existing adjacent development but which can co-exist with existing development **while not creating unacceptable adverse impacts**;
- b) the degree to which building height and massing shall provide a transition between planned and existing development;
- c) the maintenance of a lotting pattern that is generally consistent and compatible with the predominant character of the area;
- d) the ability of infrastructure to accommodate the proposal;
- e) the impact of the development on the streetscape including, where feasible, the protection of municipal street trees;
- f) the degree to which **impact on the adjacent properties is minimized** in relation to grading, drainage, location of service areas, access and circulation, **privacy, views, enjoyment of outdoor amenities, and shadowing**; and
- g) the conservation of significant cultural heritage resources.

## ZONING BY-LAW

The subject lands are currently zoned Medium Density Residential (R2). The applicant has requested to rezone the severed and retained lands to Medium Density Residential (R2) site-specific zone to permit the reduced lot sizes and reduced setbacks. Reference was made in the Public Meeting notice that a reduction was required to the minimum exterior side yard setback, however, on further

review relief is not required for the existing dwelling's setbacks to Victoria St. and Queen St. as the Zoning By-law recognizes these as existing setbacks.

The applicant has applied to amend the lot area and setback standards as follows:

Proposed Severed Lot:

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Lot Area</b> Section 12.2.1.1	465.0 m <sup>2</sup> (5005.4 ft <sup>2</sup> )	416.9 m <sup>2</sup> (4,487.0 ft <sup>2</sup> )	48.1 m <sup>2</sup> (517.7 ft <sup>2</sup> )
<b>Minimum Rear Yard Setback</b> Section 12.2.1.6	7.6 m (24.9 ft)	4.6 m (15.09 ft)	3.0 m (9.8 ft)

Proposed Retained Lot (with existing dwelling):

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Lot Area</b> Section 12.2.1.1	465.0 m <sup>2</sup> (5005.4 ft <sup>2</sup> )	392.4 m <sup>2</sup> (4,223.0 ft <sup>2</sup> )	72.6 m <sup>2</sup> (781.5 ft <sup>2</sup> )
<b>Minimum Rear Yard Setback</b> Section 12.2.1.6	7.6 m (24.9 ft)	4.15 m (13.6 ft)	3.45 m (11.3 ft)

## PLANNING DISCUSSION

**Existing Dwelling on the Retained Lot:** This application is a condition of severance B57/18 which has been conditionally approved by the Wellington Land Division Committee with a condition for zoning relief. The applicant requested to sever the corner lot, which will result in two undersized lots. Minimum lot area requirements are required by the zoning by-law to ensure that lots are large enough to accommodate services as well as ensure that appropriate amenity space is provided and that setbacks to neighbouring properties can be achieved. The retained lot has an existing 2-storey dwelling and as a result of the severance will no longer have a back yard. The only amenity space is located in the exterior side yard (between existing house and Victoria St.) however, this space is of sufficient size to provide adequate amenity space and room for parking.

Planning Staff are recommending that a clause be included to confirm that Queen St. remains as front lot line even though the frontage along Victoria St. is now shorter and would normally now be considered as the front lot line according to the zoning by-law.

**Proposed Severed Lot:**

The applicant has requested a reduced lot area and a reduced rear yard setback on the proposed severed vacant lot to facilitate the construction of a single detached dwelling. The applicant is planning to construct a 111.5 m<sup>2</sup> (1200 ft<sup>2</sup>) bungalow with a single gar garage. The proposed 4.6 m rear yard setback is not typical for single detached dwellings and leaves a limited rear yard amenity space. Planning Staff's preference is to see the rear yard setback and lot size preserved when new lots are created and/or new dwellings are constructed in order to provide an adequately sized amenity area for the owner. In cases where rear yards are proposed to be reduced, an alternative amenity area should be provided such as a larger side yard, balcony or porch (in urban settings) etc. In the case of the proposed retained lot (discussed above) an alternative sufficient amenity area is provided in the exterior side yard. The applicant should be aware that the ability to construct a shed or deck will be limited due to the small rear yard.

Planning Staff recognize that the square shape of the lot, and lack of depth provide a challenge to place a dwelling on the lot and maintain minimum zoning setbacks. Consideration to impacts on neighbouring properties should be considered when building setbacks are reduced and a dwelling is located closer to the lot line. Building setbacks, including rear yard setbacks serve to separate land uses and buildings to reduce potential conflict, provide privacy, and provide greenspace (lawns, gardens, trees, infiltration and drainage). In consideration of potential adverse impacts to the neighbouring properties, Planning Staff are recommended that the dwelling on the proposed severed lot be limited to a one storey bungalow. Planning Staff have included a provision in the draft zoning by-law to this effect.

**Pre-consultation:**

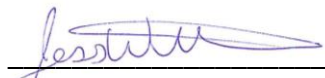
Planning Staff spoke with the applicant prior to the submission of the consent application and highlighted concerns with the proposed reduced setbacks and the challenges in locating a dwelling appropriately.

**Draft Zoning By-law**

A draft zoning by-law amendment which introduces site specific exceptions for the proposed severed and retained lots has been attached to this report as **Schedule 2** for public review and Council's consideration.

Respectfully submitted

County of Wellington Planning and Development Department



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## Schedule 1: Severance Sketch

