



Committee of Adjustment

To:	Committee of Adjustment
Date:	June 4, 2020
From:	Christina Coulter, Planner
Report Number:	Planning 2020-11
Subject:	Pristine Homes (Millbrook) Inc. Minor Variance Application MV-02-20

Recommendations:

1. That the Committee of Adjustment review and consider all verbal and written comments received regarding this application;
 2. That the Committee approve Application MV-02-20 with no conditions.
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Overview:

On behalf of Pristine Homes (Millbrook) Inc., Brent Smith of RN Design Ltd. applied to the Township of Cavan Monaghan for approval of a minor variance to permit an increased encroachment into the exterior side yard for the porch and stairs. The variance is required to permit the construction of a new single detached dwelling at 21 Fernridge Heights, Lot 81, Plan 45M 256 in part Lot 12, Concession 5 of the Cavan Ward.

A key map showing the location of the property is provided as Attachment No. 1 to this Report. The grading plan showing the location of the house, porch and stairs is provided as Attachment No. 2 to this Report.

The subject property is a vacant lot in an approved plan of subdivision (File 15T-14001). The lot has 12.93 metres (42.4 feet) of frontage on Fernridge Heights and has a depth of 34 metres (111.5 feet) and a total lot area of 427.24 square metres (4,598.7 square feet). The lot is zoned Urban Residential One Subzone B Exception Two (UR1-B-2). The UR1-B-2 Zone permits a single detached dwelling (Section 3.2, Table 3A).

A single detached dwelling is proposed for the property. The single detached dwelling was designed to fit within the established zoning regulations (i.e. front yard, side yard, exterior side yard and rear yard) on the initial subdivision survey. However, there is a severe drop in grade elevation adjacent to where the main porch and entry to the house are located in the exterior side yard. As such additional risers off the porch are required. While the porch risers will project towards the front of the house, the porch and steps will project into the exterior side yard setback. Consequently, the single detached dwelling

model designed for the corner lot cannot be located on the lot in accordance with the existing zoning by-law regulations.

Zoning By-law No. 2018-58, as amended, requires a minimum exterior side yard of 2.5 metres in the UR1-B-2 Zone (Section 3.4.43 c)). The By-law permits porches/verandahs and steps to project 1.5 metres (4.92 feet) into the exterior side yard (Section 11.41.1 f)). While the dwelling itself meets the required exterior side yard setback, the porch and steps will project beyond the allowable 1.5 metre (4.92 foot) encroachment into the exterior side yard.

The proposed porch and steps will project 2.16 metres (7.09 feet) into the exterior side yard, leaving 0.35 metres (1.15 feet) between the porch/steps and the exterior side lot line. The permitted encroachment is exceeded by 0.66 metres (2.17 feet). A minor variance is required to permit the increased projection into the exterior side yard as it applies to the porch and steps.

The purpose of the minor variance is to increase the maximum exterior side yard encroachment for the porch and steps in the UR1-B-2 Zone from 1.5 metres (4.92 feet) to 2.16 metres (7.09 feet). All other standard regulations of the UR1-B-2 Zone will apply to the property.

Notice of the minor variance application was circulated, by first class prepaid mail, to all assessed persons within 60 metres (200 feet) of the subject property and to all required ministries and agencies. A sign was also posted on the Fernridge Heights frontage of the property.

As of the date of drafting of this Report, Township Staff had not received any oral or written comments about or objections to the variance.

Notice of the application was also circulated to all Township Department Directors. Staff had no objections to the variance.

Planning Review

Section 45 of the Planning Act provides the tests that must be satisfied to support a minor variance application. The tests are as follows:

1. Does the minor variance maintain the general intent and purpose of the Official Plan?

The subject property is within the Millbrook Urban Settlement Area and is designated Residential as shown on Schedule A-1 to the Township's Official Plan. The variance will apply to a corner lot within the Residential designation.

Residential uses are permitted in the Residential designation (S. 4.1.2 a)). The proposed variance will not affect the residential use of the property.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The general intent and purpose of the Zoning By-law is maintained because the residential use is permitted (Section 3.2, Table 3A) and the proposed development can comply with all of the zoning by-law regulations, excepting the maximum encroachment into an exterior side yard for a porch and stairs. The larger than normal encroachment into the exterior side yard is required because of grading issues.

3. Is the proposed use desirable for the appropriate development or use of the land?

The property is to be developed for residential use. The adjacent land uses will also be residential. The proposed encroachment into the exterior side yard will not adversely affect the public interest.

4. Is the variance minor?

The proposed variance is minor in nature. The residential land use is permitted. Township Staff have confirmed that the Township interests are not adversely affected by the reduced exterior side yard.

After hearing public comment and considering all written submissions, the Committee has the following options:

1. approve the minor variance with no conditions;
2. approve the minor variance with conditions;
3. defer the minor variance for further consideration at a later date; or
4. reject the minor variance.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1: Key Map
Attachment No. 2: Lot Grading Plan

Respectfully Submitted by,

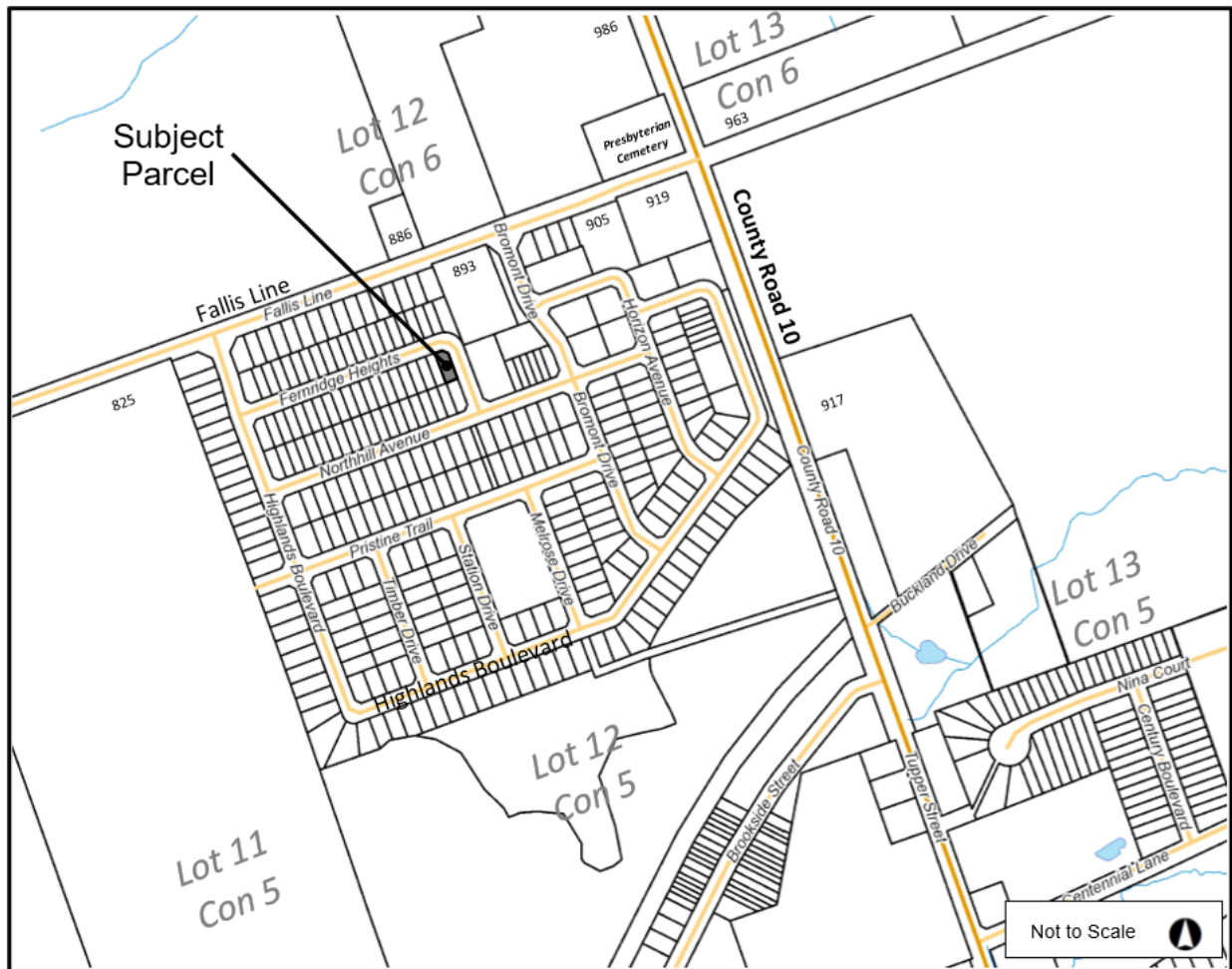
Christina Coulter
Planner

Reviewed by,

Karen Ellis,
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No.1: Key Map



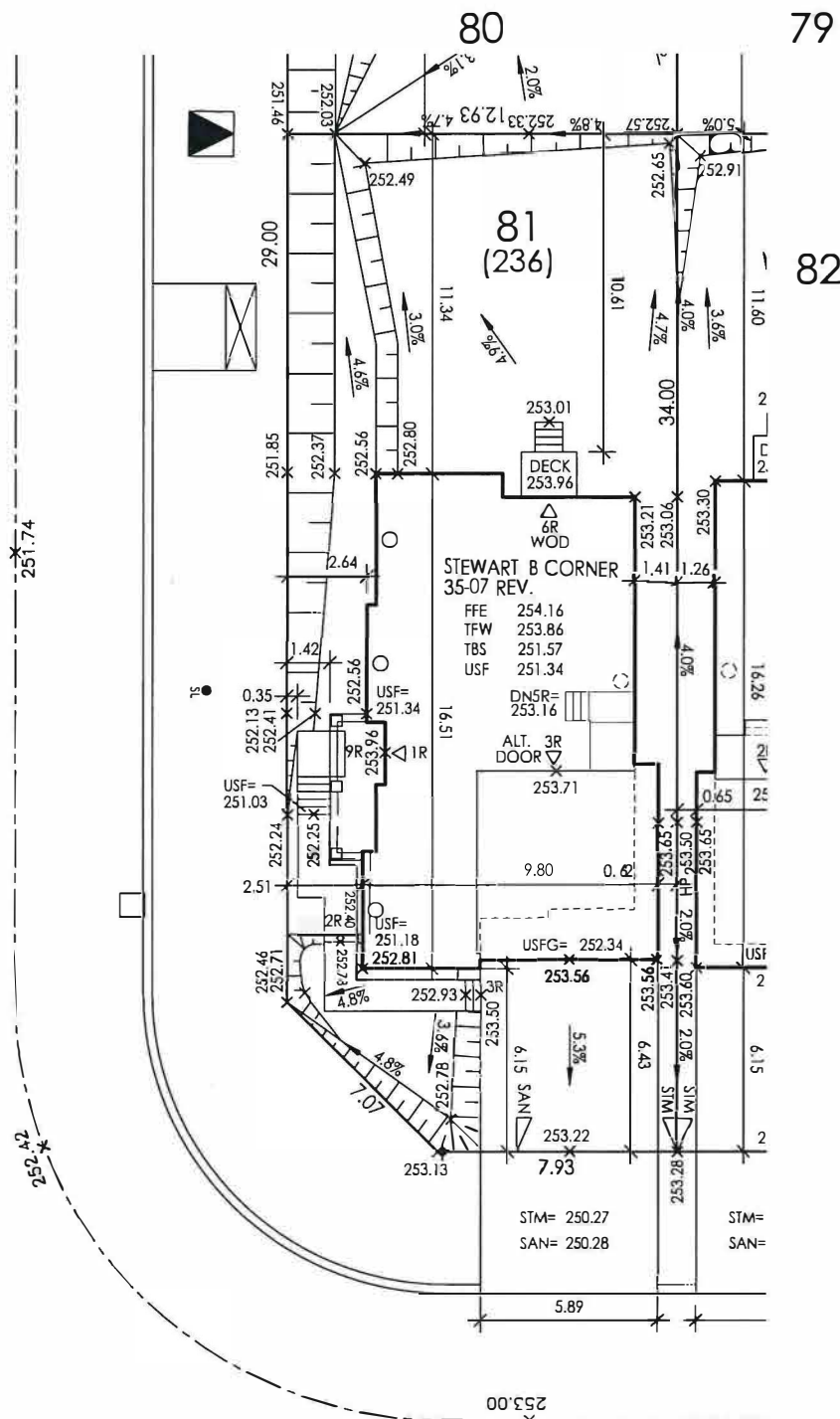
- 1) All dimensions and grade elevations are expressed in SI units.
- 2) The contractor shall check and verify all given grade elevations and drainage prior to commencement of construction.
- 3) Underside of footing shown is taken from architectural plans and may not represent actual footing depth.
- 4) Footings must bear on native, undisturbed soil or rock, and be a minimum of 1.22 m below finished grade.
- 5) Exterior cladding, thresholds, and window sills shall be a minimum of 150 mm over finished grade.
- 6) Driveways must be clear of light standards by a MIN of 1.5m and other above ground services or other obstructions (hydra transformers) bell pedestals, etc.) by a minimum of 3.0m no deflection in driveway clearance. Permitted to be less than the clearance.
- 7) Any above ground utilities not meeting the above noted minimum clearances from proposed driveway are to be relocated at the applicants expense.
- 8) SWALES:
 - I) Swales providing internal drainage from each lot shall have a minimum slope of 2%.
 - II) Swales must be 1.0 m from lot line to higher property.
 - III) Minimum swale depth to be 250mm.
 - IV) Maximum swale side slope to be 3H/1V.
 - V) Maximum depth of rear yard swale to be 750 mm.
 - VI) Maximum depth of side yard swale to be 450 mm.
- 9) Eave downspouts must discharge onto splash-pads. Connections to weeping tiles or sewers are not permitted.
- 10) EMANKMENTS:
 - Maximum 3H: 1V slope if < 1M high.
 - Maximum 4H: 1V slope if > 1M high.
 - terraces minimum 1.5m wide.
- 11) All lot surfaces to be constructed with a minimum grade of 2.0 % and a maximum grade of 5.0 %.
- 12) Where rear lot catchbasins are provided, house footing adjacent to the R/CB lead must be lower than the lead.

BUILDING STATISTICS	
REG. PLAN No.	
ZONE	UR1-B-2 [3.4.43]
LOT NUMBER	PH.2 LOT 81 [236]
LOT AREA(m) ²	427.24
BLDG AREA(m) ²	152.14
LOT COVERAGE(%)	35.6
No. OF STOREYS	2
MEAN HEIGHT(m)	8.50
PEAK HEIGHT(m)	NA
DECK LINE(m)	NA

FFE	FINISHED FLOOR ELEVATION		BELL PEDESTAL
TFW	TOP OF FOUNDATION WALL		CABLE PEDESTAL
TBS	TOP OF BASEMENT SLAB		CATCH BASIN
USF	UNDER SIDE FOOTING		DBL. CATCH BASIN
USFR	UNDER SIDE FOOTING @ REAR		ENGINEERED FILL
USFR	UNDER SIDE FOOTING @ GARAGE		HYDRO CONNECTION
TEF	TOP OF ENGINEERED FILL		FIRE HYDRANT
R	NUMBER OF RISERS TO GRADE		STREET LIGHT
WOD	WALKOUT DECK		MAILBOX
LOB	LOOKOUT BASEMENT		TRANSFORMER
WOB	LOOK OUT BASEMENT		SEWER CONNECTIONS 2 LOTS
REV	REVERSE PLAN		SEWER CONNECTIONS 1 LOT
STD	STANDARD PLAN		WATER CONNECTION
	DOOR		WATER VALVE CHAMBER
	WINDOW		HYDRANT AND VALVE
	AIR CONDITIONING		HYDRO METER
	DOWN SPOUT TO SPLASH PAD		GAS METER
	SWASH DIRECTION		MANHOLE - STORM
	SUMP PUMP		MANHOLE - SANITARY
<p>—X— CHAINLINK FENCE</p> <p>—XX— PRIVACY FENCE</p> <p>—XXX— SOUND BARRIER</p> <p>— FOOTING TO BE EXTENDED TO 1.22 (MN) BELOW GRADE</p>			

[illegible]

FERNRIDGE HEIGHTS



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- Builder to verify storm and sanitary service lateral elevations prior to pouring footings
- Extend footings at front to ensure 1.25M cover (Min)
- Garage footings to extend to original ground or as directed by soils engineer.

I have reviewed the site and grading plan for the proposed building(s) to be constructed on Lot(s)/ Blocks 81 (236) and hereby certify that:

1. The proposed grading and appurtenant drainage works comply with sound engineer principles.
2. The proposed grading is in conformity with the grading plan approved for the subdivision and will not adversely affect adjacent lands.
3. The proposed building is compatible with the proposed grading.

VALDOR ENGINEERING INC.

Date: March 27, 2020



I, ARTHUR PUI YAN LAW DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF **RN DESIGN LTD.** UNDER DIVISION C, PART-3 SUBSECTION 3.2.4 OF THE BUILDING CODE, I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES / CATEGORIES.

QUALIFIED DESIGNER BCIN: 41230
FIRM BCIN: 26995
DATE: MAR 25-2020

SIGNATURE: _____

CLIENT	PRISTINE HOMES
PROJECT/LOCATION	CAVAN MILLBROOK PH. 2 MILLBROOK, ONT.

DRAWING GRADING PLAN

DRAWN BY BWS	SCALE 1:250
PROJECT No. 16030	LOT NUMBER 81 (236)