

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Keith Hamilton, Planner - Policy

DATE: March 13, 2020

REPORT NO.: PD-2020-0021

RE: 284 Queen Street East (Acton) – Request for Minor Variance Application

RECOMMENDATION:

THAT Report No. PD-2020-0021, dated March 13, 2020, regarding a request for a Minor Variance Application for 284 Queen Street East (Acton), be received;

AND FURTHER THAT Council allow the Applicant to submit a Minor Variance application for 284 Queen Street East (Acton) to increase the floor area for the second (half) storey, in accordance with Section 45 of the Planning Act.

BACKGROUND:

In July 2019 Council approved Official Plan and Zoning By-law Amendment applications to permit the development of 16 'bungalow' townhouse units at 284 Queen Street East in Acton; see SCHEDULE 1 – SITE PLAN. The proposal is close to obtaining Site Plan approval from the Town, which will be followed by the submission of a Draft Plan of Condominium application to complete the approvals process.

Through the approved Zoning By-law Amendment (By-law 2019-0039) a site-specific provision was included to limit the second (half) storey of the 'bungalow' townhouses to 50 per cent of the floor area of the ground floor; see SCHEDULE 2 – BY-LAW 2019-0039. The intent of this provision was to ensure the townhouses could not be modified to full 2-storey units in the future.

The Applicant has recently indicated their desire to apply for a minor variance to increase the allowable floor area for the second (half) storey from 50 per cent to 68 percent of the first floor area. However, Provincial Bill 73 amended the Planning Act (Section 45) to prohibit the submission of a minor variance application on lands subject to a previous site-specific by-law within two years of that site-specific amendment passing. Notwithstanding the above, the Planning Act does allow for an exception to this rule by way of a Council resolution to allow the Applicant to file an application. On this basis, the Applicant's request to apply for a minor variance must obtain Council consent

given the Zoning By-law Amendment passed to permit the townhouse development at 284 Queen Street is less than two years old.

COMMENTS:

Planning staff has reviewed the preliminary request from the applicant at 284 Queen Street East to apply for minor variance. Information provided by the Applicant notes the following:

- the proposed variance would not increase the maximum permitted height of 8.5 metres; and,
- the proposed variance would not increase the building envelope shown on the site plan and elevation drawings previously seen by the public and submitted in support of the Zoning By-law Amendment and Site Plan applications.

On the basis of the foregoing, Planning staff has no objection to the Applicant filing an application for minor variance. Further analysis of the merits of the proposed variance by Planning, inter-departmental and external agency staff will take place upon receipt of a formal application.

RELATIONSHIP TO STRATEGIC PLAN:

The proposed development is most closely aligned with Strategic Direction I – Provide Responsive, Effective Municipal Government.

The Strategic Direction is to be achieved as it relates to this report in part through Strategic Objective:

I.2(a) *Ensure compliance with all mandatory statutory and policy requirements of the Municipal Act and any other legislation applicable to the Town.*

FINANCIAL IMPACT:

There is no financial impact associated with this particular report.

CONSULTATION:

Planning staff has consulted with the appropriate Town Departments in preparation of this report.

PUBLIC ENGAGEMENT:

No public engagement was required in preparation of this report. Should Council endorse the recommendations of the report residents located within 60 metres of the subject site and those that participated in the public consultation process for the previous Official Plan and Zoning By-law Amendment applications will be provided notification of the Minor Variance application.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not applicable to the Strategy's implementation.

COMMUNICATIONS:

There is no communications impact associated with this particular report.

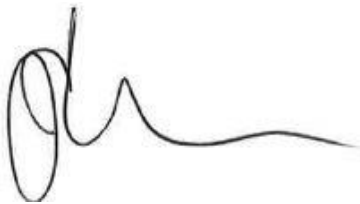
CONCLUSION:

Staff has received a request from the Applicant for the development at 284 Queen Street East to apply for minor variance to increase the permitted floor area for the second (half) storey. As the site-specific Zoning By-law for the subject lands was passed less than two years ago, Section 45 of the Planning Act requires a resolution by Council to allow the Applicant to proceed with such an application. Planning staff is recommending that Council allow the Applicant to file an application for minor variance.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review



John Linhardt, Commissioner of Planning and Development



Brent Marshall, Chief Administrative Officer