



Meeting Date: November 24, 2021

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-97-2021

Subject: Application for Minor Variance (File No. A-36/2021)

Recommendation:

THAT Minor Variance Application A-36/2021, filed by Matt Campbell on behalf of Eddie and Kimberly Hunter, for relief from the Comprehensive Zoning By-law in order to establish a maximum size for all accessory buildings on the land of 315 square metres (3390.6 square feet) or 3 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 165.0 square metres (1,776 square feet) of gross floor area or 3 percent lot coverage, for lots larger than 5,000 square metres (1.25 acres), for a property legally described as Part of Lot 25, Concession 6, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 13285 Medway Road, be GRANTED; subject to the following conditions:

THAT the development of an accessory structure to the maximum size of 315 square metres shall be in accordance with the proposed site plan;

AND THAT the height of the proposed addition to the accessory building shall not in any way exceed the height of the existing structure, and will continue to be subject to the height limitations of section 4.1 c);

AND THAT the addition to the existing accessory structure shall be built substantially in accordance with the appearance of the existing building;

AND THAT the Owner warrants that the accessory building shall only be used for the explicit purpose of storage related to the residence on the lands and shall not contain a dwelling unit or home occupation / commercial or industrial use;

AND THAT the accessory building shall not exceed the size of the single detached dwelling.

AND FURTHER THAT the reasons for approving Minor Variance Application A-36/2021 include:

- The request is considered to comply with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law and Official Plan;
- The request is considered to be minor in nature, subject to the conditions listed in this report; and
- The request represents appropriate development on the subject property, subject to the conditions listed in this report.

Purpose:

The purpose of this report is to provide the Committee of Adjustment with a recommendation regarding a minor variance for a property located on the south side of Medway Road, west of the intersection at Medway Road and Hyde Park Road.

A location map is included as Attachment 1.

Background:

The purpose and effect of the Application for Minor Variance is to seek relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 as it relates to the maximum permissible gross floor area for an accessory building in the Agricultural (A1) Zone. As a note to the Committee of Adjustment, the applicant originally applied for a maximum size for all accessory buildings on the land of 334.45 square metres (3600 square feet) or 3.2 percent lot coverage. The Committee denied the request and the application did not appeal. However the applicant has reapplied with an amended request. The applicant is requesting a maximum size for an accessory building of 315 square metres (3390.6 square feet) or 3 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 165.0 square metres (1,776 square feet) of gross floor area or 3 percent lot coverage, for lots larger than 5,000 square metres (1.25 acres). The effect of the proposal is to facilitate the construction of an addition to an existing accessory building for the stated purpose of additional storage / hobby workshop. A site plan is included as Attachment 2.

The subject lands are located on a formerly severed parcel along Medway Road in Middlesex Centre. It is bordered by large lot agricultural lands on all sides. It is designated 'agricultural area' in the Middlesex County Official Plan, 'Agricultural' in the Middlesex Centre Official Plan, and zoned Agricultural (A1) Zone in the Middlesex Centre Comprehensive Zoning By-law. The land in question has a frontage of approximately 55.5 metres (182 feet) on Medway Road and an area of approximately 2.6 acres (1.05 hectares), which would be considered a legally non-complying lot in the Agricultural (A1) Zone due to size and frontage requirements.

The applicant has provided a conceptual site plan showing the proposed location of the accessory building, located along the east interior side yard, behind the residence on the property. Through the amended request, the applicant is proposing to add a 130.5 square metre addition to an existing 185.8 square metre accessory building, for a total of approximately 315 square metres. Based on the request, they are proposing to increase

the maximum permissible size by 150 square metres (1,614.6 square feet). The proposed variance is summarized below:

| Requirements | Relief Requested |
|--|---|
| As per section 4.1 (b) (iv) no buildings or structures accessory to a dwelling shall exceed the lesser of three percent (3%) lot coverage in any Agricultural or Restricted Agricultural Zone or the following: 165.0 m ² (1,776 ft ²) of gross floor area for accessory buildings located on a lot with an area greater than 5,000 m ² (1.25 ac). | 150 square metres (1,614.6 square feet) |

Consultation:

Notice of the applications have been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

Enbridge Pipelines does not have any assets in the area.

The Municipality’s Chief Building Official has reviewed the application and has indicated no objection to the proposal.

Development Review Coordinator has reviewed the application and has indicated no objection to the proposal.

Analysis:

Section 45(1) of the Planning Act authorizes the Committee of Adjustment to grant relief from the Comprehensive Zoning By-law requirements if a request is deemed to be desirable for the appropriate development or use of the land, building, or structure; the requested relief is minor; and the general intent and purpose of both the Official Plan and Comprehensive Zoning By-law are maintained.

In addition to the above, Section 10.9 of Middlesex Centre’s Official Plan must also be satisfied in order for a minor variance to be granted. Section 10.9 provides the following policies with respect to minor variance applications:

- I. The proposal is compatible with the surrounding neighbourhood;
- II. The proposal is in keeping with the general intent and purpose of the Comprehensive Zoning By-law;
- III. The proposal is in keeping with the general intent and purpose of the Official Plan;
- IV. The proposal is appropriate and desirable use of land; and
- V. The variance is generally minor in nature. The interpretation of what is minor is not necessarily based on the extent by which the by-law is varied. Rather, it is based on whether the effect of the variance could be considered minor.
- VI. There are valid reasons as to why the by-law cannot or should not be complied with, and that reasonable alternatives that comply with the by-law have been considered.

As previously noted, the subject land is designated 'Agricultural Area' according to the County of Middlesex and 'Agricultural' in the Middlesex Centre Official Plan. The lot is zoned 'Agricultural (A1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. The applicant noted that the proposed increase in size it to keep assets secure and to keep the yard uncluttered and tidy.

Agricultural areas are intended to be used primarily for farming and farm-related uses, including single detached dwellings. As such, the residential use on the subject property conforms to the Official Plan. The proposal would maintain the general intent and purpose of the Agricultural Official Plan designation, as it permits residential uses.

The general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law as it relates to the maximum total area permitted for all residential accessory buildings is to ensure that the dwelling remains as the dominant structure on the lot, and to avoid non-residential uses in accessory buildings and potential compatibility issues. While it is possible that non residential related uses could utilize the accessory building, staff have included a recommended condition to limit the usage of the build to that of residential related storage. Additionally, Middlesex Centre's Zoning By-law contains provisions to prohibit accessory buildings being used for commercial uses on residential properties. As such the Municipality maintains the ability to enforce the by-law should use of the accessory building expand beyond residential purposes. Further, staff note that the size of the proposed building does not exceed 3 percent lot coverage for an accessory building, and total overall lot coverage, which is permitted to be 20 percent in the A1 zone, would be approximately 7 percent. Additionally, the proposed size would not be permitted to exceed the size of the house, ensuring the building remains subordinate to the principle use. As such, I am of the opinion that the intent of the Zoning By-law is maintained, subject to the recommended conditions.

Planning staff have also review the request based on whether it is considered minor in nature and appropriate. The interpretation of what is minor is not necessarily based on the extent to which the zoning by-law is varied. Rather it is based on whether the impact of the variance can be considered minor. In review of the proposed minor variances, staff

have reviewed whether to consider the variance minor based on the location, the context of development on the lands, and the existing characteristics of the neighbourhood. The location of the addition is wholly located behind the existing structure and as such, should blend in with the existing surroundings. Staff have included conditions to limit the height of the structure and ensure its design is substantially in accordance with the existing structure. Additionally, I have reviewed structures within the vicinity of this lot. While they are of a different format (agricultural structures) they generally maintain a similar size and appearance from a neighbourhood characteristic perspective. Additionally, as an accessory building to a residential use, so long as the use remains as a non commercial operation, it is considered appropriate. Therefore Planning Staff are of the opinion that the request could be considered minor in nature and an appropriate use of the lands.

Given the above, Planning Staff recommend that the subject application be granted, subject to the five conditions listed in this planning report.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the committee is advised to take such information into account when considering the application.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

This Planning Report relates to Objective 2.3 – Promote designs and concepts that reflect a “small-community feel” in new development by matching existing development patterns within the pre-existing residential character.

Attachments:

1. Location Map
2. Proposed Site Plan