



**Meeting Date: June 10, 2020**

**Submitted by: Dan FitzGerald, Planner**

**Report No: PLA-22-2020**

**Subject: Application for Minor Variance (File No. A-02/2020) filed by Terrance Keep on behalf of P.W. Holdings Ltd; 10114 Oxbow Ave (266 Union Avenue)**

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**Recommendation:**

THAT Minor Variance Application A-02/2020, filed by Terrance Keep on behalf P.W. Holdings Ltd for relief from the Comprehensive Zoning By-law in order to establish an interior side yard setback of 1.4 metres (4.59 feet) on either side, whereas the By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side; for a property known Municipally as 266 Union Ave, be **GRANTED**.

AND THAT the reasons for granting Minor Variance Application A-02/2020 include:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

**Purpose:**

The purpose of this report is to provide the Committee of Adjustment with a recommendation regarding a minor variance for a property that is located at the west side of Union Avenue near the intersection of Union Avenue and Oxbow Drive. The subject property is municipally known as 266 Union Ave.

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 minimum interior side yard setback required in the Urban Residential First Density (UR1) Zone. The applicant is requesting a minimum interior side yard setback of 1.4 metres (4.59 feet) on either side, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side. The effect of the proposal is to facilitate the construction of a single detached dwelling.

The subject lands were created through a plan of subdivision and the lot in question has a frontage of 15.0 metres (49.2 feet) along Union Avenue and an area of 626.6 square metres (0.15 ac), which is in compliance with the requirements of the Urban Residential First Density (UR1) Zone. The lot is in the process of being sold where a new owner who is proposing a new home.

The applicants proposed single detached dwelling is a two (2) storey dwelling. The south interior side yard is proposed to have a uniform 1.4 m distance to the property line and contains windows mostly on the main floor, with the exception of one window on the second storey. The north interior side yard is proposed to have a building footprint that steps in from 1.4 m to 7.12 m from the property line.

A sketch of the proposal is included as attachment 2.

## Consultation:

Notice of the application has 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.

The subject land is designated 'Settlement Area' according to the County of Middlesex

The subject land is designated 'Residential' in the Middlesex Centre Komoka-Kilworth Secondary Plan, within the Middlesex Centre Official Plan. The lot is zoned 'Urban Residential First Density (UR1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. The subject property is residential properties in the form of single detached dwellings. Staff is of the opinion that the interior side yard reductions are considered minor in nature and can be considered appropriate development for the subject lands as the location of the proposed residential dwelling is not anticipated to cause any adverse impacts on surrounding uses.

As mentioned, the subject property is designated 'Residential' by Middlesex Centre's Official Plan. The effect of the proposal is to construct a single detached dwelling on the lot, which would maintain the general intent and purpose of the 'Residential' land use designation and would facilitate the construction of an appropriate use on the land. Therefore, planning staff that the proposal to meet the general intent of the Official Plan, as well as a desirable and appropriate use of the land.

The general intent and purpose of the Comprehensive Zoning By-law as it relates to the interior side yard setbacks is to provide for an adequate separation distance between abutting residential uses. Staff have reviewed existing development within the neighbourhood and note a variety of interior side yard setbacks based on site-specific zoning exceptions. Properties located within the existing neighbourhood to the proposed development support a reduced interior side yard setback of 1.2 metres. The south interior side yard elevation only contains one (1) small window on the second floor in the bathroom, limiting concerns regarding overlook and privacy. As such, planning staff are satisfied that the general intent and purpose of the Zoning By-law would be maintained if the proposal is granted because 1.4 metre (4.59 ft) interior side yard setbacks are considered to be an appropriate distance for light, privacy, overlook, and access purposes between abutting residential properties.

Given the above, planning staff is satisfied that the proposal satisfies the aforementioned Planning Act tests and recommends that the subject application be approved.

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:

- 1a. Planning & Positioning: Diversifying future residential development.
- 1c. Planning & Positioning: Realizing development potential.

**Attachments:**

1. Location Map
2. Proposed Site Plan