



Meeting Date: January 22, 2020

Submitted by: Abby Heddle, Planner & Tim Williams, Senior Planner

Report No: PLA 1-2020

**Subject: Application for Minor Variance A1-2020, filed by Mike Harasym;
138 Edgewater Blvd.**

Recommendation:

THAT Minor Variance Application A-1-20, filed by Mike Harasym for relief from the Municipality's Comprehensive Zoning By-law's maximum lot coverage for a lot, whereas the applicant is requesting a maximum lot coverage of 36.77% for the main building on the subject property, whereas the Comprehensive Zoning By-law permits a maximum lot coverage of 35% for the main building on the subject property, be **GRANTED**.

AND FURTHER THAT the reasons for granting Minor Variance Application A-1/20 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 located on the east side of Edgewater Boulevard and south of Westbrook Drive within Kilworth.

A location map is included as Attachment 1.

Background:

The purpose 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 lot coverage of a main building in the Urban Residential First Density (UR1) zone. The owner is requesting a maximum lot coverage of 36.77% for the main building, whereas the Comprehensive Zoning By-law permits a maximum lot coverage of 35% for the main building in the Urban Residential First Density Zone (UR1) zone. The effect of the proposal is to facilitate the construction of a single detached dwelling with a total floor area of 298.2 m² (3209 ft²).

The subject lands have an area of approximately 810.77 m² (0.20 ac) and is currently vacant. The property is within the first phase of the Edgewater Subdivision, and the applicants are proposing to construct a single detached dwelling on the property. The lands are designated 'Residential' by Middlesex Centre's Official Plan and zoned 'Urban Residential First Density' (UR1) by Middlesex Centre's Comprehensive Zoning By-law.

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:

The Municipality's Chief Building Official and Public Works and Engineering Department have reviewed the subject application and have no concerns and/or requirements.

Rogers Communications has reviewed the subject application and has no concerns and/or requirements.

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. Planning staff is of the opinion that the proposal satisfies the aforementioned Planning Act tests.

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.

Planning staff is of the opinion that the proposal satisfies the above-noted Planning Act tests. The applicant has requested the Minor Variance in order to accommodate a single detached dwelling with a total floor area of 298.2 m² (3209 ft²). The intent is to facilitate the construction of a single detached dwelling. The intended residential use of the land would be in keeping with the Residential designation of the area and represents appropriate use of the property.

The general intent and purpose of the Comprehensive Zoning By-law as it relates to total and main use lot coverage restrictions in residential areas is to ensure that sufficient amenity space is available on each property. Planning staff is satisfied that the requested relief would not have a detrimental impact on the amenity space available on the subject property.

As mentioned the subject property is designated as 'Residential'. The general intent and purpose of the 'Residential' land use designation is to allow residential uses of various forms and buildings accessory thereto. The single detached dwelling is a residential use, therefore planning staff find that the subject proposal would maintain the general intent and purpose of the Municipal Official Plan.

Staff is satisfied that the above items have been met and that a minor variance for the maximum lot coverage of a main dwelling can be supported. Given the above, planning staff recommend 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.