



**Meeting Date:** June 15, 2022

**Submitted by:** Dan FitzGerald MPI MCIP RPP, Planner

**Report No:** PLA-39-2022

**Subject:** Application for Minor Variance (File No. A-11/2022)

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**Recommendation:**

THAT Minor Variance Application A-11/2022, filed by Millstone Homes for relief from the Comprehensive Zoning By-law in order to establish a maximum permissible lot coverage of 39.71 percent for all structures, for a property legally described as Lot 77, Plan 33M746 in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 218 Edgewater Boulevard, be GRANTED, subject to the following conditions:

THAT all development on the lands, including any future consideration of an accessory building(s), shall not exceed a maximum permissible size of 39.71 percent lot coverage;

AND THAT the establishment of any future accessory building is subject to the maximum size permissions as required in section 4.1 (b)(i) of the Middlesex Centre Zoning By-law, that being the maximum permissible lot coverage and gross floor area of an accessory building;

AND FURTHER THAT the reasons for granting Minor Variance Application A-11/2022:

- 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 south side of Edgewater Boulevard, in the South Winds subdivision in Kilworth.

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 related to the maximum lot coverage for structures on the lands. The effect of the application would permit the construction of a single detached dwelling with a covered deck in the rear yard.

The subject lands are located on the south side of Edgewater Boulevard, in the South Winds subdivision located in Kilworth, west of the Thames River. The lands are surrounded by residentially zoned lands in the form of single detached dwellings to the north, east, and west, and protected forest land to the south. The lands consist of a vacant lot in a new subdivision.

The property is designated 'Settlement Area' in the Middlesex County Official Plan, 'Residential' in the Middlesex Centre Official Plan, and zoned Urban Residential First Density (UR1) Zone in the Middlesex Centre Comprehensive Zoning By-law.

The applicant is requesting the minor variance to permit the construction of single detached dwelling and associated accessory covered deck area attached to the main dwelling in the rear yard. As proposed, the application for minor variance would permit a maximum lot coverage of 39.71 percent, whereas thirty-five percent (35%) is permitted.

An illustration of the proposal is included in Attachment 2. The proposed reductions are summarized below:

Requirements	Relief Requested
As per section 8.1.7, the maximum lot coverage for the main building on a lot is 35% for the main building, and 38% for all buildings inclusive of accessory buildings, subject to Section 4.1 a).	Additional 4.71 percent lot coverage

**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.

### **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 'Settlement Area' according to the County of Middlesex and 'Residential' in the Middlesex Centre Official Plan. The lot is zoned 'Urban Residential First Density (UR1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. Staff note that the applicants request for a minor variance to lot coverage is due to the preferred nature of development on the lands, that being a single storey residential dwelling.

Planning has reviewed the proposed minor variances in relation to the four Planning Act tests as listed above. The analysis has been broken up below which takes into consideration each variance against the four tests.

Is the variance considered minor in nature? YES

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, Planning Staff is of the opinion that the proposal is considered minor in nature as the increase in lot coverage as

requested would have minimal visual impact to the property from the road. As such, Staff is not anticipating any negative adverse impacts on neighbouring properties by extending the permissions for the increase in lot coverage permissions.

Is the variance an appropriate use of the land? YES

The development of a single detached dwelling and associated accessory uses would be consistent with the character of the area which includes residential uses and uses accessory thereto. Therefore, the proposed variance would represents an appropriate use of the land.

Does the variance maintain the intent of the Official Plan? YES

The intent of the Official Plan through the Residential designation is to provide for a variety of dwellings and accessory buildings in the area. The proposed single detached dwelling would be directly associated with the residential use of the property, therefore planning staff find that the subject proposal would maintain the general intent and purpose of the Municipal Official Plan.

Does the variance maintain the intent of the Zoning By-law? YES

The general intent and purpose of the Comprehensive Zoning By-law as it relates to the subject request is to ensure that the development of the lands maintains an appropriate mass and scale in relationship to the surrounding neighbourhood, while also ensuring an appropriate amount of amenity space is provided. Planning staff is satisfied that the requested relief would not have a significant detrimental impact on the amenity space available on the subject property. Additionally the proposed mass and scale of development is not anticipated to negatively impact the neighbourhood, given the existing size of dwellings within the subdivision.

Given the above, Planning Staff is satisfied that the proposed minor variance can be supported. Planning Staff recommend that the subject application be approved, as the proposal meets the four test of a minor variance of the Planning Act.

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