



**Meeting Date: September 7, 2022**

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

**Report No: PLA-58-2022**

**Subject: Application for Minor Variance (File No. A-17/2022)**

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**Recommendation:**

THAT Minor Variance Application A-17/2022, filed by Brett Bickell on behalf of Jamie Aldrich and Sarah Donaldson, for relief from the Comprehensive Zoning By-law to increase the maximum overall lot coverage to 21.4 percent, for a property legally described as Part of Lot 8, Concession 14 South, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 23498 Highbury Ave North, be GRANTED,

AND THAT the reasons for granting Minor Variance Application A-17/2022:

- 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.

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 north east corner of the intersection at Highbury Ave North and Fourteen Mile 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 related to the maximum permitted lot coverage for development in the Agricultural (A1) Zone. The applicant is requesting a maximum lot coverage of 21.4 percent, whereas the Zoning By-law permits a maximum lot coverage of 20 percent. The effect of the proposal is to facilitate the construction of one single detached dwelling with the existing accessory building located on the site

The subject lands represent an undersized agricultural parcel. It maintains a frontage of approximately 39.3 metres (129 feet) and an area of approximately 0.77 acres (0.31 hectares). They are surrounded by agricultural lands in crop production.

This applicant is seeking a minor variance to increase the maximum permissible lot coverage for all structures on the lands. The variance is required as they are seeking to remove the existing dwelling on the lands and construct a new dwelling in its place. Through this application for minor variance, the applicant is seeking the following:

Requirements	Requested Reduction
As per section 5.1.10, the maximum lot coverage in the Agricultural (A1) Zone is 20 percent.	21.4 percent, which is an increase of 1.4% lot coverage

The subject land is designated 'Agricultural Area' according to the County of Middlesex Official Plan and 'Agriculture' by the Middlesex Centre Official Plan. The land is zoned 'Agricultural' (A1) Zone' by Middlesex Centre's Comprehensive Zoning By-law.

An illustration of the proposal is included in Attachment 2.

#### **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 '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. Staff note that the applicants request for a minor variance are based on the proposed development of the lands in addition to an existing legal non complying agricultural commercial business.

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 proposed variances as requested would have minimal impact to the property and adjacent agricultural lands. As such, Staff is not anticipating any negative adverse impacts on neighbouring properties by extending the permissions as requested.

Is the variance an appropriate use of the land? YES

The development of a residence and associated existing commercial use are considered to be consistent with the intent of uses typically found within the agricultural areas. An increase in the proposed size is consider appropriate as the lands are primarily size for residential rather than a large agricultural operation. 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 Agricultural designation generally is to support agricultural activities. However permissions exist to support residential development and associated agricultural commercial uses. The proposed increase in coverage is directly associated with the residential and associated commercial use on the lands. 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 maximum permitted lot coverage is to ensure that the development of the lands maintains an appropriate mass and scale; while limiting the development on agricultural parcels to maintain their viability for crop production. As a primarily residential lot in an agricultural area, the requested lot coverage at 21.4 percent would be considered appropriate to accommodate the residence along with the existing agricultural commercial business. Additionally, the proposed development is not anticipated to negatively impact the surrounding farm lands used for agricultural crop production.

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.

**Attachments:**

1. Location Map
2. Conceptual Site Plan