

July 12, 2022

sent via email

Mr. Dan Fitzgerald – Planner
Planning and Development Services Department
Municipality of Middlesex Centre
10227 Ilderton Road, RR2
Ilderton, ON
N0M 2A0

RE: Application for Minor Variance
22700 Komoka Road
Komoka, ON
Our File: FVL/KOM/22-01

Zelinka Priamo Ltd., on behalf of Angie Fievoli, is pleased to submit an application for Minor Variance for the above noted property (the “subject lands”) seeking relief from the Municipality of Middlesex Centre Zoning By-Law.

The subject lands consist of one (1) rectangular-shaped parcel with a total lot area of approximately 1,006 m²; a lot frontage of approximately 16.74 m on Komoka Road; and, a lot depth of approximately 60.0 m. The subject lands are located on the north-easterly side of Komoka Road on the westerly side of Simcoe Road. The subject lands are currently vacant. The lands have recently been part of a severance application (File No. B-12-13-18/21) to sever the subject lands from the retained 22700 Komoka Road. The retained lands (abutting the subject lands) contain the existing single-detached dwelling. Lands abutting the subject lands to the north consist of existing single-detached dwellings. To the south are the railway tracks and additional low-density residential further south.

The subject lands are designated “*Settlement Area*” in the Middlesex County Official Plan; are designated “*Residential*” in the Municipality of Middlesex Centre Official Plan within the Komoka-Kilworth Settlement Area; and, are currently zoned “*Urban Residential First Density (UR1-3)*” in the Municipality of Middlesex Centre Zoning By-Law (2005-005).

The lands are proposed to be developed for a new 2-storey single-detached dwelling. The proposed dwelling will utilize a shared access driveway with the existing single-detached dwelling at 22700 Komoka Road. In order to bring the proposed residential dwelling into compliance with the Zoning By-law, a Minor Variance is required to permit the proposed interior side yard setbacks.

The variances requested are as follows:

- Permit a minimum interior side yard setback (east) of 1.8 m, whereas a minimum of 3.0 m is permitted; and,
- Permit a minimum interior side yard setback (west) of 1.8 m, whereas a minimum of 3.0 m is required.

To assess the merit of an application for Minor Variance, the four tests under the Planning Act are applied. An overview of the four tests is as follows:

Does the proposed variance maintain the intent and purpose of the Official Plan?

According to the Municipality of Middlesex Centre Official Plan, the intent of the “*Residential*” land use designation is to encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements for the Municipality’s current and future residents. Access for the proposed development does not create any new driveways onto Komoka Road, however, provides for an additional dwelling unit in the form of an infill residential lot. This designation functions as being a desirable designation for new infill units. The subject lands are planned for this form of development and the reduced interior side yards are a result of the dwelling size but still remains compatible and adequately setback from the abutting dwellings. As such, the proposed variances maintain the intent and purpose of the Municipality of Middlesex Centre Official Plan.

Does the proposed variance maintain the intent and purpose of the Zoning By-Law?

The intent of the “*Urban Residential First Density (UR1-3)*” zone is to permit low density residential development serviced by public water and sanitary. The proposed single-detached dwelling is a permitted use and is to utilize public water and sanitary. The subject lands, being surrounded by additional low density residential in the form of single-detached dwellings, provides for a compatible form of development. The proposed dwelling adds to a low-density residential streetscape with a lot pattern consistent with the lands further northwest along Komoka Road (22750, 22740, 22736 and 22734 Komoka Road). The proposed development provides for adequate lot coverage, landscaped area and parking for sufficient use of the land and a consistent and compliant front and rear yard setback. The proposed variances are subtle in regards to massing, scale and form with no known unacceptable adverse impacts on adjacent uses. The proposed variances maintain the intent and purpose of the Zoning By-Law.

Is the proposed variance minor in nature?

The proposed variances seek a reduced interior yard of 1.8m on both the east and west side of the property from the required 3.0 m. The proposed residential infill in this area of Komoka is planned for the area and encouraged within the settlement area and is a compatible form of development. The requested variances are minimal and warranted based on the location of the proposed development being surrounded by low density residential. The footprint for the proposed dwelling is not out of character for the area and does not generate any additional access point on Komoka Road. The subject lands are located within an area intended to promote residential infill; and the proposed variances for yard setbacks are numerically and contextually minor in nature.

Is the proposed variance desirable for the appropriate use of the subject lands?

The reduced interior side yard setbacks on the subject lands are intended to make full use of the subject lands and the street frontage along Komoka Road while still maintaining a well-functioning residential property with vehicle parking, landscaped area and enough room within the interior side yard for small plantings and privacy fencing if necessary. The proposed single-detached dwelling is a permitted use on the subject lands according to the Municipality of Middlesex Centre Official Plan and the current zone in the Municipality of Middlesex Centre Zoning By-law. As such, the requested variances, being a minor reduction in both interior side yard setbacks within the Zoning By-Law would allow for efficient use of the subject lands. The proposed variances support a permitted form of residential infill on full services within a settlement area which is desirable for the appropriate use of the subject lands.

As demonstrated above, the proposed interior side yard setback reductions for the proposed residential dwelling meet the four tests for a Minor Variance as they maintain the intent and purpose of the Official Plan and the Zoning By-Law, are minor in nature, and are desirable for the appropriate use of the subject lands.

As per the submission requirements for a Minor Variance application, please find the following materials enclosed in support of the application:

- One (1) copy of the completed application form and declarations;
- Authorization Letter signed by property owner;
- One (1) cheque made payable to the "Municipality of Middlesex Centre" in the amount of \$1,000.00; and,
- One (1) copy of the Minor Variance Sketch (with site data table);

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Katelyn Crowley, BA
Planner

cc. the owner (via email)