



Meeting Date: March 15, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner II

Report No: PLA-21-2023

Subject: Application for Minor Variance (File No. A-4/2023)

Recommendation:

THAT Minor Variance Application A-4/2023, filed by Michael J Lamb on behalf of Sharon and Mark Lapointe for relief from the Comprehensive Zoning By-law in order to establish a reduced minimum lot size of 0.97 hectares (2.4 acres) and a minimum frontage of 91.4 metres (299 feet) for a property legally described as Part of Lot 6, Concession 3 E, Lot 13 of Reg Comp Plan 427, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 3611 Woodhull Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-4/2023:

- 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 west side of Woodhull Road, north of the intersection at Longwoods Road (CR2) and Woodhull 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 relates to the minimum frontage and area requirement for a lot in the Agricultural (A1) Zone. As an undersized legal non-complying lot, the owner is seeking to reduce the lot area to a frontage of 91.4 metres (299 feet), whereas the by-law requires a frontage of 300 metres (984 feet), and to reduce the minimum lot area to 0.97 hectare (2.4 acres), whereas the Zoning By-law requires a minimum area of 40 hectares (99 acres). The variance is the result of provisionally approved consent application B-23-2021, which represents a minor boundary adjustment. The effect of the proposal is to legally recognize the undersized nature of the agricultural lot as a result of the aforementioned consent application. A site plan is included as Attachment 2.

The subject lands are located in an agricultural area. While they abut agriculturally designated and zoned lands on all sides, most lots have traditionally been used for residential purposes. Currently, it maintains a frontage of approximately 152.3 metres (500 feet) along Woodhull Road, and an area of approximately 4.0 acres (1.62 hectares). It is designated 'Agricultural' in the Middlesex County Official Plan, 'Agricultural' in the Middlesex Centre Official Plan, and zoned 'Agricultural (A1) Zone' in the Middlesex Centre Comprehensive Zoning By-law.

The applicant has provided a conceptual severance sketch as previously approved by Council. In order to recognize the undersized nature of the lands, the applicants submitted request seeks to reduce the minimum required area and frontage for the lands as a result of the boundary adjustment. The proposed variance is summarized below:

| Requirements | Relief Requested |
|--|---------------------------|
| As per section 5.1.2, the minimum lot area is 40 hectares (99 acres). | 0.97 hectares (2.4 acres) |
| As per section 5.1.3, the minimum lot frontage is 300 metres (984 feet). | 91.4 metres (299 feet) |

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. The applicant noted that the proposed reduction in lot area and frontage are the result of a provisionally approved consent for minor boundary adjustment application (B-23-2021).

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 variance, staff have reviewed whether to consider the variance minor based on the location, the context of development on the lands, and the existing characteristics of the neighbourhood. The decrease in lot size and

frontage are the result of a provisionally approved boundary adjustment. As the lands represent legally non complying agricultural lands which are used for residential purposes, the impact of the reduced area and frontage are not anticipated to have a negative impact on surrounding lands. As such, the variances are considered to be minor in nature.

Is the variance an appropriate use of the land? YES

The subject property is a rural residential lot that is generally surrounded by similar undersized agricultural lots used for residential purposes. The use of the lands will remain the same subsequent the variance. As such, the proposed reduction to lot area and frontage would be considered 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 is primarily to protect farmland, but to permit dwellings and accessory buildings in the area as ancillary uses. The proposed reduction to be merged to the neighbouring parcel does not change the intended use of 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 minimum lot size and frontage in agriculturally areas is to protect the nature of farm parcels and to ensure their future viability. The lots within this immediate area represent traditionally severed large rural residential lots. They are used and are intended to be used for residential purposes, despite their designation and zoning. The application maintains the intent of the Zoning By-law, as no net increase of a lot is occurring. Rather the boundary adjustment just transfers land from one rural residential lot to another, resulting in the request for the variance. The function and appearance of the land will remain as used prior to the reduced lot area and frontage. Therefore I am of the opinion that the general intent of the Zoning By-law is maintained.

Given the above, Planning Staff recommends the application be approved in order to clear conditions of provisionally approved consent application B-23-2021.

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. Proposed Severance Sketch