



**Meeting Date: April 19, 2023**

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

**Report No: PLA-28-2023**

**Subject: Minor Variance Application A-6/2023 and Consent Application (B-3/2022), 22643 Vanneck Road**

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**Minor Variance Recommendation:**

THAT Minor Variance Application A-6/2023, filed by Kevin Miller on behalf of Larry Weatherhead and Diane Weatherhead, for relief from the Comprehensive Zoning By-law in order to establish a reduced minimum lot size of 16.92 acres (6.84 hectares) and a broken frontage of approximately 102.7 metres (337 feet), for a property legally described as Part of Park Lot 9, Plan 47, Part 1 on Reference Plan 34R2205, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 22643 Vanneck Road, be REFERRED back to staff for further review.

**Consent Recommendation:**

THAT Consent Application B-3/2023, filed by Kevin Miller on behalf of Larry Weatherhead and Diane Weatherhead, in order to sever and convey as a lot addition 728.43 square metres (0.07 hectares) from a property municipally known as 22643 Vanneck Road to be merged with an abutting lot legally described as Part of lot 20, Concession 8, CTR and designated as Part 1 on reference plan 33R-414, municipally known as 22651 Vanneck Road, from a property legally described as Part of Park Lot 9, Plan 47, Part 1 on Reference Plan 34R2205, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 22643 Vanneck Road, be REFERRED back to staff for further review.

**Purpose:**

The purpose of this report is to provide Council with a recommendation in regards to a concurrent minor variance and consent application to sever a parcel of land for lot addition purposes, to be merged with abutting lands known municipally as 22651 Vanneck Road.

A location map is included as Attachment 1.

## **Background:**

The subject property is located on the west side of Vanneck Road, on the south west side of the intersection at Ilderton Road and Vanneck Road. 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 lot area and lot frontage requirements of the Agricultural (A1) zone. The lands subject to this Variance are the lands to be retained of Consent Application B-3/2-23, having an area of approximately 16.92 acres (6.84 hectares) and a broken frontage of approximately 102.7 metres (337 feet) whereas the A1 zone requires a minimum lot area of 40 hectares (99 acres) and a frontage of 375 metres (1230.31 ft).

The purpose and effect of the Application for Consent (File No.: B-3/2023) is to convey a parcel of land for lot addition purposes having an area of approximately 728.43 square metres (0.07 hectares) from a property municipally known as 22643 Vanneck Road to be merged with an abutting lot legally described as Part of lot 20, Concession 8, CTR and designated as Part 1 on reference plan 33R-414, municipally known as 22651 Vanneck Road. The lot addition would add to an existing lot with an area of approximately 0.18 hectares (0.45 acres), making the combined lot area approximately 0.27 hectares (0.69 acres). The lot to be enlarged, 22651 Vanneck Road requires additional land to enlarge the septic bed on the property and as such, is considered a minor boundary adjustment for technical reasons. The remnant lands would be reduced to an area of 16.92 acres (6.84 hectares). The remnant lands contain an existing single detached dwelling, and an accessory building in the form of a detached garage. The lands receiving the addition contain an existing single storey church to be converted to a daycare, and the lands being transferred are vacant.

The lands subject to the adjustment is regulated by the St Clair Region Conservation Authority (CA), and is also identified as a Natural Heritage Feature in the Middlesex Natural Heritage Systems Study, 2014; as well as a Significant Woodland in the Middlesex Natural Heritage System Study. As a result, the applicant has prepared an Environmental Impact Study (EIS) and a Hydrogeological Study as requested by the CA. While the study has been initially reviewed, the CA has requested revisions between the two studies to ensure similar conclusions are being made between the two and the footprint for clearance of the significant woodland.

A sketch of the proposal is included as Attachment 2.

## **Policy Regulation:**

The subject lands are designated Agricultural within the Middlesex Centre Official Plan. The parcel that would give the land is zoned Agricultural (A1) Zone, while the lands that would receive the lot addition are zoned Institutional (I) Zone within the Middlesex Centre Comprehensive Zoning By-law.

### **Provincial Policy Statement (PPS)**

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities “shall be consistent with” the PPS.

Section 2.3.1 of the PPS notes that *Prime agricultural areas* shall be protected for long-term use for agriculture.

Section 2.3.4.1 policies of the PPS notes that lot creation in *prime agricultural areas* is discouraged and may on be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

Section 2.3.4.2 notes that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

### **County of Middlesex Official Plan:**

The principal policies of the County of Middlesex’s Official Plan that are applicable to the proposed development include:

Section 2.2.2.2 notes that consents in the Agricultural Area shall only occur in conformity with the policies of Section 4.5.3.4.

Section 4.5.3.4 (b) consents involving minor boundary adjustments shall be considered provided that non-viable farm parcels are not created and agricultural activities are not adversely affected.

### **Middlesex Centre’s Official Plan**

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.

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed consent application include:

Section 10.3.2.1 notes that severances within agricultural areas will be prohibited, except under the following specific circumstances:

- a) Severances relating to minor boundary adjustments may be considered. Such severances must not create non-viable farm parcels, and must not adversely affect agricultural activities.

**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;

St Clair Region Conservation Authority: Clarification is required from the EIS and Hydrogeological Studies is required from the applicant prior to proceeding any further. The study's offer different findings and need to complement recommendations for land inclusion. Further information is required on the nitrate loading and potential effect on the wetland resource. A section 28 permit would be required prior to any development.

County of Middlesex Engineer: A road dedication may be required along the severed and retained lands, save and accept any structures, up to 18 metres from centreline along County Road 16.

**Financial Implications:**

None.

**Attachments:**

1. Location Map
2. Proposed Development Plan
3. Proposed Severance Sketch