



Meeting Date: April 19, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner II

Report No: PLA-30-2023

Subject: Application for Minor Variance (File No. A-8/2023)

Recommendation:

THAT Minor Variance Application A-8/2023, filed by Picard's Peanuts Ltd. (Arva) to permit a reduced rear yard setback of 1.47 metres for a property legally known as Lot 1 on Plan 859 in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 14331 Medway, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-8/2023 include:

- 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 east corner of the intersection at Richmond Street and Medway Road (County Road 28) in Arva. A location map is included as Attachment 1.

Background:

The purpose and effect of the Application for Minor Variance is to to seek relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 as it relates to the minimum rear yard setback requirement in the Village Commercial (C1) Zone to facilitate the construction of an addition onto the existing building. The applicant is proposing to construct an addition for warehouse and storage purposes having a minimum rear yard setback of 1.47 metres whereas the Zoning By-law requires a minimum rear yard setback of 10 metres. The applicant has advised the existing store is no longer large enough.

The subject property is a 0.15 hectares (0.38 ac) commercial property located in Arva. The property contains a Picard's Peanuts store having a floor area of 241.5 square metres (2599.49 ft²). The store is serviced by municipal piped water and municipal sanitary sewage system. The property contains a fence along the easterly lot line. Surrounding land uses are generally commercial in nature although an institutional use in the form of a church and cemetery is located to the west of the property.

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:

No comments were received at the time of writing this report.

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.

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.

Planning has reviewed the proposed minor variance 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

Unacceptable adverse impacts on neighbouring lands are not anticipated as the addition would be at least 1.47 metres from the easterly property line. As the mutual easterly property line contains a fence, potential visual impacts for the abutting property to the east would be mitigated. The effects of this variance could be considered minor in nature.

Is the variance an appropriate use of the land? YES

Given that the property and surrounding neighbourhood are within the Village Centre designation and are zoned for commercial purposes, the proposed variance to facilitate the construction of an addition onto an existing commercial building with a reduced rear yard setback can be considered compatible with the surrounding neighbourhood and an appropriate and desirable use of the land as the property would continue to be used for commercial purposes.

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

The intent of the minimum rear yard setback is to ensure that buildings are an adequate distance from neighbouring properties and that the rear yard can be accessed and maintained. Although the proposed addition would be less than the required 10 metres from the property, the reduced setback of 1.47 metres would continue to allow for the rear yard to be accessed and maintained. Staff is of the opinion that the proposed setback would continue to be an adequate distance from the neighbouring property. As such, the intent of the Zoning By-law would be maintained.

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

As previously stated the property is designated for commercial purposes and is intended to be used for commercial purposes for the long term. One goal within the Middlesex Centre Official Plan for the Village Centre designation is to encourage and facilitate strategic improvements to existing Village Centres in a manner that enhances their role. This proposal would allow for the existing commercial business to expand and improve its operations. As such, the general intent and purpose of the Official Plan would be maintained.

Due to the size of the property, the size of the addition required to expand the store to meet the needs of the growing business, and the required parking spaces being located in the front and exterior side yards, the request to reduce the rear yard setback to facilitate the addition could be considered appropriate.

Given the above, Planning Staff is satisfied that the proposed minor variance for a reduction to the rear yard setback can be supported. Given the above, 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