



Meeting Date: May 17, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner II

Report No: PLA-41-2023

Subject: Minor Variance Application A-10/2023, 103 Wellington Street

Recommendation:

THAT Minor Variance Application A-10/2023, filed by Ben Hyland c/o SBM Ltd. on behalf of London District Catholic School Board, for relief from the Comprehensive Zoning By-law to permit a reduced minimum parking requirement of 49 parking stalls for an institutional use for a property legally described as Part of Park Lot 13, Plan 47, Parts 1 & 2 and Part of Part 3 on Reference Plan 34R17494, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 103 Wellington Street, be GRANTED.

AND THAT the reasons for granting Minor Variance Application A-10/2023 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 Council with a recommendation in regards to a minor variance application to permit a reduced minimum parking requirement for a property known municipally as 103 Wellington Street. The effect would be to permit the placement of an additional modular classroom for temporary student accommodation on site.

A location map is included as Attachment 1.

Background:

The subject property is located on the north side of Wellington Street, east of the intersection at Victoria Street and Wellington Street in Delaware. 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 parking requirement of the Institutional (I) zone. The applicant is proposing a minimum parking requirement of 49 stalls, whereas the Zoning By-law would require a total of 51 stalls. In particular, section 4.24.2 requires the minimum number of parking stalls for a schools is three (3) stalls, plus two (2) per classroom. A reduction in parking spaces would permit the placement of an additional modular classroom (70 m² in size) for temporary student accommodation for projected enrollment in September 2023. The applicant advised a parking expansion is proposed for 2024 although it would not be in place in 2023. The proposed variance is summarized below:

Requirements	Relief Requested
As per section 4.24, the minimum number of parking stalls for a school is 3 stalls, plus 2 per classroom.	Reduction of two (2) stalls

The subject lands are zoned Institutional (I) within the Middlesex Centre Comprehensive Zoning By-law and are designated Special Policy Area (SPA #3) according to the Middlesex Centre Official Plan. The lands are designated ‘Settlement Area’ according to the County of Middlesex Official Plan. The lands contain an existing school known as Our Lady of Lourdes Catholic Elementary School as well as 8 existing portable classrooms. The lands are serviced by municipal piped water and a private sewage disposal system. Surrounding land uses include residential uses and existing uses in the form of field crop cultivation.

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: No Comment.

County of Middlesex Engineer: No Comment.

Development Review Coordinator: No Comment.

Chief Building Official: No Comment.

Director of Public Works and Engineering: Applicant may require permits to connect existing services.

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 'Settlement Area' according to the County of Middlesex and 'Residential SPA #3' in the Middlesex Centre Official Plan. The lot is zoned 'Institutional (I) Zone' by Middlesex Centre's Comprehensive Zoning By-law. The applicant noted that the reduction in parking space would allow for the installation of one (1) more additional portable classroom.

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 reduction of the minimum number of required parking stalls from 51 to 49 would result in a decrease of two parking stalls. Considering this variance would permit the placement of an additional modular classroom on the lands and parking is planned to be expanded in 2024, unacceptable adverse impacts on neighbouring lands are not anticipated. As such, the variance are considered to be minor in nature.

Is the variance an appropriate use of the land? YES

The subject property is lot zoned for institutional purposes including a school. The use of the lands will remain the same. As such, the proposed reduction to parking stalls 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 Residential SPA#3 designation is to promote growth and development and permits institutional uses including schools. The proposed reduction to parking stalls for school 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 parking stall requirement is to ensure sufficient parking is available based on the use of the property. The proposed variance would reduce parking by two stalls therefore staff are of the opinion that the variance would continue to provide sufficient parking and that the general intent of the Zoning By-law is maintained.

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 Site Plan