



Meeting Date: September 20, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Senior Planner

Report No: PLA-60-2023

Subject: Application for Minor Variance (File No. A-15/2023)

Recommendation:

THAT Minor Variance Application A-15/2023, filed by Caprice Gautreau for relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 in order to allow for a home occupation to operate out of an existing detached garage; for a property legally described as Lot 11 on Plan M432, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 99 William Street; be GRANTED, subject to the following conditions:

THAT all dogs shall be kept internal to the garage as identified in the applicant's building plans and that outdoor runs not be permitted in association with the use; and,

THAT no boarding of animals be permitted,

AND FURTHER THAT the reasons for granting Minor Variance Application A-15/2023:

- 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 south side of William Street, east of the intersection at Springer Road and William Street in Delaware.

A location map is included as Attachment 1.

Background:

The purpose of the application for Minor Variance is to seek relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 to allow a home occupation to operate out of one vehicle stall out of an existing three car garage with an approximate size of 86 square metre (925 sq ft) attached garage. The effect of the proposal is to establish a pet grooming business in one stall of the attached garage.

While the Zoning By-law permits the proposed home occupation to be operated out of the residence, subject to specific regulations including a floor area restriction of the lesser of 25% of the total floor area of the residence or 40 square metres (430 sq ft), it does not permit home occupations to be operated out of accessory uses, being an attached garage.

An illustration of the proposed layout is included in Attachment 2.

The subject lands are surrounded by residential lands on all side in the format of single detached dwellings. It is designated 'settlement area' in the Middlesex County Official Plan, 'Residential' in the Middlesex Centre Official Plan, and zoned Community Residential First Density (CR1) Zone in the Middlesex Centre Comprehensive Zoning By-law. The land in question has a frontage of approximately 25.3 metres (83.12 feet) and an area of approximately 1288 square metres (0.32 acres), which complies with the requirements of the CR1 zone.

Consultation:

Notice of the applications have been circulated to agencies, as well as property owners in accordance with 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.

Lower Thames River Conservation Authority: comments provided are attached to this report.

Analysis:

Section 45(1) of the *Planning Act* authorizes the Committee of Adjustment to grant relief from 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.

The subject property is in a designated Residential Area in accordance with Middlesex Centre Official Plan. While home occupations in the Municipality are typically housed in dwelling units, the proposal to establish a home occupation within an attached garage in a residential area would not offend the intent and purpose of the Municipality's Official Plan as the home occupation would remain accessory to the main use being residential.

The subject property is designated Residential by the Middlesex Centre Official Plan and is zoned Community Residential First Density (CR1) Zone by the Comprehensive Zoning By-law 2005-005.

Section 9.2.2 of the Middlesex Centre Official Plan promotes economic development and permits home occupations in dwelling units within settlement areas. Home occupations must remain secondary to the residential uses of the properties on which they are located and must not alter the character of residential areas. The Municipality's Comprehensive Zoning By-law restricts the signage for home occupations to a maximum of 0.4 square metres (4.3 sq ft) in size. In addition, no parking in addition to the required parking for the dwelling unit is permitted to be created to accommodate the business.

The general intent and purpose of both the Middlesex Centre Official Plan and Comprehensive Zoning By-law in this instance is to ensure that home occupations do not alter the residential character of the neighbourhoods within which they are located. In the opinion of Planning staff, permitting a home occupation within an attached garage in the subject location is appropriate given the nature of the proposed use. No physical change in external appearance would occur to the dwelling. Additionally, noise would be mitigated through conditions stating no outdoor dog runs, and no boarding of animals. Therefore, staff are of the opinion that it can be considered minor in nature, and an appropriate use of the lands.

Given the above, planning staff recommend that the subject application be approved, as the proposal meets the four tests 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
3. Proposed Internal Layout
4. Business Description
5. Conservation Authority Letter