



Meeting Date: December 20, 2023

Submitted by: Marion-Frances Cabral

Report No: PLA-77-2023

Subject: Application for Minor Variance (File No. A-23/2023)

Recommendation:

THAT Minor Variance Application A-23/2023, filed by Pemic Komoka Development Corporations for relief from the Comprehensive Zoning By-law in order to establish a minimum front yard setback of 4.5 m (14.8 ft) and a minimum rear yard setback of 7.0 m (23 ft), whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard setback of 6.0 m (19.7 ft) and a minimum rear yard setback of 8.0 m (26.2 ft), for a property legally described as 33M673 Blocks 32 and 33, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following conditions:

AND THAT an attached garage maintain a minimum front yard setback of 6.0 m (19.7 ft) where a driveway is proposed in the front yard;

AND THAT 1 of the 2 servicing connections for Blocks 32 and 33 are removed to the satisfaction of the Municipality;

AND FURTHER THAT the reasons for granting Minor Variance Application A-23/2023:

- 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 single detached lot located on the east side of Caverhill Crescent in Komoka.

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 as it relates to the minimum front yard set back and rear yard setback in the “Urban Residential First Density (UR1)” Zone. The applicant is requesting a front yard set back of 4.5 m (14.8 ft) for the dwelling only and a minimum rear yard setback of 7.0 m (23 ft), whereas the Zoning By-law requires a minimum front yard set back of 6.0 m (19.7 ft) and a minimum rear yard setback of 8.0 (26.2 ft). The effect of the proposal will facilitate the development of 1 single detached dwelling across the newly consolidated lot.

The land is located in Komoka and is surrounded by existing single detached dwellings along Caverhill Crescent and Prince Street.

The land is identified as part of the Komoka Settlement Area in the Middlesex County Official Plan, designated ‘Residential’ in the Middlesex Centre Official Plan, and zoned “Urban Residential First Density (UR1)(h-1)” in the Middlesex Centre Comprehensive Zoning By-law.

The proposed reductions are summarized below:

Requirements	Relief Requested
Minimum Front Yard Setback – 6.0 m	4.5 m (for the dwelling only)
Minimum Rear Yard Setback – 8.0 m	7.0 m

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 were received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

The Municipality's Chief Building Official has reviewed the application and has indicated no objection to the proposal.

The Municipality's Director of Public Works and Engineering reviewed the application and has no concerns with the dwelling to be located closer to the front lot line as long as the garage continues to be setback a minimum of 6.0 m. Further, PWE has previously requested the applicant and/or landowner to remove 1 of the 2 servicing connections to the lands and request that this be added as a condition of the minor variance.

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' in the Middlesex Centre Official Plan. The lots are zoned "Urban Residential First Density (UR1) Zone" by Middlesex Centre's Comprehensive Zoning By-law. The applicant is requesting the minor variance to increase the building envelope due to the small lot depth which will accommodate a dwelling similar in size and consistent to the rest of the neighbourhood.

Planning has reviewed the proposed 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, subject to conditions

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, Planning Staff is of the opinion that the proposed front yard setback is considered minor in nature since the reduction will still provide sufficient setback from the right-of-way and will not significantly reduce the visibility of pedestrians or vehicles.

Staff confirmed with the applicant that the reduction will only apply to the dwelling and not to the garage. The applicant confirmed that the garage will be setback a minimum of 6 m from the front lot line, and the requested variance is intended to increase the living area of the proposed dwelling. Staff do not anticipate that the reduction of the front side yard setback will have negative impacts on neighbouring properties or access to nearby properties. Staff recommends adding a condition to clarify that a 6 m setback will be required to an attached garage.

Further, staff are of the opinion of that the reduced rear yard setback will not significantly reduce the amount of amenity space in the rear yard. Further, it is not anticipated that the reduction in the rear yard setback will negatively impact the abutting landowners since the proposed dwelling will be aligned with existing dwellings on Caverhill Crescent and there will continue to be a sufficient setback between the subject lands and the property on Prince Street.

Is the variance an appropriate use of the land? Yes

The development of a single detached dwelling is consistent with the character of the area and planned function of the site which includes similar residential uses within the same development. Therefore, the proposed variance would represent 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 designation is to provide for a variety of dwelling types in the area. The requested front yard setback and rear yard setback continues to support the development of a residential use, and provides flexibility for building design and massing. 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 subject request is to ensure that there is sufficient separation between the proposed dwelling and roadway, to provide amenity space, and provide privacy between neighbouring properties.

The proposed reductions in concurrence with other regulations of the Zoning By-law, continue to provide sufficient amenity area since the lot is wide and there is adequate separation between the dwelling and right-of-way. Further, the reduction of the rear yard setback by 1 m is not expected to significantly impact the privacy of neighbouring properties as the building envelope is expected to be similar to abutting properties. As such, Planning Staff is satisfied that the requested relief would maintain the general intent and purpose of the Comprehensive Zoning By-law.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Sketch