



**Meeting Date:** February 21, 2024

**Prepared By:** Marion-Frances Cabral, Planner

**Submitted by:** Marion-Frances Cabral, Planner

**Report No:** PLA-7-2024

**Subject:** Application for Minor Variance (File No. A-2/2024)

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**Recommendation:**

THAT Minor Variance Application A-2/2024, filed by Sifton Properties Limited for relief from the Comprehensive Zoning By-law in order to establish a Minimum Lot Area of 160 m<sup>2</sup> for Units 3, 4, 42, and 48; a Minimum Lot Depth of 24 m for Units 4, 5 and 6; a Minimum Front Yard Setback (to a garage) of 5.5 m for Units 1, 2, 3, 4 and 5; a Minimum Exterior Side Yard Setback to a public road of 3.0 m; a Minimum Rear Yard Setback of 4.5 m for Units 4, 5, and 11; Maximum Density of 37 UPH; and a Minimum Outdoor Amenity Area of 35 m<sup>2</sup> for Units 3, 4, 5, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 29, 30, 31, 34, 35, 43, 46, 47, 48, and 49, for a property legally described as Block 56 of 33M-836, in the Municipality of Middlesex Centre, County of Middlesex, be DEFERRED.

**Purpose:**

The purpose of this report is to provide the Committee of Adjustment with a recommendation regarding a minor variance for a medium density residential block located on Timberwalk Trail, south of Arrowwood Path in Phase 5 of the Timberwalk subdivision in Ilderton.

A location map is included as Attachment 1.

**Background:**

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 (1) Minimum Lot Area, (2) Minimum Lot Depth, (3) Minimum Front Yard Setback, (4) Minimum Exterior Side Yard Setback to a public road, (5) Minimum Rear Yard Setback, (6) Maximum Density, and (7) Minimum Outdoor Amenity Space in the “Urban Residential Third Density exception 12 (UR3-12)” Zone.

The applicant is requesting the following variances to facilitate the development of a 50 unit townhouse development within a vacant land plan of condominium.

	<b>Requirements in UR3-12 Zone</b>	<b>Relief Requested</b>
<b>Minimum Lot Area (townhouse dwelling)</b>	170 m <sup>2</sup>	160 m <sup>2</sup> for Units 3, 4, 42, and 48
<b>Minimum Lot Depth</b>	26 m	24 m for Units 4, 5, and 11
<b>Minimum Front Yard Setback (to a Garage)</b>	6.0 m	5.5 m for Units 1, 2, 3, 4, and 5
<b>Minimum Exterior Side Yard Setback (to a public road)</b>	6.0 m	3.0 m for Unit 1
<b>Minimum Rear Yard Setback</b>	6.0 m	4.5 m for Units 4, 5, and 11
<b>Maximum Density</b>	30 Units per Hectare	37 Units per Hectare
<b>Minimum Outdoor Amenity Space</b>	45 m <sup>2</sup>	35 m <sup>2</sup> for Units 3, 4, 5, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 29, 30, 31, 34, 35, 43, 46, 47, 48, and 49

The subject lands are located in Ilderton and surrounded by existing and future low density residential development, a significant woodland, natural heritage features and open space to the south, and within proximity to a future medium density development to the west. The lands are accessed from Timberwalk Trail south of Arrowwood Path.

The lands are identified as part of the Ilderton Settlement Area in the Middlesex County Official Plan, designated 'Residential' in the Middlesex Centre Official Plan, and zoned "Urban Residential Third Density exception 12 (UR3-12)" in the Middlesex Centre Comprehensive Zoning By-law.

## **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 this staff report, staff received 1 written letter from an area resident who requested additional information about the development and appeal rights. Staff did not receive any additional comments from area residents.

### 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 variances.

The Municipality's Fire Chief has reviewed the application and has indicated no objection to the proposal, but is still waiting for a response to hydrant location in the provided site plan.

The Municipality's Director of Public Works and Engineering did not provide comments at the time of writing this staff report.

The St. Clair Regional Conversation Authority has reviewed the application and has no concerns with the proposed variances.

## **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 Third Density exception 12 (UR3-12) Zone' by Middlesex Centre's Comprehensive Zoning By-law.

The applicant requests the minor variance to (1) reduce the Minimum Lot Area, (2) reduce the Minimum Lot Depth, (3) reduce the Minimum Front Yard Setback, (4) reduce the Minimum Exterior Side Yard Setback to a public road, (5) reduce the Minimum Rear Yard Setback, (6) increase the Maximum Density, and (7) reduce the Minimum Outdoor Amenity Space to facilitate the development of a 50-unit townhouse development.

Planning Staff have reviewed the proposed variances and cannot consider all of the variances minor in nature. Specifically, Planning Staff highlight the request for increased Maximum Density and a reduce Minimum Front Yard Setback.

The applicant requested a reduced Minimum Front Yard Setback of 5.5 m for Units 1, 2, 3, 4, and 5. The reduction does meet the minimum size for a parking space in the Zoning By-law. However, in practice it is common to see larger vehicles within the community that meet or exceed the parking length. This would result in vehicles overhanging onto the private sidewalk or private roadway at the entrance of the development. Planning Staff have indicated to the proponent that they would not be in support of this request and advise that the private road could be adjusted to accommodate the extra 0.5 m required to meet the 6.0 m setback. Planning Staff would not recommend reducing the Minimum Rear Yard Setback for these units to ensure there is sufficient amenity space available and separation between the development and existing residential uses.

The requested increase of density from 30 Units per Hectare to 37 Units per Hectare results in an additional 9 units. Planning Staff note that the 9 units will not have a significant impact on traffic generation and usage of community facilities, and is compatible with the surrounding uses. However, the 1 requested variance to allow 9 units results in the need for additional variances. The compounding of variances or the need to have more variances satisfy another cannot be considered minor to Planning Staff. Planning Staff have also reviewed the development from the perspective of a block development instead of a vacant land condominium concluded that variances would still be required to accommodate the development. Planning Staff have asked the applicant to reduce the amount of units in the development and revise the site plan to reduce the need for density related variances.

Given the above, Planning Staff cannot support the requested variances. Planning Staff asked the applicant to revise the application and site plan and will continue working with the applicant to seek a solution. As such, Planning Staff recommend deferral of the application.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Proposed Site Plan

Attachment 3 – Letter from the Applicant