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January 24, 2024

Planning and Development Services Department
Municipality of Middlesex Centre
10277 Ilderton Road, RR2
Ilderton, ON N0M 2A0
Attn: Marion-Frances Cabral

Re: Timberwalk Plan of Subdivision, Plan 33M-836 Block 56 – Minor Variance Application

Dear Ms. Cabral,

We are pleased to submit the following as part of a complete submission package pertaining to a minor variance application for the above noted lands. The proposed development includes fifty (50) townhouse units on a private road within Block 56, Plan 33M-836, that is 1.38 ha (3.39 ac) in area, forming part of Phase 5 of Timberwalk Subdivision. As you are aware, a request for site plan consultation and exemption from vacant land condominium (VLC) applications were filed on November 30, 2023. A formal site plan submission will follow once the minor variance application has been accepted and a hearing has been scheduled. The proposed development does not comply with all provisions of the UR3 and UR3-12 zoning and as such, a minor variance application is required.

Sifton Properties Limited (“**Sifton**”) is requesting relief from the following provisions of the UR3 and UR3-12 zoning, respectively:

1. Minimum Lot Area – 160 square meters
2. Minimum Lot Depth – 24 meters
3. Minimum Front Yard Setback (Garage) - 5.5 meters
4. Minimum Exterior Side Yard Setback to a Public Road – 3.0 meters
5. Minimum Rear Yard Setback – 4.5 meters
6. Maximum Density – 37 UPH
7. Minimum Outdoor Amenity Space – 35 square meters

A brief planning analysis has been provided with regard for the four tests per Section 45 (1) of the Planning Act.



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1. Is the request minor in nature?
2. Is the request desirable for the appropriate development or use of the lands?
3. Does the request align with the general intent of the official plan?
4. Does the request align with the general intent of the zoning by-law?

1. Minor in Nature

A decrease in minimum lot area to 160 square meters (sq.m) impacts four of the fifty units proposed as part of the development. The requested reduction is required to accommodate angled lot lines from existing residential development to the north, forming part of registered plan 33M-705 (Units 3 and 4, Block 56) and limits of Block 62, Plan 33M-836, established to ensure necessary buffering is provided from the natural heritage features located to the south of the development (Units 42 and 48, Block 56).

A decrease in minimum lot depth to 24 meters (m) impacts three of fifty units proposed as part of the development. As previously noted, the requested reduction is required to accommodate angled lot lines from existing residential development to the north (Units 4 and 5) and east (Unit 11).

A reduction in minimum front yard setback to the garage to 5.5 m impacts five of fifty units proposed as part of the development. The reduction is required due to the angled nature of the rear lot line for Units 1-5, restricted by the previously registered plan of subdivision to the north. The angled rear lot line reduces the overall lot area per dwelling unit. To ensure that an appropriate front and rear yard depth are provided per dwelling unit, while maintaining the same building footprint as proposed across the site, a reduction to a 5.5 m front yard depth to the garage is required. The reduction to the front yard depth to the garage continues to allow for a vehicle to park comfortably in the driveway, in addition to the parking space available in the one car garage, while ensuring compliance with requirements of Section 4.24 (b) and (e)(i) of the Zoning By-law.

A reduction to a 3 m exterior side yard setback to a public road impacts one of fifty units proposed as part of the development. It is to be noted that there is a 4 m setback at the front of the unit and a 3 m setback at the rear of the unit, due to the angled nature of the frontage of the block onto Timberwalk Trail and orientation of the dwelling unit. The angled nature of the dwelling unit will assist in mitigating any potential sightline issues from existing residential to the north, as well as for residents entering and exiting the proposed development. A reduction from a 6m to 3m exterior side yard setback to a public road provides an opportunity for Units 1-5 to shift to the east, which in turn provides opportunity to increase front and rear yard depth for these units as Units 1-5 are able to shift away from the “pinch point” of the angled rear lot line at the west limit of Unit 5.



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A reduction to a 4.5 m rear yard setback impacts three of fifty units proposed as part of the development. The reduction is required due to the angled rear lot line Units 4, 5 and 11, restricted by the previously registered plan of subdivision to north (Units 4 and 5, Block 56) and east (Unit 11, Block 56). To ensure that an appropriate front and rear yard depth are provided per dwelling unit, while maintaining the same building footprint as proposed across the site, a reduction to a 4.5 m rear yard setback is required. For Unit 4, the minimum 6 m rear yard setback required under the existing zoning can be provided on the east side of the rear yard. A reduced setback is required on the west side of the rear yard due to the angled rear lot line, restricted by existing development to the north. A 1.5 m by 3 m deck can still be accommodated off the rear of the unit. With respect to Units 5 and 11, end units provide additional open space along the side of the unit to offset a reduction to the area of the rear yard as a result of the reduced setback. Similar to Unit 4, the minimum 6 m rear yard setback can be provided along the south side of the rear yard for Unit 11, however, a reduced setback is required to accommodate the north side of the rear yard due to the angled rear lot line. A reduction on both sides of the rear yard of Unit 5 is required due to the angled rear lot line. Further, a 1.5 m by 3 m deck can still be accommodated off the rear of Units 5 and 11.

An increase to maximum density of 37 UPH does not significantly impact the development nor render the owner of the lands unable to provide necessary components of the development. An appropriate number of visitor parking spaces, inclusive of accessible parking, have been provided, as well as centrally located private amenity space in addition to private yards for each unit. Municipal waste collection will be provided at the curb of each unit (where able). For those units where, individual pick up cannot be accommodated, onsite storage has been provided at a central location adjacent to Units 17 and 18, determined through consultation with Bluewater Recycling Association in response to preliminary comments received in December 2022.

A reduction to 35 square meters to minimum outdoor amenity area impacts twenty three of the fifty units proposed as part of the development. The reduction is required due to the noncontiguous nature of the outdoor amenity space provided for interior dwelling units. When combined, all fifty dwelling units have sufficient outdoor amenity space between the front, rear and side yards (where applicable). Further, an additional centrally located private amenity space is proposed and would be available for use by all dwelling units. A reduction of 10 square meters is required to accommodate a reduced single area of outdoor amenity space where the lowest value is 37.5 sq.m, applicable to Unit 4.

The requested relief from the aforementioned provisions of the ZBL are minor in nature.





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2. Desirable for the Development & Use of the Land

The requested relief to the provisions of the zoning by-law ensures efficient use of land and infrastructure which assists in driving down the cost to the end user, consistent with Section 1.1.1 of the Provincial Policy Statement (PPS).

The requested relief from the aforementioned provisions to the zoning by-law is desirable for the development and use of the lands.

3. Official Plan

Policy 5.1.1 of the Official Plan identifies Ilderton as an Urban Settlement Area. Urban Settlement Areas are expected to have the highest concentration and intensity of land uses and will be the focus for future growth. Deviation from the minimum lot area, frontage, maximum density and applicable minimum setback provisions of the zoning by-law will provide for efficient use of land and infrastructure while providing for a denser land use to ensure a mix and range of residential housing is provided and to support growth within the urban settlement area of Ilderton.

Policy 5.2.1 a) states that the municipality is to encourage a variety of housing types, sizes and tenures. Policy 5.2.3 b) states that densities proposed should be generally compatible with adjacent densities within the existing residential area. The proposed development provides for a range and mix of housing within Timberwalk Subdivision at an appropriately increased density to single detached development to the north. The minor deviation from the maximum density provision aligns with the general intent of the previously approved ZBL for the block which recognizes a denser land use. Further, appropriate buffering through landscaping and fencing will be provided from adjacent development and natural heritage features.

Policy 10.9 provides a framework for minor variance applications, where a minor variance may be granted provided that the following has been demonstrated:

- i) The proposal is compatible with the surrounding neighborhood;
- 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 an appropriate and desirable use of the land; and
- v) The variance is generally minor in nature.
- 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.



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Policy 10.9 ii) is addressed through Section 4, policies 10.9 i) and iii) are addressed through Section 3, policy 10.9 iv) is addressed through Section 2, and policy 10.9 v) is addressed through Section 1 of this letter.

Policy 10.9 vi) speaks to valid reasoning behind why the by-law cannot or should not be complied with and further, that reasonable alternatives that comply with the by-law have been considered.

- A reduction in minimum lot area to 160 sq.m is reasonable, due to the minimal number of units impacted and restrictions (angled lot lines) established through previous phases of development to the north of the block, as well block limits for future phases of development to the south set by necessary buffering from natural heritage features. The by-law cannot be complied with due to lot line restrictions. Compliance with the provision under the existing zoning could result in a loss of units which would not make efficient use of land and infrastructure;
- A reduction in minimum lot depth to 24 m is reasonable, due to the minimal number of units impacted and restrictions from angled lot lines established through previous phases of development. Similar to the above, the by-law cannot be complied with due to lot line restrictions and compliance with the by-law could result in a loss of units;
- A reduction in the minimum front yard setback to 5.5 m is reasonable, due to the minimum number of units impacted, and the ability to comply with parking requirements under Section 4.24 (b) and (e)(i) of the Zoning By-law. As aforementioned, compliance with the provision under the existing zoning by-law could result in a loss of units which would not provide for efficient use of land and infrastructure;
- A reduction in minimum exterior side yard setback to a public road of 3 m is reasonable, as it is limited to Unit 1 and mitigates potential sight line issues for existing development to the north due to the angled nature and orientation of the dwelling. Further, compliance with the provision under the existing ZBL would further impact minimum front yard depth for Units 1-5 due to the “pinch point” of the angled rear lot line west of Unit 5, to the extent where a vehicle could not park comfortably in the drive way;
- A reduction in minimum rear yard depth to 4.5 m is reasonable, due the minimum number of units impacted and the restrictions from angled lot lines established through previous phases.



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Rear yard decks can still be accommodated with the reduced rear yard depth. Further, Units 4 and 11 are able to meet provisions under the existing zoning on one side of the rear yard, however, reductions are required on the opposite side due to angled rear lot lines. Compliance with the provision under the existing ZBL could result in a loss of units which would not make efficient use of the land;

- An increase in maximum density to 37 UPH is reasonable, understanding that the proposed development makes efficient use of land and infrastructure to reduce the cost to the end user. Compliance with the provision under the current ZBL could result in expanding the size of the units to make efficient use of the land which would increase the total cost to the end user, thereby potentially placing these townhomes out of reach for some future homeowners; and
- A reduction in minimum outdoor amenity area to 35 sq.m is reasonable, understanding that all fifty dwelling units provide sufficient amenity space with consideration for front, rear and side yards (where applicable). Compliance with the provision under the existing zoning could result in a loss of units in an effort to increase lot area to provide the minimum required outdoor amenity space. This would not result in an efficient use of land, and could cause an increase in total cost to the end user.

The requested relief from the aforementioned provisions of the zoning by-law aligns with the general intent of the Middlesex Centre Official Plan.

4. Zoning By-law

As aforementioned, the requested reduction to minimum lot area, minimum lot frontage, minimum front yard setback to the garage, minimum exterior side yard setback to the public road and minimum rear yard setback makes efficient use of land and infrastructure. Reduction to minimum lot area and depth is required to accommodate angled lot line restrictions from previous phases of development. Reduction to the minimum front yard setback to the garage continues to provide sufficient space to accommodate a vehicle in the driveway in addition to the one car garage. Reduction to the minimum rear yard setback continues to provide sufficient space for a rear yard deck and can be offset with additional open space provided within the side yard and/or centrally located private amenity space. Reduction to minimum exterior side yard setback to a public road offsets the reduction required to the front yard setback for Units 4 and 5 while the angled nature of the lot fabric and unit orientation mitigates potential sight line issues for existing development to the north as well as the proposed development (entering and exiting the site).



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The increase in maximum density makes efficient use of land and infrastructure and will not cause adverse impacts to the development. Lastly, reduction to minimum outdoor amenity area can be offset by consideration for the cumulative total of outdoor amenity space provided in the front, rear and side yards (where applicable) of the dwelling units as well as consideration for centrally located private amenity space.

The requested relief from the aforementioned provisions of the ZBL aligns with the general intent of the Middlesex Centre Zoning By-law No. 2005-005.

Please find enclosed the following materials for a complete digital submission:

- One (1) copy of the signed **Minor Variance Application** Form;
- One (1) copy of the **Site Plan** prepared by Sifton Properties Limited dated January 23, 2024;
- One (1) copy of the **VLC Concept Plan** prepared by Sifton Properties Limited dated January 23, 2024; and
- One (1) copy of the **Site Data Table** prepared by Sifton Properties Limited dated January 23, 2024.

The following will be delivered to the Municipality in support of a complete application.

- One (1) **cheque** made out to the Municipality of Middlesex Centre in the amount of **\$1,300.00**.

We trust the above is satisfactory. If you have any questions, please don't hesitate to contact our office by email at alex.haasen@sifton.com or by phone at (226) 448-1006.

Sincerely,

Alexandra Haasen, HBA
Project Manager – Planning & Development
Sifton Properties Limited

cc. Lindsay Clark, Manager of Planning, Sifton Properties Limited
Phil Masschelein, Senior VP of Neighbourhood Developments, Sifton Properties Limited