



Meeting Date: May 22, 2024

Submitted by: Dan FitzGerald MPI MCIP RPP, Manager of Planning

Report No: PLA-24-2024

Subject: Application for Minor Variance (File No. A-6/2024)

Recommendation:

THAT Minor Variance Application A-6/2024, filed by Bailey Van Praet for relief from the Comprehensive Zoning By-law in order to establish a minimum front yard setback of 11.25 metres (37 feet), whereas the Zoning By-law requires a minimum setback of 15 metres (49 feet), for a property legally described as Part of Lot 8, Concession 2, Part 2 of Reference Plan 33R13722, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 22596 Coldstream Road, be **GRANTED**.

AND FURTHER THAT the reasons for granting Minor Variance Application A-6/2024:

- 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 ortheast side of Coldstream Road, southeast of the intersection at Oxbow Drive and Coldstream Road.

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 minimum permitted front yard setback for a residential dwelling in the Restricted Agricultural (A2) Zone. The applicant is proposing to construct a residential dwelling with a front yard setback of 11.25 metres (37 feet), whereas the by-law does not permit a residential

dwelling to be constructed within 15 metres (49 feet) from the street line. The effect of the variance is to permit the construction of a residential dwelling.

A site plan is included as Attachment 2.

The subject lands are located in an agricultural area bordered by rural residential lots and agricultural lands. It is bounded by residential development to the west, natural heritage features, hazard lands and woodlands to the north and east, and agricultural lands to the south. It maintains a frontage of approximately 50.97 metres (1671 feet) along Coldstream Road and an area of approximately 3,316.46 square metres (0.81 acres). It is designated 'Agricultural' in the Middlesex County Official Plan, 'Agricultural' in the Middlesex Centre Official Plan, and zoned 'Restricted Agricultural (A2) Zone' in the Middlesex Centre Comprehensive Zoning By-law.

The lands are regulated by the Upper Thames River Conservation Authority and back onto an identified natural heritage feature and significant woodland in the Middlesex Natural Heritage Systems Study.

The applicant has provided a conceptual site plan showing the proposed location of the new dwelling, located to the north west of the existing dwelling. The proposed variance is summarized below:

Requirements	Relief Requested
As per section 4.16 b (iii), the minimum front yard setback from a township concession road is 15 metres (49 feet).	Proposed front yard setback of 11.25 metres (37 feet) from the street line.

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 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.

Development Review Coordinator has reviewed the application and has no concerns.

Chief Building Official has reviewed the application and have no concerns.

Upper Thames River Conservation Authority advises that a section 28 permit has already been obtained by the applicant and that they have no further concerns.

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 'Agricultural Area' according to the County of Middlesex and 'Agriculture' in the Middlesex Centre Official Plan. The lot is zoned 'Special Agricultural (A2) Zone' by Middlesex Centre's Comprehensive Zoning By-law.

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 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, staff have reviewed whether to consider the variance minor based on the location, the context of development on the lands, and the existing characteristics of the neighbourhood. The proposed location of the new dwelling is consistent with the setback of the existing dwelling on the lands. Additionally, the mature tree line adjacent to the interior side yard will help lessen any impacts on neighbouring homes. Therefore, the impact of the proposal can be considered minor in that it would be in keeping with the existing character of the area.

Is the variance an appropriate use of the land? YES

The development of a single detached dwelling would be consistent with the character of the area which includes residential uses and uses accessory thereto. Therefore, the proposed variance would represents 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 Agricultural designation is primarily to protect farmland, but to permit dwellings and accessory buildings in the area as ancillary uses. The single detached dwelling is a permitted use of the property, 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 front yard setback is to maintain adequate distance from roads, reduce impacts of noise, and ensure outdoor amenity areas as well as parking is maintained. The proposed location of the dwelling in this case is similar to the location of the existing home. It can be considered to maintain the intent of the Zoning By-law, as the reduced front yard setback would not impact neighbouring developments while maintaining appropriate setbacks to the road. Additionally, Planning Staff recognize that the lands are constrained by the Regulated lands to the rear. As such, moving the home forward is considered appropriate and desirable. As such Planning Staff are satisfied that the general intent and purpose of the Zoning By-law would be maintained.

Given the above, Planning Staff is satisfied that the proposed minor variance can be supported. Planning staff recommend that the subject application be approved, as the proposal meets the four test 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