



Meeting Date: January 20, 2021

Submitted by: Dan FitzGerald MPI, Planner

Report No: PLA-10-2021

Subject: Application for Minor Variance (File No. A-19/2020)

Recommendation:

THAT Minor Variance Application A-19/2020, filed by Caleb Wood and Stacey Braam for relief from the Comprehensive Zoning By-law's maximum size and height for an accessory building, where the applicant is requesting a maximum size of 135.6 m² (1,460ft²), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 110.0m² (1,184.0ft²) of gross floor area or three percent (3%) lot coverage for lots less than 5,000 m² (1.25 ac) but greater than 2,000 m² (0.50 ac) for all accessory buildings, and to permit a maximum height of 6.55m (21.5ft), whereas the maximum permitted height for an accessory building is 6.5 m (21.3 ft) for a lot legally described as Part of Lot 18, Con Gore S, Part 1 of Reference Plan 33R14000, in the Municipality of Middlesex Centre, in the County of Middlesex, and municipally known as 6219 Cook Road, be **GRANTED** subject to the following conditions;

THAT the accessory building be constructed in the same general location as specified in the application submission;

AND THAT the owner, and any subsequent future owners acknowledges and agrees that all buildings are to be used as residential accessory buildings and may not be used to support a business use, such as a contractor's yard;

AND THAT the site be cleared of any machines/trailers/vehicles/storage containers that are not accessory to a residential use;

AND THAT a contractor's yard is not permitted in this zone;

AND FURTHER THAT the reasons for granting Minor Variance Application A-19/2020 include:

- 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 west side of Cook Road, north of the intersection at Littlewood Drive and Cook Road, in the Municipality of Middlesex Centre.

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 maximum size and height of an accessory building in the Agricultural (A1) Zone. The owner is requesting a maximum size of 135.6 m² (1,460ft²) for all accessory buildings on the property, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of 110.0m² (1,184.0ft²) or three percent (3%) lot coverage (131.5 m²), whichever is lesser, for lots less than 5,000 m² (1.25 ac) but greater than 2,000 m² (0.50 ac), for all accessory buildings on the subject property. As such, the owner is requesting a minor variance of 25.6 m² (275.5 ft²).

The owner is also request in increase to the maximum permitted height of 6.55m (21.5ft), whereas the maximum permitted height for an accessory building in the Agricultural (A1) Zone is 6.5 m (21.3 ft). As such, the owner is requesting a minor variance of 0.05 m (0.2 ft). The requested minor variances are outlined below:

Requirements	Relief Requested
As per section 4.1 (b) (iv) no buildings or structures accessory to a dwelling shall exceed the lesser of 3% of lot coverage in any <u>Agricultural or Restricted Agricultural Zone</u> or the following: 110.0 m ² (1,184 ft ²) of gross floor area for accessory buildings located on a lot with an area less than 5,000 m ² (1.25 ac) but greater than 2,000 m ² (0.50 ac)	25.6 m ² (275.5 ft ²)
As per section 4.1 (c) (ii) no buildings or structures accessory to a dwelling shall exceed 6.5 metres (21.3 feet) in height in any <u>Agricultural, Restricted Agricultural or Surplus Residence Zone</u> .	0.05 m (0.2 ft)

The property has an area of approximately 1.08 ac (0.44 ha) and is occupied by a single detached dwelling. The property is surrounded on all sides by agricultural land in crop production. The property is located on the west side of Cook Road, north of the intersection at Littlewood Drive and Cook Road. It is designated 'Agricultural Area' in the County of Middlesex Official Plan, 'Agriculture' by Middlesex Centre's Official Plan and zoned 'Agricultural (A1) Zone' in Middlesex Centre's Comprehensive Zoning By-law.

The application was previously heard at the December 16th, 2020 council meeting where it was referred back to staff to provide the owner with the opportunity to reduce the size of the proposal. The applicant has since amended their request as outlined above from a total accessory building size of 178 m² to 135.6 m². As such the applicant has amended their request by reducing the requested size by approximately 43 m² (462.8 ft²).

Consultation:

Notice of the application has 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:

Chief Building Official no comments / concerns noted.

Director of Public Works and Engineering Department no concerns and/or requirements.

Enbridge no comments are concerns with the proposed application.

Kettle Creek Conservation Authority staff reviewed the Notice for Minor Variance affecting 6219 Cook Road and that based on their mandate and policies, have no objection to its approval.

Policy and 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. Planning staff is of the opinion that the proposal satisfies the aforementioned Planning Act tests.

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.

The proposed increase in floor area is not anticipated to increase the usability of the building beyond what would reasonably be considered accessory to a residential use on the lands. Negative impacts to the surrounding properties are not anticipated as the proposed location of the accessory building is not adjacent to another established residential use. The proposed accessory building is also setback a large distance for the existing single detached dwelling, lessening the impact of the size on the lands. Therefore, staff is satisfied that the visual impact from the requested relief would be minor in nature given the location of the proposed building on the property.

The subject property is an agricultural lot where the primary use is residential and is surrounded by agricultural lands in crop production. The request for an accessory building that is larger than currently permitted in the A1 Zone would not adversely impact the agricultural character of the area nor is it expected to create adverse visual impacts on neighbouring properties. Planning staff is satisfied that the proposed structure is appropriate for the site.

As mentioned the subject property is designated as 'Agriculture', which permits both agricultural and low density residential use. The general intent and purpose of the 'Agricultural' land use designation is to preserve agricultural as the primary land use outside of settlement areas and allow residences surplus to farming operations. The building is to be accessory to a residential use. Also as a condition of the approval, the Owner acknowledges that the use of the building is limited to residential purposes and cannot house a home occupation or any other business. Therefore, planning staff find that the subject proposal would maintain the general intent and purpose of the Municipal Official Plan.

The general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law's requirement to restrict the floor area of residential accessory buildings is to ensure that the dwelling remains the dominant structure on the lot. Likewise, the main purpose for restricting height of an accessory building is to ensure the primary residence remains the dominant use on the lands. The location of the proposed accessory building, its size and height are not anticipated to detract from the single detached dwelling being the main use on the property. Additionally, the large area of the lot detracts from the potential to conflict with neighbouring properties. Therefore, planning staff find that the subject proposal would maintain the general intent and purpose of the Middlesex Centre's Comprehensive Zoning By-law.

Staff is satisfied that the above items have been met and that a minor variance for the maximum size and height of an accessory building can be supported. Given the above, 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:

- 1c. Planning & Positioning: Realizing development potential.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

1. Location Map
2. Proposed Site Plan
3. Proposed Building Plan