



**Meeting Date:** January 20, 2021

**Submitted by:** Dan FitzGerald MPI, Planner

**Report No:** PLA-6-2021

**Subject:** Application for Minor Variance (File No. A-28/2020)

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**Recommendation:**

THAT Minor Variance Application A-28/2020, filed by YC LIU Engineering c/o Chris Walters on behalf of 2685719 Ontario Inc, for relief from the Comprehensive Zoning By-law's minimum parking requirements for a car wash, where the applicant is requesting permission to reduce the maximum number of parking stalls to 23 spaces (inclusive of two barrier free stalls), representing a parking ratio of 1 per 22.1 m<sup>2</sup> of gross floor area, whereas the comprehensive zoning by-law requires a minimum of 51 parking stalls, or 1 stall per 10 m<sup>2</sup> gross floor area for a car wash, for a lot legally described as PLAN 33M324 PT BLK 3 RP 33R17154 PART 1, Municipality of Middlesex Centre, County of Middlesex, and municipally known as 9 Springfield Way, be **GRANTED** subject to the following conditions;

AND THAT the development maintain a minimum of 12 queuing stalls in the automatic drive through car wash lane in addition to the 23 required parking spaces on-site.

AND FURTHER THAT the reasons for granting Minor Variance Application A-28/2020 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 east side of Springfield Way, on the south east corner of Springfield Way and Glendon Drive, 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 minimum number of parking stalls required for a car wash in the Highway Commercial (C2) Zone. The owner is requesting a minimum number of parking stalls of 23 spaces or 1 space per 22.1 m<sup>2</sup>, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum of 1 stall per 10 m<sup>2</sup>, that being 51 parking stalls based on the applicants proposed gross floor area for the car wash facility. In addition to the proposed 23 parking stalls, the owner is also providing 12 queuing stalls for a dual automated car wash system, which do not count as parking stalls based on the existing provisions in the Zoning By-law. As such, the owner is requesting a minor variance for relief of 28 parking stalls.

The requested minor variances are outlined below:

<b>Requirements</b>	<b>Relief Requested</b>
As per section 4.24 (b) the minimum number of parking stalls for a carwash is 1 stall per 10 m <sup>2</sup> gross floor area.	Required = 51 stalls (1 per 10 m <sup>2</sup> ) Requested Relief = 28 stalls (1 per 22.1 m <sup>2</sup> )
As per section 4.24 (n), queuing stalls are not permitted to be counted towards the overall parking requirement.	Applicant is requesting queuing stalls to be recognized as parking stalls, which would add 12 additional stalls to the overall count.

The property has an area of approximately 1.46 ac (0.59 ha) and is currently a vacant parcel of land. Existing lands and uses surrounding the property include the following: a vacant parcel of land zoned existing use to the north, a vacant parcel zoned Highway Commercial Exception (C2-5) Zone to the east, and existing commercial developments to the south and west. It is located on the south side of Glendon Drive, on the south east side of the intersection at Springfield Way and Glendon Drive. The property maintains access to the site by way of Springfield Way. It is designated 'Settlement Area' in the County of Middlesex Official Plan, designated 'Settlement Commercial' and located within special policy area #2 in Middlesex Centre's Official Plan, and zoned 'Highway Commercial Exception (C2-8) Zone in Middlesex Centre's Comprehensive Zoning By-law.

The site is currently the subject of a site plan application which is under review by staff. Through this process, staff identified that the applicant did not meet the minimum parking requirements for the use car wash. In response, the applicant has submitted a minor variance application.

**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.

**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.

As previously noted, the subject land is designated Settlement Area in the County Official Plan, Settlement Commercial and within special policy area #2 in the Middlesex Centre Official Plan, and zoned Highway Commercial Exception (C2-8) Zone in the Middlesex Centre Comprehensive Zoning By-law. The Municipality's Comprehensive Zoning By-law requires 1 parking space per 10 square metres of gross floor area for car wash facilities. The applicant's car wash facility would have 4 manual wash bays and 2 fully automated wash bays. The applicant is requesting a Minor Variance in order to provide more appropriate parking standards for a car wash facility that is subject to a site plan review. Staff have reviewed the request and note that the existing car wash parking ratio appears to be restrictive for the proposed use. To determine the appropriateness of the parking ratio, staff have reviewed provisions in comparison to other local municipal standards, as outlined below.

Municipality	By-law Parking Requirements for Car Wash	Would the request comply at 23 stalls?
City of London	3 Parking Spaces	Yes (excess of 20 stalls at 23 parking spaces)
Strathroy Caradoc	2 stalls per bay	Yes (excess of 11 stalls at 23 parking spaces)
Lucan Biddulph	1 plus 2 for each drive through car wash bay and 1 plus 1 for each non-drive through car wash bay, excluding the car wash bay	Yes (excess of 7 stalls at 23 parking spaces)
Thames Centre	Car wash automated – 6 spaces in advance of each bay  Car wash manual, 3 spaces in advance of each bay	Yes – the proposal provides 12 queuing stalls for the 2 automated bays and 17 available spaces for the manual

Through discussions with the applicant and as evidenced above, staff's review of the surrounding municipal jurisdiction provisions equates to an average of 3 parking stalls per wash bay, inclusive of the bay. That applicant's proposal at 23 stalls inclusive of the bays represents an average of 3.8 stalls per bay. Planning Staff have used the above information in addition to considerations of the local policy and zoning to determine the appropriateness of the proposed variance. The four tests our outlined below.

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. Staff note that the parking standards provided for by the proposed development, in addition to the 12 queuing stalls for the automated car wash, is considered minor in nature as a reduction in staff's opinion would not cause undue impact to the surrounding area. Moreover, the proposed parking rate of 1 stall per 22.1 m<sup>2</sup> would adequately serve the parking needs of the proposal, rendering the request minor.

Is the variance an appropriate use of the land? YES

This development would be consistent with the character of the area which includes commercial uses abutting and across the road from the proposed use. A lower rate would also utilize less lands and promote future development of the lands with additional commercial uses. 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 Settlement Commercial designation is to provide an opportunity for additional retail, service and office uses outside of the village centre. This designation encourages the physical design to be in keeping with the design policies of the Site Plan Manual and Urban Design Guidelines, while reflecting the traditional character of the area. The proposal for a car wash is supported by the service use classification in the designation. The site is subject to site plan review and approval and will institute all aspects of the site plan manual and urban design guidelines. Given the above, staff are satisfied that the intent of the Official Plan would be maintained.

Does the variance maintain the intent of the Zoning By-law? YES

The intent of the parking provisions in the Zoning By-law is to ensure safe, orderly development which does not unduly interfere with or impact the surrounding neighbourhood. The foregoing is not being compromised given that the applicant's site plan demonstrates a sufficient amount of parking provided on the plans for a use that traditionally would not require a large amount of vehicular parking. Rather, car wash facilities are traditionally more limited on the number of available queuing stalls waiting to enter the facility. Section 4.24 (n) of the comprehensive Zoning By-law requires a minimum of 4 queuing stalls per window. In this instance, Planning interprets that the proposal would require a total of 8 queuing stalls for the drive-thru automated car wash facility. The applicant alternatively has proposed 12 queuing stalls, providing more stalls than necessary to facilitate the use. This limits any potential intrusion of vehicles waiting to enter the facility from any municipal right of way.

Based on staff's review of best practices, the provision of what would equate to 3.8 parking spaces per wash bay is appropriate for manual car and automated car wash facilities. Additionally, the inclusion of 12 queuing stalls further reduces any potential impact of the proposed development on the existing neighbourhood. Parking shortages are not anticipated to result from the proposed reduction and thus the impact of the request would maintain the intent of the Zoning By-law.

Staff is satisfied that the above items have been met and that a minor variance for the minimum number of parking stalls required for a car wash facility can be supported, subject to the condition that the development maintain an additional minimum of 12 queuing stalls for the automated car wash. 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.
- 2a. Economic Development: Realizing economic development opportunities.
- 2c. Economic Development: Promoting local commercial and retail growth and sustainability.

**Attachments:**

1. Location Map
2. Conceptual Site Plan