



**Meeting Date:** February 17, 2021

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

**Report No:** PLA-18-2021

**Subject:** Application for Minor Variance (File No. A-1/2021)

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**Recommendation:**

THAT Minor Variance Application A-1/2021, filed by Mike Harasym on behalf of Harasym Developments Inc. for relief from the Comprehensive Zoning By-law in order to establish an interior side yard setback of 1.5 metres (5 feet) on one side, and 2.096 metres (6.87 feet) on the other, whereas the By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side; for a property legally described as Lot 93, Plan 33M746, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 133 Edgewater Boulevard, be GRANTED.

AND THAT the reasons for granting Minor Variance Application A-1/2021:

- 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 southwest side of Edgewater Boulevard, south of the intersection at Edgewater Boulevard and Westbrook Drive, in the South Winds Subdivision. The subject property is municipally known as 133 Edgewater Boulevard.

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 interior side yard setback required in the Urban Residential First Density (UR1) Zone. The applicant is requesting a minimum interior side yard setback of 1.5 metres (5 feet) on one side, and 2.096 metres (6.87 feet) on the other, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side. Therefore, the applicant is seeking a variance of 0.4 metres on one of the interior side yard setbacks. The effect of the proposal is to facilitate the construction of a single detached dwelling on the lot. A table summarizing the request is included below and a site plan is included as Attachment 2.

Requirements	Relief Requested
As per section 8.1.5 (a) the minimum side yard width for an interior lot is 1.5 metres (5 feet) on one side and 2.5 metres (8 feet) on the other side.	0.4 metres

The subject lands were created through a plan of subdivision and the lot in question has a frontage of approximately 19.98 metres (65.5 feet) along Edgewater Boulevard and an area of approximately 761.2 m<sup>2</sup> (0.19 ac), which is in compliance with the requirements of the Urban Residential First Density (UR1) Zone. The lot was purchased by a builder where they are proposing to construct a single storey, single detached home on the lot.

The applicant has provided a conceptual building elevation for the lot, which would accommodate the construction of a single storey dwelling. As shown on their conceptual building lot envelope plan, the north interior side yard is proposed to have a setback of 1.5 metres (5 feet), whereas the south interior side yard is proposed to be reduced to 2.096 metres (6.87 feet). The conceptual renders show-limited windows on the both interior lot lines. A sketch of the conceptual elevations are included as attachment 3.

**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:

At the time of writing this report, the following comments were received:

Enbridge Pipelines does not have any assets in the area.

The Municipality's Chief Building Official has reviewed the application and has indicated no objection to the proposal.

Development Review Coordinator has reviewed the application and has indicated no objection to the proposal.

### **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 subject land is designated 'Settlement Area' according to the County of Middlesex and 'Residential' in the Middlesex Centre Komoka-Kilworth Secondary Plan, within the Middlesex Centre Official Plan. The lot is zoned 'Urban Residential First Density (UR1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. The subject property and proposed use is residential in the form of a single detached dwelling. Staff is of the opinion that the interior side yard reduction is considered minor in nature and can be considered

appropriate development for the subject lands as the location of the proposed residential dwelling is not anticipated to cause any adverse impacts on surrounding uses.

As mentioned, the subject property is designated 'Residential' by Middlesex Centre's Official Plan. The effect of the proposal is to construct a single detached dwelling on the lot, which would maintain the general intent and purpose of the 'Residential' land use designation and would facilitate the construction of an appropriate use on the land. Therefore, planning staff are satisfied that the proposal meets the general intent of the Official Plan, as well as a desirable and appropriate use of the land.

The general intent and purpose of the Comprehensive Zoning By-law as it relates to the interior side yard setbacks is to provide for an adequate separation distance between abutting residential uses and provide access to the rear of the property. Staff have reviewed existing development within the neighbourhood and the proposed form in relation to existing and future potential development. Given existing development patterns and the proposed design of the home, staff are not concerned that a reduction would be out of character. The south and north interior side yard conceptual elevations contain limited windows, reducing any privacy concerns. Additionally the limit of the house to 1 storey would lessen the impact on a neighbouring development. Access would also be maintained for the future residents. As such, planning staff are satisfied that the general intent and purpose of the Zoning By-law would be maintained if the proposal is granted as the setbacks are considered to be an appropriate distance for light, privacy, overlook, and access purposes between abutting residential properties.

Given the above, planning staff is satisfied that the requested interior side yard reduction satisfies the aforementioned Planning Act tests and recommends that the subject application be approved.

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

**Attachments:**

1. Location Map
2. Proposed Site Plan

### 3. Conceptual Elevation and Floor Plans