



Meeting Date: September 22, 2021

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-74-2021

Subject: Application for Minor Variance (File No. A-28/2021)

Recommendation:

THAT Minor Variance Application A-28/2021, filed by Gerrard Marra, on behalf of Nick Davies, for relief from the Comprehensive Zoning By-law in order to build a new single detached dwelling which is not connected to municipal services, whereas the Middlesex Centre Comprehensive Zoning By-law requires all single detached dwelling in the Urban Residential First Density (UR1) Zone to be connected to municipal water and sanitary services, for a property legally described as Lot 24, Plan M-242, Municipality of Middlesex Centre, County of Middlesex and municipally known as 7 Sir Robert Place, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-28/2021:

- 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 on the south east side of Sir Robert Place, north east of the intersection at Sir Robert Place and Sir James Court in Arva.

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 related to servicing

requirements in the UR1 zone. The effect of the application would permit the construction of a two storey single detached dwelling on an existing lot.

The subject lands are located in Arva, east of Highway 4. The lot is surrounded on all sides by residentially zoned lands in the form of single detached dwellings. The lands currently contain a single detached dwelling, which is requested to be removed and replaced with a new single detached dwelling, in an existing subdivision.

The property is designated 'Settlement Area' in the Middlesex County Official Plan, 'Residential' in the Middlesex Centre Official Plan, and zoned Urban Residential First Density (UR1) Zone in the Middlesex Centre Comprehensive Zoning By-law.

The applicant is requesting to remove and rebuilt a new home on the land which is not connected to municipal services, as is the existing condition.

An illustration of the proposal is included in Attachment 2. The proposal is summarized below:

Requirements	Relief Requested
As per section 8.2 of the Zoning By-law, no dwelling shall be erected, used or altered unless such dwelling is connected to a public water supply system and a public sanitary sewage system.	No public water / sanitary connection due to the lack of availability

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.

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.

As previously noted, the subject land is designated 'Settlement Area' according to the County of Middlesex and 'Residential' in the Middlesex Centre Official Plan. The lot is zoned 'Urban Residential First Density (UR1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. Staff note that the applicants request for a minor variance to municipal servicing requirements is due to the lack of services within the existing subdivision. 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. As the current condition for development on the land includes the requirement of private water and sanitary services, it is determined that there would be no additional impact to both the subject land as well as neighbouring properties. As this is an existing condition and no services existing, Planning Staff is of the opinion that the proposal is considered minor in nature.

Is the variance an appropriate use of the land? YES

The development of a single detached dwelling and associated accessory uses would be consistent with the character of the area which includes residential uses and uses accessory thereto. 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 Residential designation is to provide for a variety of dwellings and accessory buildings in the area. The proposed single detached dwelling would be directly associated with the residential 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 servicing requirements is to ensure the efficient use of lands and infrastructure across the municipality. Municipal services do not exist within the neighbourhood and the Municipality does not support the extension of existing services to the land due to the costs involved and maintenance. Additionally, the lots were originally sized to appropriately accommodate private services. Therefore Planning Staff is satisfied that the requested relief would maintain the intent of the Zoning By-law.

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