



Meeting Date: September 22, 2021

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-75-2021

Subject: Application for Minor Variance (File No. A-29/2021)

Recommendation:

THAT Minor Variance Application A-29/2021, filed by Jeffery and Janine Paul, for relief from the Comprehensive Zoning By-law in order to establish an exterior side yard setback closer to the road than the main dwelling, whereas the Middlesex Centre Comprehensive Zoning By-law requires accessory buildings to be located no closer to the front and exterior side yard of the main building or structure, for a property legally described as Part of Lot 13, Concession 1, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 10751 Westminster Drive, be APPROVED;

AND THAT the reasons for approving Minor Variance Application A-29/2021 include:

- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request complies with the general intent and purpose of the Middlesex Centre's Official Plan;
- The request is minor in nature; and
- The request represents appropriate and desirable 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 side of Westminster Drive, on the south west corner of the intersection and Westminster Drive and Carriage 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 placement of an accessory building in the Agricultural (A1) Zone. The applicant is requesting

permission to construct an accessory building beyond the forward most portion of their single detached dwelling, being the main building, within the exterior side yard. Middlesex Centre Comprehensive Zoning By-law requires that accessory buildings to a dwelling shall not be erected closer to the front lot line or the exterior side lot line than the main building. The effect of the proposal is to facilitate the construction of an accessory structure for storage purposes. A site plan is included as Attachment 2.

The subject land represent an agricultural parcel with associated residential uses. It is bordered by large lot agricultural lands on all sides. It is designated 'Agricultural Area' in the Middlesex County Official Plan, 'Agricultural' in the Middlesex Centre Official Plan, and zoned Agricultural (A1) Zone in the Middlesex Centre Comprehensive Zoning By-law. The land in question has a frontage of approximately 209.8 metres (688.3 feet) on Carriage Road and an area of approximately 46.2 acres (18.7 hectares), which would be considered a legally non-complying lot in the Agricultural (A1) Zone due to size and frontage requirements.

The applicant has provided a conceptual site plan showing the proposed location of the accessory building, located along the north exterior side yard, in front of the residence on the property. The proposed variance is summarized below:

Requirements	Relief Requested
As per section 4.1 (a) (ii) no buildings or structures accessory to a dwelling shall, with the exception of buildings and structures for agricultural uses, be erected closer to the front lot line or exterior side lot line than the main building or structure on the lot.	Locate in the exterior side yard.
As per section 4.1 (a) (iii) no buildings or structures accessory to a dwelling shall, with the exception of buildings and structures for agricultural uses, be erected in the front yard or, in the case of a corner lot, in the exterior side yard;.	Locate in the exterior side yard.

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 'Agricultural Area' according to the County of Middlesex and 'Agricultural' in the Middlesex Centre Official Plan. The lot is zoned 'Agricultural (A1) Zone' by Middlesex Centre's Comprehensive Zoning By-law. The applicant noted that the proposed accessory building is intended to increase the existing storage on the property.

Agricultural areas are intended to be used primarily for farming and farm-related uses, including single detached dwellings. As such, the proposed accessory residential use on the subject property conforms to the Official Plan. The proposal would maintain the

general intent and purpose of the Agricultural Official Plan designation, as it permits residential uses.

The general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law, as it relates to the requirement to locate an accessory building behind the front wall of the main building, is to ensure the residence remains the dominant structure on the lands. The applicants proposed location, while closer to the road than the main dwelling, is adequately screened by an existing forested area. Additionally, the change in elevation of the lot in relationship to the road creates a natural screened buffer from the road. As such, it is Planning Staff's opinion that the proposal would meet the general intent and purpose of the Zoning By-law.

The proposed location of the accessory building is also considered minor in nature in relationship to the existing area as its placement in the proposed location would not detract from the visual appearance of the dwelling being the principal structure. Additionally it is not anticipated to impact the neighbouring property owners. As such, Planning Staff consider the proposed minor variance both an appropriate use of land, and minor in nature.

Given the above, planning staff recommend 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

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