



Staff Report

Report No.: PLA-57-2018

Meeting Date: September 26th, 2018

Submitted by: Kelly Henderson, Planner

Subject: Application for Minor Variance (File No. A-19/18) filed by Robert Penn on behalf of Pat Childs; 146 Huron Avenue, Komoka.

Recommendation:

THAT Minor Variance Application A-19/18, filed by Robert Penn on behalf of Pat Childs for relief from the Comprehensive Zoning By-law's maximum height requirement for an accessory building with a height of 5.5 metres, whereas the owners are proposing the construction of an accessory building (garage) with a maximum height of 6.7 metres; for a property known municipally as 146 Huron Avenue, be granted.

FURTHER THAT the reasons for granting Minor Variance Application A-19/18 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 south side of Huron Avenue and west of Queen Street in Komoka. 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 height of an accessory building. The owners are requesting a maximum height of 6.7 metres, whereas, the Comprehensive Zoning By-law has a maximum height requirement of 5.5 metres in the Urban Residential First Density (UR1) zone.

A sketch of the proposal is included as attachment 2.

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.

The subject property is designated Residential by the Municipal Official Plan. Residential areas are intended to be used primarily for residential dwellings, including single detached dwellings. As such, the residential use on the subject property conforms to the Official Plan. The property has an area of approximately 0.83 acres and currently has a single detached dwelling, and shed.

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 proposal would maintain the general intent and purpose of the Residential Official Plan designation. While the owner is requesting a 1.2 metres increase height, the location of the proposed building on the site and the landscaping on the subject property would negate much of the visual impact from the proposed building on the surrounding area and ensure that the dwelling remains the dominant structure on the lot. Furthermore, the neighbouring residential dwellings are partially screened from the site of the proposed accessory building by existing trees on the property.

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

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:

The Municipality of Middlesex Centre's Director of Building and Planning, and Fire Chief advised of no concerns or requirements for the subject application.

The Upper Thames River Conservation Authority has reviewed the subject application and have no concerns and/or requirements.

Given the above, planning staff recommend that the subject application be approved.

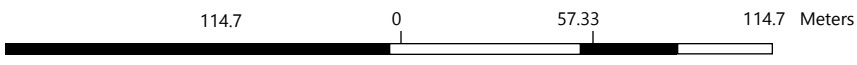
This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the committee is advised to take such information into account when considering the application.

Financial Implications:

None.


Strategic Plans:

N/A



Description: Childs
 File Number: A-19/18
 Created By:
 Date: 8/31/2018
 Scale: 1: 2,257

Legend

 Assessment Parcels

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P. Childs
146 Huron Ave
Komoka.

Walls

Drywall
2x4
7/16 OSB
TYVEK wrap
Vinyl Siding

Roof

2x10 rafters
7/16 OSB
underlay & Drip edge
long life shingle

All doors & windows
2x10 double headers

Openings over 6', Double Jacks & Kings each end

