



# Staff Report

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**Report No.:** PLA-61-2018

**Meeting Date:** October 24<sup>th</sup>, 2018

**Submitted by:** Kelly Henderson Planner

**Subject:** Application for Minor Variance (File No. A-20/18) Lupine Properties Limited, 9930 and 9918 Glendon Drive.

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**Recommendation:**

THAT Minor Variance Application A-20/18, filed by Lupine Properties Limited, for relief from the Comprehensive Zoning By-law's minimum front yard setback requirement of 10.0 metres, whereas the owners are proposing to construct a covered walkway attached to the existing building with a minimum setback of 4.8 metres.; for a property legally described as Part of Lot 4, Concession 2 (geographic Township of Lobo), Middlesex Centre and designated as Part 1, 2 and 3 on Reference Plan 33R1997; be granted.

FURTHER THAT Minor Variance Application A-20/18 not be subject to any conditions.

AND FURTHER THAT the reasons for granting Minor Variance Application A-20/18 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 north side of Glendon Drive (County Road 14), and west of Komoka Road (County Road 16).

A location map is included in 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 setback from the front yard lot line in the Highway Commercial (C2) zone. The owner is requesting a minimum setback of 4.8 metres (15.74 ft), whereas the Comprehensive Zoning By-law permits a minimum setback of 10 metres (33 ft) from a front yard lot line in a Highway Commercial (C2) zone. The effect of the minor variance would facilitate the construction of a covered walkway in front of the existing commercial building on the property.

The subject lands were previously three separate properties; however, the applicant has supplied supplementary material demonstrating that the three properties have merged in title to become a single parcel of land. The subject property currently contains a commercial building, approximately 603.86 square metres (6,500 square feet) in size, and a house that is proposed to be demolished. The property is surrounded by other commercial and residential uses.

A sketch of the proposal is included in attachment 2.

**Analysis:**

Section 45(1) of the *Planning Act* authorizes the Committee of Adjustment to grant relief from 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 lot is designated as 'Settlement Area' by the County of Middlesex Official Plan and as 'Settlement Commercial' by the Middlesex Centre Official Plan. The land is zoned Highway Commercial (C2) by Middlesex Centre's Comprehensive Zoning By-law.

The proposal would maintain the general intent and purpose of the Settlement Commercial Official Plan designation. The general intent and purpose of the Comprehensive Zoning By-law as it relates to the front yard setback is to maintain sufficient separation between the road allowance and any structures on the property and to ensure the driveway is of sufficient depth to accommodate the parking of vehicles on private property. The general intent and purpose of the Comprehensive Zoning By-law is maintained as a 4.8 metres setback is not anticipated to create any public safety concerns in this location and the driveway would not be affected by the proposed addition. Staff is therefore satisfied that the general intent and purpose of the Comprehensive Zoning By-law would be maintained if the requested relief is granted.

Staff is of the opinion that the proposal is desirable for the appropriate development of the land and can be considered minor in nature. The requested relief would accommodate an appropriate use on the subject property and its impact on the neighbourhood would be minor in nature given the surrounding land uses. It is planning staff's opinion that the purpose of the front yard setback would not be compromised if the subject application is approved.

### **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;



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The Municipality of Middlesex Centre's Director of Building and Planning and Corporate Services have advised of no concerns or requirements for the subject application.

The Municipality of Middlesex Centre's Director of Public Works and Engineering have reviewed the subject application and recommend that the recommendations from the Glendon Drive Class EA are taken into consideration.

The County of Middlesex Engineer has reviewed the subject application and has some concerns with the current entrances on the property and some of the parking spaces. If and when site plan is required the County will very likely be requiring the removal of the entrance in close proximity of Komoka Road which would make the use of some parking spaces problematic (30-32). It is also very likely that the existing boulevard area would be moved back as well which may impact the use of parking space #1. The County is having ongoing issues with parking adjacent to the curbed boulevard area that will need to be addressed.

Given the above, planning staff are recommending 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:**

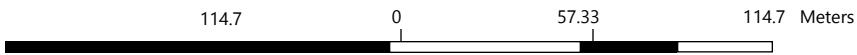
None.

**Strategic Plan:**

N/A



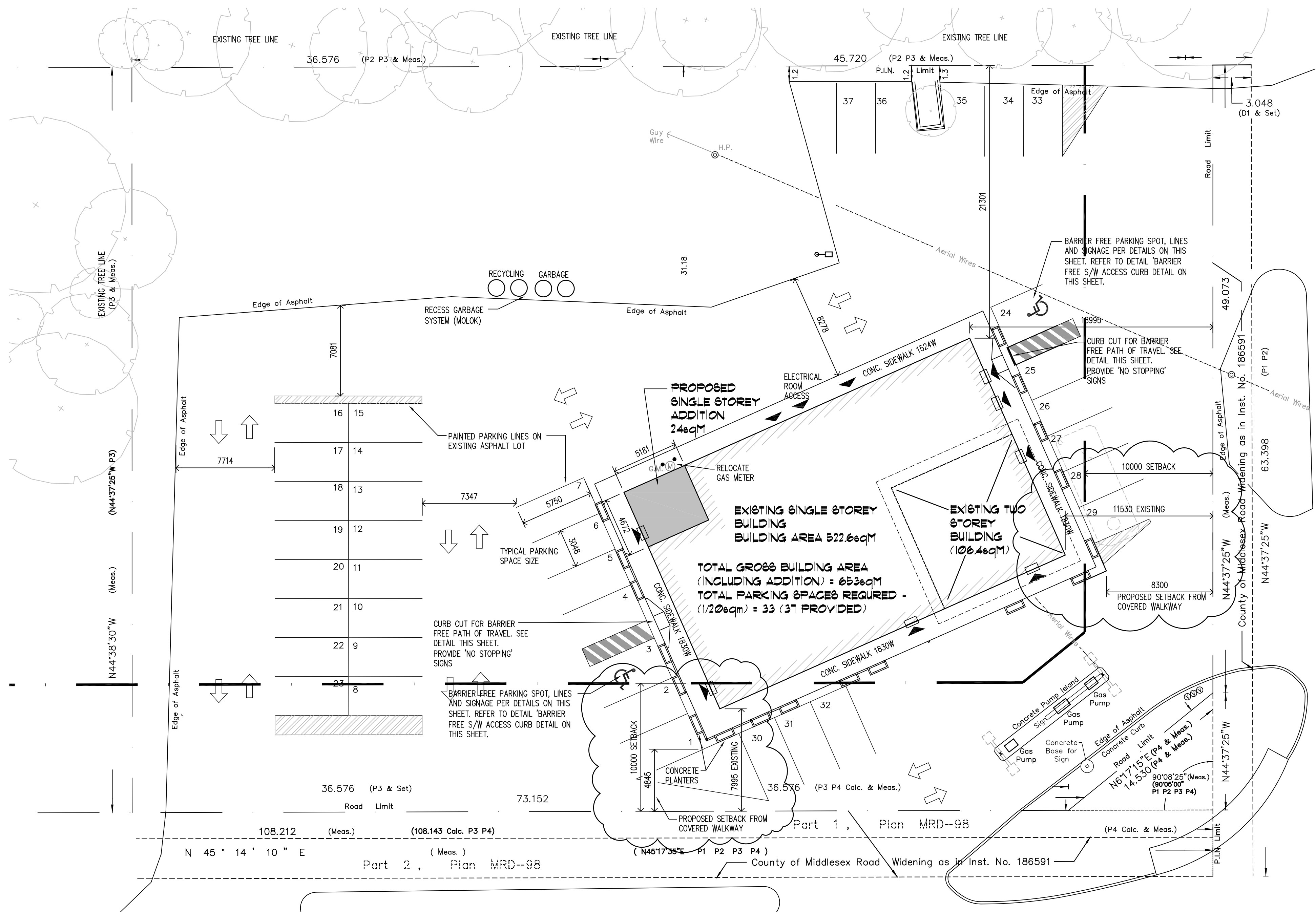
# Location Map



Description: Lupine Properties  
 File Number: A-20/18  
 Created By:  
 Date: 10/01/2018  
 Scale: 1: 2,257

### Legend

Assessment Parcels



**SITE PLAN**  
1:200

GLENDON DRIVE

**KOMOKA BUSINESS CENTER**  
BASE BUILDING CONVERSION  
9930 GLENDON DRIVE, KOMOKA, ON

**Melchers**  
Construction Limited  
GENERAL CONTRACTOR  
22662 KOMOKA ROAD, KOMOKA ON NOL 1R0  
TEL:519-473-4149 FAX:519-473-8371