



Staff Report

Report No.: PLA-62-2018

Meeting Date: October 24th, 2018

Submitted by: Kelly Henderson, Planner

Subject: Application for Minor Variance (File No. A-21/18) filed by Joseph and Monique Boere; 15409 Sixteen Mile Road

Recommendation:

THAT Minor Variance Application A-21/18, filed by Joseph and Monique Boere for relief from the Comprehensive Zoning By-law's maximum size of an accessory building, whereas the owner is requesting a maximum size of 163 m²; for a property known municipally as 15409 Sixteen Mile Road, be granted.

FURTHER THAT Minor Variance Application A-21/18 be subject to the following condition:

1. That the existing 71 m² shed be removed from the subject property.

FURTHER THAT the reasons for granting Minor Variance Application A-21/18 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 Sixteen Mile Road and east of Highbury Ave. North.

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 size of an accessory building in the Agricultural (A1) zone. The owner is requesting a

maximum size of 163 m² (1754.52 square feet) for all accessory buildings on the lot, whereas, the Comprehensive Zoning By-law permits a maximum size of 110 m² (1,184 ft²) for all accessory buildings in the Agricultural (A1) zone.

The property has an area of approximately 1.03 acres and is occupied by a single detached dwelling and shed. The property is surrounded by agricultural uses. The proposed accessory building is to be located at the rear of the property in the same location as the existing shed.

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

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 Agricultural Official Plan designation. The owner is requesting a 53 m² increase in the maximum total gross

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floor area permitted for an accessory building in the Agricultural (A1) zone. However, the size of the lot, the location of the proposed building (shed) on the site would negate much of the impact from the requested minor variance on the surrounding area and ensure that the dwelling remains the dominant structure on the lot.

The subject property is a rural residential lot that is surrounded by agricultural uses. The request for an accessory building would not adversely impact the agricultural character of the area, nor is it expected to create adverse visual impacts on neighbouring agricultural properties. Planning staff is satisfied that the proposed structure is appropriate for the site and the general intent of the Agricultural land use designation would be maintained.

The general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law as it relates to the maximum total area permitted for residential accessory buildings is to ensure that the dwelling remains the dominant structure on the lot. The location of the proposed accessory building and its size are not anticipated to detract from the appearance of the single detached dwelling on the property. Furthermore, staff is satisfied that the visual impact from the requested relief would be minor given the location of the proposed building on the property.

Staff is satisfied that the above items have been met and that a minor variance for the maximum size 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, Fire Chief and Director of Public Works and Engineering advised of no concerns or requirements for the subject application.

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



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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.

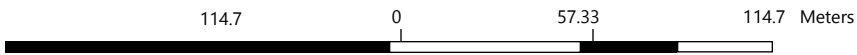
Financial Implications:

None.

Strategic Plans:


N/A

Location Map



Description: Boere
File Number: A-21/18
Created By:
Date: 10/01/2018
Scale: 1: 2,257

Legend

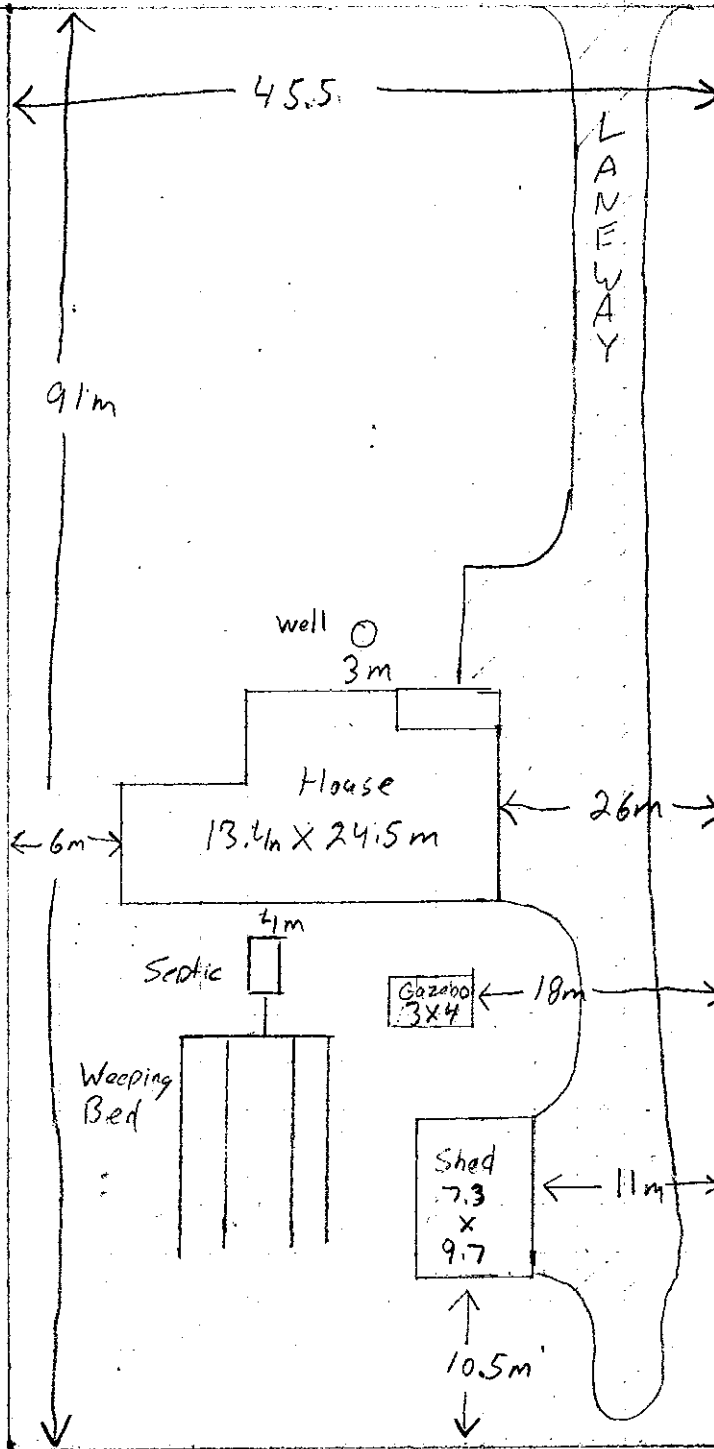
 Assessment Parcels

Existing Layout of 15409 Sixteen Mile Road

Sixteen mile Rd (Public Road)

Farm Land
Agricultural

Farm land
Agricultural



Farm land
Agricultural

Proposed Layout of 15409 Sixteen Mile Rd

Sixteen Mile Road (Public Road)

