

Report No.: PLA-64-2018

Meeting Date: October 24th, 2018

Submitted by: Kelly Henderson Planner

Subject: Exemption for an Application for Minor Variance (File No. A-20/18) filed by John Lean on behalf of Lupine Properties Limited, 9930 and Glendon Drive.

Recommendation:

It is recommended that per Section 45(1.4) of the Planning Act, 1990 R.S.O, as amended, Council grant an exemption and permit minor variance application A-20/18 regarding 9930 and 9918 Glendon Drive to be considered by the Committee of Adjustment on October 24th, 2018 despite the application being filed within two (2) years of an applicant-initiated Zoning By-law Amendment on the subject lands.

Background:

One of the recent changes to the Planning Act, implemented by way of Bill 73, Smart Growth for Our Communities Act, 2015 is the introduction of the 'Section 45 two-year time out' provision which removes the ability to apply for a minor variance for 2 years following the passing of an applicant-initiated zoning by-law amendment (Section 45(1.3) of the Planning Act).

The intent of this provision, as indicated by the Province, is to "provide greater control to municipalities, prevent zoning provisions that Council determines to be important from being reversed through the minor variance process for 2 years, and to increase stability by affording municipalities to implement site-specific zoning by-laws."

The Act does, however, provide Municipalities the ability through Council resolution, to allow minor variance applications to proceed on a case-by-case basis, by resolution to permit a certain class of minor variance applications or, by resolution to permit all minor variance applications to proceed within the 2-year time frame (Section 45(1.4) of the Planning Act).

Minor Variance Application A-20/2018

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



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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.

Staff are of the opinion that there would be no benefit to maintaining the 'Section 45 two-year time out' in this case. The minor variance application will facilitate the intended use of the lands as contemplated earlier this year. As such, it does not appear that an exemption would undermine Council's original intention when it passed ZBA 15-2018.

Financial Implications:

None.