



# Staff Report

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**Report No.:** PLA-49-2019

**Meeting Date:** June 19<sup>th</sup>, 2019

**Submitted by:** Kelly Henderson, Planner

**Subject:** Application for Minor Variance (File No. A-10/19) filed by Barry Wade on behalf of Susan Boyd; 11355 Longwoods Road (County Road 2).

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**Recommendation:**

**THAT** Minor Variance Application A-10/19, filed by Barry Wade on behalf of Susan Boyd for relief from the Comprehensive Zoning By-law's minimum rear yard setback, whereas the applicant is requesting a rear yard setback of 2.33 metres (7.6 feet), whereas the Comprehensive Zoning By-law requires a rear yard setback of 8.0 metres (26 feet) on the subject property, be **GRANTED** subject to the following condition;

**THAT** the attached garage be constructed in the same general location as specified in the application submission.

**AND FURTHER THAT** the reasons for granting Minor Variance Application A-10/19 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 Longwoods Road (County Road 2) and west of Prince Albert Street in the village of Delaware.

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 minimum

rear yard setback required for a single-detached dwelling. The owners are requesting to demolish an existing accessory building (detached garage) and construct an attached garage to the single detached dwelling with a minimum rear yard setback of 2.33 metres (7.6 feet), whereas the Middlesex Centre Comprehensive Zoning By-law 2005-005 requires an 8.0 m (26 ft) rear yard setback. The existing rear yard setback is 2.89 metres (9.5 feet).

The property has an area of approximately 4532.47 m<sup>2</sup> (1.12 ac) and is occupied by a single detached dwelling, and an existing detached garage. The existing detached garage is proposed to be demolished. The existing detached garage is located approximately 2.28 metres (7.45 feet) and the proposed attached garage is proposed to be located approximately 2.33 metres (7.6 feet) from the rear lot line. The property is surrounded by residential uses, agricultural and forestry uses to the south, including an existing landscaping business. The property is designated 'Residential' by Middlesex Centre's Official Plan and zoned 'Community Residential First Density' (CR1) by Middlesex Centre's Comprehensive Zoning By-law. The subject property is regulated by the Lower Thames Valley Conservation Authority (LTVCA) and significant woodlands are identified on the property.

A sketch of the proposal is included as attachment 2.

### **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's Chief Building Official and Public Works and Engineering Department have reviewed the subject application and have no concerns and/or requirements.

The Lower Thames Valley Conservation Authority has reviewed the subject application and have advised that the applicant will be required to obtain a permit (application) from their office prior to any works/construction taking place, as well as provide confirmation of the setbacks from the proposed structure to the top of bank.

## 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.

The subject property is a residential lot that is generally surrounded by residential development in the form of single-detached dwellings. The request for an accessory building would not adversely impact the residential character of the area nor is it expected to create adverse visual impacts on neighbouring residential properties. Planning staff is satisfied that the proposed structure is appropriate for the site.

As mentioned the subject property is designated as 'Residential', which permits residential uses. The general intent and purpose of the 'Residential' land use designation is to allow residential uses of various forms and buildings accessory thereto. The building is a residential use, therefore planning staff find that the subject proposal would maintain the general intent and purpose of the Municipal Official Plan.

The general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law as it relates to rear yard setbacks is to ensure sufficient amenity space is available for a residential use and to ensure there is sufficient space around the perimeters of such buildings in order to maintain them and ensure that there is no negative drainage impact on adjacent properties. In the case of the subject property, the technical rear yard acts as



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the side yard, and the side yard acts as the rear yard providing efficient amenity space. Staff is satisfied that the requested relief would not have a significant impact on the amenity space available on the subject property.

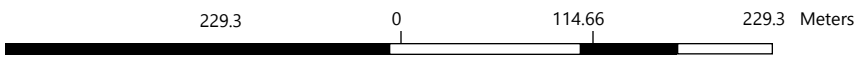
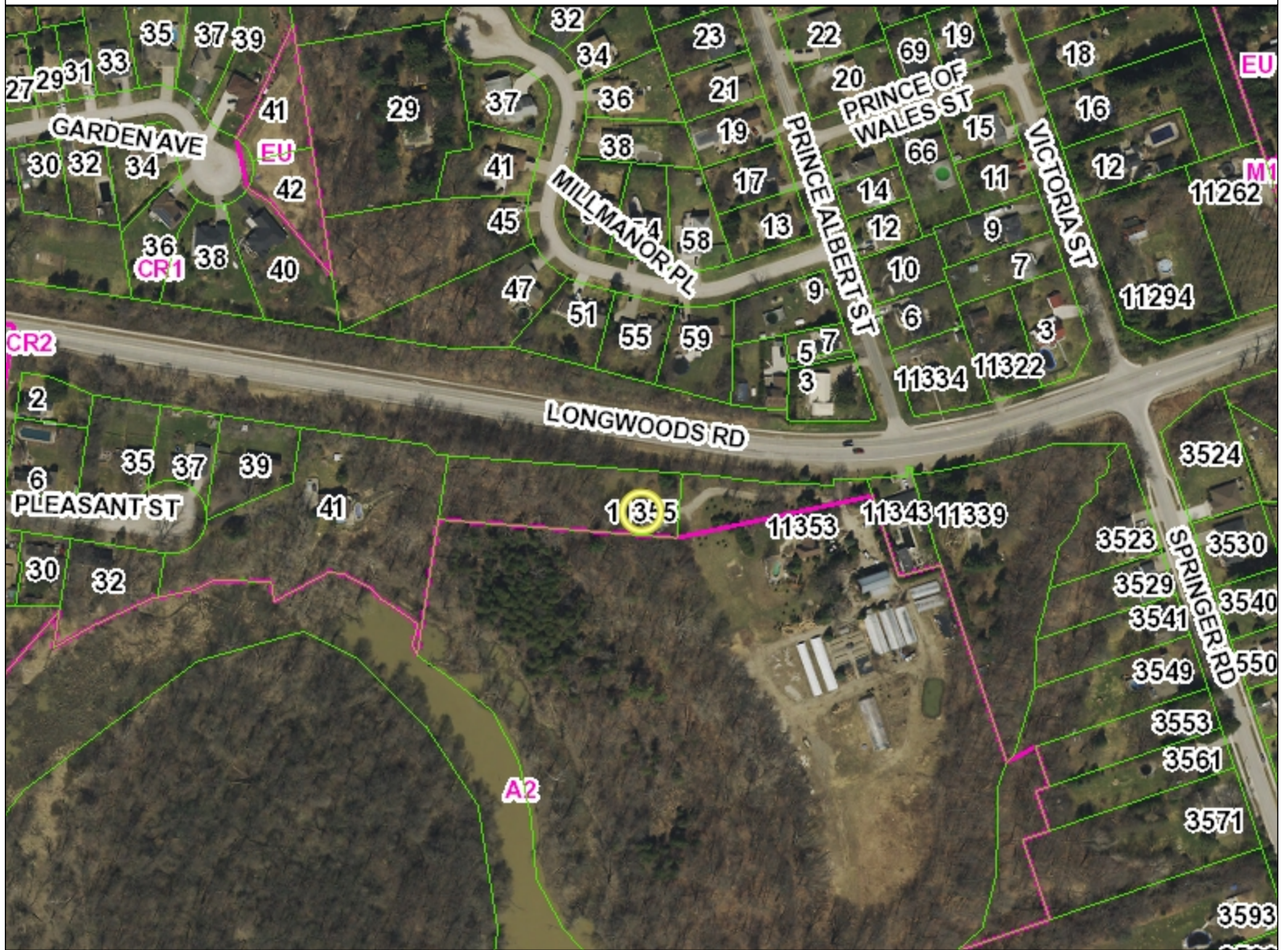
The impact from the requested relief can be considered to be minor in nature recognizing that the proposed attached garaged would not detract from the visual appearance of the subject dwelling. Furthermore, the effect of the requested relief, and in particular its visual impact, is minor given that the subject property is screened from adjacent properties by mature trees.

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. Given the above, planning staff recommend that the subject application be approved, as the proposal meets the four test of a minor variance of the Planning Act.

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.



# Location Map



Description:

File Number:

Created By:

Date: 6/11/2019

Scale: 1:4,514

### Legend

- Assessment Parcels
- Middlesex Centre Zoning



