



Staff Report

Report No.: PLA-44-2019

Meeting Date: June 19th, 2019

Submitted by: Kelly Henderson, Planner

Subject: Application for Minor Variance (File No. A-13/19) filed by Brian and Heather Deitz; 9 Fieldrun Drive

Recommendation:

THAT Minor Variance Application A-13/19, filed by Brian and Heather Deitz for relief from Middlesex Centre's Comprehensive Zoning By-law's maximum size for an accessory building, the applicant is requesting a maximum size of 43.5 m² (468 ft²) for all accessory buildings on the subject property, whereas the Comprehensive Zoning By-law permits a maximum size of 23 m² (247.5 ft²) for all accessory buildings on the subject property, be **GRANTED** subject to the following condition;

THAT the accessory building be constructed in the same general location as specified in the application submission.

AND FURTHER THAT the reasons for granting Minor Variance Application A-13/19 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 west side of Fieldrun Drive and south of Oxbow Drive in the village of Komoka.

A location map is included as Attachment 1.

Background:

The purpose and effect of the application would be to consider increasing the maximum size of an accessory building. The owner is requesting a maximum size of 43.5 m² (468



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square feet) for an accessory building, whereas the Comprehensive Zoning By-law permits a maximum size of 23 m² (247.5 square feet) for an accessory building on the subject property.

The property has an area of approximately 768.90 m² (0.19 ac) and is occupied by a single detached dwelling, and an accessory building (shed) to be removed. The property is surrounded by residential uses. The property is designated 'Residential' by Middlesex Centre's Official Plan and zoned site-specific 'Urban Residential First Density' (UR1-16) by Middlesex Centre's Comprehensive Zoning By-law.

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 Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application and has no concerns and/or requirements.

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.

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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 proposed increase in floor area is not anticipated to increase the usability of the building beyond what would reasonably be considered accessory to a residential use on a residentially zoned property. As the proposed accessory building (shed) is to be located in the same area where the existing accessory building (shed) is currently located, negative impacts to the neighbouring uses are not anticipated. The proposed accessory building will also be visually screened by a fence along the property lines and a few trees. Therefore, staff is satisfied that the visual impact from the requested relief would be minor in nature given the location of the proposed building on the property.

The subject property is a residential lot that is generally surrounded by residential development in the form of single-detached dwellings. The request for a larger 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 to be accessory to 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's requirement to restrict the floor area of 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 single detached dwelling being the main use on the property. Therefore, planning staff find that the subject



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proposal would maintain the general intent and purpose of the of Middlesex Centre's Comprehensive Zoning By-law.

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



114.7 0 57.33 114.7 Meters



Description:


File Number:

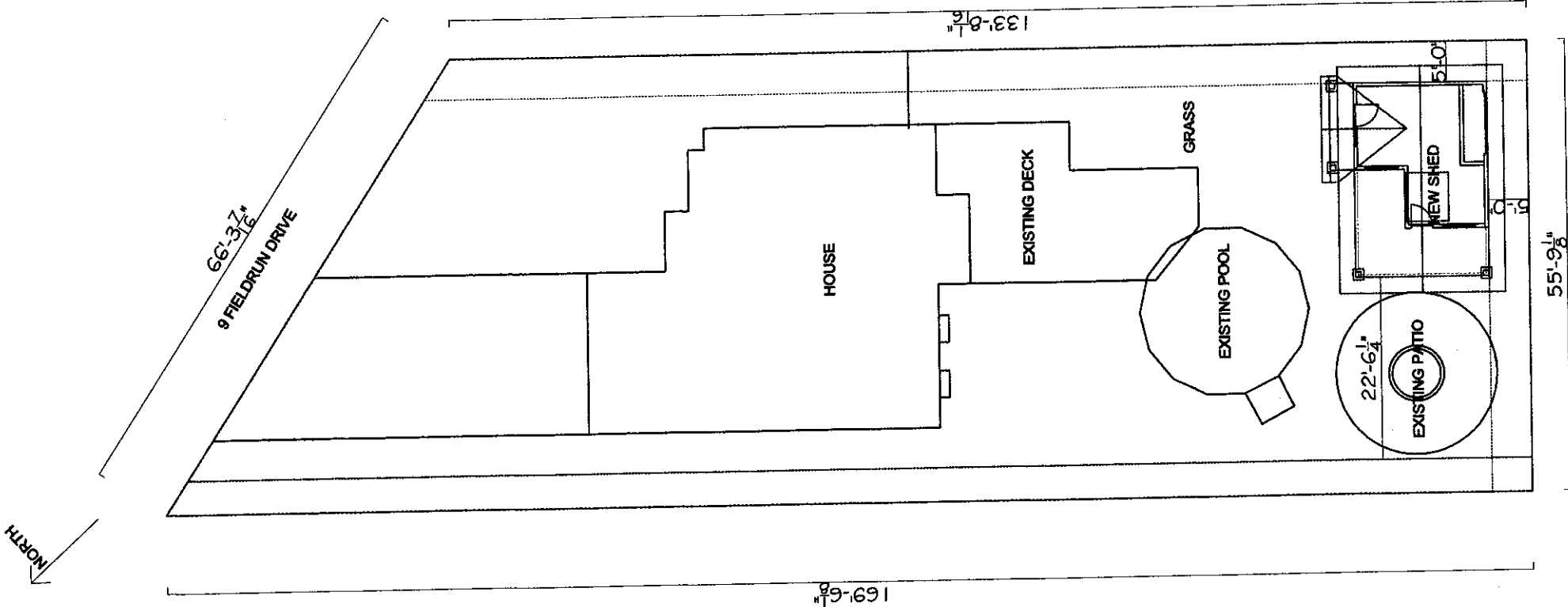
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Date: 6/11/2019

Scale: 1: 2,257

Legend

 Assessment Parcels



SITE PLAN
N.T.S.

SHED FLOOR PLAN - 9 FIELDRUN DRIVE

