

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 5/09

August 10, 2009

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The fifth hearing of 2009 was held by the Committee of Adjustment this date at the Arva Fire Hall, addressed 14352 Medway Road, Arva, Ontario at 9:00 a.m.

**PRESENT**

Stephen Harvey  
Peter McClary  
Sharon McMillan  
Don Rows

**REGRETS**

Geoff Rennison

**STAFF PRESENT**

Benjamin Puzanov, Secretary-Treasurer  
Marc Bancroft, Assistant Secretary-Treasurer

**DECLARATIONS OF PECUNIARY INTEREST**

There were no declarations of pecuniary interest stated by any of the members.

**MINUTES**

Moved by Peter McClary  
Seconded by Sharon McMillan

**THAT the minutes of the July 22, 2009 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.**

Carried

APPLICATION NO. A-11/09 – Rachele and William Frydman, Lot 9, Registered Plan 33M-242 (geographic Township of London); 32 Sir Robert Place (Arva)

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Chair Rows read the purpose and effect of the subject application. The purpose of the Application for Minor Variance is to seek relief from the interior side yard setback requirement for the Urban Residential First Density (UR1) Zone. Section 7.1.5(a) of the Zoning By-law requires that the minimum side yard setbacks of an interior lot be 1.5 metres (5 feet) on one side and 2.5 metres (8 feet) on the other side. The existing house on the property is 1.8 metres away from the easterly side lot line and thus meets the required 1.5 metre (5 foot) setback. At this time, the applicants are proposing to construct two additions to the existing single-detached dwelling. The addition to be constructed at the west side of the dwelling requires a side yard setback of 1.7 metres (5.57 feet). As such, the applicants require a reduction in the minimum interior side yard setback from 2.5 metres (8 feet) to 1.7 metres (5.57 feet).

The applicants were in attendance and did not have anything to add to Chair Rows' description of the application.

Marc Bancroft read the correspondence from the County of Middlesex, the Upper Thames River Conservation Authority, the Municipal Public Works and Engineering Department, the Municipal Deputy Chief Building Official and Mr. and Mrs. Hollomby, who reside adjacent to

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the subject property at 28 Sir Robert Place.

Mr. Bancroft indicated that he is supportive of the application as the minor variance complies with the general intent and purpose of the Municipal Official Plan and Comprehensive Zoning By-law, is considered to be minor in nature and represents an appropriate development and use of the subject property. Mr. Bancroft recommended that the application for minor variance be approved without conditions.

Sharon McMillan and Peter McClary requested clarification from the applicants regarding which of the two additions would be used as a garage and which would serve as additional living quarters. The applicants indicated that the easterly addition would contain the garage and the westerly addition would be comprised of living space.

There were no comments from the public regarding this application.

Moved by Stephen Harvey  
Seconded by Peter McClary

**THAT application A-11/09, filed by Rachelle and William Frydman for relief from the interior side yard setback requirement of the Urban Residential First Density (UR1) Zone; to facilitate the construction of an addition to an existing single detached dwelling with a side yard setback of 1.7 metres from the westerly lot line, whereas the Middlesex Centre Comprehensive Zoning By-law 2005-005 requires a side yard setback of 2.5 metres; for a property described as Lot 9, Registered Plan 33M-242 (geographic Township of London), Municipality of Middlesex Centre and known municipally as 32 Sir Robert Place; BE GRANTED.**

Carried

Reasons:

The Committee was of the opinion that the extent of the variance is “minor” in nature from the provisions of the Middlesex Centre Comprehensive Zoning By-law. The Committee stated that the general intent and purpose of both the Middlesex Centre Official Plan and Zoning By-law are maintained with the granting of the minor variance application. The Committee was satisfied that the variance was desirable for the appropriate development and use of the subject property; and, that the variance was in keeping with the general development of the area. It was also noted that the variance would not have detrimental effect on adjacent or surrounding land uses and that there were valid reasons why the Zoning By-law requirement cannot be met.

APPLICATION NO. A-10/09 – Kristen and Mark Minnie; Part of Lot 4, Concession 11, (geographic Township of Lobo); 9910 Charlton Drive

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Chair Rows read the purpose and effect of the subject application to seek relief from the maximum height restriction in order to facilitate the construction of an accessory building. Section 4.1(vi) of the Zoning By-law restricts the height of buildings accessory to a residential use to 5.5 metres (18 feet). The applicants are requesting an increase in the height restriction from 5.5 metres (18 feet) to 7.62 metres (25 feet).

Mark Minnie was in attendance to speak on behalf of the application.

Marc Bancroft indicated that no additional correspondence has been received since the

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July 22, 2009 hearing of the Committee of Adjustment regarding this matter.

Mr. Bancroft indicated that he supports the variance application as the evaluation criteria for a minor variance, according to the Planning Act and the Middlesex Centre Official Plan, have been met.

Chair Rows indicated that the Committee was concerned that the proposed accessory building may be converted into a dwelling unit in the future. Mr. Minnie assured the Committee that this would not be the case and that he required the height increase in order to match the architectural character of the existing dwelling on the property. Mr. Minnie also indicated that he had experienced several thefts and would like to store his boat and recreational vehicle in the proposed accessory building.

Sharon McMillan noted that aesthetics was not a good reason to request an increase in height. Peter McClary indicated that the subject property has an area of 60 acres and an accessory building height increase on a lot of such size would not have a negative impact on the surrounding lands.

There were no comments from the public regarding this application.

Moved by Stephen Harvey  
Seconded by Peter McClary

**THAT application A-11/09, filed by Kristen and Mark Minnie for relief from the maximum height requirement for buildings and structures accessory to a dwelling and specifically to increase the maximum permitted height for a proposed accessory building to 7.62 metres, whereas the Middlesex Centre Comprehensive Zoning By-law 2005-005 requires that accessory buildings and structures accessory to a residential use not exceed 5.5 metres in height; for a property described as Part of Lot 4, Concession 11 (geographic Township of Lobo), Municipality of Middlesex Centre and known municipally as 9910 Charlton Drive; BE GRANTED.**

Carried

Reasons:

The Committee was of the opinion that the extent of the variance is "minor" in nature from the provisions of the Middlesex Centre Comprehensive Zoning By-law. The Committee stated that the general intent and purpose of both the Middlesex Centre Official Plan and Zoning By-law are maintained with the granting of the minor variance application. The Committee was satisfied that the variance was desirable for the appropriate development and use of the subject property; and, that the variance was in keeping with the general development of the area. It was also noted that the variance would not have detrimental effect on adjacent or surrounding land uses and that there were valid reasons why the Zoning By-law requirement cannot be met.

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**NEXT MEETING:**

**Monday, August 24, 2009 at the Middlesex Centre Municipal Offices, 10227 Ilderton Road, Coldstream, at 7:00 p.m.**

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED

IT WAS RESOLVED

THAT this meeting adjourn now at 9:35 a.m.

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Chair

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Secretary