

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 6/10

July 26, 2010

The sixth hearing of 2010 was held by the Committee of Adjustment this date at the Middlesex Centre Municipal Offices, Coldstream, Ontario at 7:00 p.m.

PRESENT

Stephen Harvey
Sharon McMillan
Ian Nielsen
Ken Nixon
Don Rows

STAFF PRESENT

Benjamin Puzanov, Planner and Secretary-Treasurer

DECLARATIONS OF PECUNIARY INTEREST

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

MINUTES

Moved by Ken Nixon
Seconded by Ian Nielsen

THAT the minutes of the June 28, 2010 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.

Carried

APPLICATION A-9/10 – Wayne Kent – Part of Lot 7, Concession 6, Part 1, Reference Plan 33R-3322, (geographic Township of Lobo), Municipality of Middlesex Centre; 10189 Sinclair Drive

Chair Rows indicated that the purpose of the Application for Minor Variance is to seek relief from the accessory building height requirement for a proposed accessory building. Section 4.1(c)(iii) of the Zoning By-law limits the height of accessory buildings to 6.5 metres (21.3 ft) whereas the applicant is proposing to construct an accessory building that is 7.62 metres (25 feet) in height in order to accommodate a peaked roof for the proposed building. As such, the applicant is requesting an increase in the maximum accessory building height requirement from 6.5 metres (21.3 feet) to 7.62 metres (25 feet).

Wayne Kent was in attendance to speak to the application and indicated that he was supportive of staff's recommendation.

Ben Puzanov, Planner, read correspondence from the County of Middlesex, the Municipal Public Works and Engineering Department and the Municipal Building Division.

Mr. Puzanov noted that Planning staff is satisfied that the proposal is compatible with the surrounding neighbourhood and would facilitate a desirable and appropriate land use on an undersized agricultural lot that is being used for rural residential purposes. He added that the proposed accessory building height increase will not alter the current use of the property nor will it deviate from the intent and purpose of the Agriculture designation for properties of such a small size.

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 6/10

July 26, 2010

Mr. Puzanov stated that the Comprehensive Zoning By-law's accessory building height restrictions are in place to ensure that the main structure on a property remains its most dominant feature and that the shadows cast by accessory buildings and structures on a lot do not adversely impact neighbouring properties. He explained that the proposed building would be the only accessory building on the lot and its size would not exceed 165 square metres (1776 sq ft), which is the total permitted for all accessory buildings and structures on the subject property. He stated that as a result, and because of the location of the proposed accessory building behind a treed area on the site, the single-detached dwelling would remain as the dominant structure on the lot and the requested relief from the Comprehensive Zoning By-law would not adversely impact neighbouring properties.

Mr. Puzanov noted that because of the location of the proposed accessory building, the impact of the requested Minor Variance would be minor and not adversely affect surrounding residences or agricultural operations. He added that the proposed accessory building will be situated approximately 118 metres (387.14 ft) from the closest neighbouring dwelling, located to the north and across the road from the subject property. He concluded that the effect of the requested minor variance is therefore considered to be minor in nature.

Mr. Puzanov recommended that the requested Minor Variance be granted. He added that should the Committee approve Minor Variance Application A-9/10, he recommends that the following condition be attached to the approval in order to ensure that the impact of the proposed height increase remains minor:

That the proposed accessory building that is the subject of Minor Variance Application A-9/10 be located approximately 37.19 metres (122 ft) south of the existing single-detached dwelling on the subject property and as generally illustrated on the site plan submitted by the applicant in support of Minor Variance Application A-9/10.

Wayne Kent asked the Committee if, in the future, the Comprehensive Zoning By-law could be amended to allow for proposals such as his to proceed without requiring a Minor Variance Application; especially given the fact that the height increase he is seeking is only for a few feet.

Mr. Puzanov explained that height restrictions for accessory buildings are in place to ensure that such structures remain accessory to the main use on a property. He added that the Comprehensive Zoning By-law is rigid and must be complied with prior to the issuance of a building permit. He added that the Minor Variance process is in place to address situations similar to the one presented by Mr. Kent.

Sharon McMillan asked Mr. Kent about the type of equipment and materials that would be stored in the proposed accessory building. Mr. Kent indicated that he would store a boat, tractor and recreational vehicle in the building.

There were no other members of the public in attendance to speak to the application.

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 6/10

July 26, 2010

Moved by Ian Nielsen
Seconded by Stephen Harvey

THAT application A-9/10, filed by Wayne Kent 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 6.5 metres in height; for a property described as Part of Lot 7, Concession 6, Part 1, Reference Plan 33R-3322, (geographic Township of Lobo), Municipality of Middlesex Centre and known municipally as 10189 Sinclair Drive; BE GRANTED.

Carried

Condition:

That the proposed accessory building that is the subject of Minor Variance Application A-9/10 be located approximately 37.19 metres (122 ft) south of the existing single-detached dwelling on the subject property and as generally illustrated on the site plan submitted by the applicant in support of Minor Variance Application A-9/10.

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. It was also noted that there were valid reasons why the Zoning By-law requirement cannot be met.

APPLICATION A-10/10 – Jacob and Alice Vanderweg, Curtis Cleaver (Agent), Part of Lot 15, Concession 8, (geographic Township of London), Municipality of Middlesex Centre; 14494 and 14498 Eight Mile Road

Chair Rows read the purpose and effect of the subject application, which is to seek relief from Subsection 5.1.7 (a) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which requires a maximum lot area of 0.6 hectares (1.48 ac) for undersized agricultural lots that are used for rural residential purposes. As a result of provisional Consent B-12/09, which constitutes a lot addition, the applicants are proposing increased maximum lot area standards for both the retained and receiving lots of the aforementioned application. The lot to be retained would have a lot area of approximately 0.885 hectares (2.19 ac). The receiving lot with the addition of the severed parcel would have a lot area of approximately 2.38 hectares (5.88 ac).

Jacob and Alice Vanderweg were in attendance.

Mr. Puzanov read correspondence from the County of Middlesex, the Upper Thames River Conservation Authority, the Municipal Public Works and Engineering Department and the Municipal Building Division.

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 6/10

July 26, 2010

Mr. Puzanov explained that the subject application has been submitted to fulfill a condition of Consent Application B-12/09, which was granted on November 23, 2009 and would convey as a lot addition a 1.815 hectare (4.48 ac) parcel of land from an original 2.7 hectare (6.67 ac) holding to an abutting rural residential lot. He added that Planning staff is satisfied that the Minor Variance criteria, as laid out by the Planning Act and the Municipal Official Plan, have been met.

Mr. Puzanov stated that surrounding land uses are generally rural residential in nature with agricultural uses to the northwest and southeast of the subject lands. He indicated that the requested Minor Variance would not alter the rural residential and agricultural character of the area. He added that the subject Minor Variance Application is a technical one and would facilitate a minor boundary adjustment involving two rural residential lots.

Mr. Puzanov indicated that the intent of the Comprehensive Zoning By-law as it relates to the maximum lot area requirement for undersized Agricultural (A1) lots is to ensure that rural residential lots are limited in size and do not remove adjacent agricultural lands out of production via Consent Applications for lot addition purposes. He stated that Planning staff is of the opinion that it is advantageous to the Municipality to eliminate a narrow, deep rural residential lot while at the same time reducing the size of a large rural residential lot, which would ultimately be the effect of the requested Minor Variance. He also added that there would be no net loss in farmland as a result of the requested Minor Variance.

Mr. Puzanov indicated that the proposed Minor Variance is minor in nature as it would facilitate the transfer of land from one rural residential lot to another, with each having a lot area that exceeds the maximum permitted for such lots. He explained that there would be no net gain in the number of rural residential lots in the area and overall, the situation would be improved if the subject Minor Variance Application is approved as the two rural residential lots on the lands would be more similar to each other in size than they are currently and a deep, narrow lot would be eliminated.

Mr. Puzanov noted that according to criterion (vi) of Section 10.9 of the Municipal Official Plan, it must be demonstrated that there is a valid reason why the Zoning By-law requirement cannot be met. He stated that the subject Minor Variance is required in order to facilitate the conveyance of the conditionally severed parcel to the receiving lot and that with the granting of the requested Minor Variance, both the retained parcel and receiving lot would be in compliance with the Comprehensive Zoning By-law.

Mr. Puzanov recommended that the requested Minor Variance Application be approved as submitted and added that should the Committee approve Minor Variance Application A-10/10, he recommends that no conditions be attached to its approval.

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 6/10

July 26, 2010

Moved by Ken Nixon
Seconded by Sharon McMillan

THAT application A-10/10, filed by Jacob and Alice Vanderweg for relief from Subsection 5.1.7 (a) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which requires a maximum lot area of 0.6 hectares for undersized agricultural lots; whereas the applicants are proposing a lot area of approximately 0.885 hectares for the retained parcel of Consent Application B-12/09 and a lot area of approximately 2.38 hectares for the receiving lot of Consent Application B-12/09; for a property described as Part of Lot 15, Concession 8, (geographic Township of London), Municipality of Middlesex Centre and known municipally as 14494 Eight Mile Road and 14498 Eight Mile Road; 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. It was also noted that there were valid reasons why the Zoning By-law requirement cannot be met.

NEXT MEETING:

Monday, August 23, 2010 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 7:30 p.m.

Chair

Secretary