

# EVALUATION REPORT

PLANNING DEPARTMENT

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To: Chair and Members of the Committee of Adjustment, Municipality of North Middlesex

From: Christie Kent, RPP, Planner

Date: February 6, 2019

Re: **Minor Variance Application MV-2-2019**  
**Lot 10, Plan 8**  
**(Geographic Township of East Williams)**  
**5 King Street, Carlisle**  
**Owners: Christopher and Daphne Vanderzanden**

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## **RECOMMENDATION**

THAT Application for Minor Variance MV-2-2019, submitted by Christopher and Daphne Vanderzanden, for relief from Section 13.2(f) of the North Middlesex Zoning By-law in order to facilitate the construction of a single detached residential dwelling with minimum interior side yards of 1.75 m (5.7 ft), be **CONDITIONALLY GRANTED**.

AND THAT Minor Variance MV-2-2019 be subject to the following condition:

- That the owners submit building plans to the Ausable Bayfield Conservation Authority for review and permitting, as required.

AND FURTHER THAT the reasons for granting Minor Variance MV-2-2019 include:

- The request complies with the general intent of the Municipality of North Middlesex Official Plan;
- The request complies with the general intent of the Municipality of North Middlesex Zoning By-law;
- The request is considered minor in nature; and
- The request represents the appropriate use and development of the lands.

## **BACKGROUND**

The purpose and effect of Application for Minor Variance MV-2-2019 is to seek relief from the North Middlesex Zoning By-law in order to facilitate the construction of a single detached residential dwelling with reduced interior side yard setbacks. Specifically, the applicants are seeking relief from the requirements of Section 13.2(f) of the Zoning By-law to permit a residential dwelling with minimum interior side yards of 1.75 m (5.7 ft), whereas the provisions of the Zoning By-law require minimum interior side yards of 3.0 m (9.8 ft).

The applicants have advised that relief to the interior side yards has been requested due to the narrow width of the existing lot and the 15 m (50 ft) width of the proposed dwelling.

Planning staff note that the requested relief includes a contingency width of approximately 0.70 m (2.3 ft) on either side of the proposed dwelling and that if the foundation of the dwelling is placed exactly as indicated on the provided plan of survey, the actual interior side yard setbacks would be approximately 2.46 m (8 ft) on either side.

Planning staff confirm that the ownership of subject lands was transferred from Ms. Mary Clark to Mr. and Mrs. Vanderzanden on January 25, 2019.

The subject lands are located on King Street, south of Wellington Street, within the hamlet of Carlisle. The lands are municipally known as 5 King Street and surrounding land uses are predominantly low density residential. The subject lands comprise an area of approximately 1012 m<sup>2</sup> (0.25 ac) and are currently vacant with a portion of the lands located within an area regulated by the Ausable Bayfield Conservation Authority. A Key Map illustrating the subject property, the extent of the regulated area and the approximate location of the proposed dwelling is attached to this report.

### **Policy and Regulation Background**

The subject lands are located within the 'Hamlet Settlement Area' land use designation of the North Middlesex Official Plan and within the 'Hamlet Residential (RH) Zone' of the North Middlesex Zoning By-law.

Section 13.2 of the Zoning By-law outlines zone requirements for permitted uses within the 'Hamlet Residential (RH) Zone'. Section 13.2(f) indicates that permitted buildings or structures shall have a minimum interior side yard of 3.0 m (9.8 ft).

### **ANALYSIS**

Section 45 of the Planning Act allows a municipality to grant a minor variance to a Zoning By-law based on four tests, as follows:

- 1. Is the variance considered minor in nature? YES**  
It is the opinion of planning staff that the requested variance to permit reduced minimum interior side yards of 1.75 m (5.7 ft) can be considered minor in nature. Planning staff do not anticipate negative impacts to the adjacent residential lands resulting from a 1.25 m (4.1 ft) reduction to the interior side yards.
- 2. Is the variance an appropriate use of the land? YES**  
Surrounding land uses are residential in nature. The proposed single detached residential dwelling would not be out of character with the area and is therefore an appropriate use of the land.
- 3. Does the variance maintain the intent of the Official Plan? YES**  
The development of a single detached residential dwelling maintains the intent of the Official Plan as the lands are intended to be developed for residential purposes.
- 4. Does the variance maintain the intent of the Zoning By-law? YES**  
The intent of the minimum interior side yard regulation for permitted buildings and structures which requires that such buildings and structures be located at least

3.0 m (9.8 ft) from the interior lot line is to promote compatibility, safety and privacy between neighbouring uses and to ensure adequate space for maintenance purposes without encroaching onto neighbouring lands.

Planning staff note that the nearest neighbouring dwelling located at 45 Wellington Street is setback approximately 9.5 m (31 ft) from the shared property line and fronts onto the intersection of Wellington Street and King Street. The proposed setback of 1.75 m (5.7 ft) appears to provide sufficient separation between the proposed dwelling, the shared interior lot line and the adjacent residential use. Privacy and separation is further enhanced by the presence of significant vegetation which the owners intend to maintain where possible. Negative impacts the neighbouring residential use are not anticipated. It is the opinion of planning staff that the location of the proposed dwelling does not compromise the intent of the Zoning By-law.

Planning staff note that, as indicated on the attached Key Map, a small portion of the dwelling is proposed to be located within an area regulated by the Ausable Bayfield Conservation Authority. The Conservation Authority has indicated that the applicants should submit plans to determine if a permit under O.Reg 147/06 is required.

Based on the above analysis, Application for Minor Variance MV-2-2019 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

### **CONSULTATION**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

The Municipality's Public Works Department offered no comments with respect to this Application for Minor Variance.

The Ausable Bayfield Conservation Authority indicated that it does have any natural hazard or natural heritage concerns. The applicants should submit building plans to the Conservation Authority to determine if a permit under O. Reg 147/06 is required.

At the time of writing the subject report, no concerns or comments had been received from the general public.

### **ATTACHMENTS**

Key Map – Overview of the Subject Property with Approximate Location of Proposed Dwelling

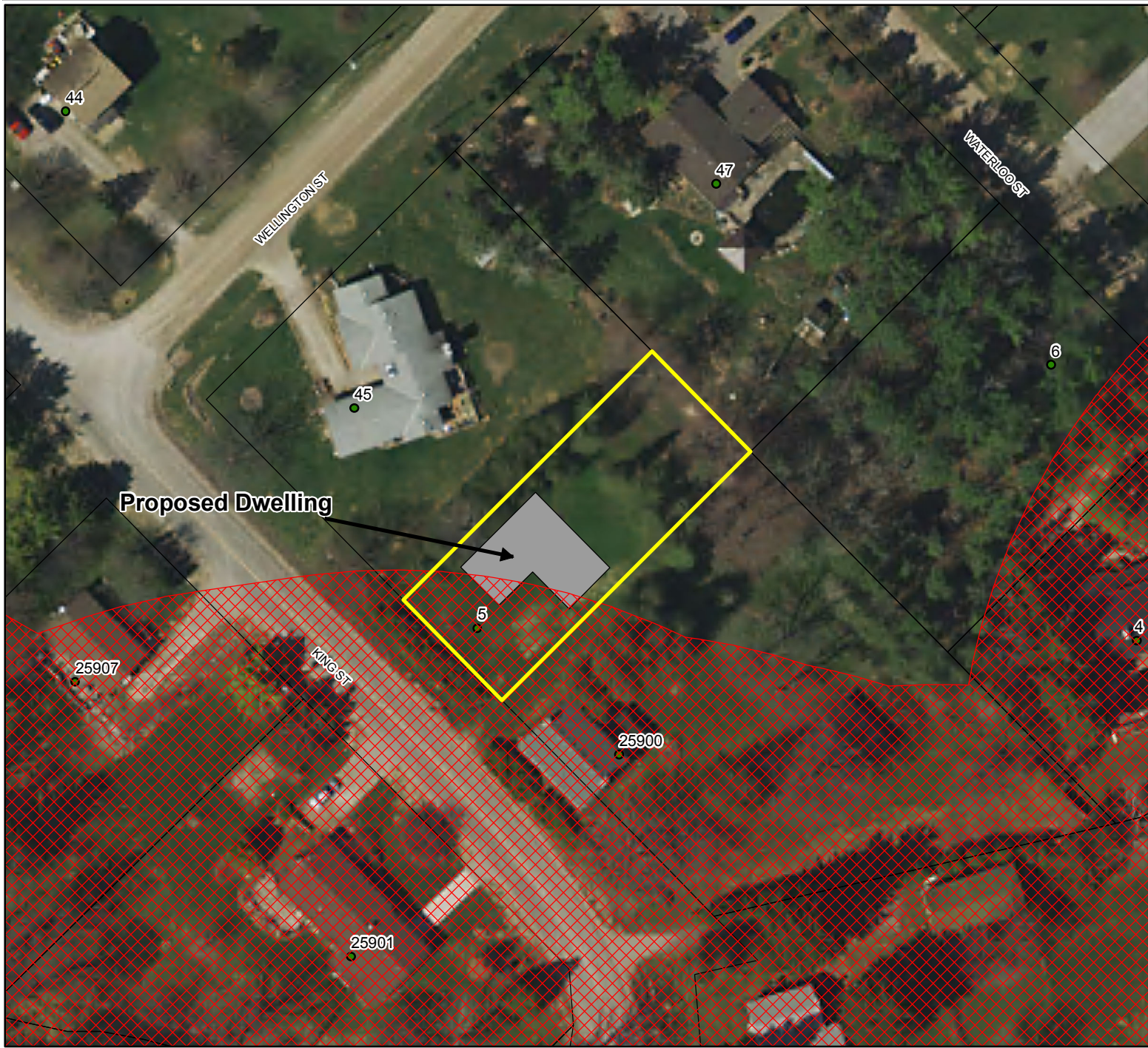
# APPLICATION FOR MINOR VARIANCE: MV-2-2019

Chris and Daphne Vanderzanden

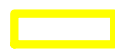
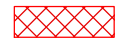
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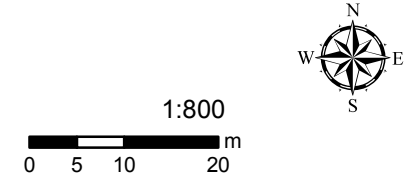


Municipality of NORTH MIDDLESEX



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-  SUBJECT PROPERTY
-  CA REGULATED AREA



Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.