

EVALUATION REPORT

PLANNING DEPARTMENT

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-3-2019**
Lot 1, Block F, Plan 362; Part 1, RP33R8055; Part Lot 26, Concession 20
(Village of Ailsa Craig)
204 Queen Street, Ailsa Craig
Owners: Robert and Leena Poirier
Agent: Brian Mackinnon

RECOMMENDATION

THAT Application for Minor Variance MV-3-2019, submitted by Brian Mackinnon on behalf of Robert and Leena Poirier, for relief from Sections 6.3.3(a) and 10.2(h) of the North Middlesex Zoning By-law in order to recognize a height of 5.8 m (19 ft) for an existing accessory building currently under construction, be **GRANTED**.

AND FURTHER THAT the reasons for granting Minor Variance MV-3-2019 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-3-2019 is to seek relief from the North Middlesex Zoning By-law in order to recognize the existing height of an accessory building currently under construction. Specifically, the agent is seeking relief from the requirements of Sections 6.3.3(a) and 10.2(h) of the Zoning By-law to permit an accessory building with a maximum height of 5.8 m (19 ft), whereas the General Provisions of the Zoning By-law and the provisions of the 'Residential Density One (R1) Zone' indicate a maximum accessory building height of 5.5 m (18.04 ft).

Upon inspection of the building by the Municipality's Chief Building Official, a stop work order was issued for the accessory building on January 8, 2019 due to non-compliance. The issued building permit indicated a maximum building height of 5.5 m (18 ft). The Chief

Building Official indicated that the additional height of the accessory building could be attributed to the height of the concrete slab.

The subject lands are located on the east side of Queen Street, south of the unopened portion of Mary Street within the Village of Ailsa Craig. The lands are municipally known as 204 Queen Street and surrounding land uses are predominantly residential and agricultural. The subject lands comprise an area of approximately 850 m² (0.21 ac) and contains a single detached residential dwelling. A building permit for the accessory building was issued in June 2018. A Key Map illustrating the subject property is attached to this report.

Policy and Regulation Background

The subject lands are located within the 'Residential Area' land use designation of the North Middlesex Official Plan and within the 'Residential Density One Exception 6 (R1-6) Zone' of the North Middlesex Zoning By-law.

Sections 6.3.3(a) and 10.2(h) of the Zoning By-law outline the maximum height requirements for accessory buildings. These sections indicate that the height of any accessory building shall not exceed 5.5 m (18 ft) in a residential zone.

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**
Planning staff consider the requested relief to recognize the height of the existing accessory building to be minor in nature. The accessory building is located in the rear yard of the subject property, adjacent to an unopened road allowance and vacant lands in agricultural production. As such, negative impacts to surrounding properties are not anticipated as a result of the nominal increase to the height of the accessory building.
- 2. Is the variance an appropriate use of the land? YES**
Surrounding land uses are primarily residential in nature. The existing accessory building is not out of character with the area and is considered an appropriate use of the land.
- 3. Does the variance maintain the intent of the Official Plan? YES**
The development of an accessory building 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 restricting the height of accessory buildings is to ensure that accessory buildings and uses remain subordinate to the main use of the property, being residential in this case. It is the opinion of planning staff that the size and usability of the accessory building has not significantly increased beyond what may be considered reasonable for a residential lot due to the increased building height.

Based on the above analysis, Application for Minor Variance MV-3-2019 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.

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

APPLICATION FOR MINOR VARIANCE: MV-3-2019

Owners: Robert and Leena Poirier

Agent: Brian Mackinnon

204 Queen Street, Ailsa Craig

Lot 1, Block F, Plan 362; Part 1, RP 33R-8055; Part Lot 26, Concession 20

Municipality of North Middlesex

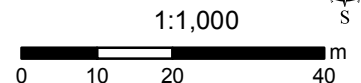


Municipality of NORTH MIDDLESEX



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 SUBJECT PROPERTY



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.