



Staff Report

Report To: Committee of Adjustment

From: Robert Brown, Planner

Date: 2024-10-30

**Subject: Minor Variance Application D-13 2-2024 – Recommendation Report
(Planning Report 2024-30)**

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 2-2024 – Recommendation Report (Planning Report 2024-30).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 2-2024, to obtain relief from Section 9.1, Table 9-1, Item 2b) to reduce the required lot frontage from 10.5 m to 10 m for a semi-detached dwelling unit.

Purpose:

The subject lot is 790.6 sq. m (8,510.22 sq. ft.) in area with 20.09 m (65.9 ft.) of frontage along 4th Street. The property contains an existing semi-detached dwelling. (See Appendix A) The applicant received provisional consent approval from the County of Elgin LDC to split the dwelling into individual units (File E70-24). As a condition of approval, a minor variance is required to recognize the reduced lot frontage of each lot.

Background:

Below is background information, in a summary chart:

Application	D-13 2-2024
Owner	Elgin House to Home Inc.
Applicant	Matthew Fordyce
Legal Description	Pt. Lot 4, Block P, Plan 165, Pt 1, RP 11R 2694
Civic Address	207 4 th St. (Figure One)
Entrance Access	4 th St. (each lot has existing access)
Water Supply	Municipal water service
Sanitary Service	Municipal sanitary service
Existing Land Area	790.6 m ² (8,510.22 ft ²)



Financial Implications:

The applicable fee was collected as outlined in the Fees and Charges By-law. There may be a minimal change in the assessed value of the subject property once the property is subdivided.

Policies/Legislation:

Provincial Policy Statement (2024)

The proposed variance does not raise any issues of Provincial significance.

County of Elgin Official Plan

There are no issues of significance raised related to the County of Elgin Official Plan. The lands are designated Tier One Settlement Area by the CEOP.

Four Tests of the Minor Variance:

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

1. Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?

The subject lands are designated Residential as shown on the Land Use and Transportation Plan Schedule 'C' of the Official Plan. Lot frontage requirements are not something that are addressed directly in the Official Plan. The development on the property has been in place since 1989. The reduction in the required frontage amounts to less than 2 ft. for each lot and all other requirements will continue to comply with the applicable zoning.

As such the intent and purpose of the Official Plan is maintained.

2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Zoning By-law?

The subject lands are zoned Residential Second Density (R2) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule "B" Map 4. The lot frontage associated with the existing semi-detached dwelling is not changing from what it was at the time the lands were developed in 1989. The requested relief simply recognizes a small reduction in the required frontage for each dwelling unit so they may be sold as individual freehold units. All other requirements for the individual units remain in compliance with the R2 Zone. With these points in mind the variance does maintain the intent and purpose of the zoning by-law.

3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?

Often when semi detached dwellings are developed as a rental initially there may not be consideration of the individual lot requirements if they are subdivided in the future. In addition, as standards have changed, and policy seeks to increase density levels minimum lot frontage and lot area requirements have decreased. The proposed reduction is consistent with newer standards, particularly for semi-detached development. The variance is desirable for the appropriate and orderly development of the use, land and buildings.

4. Is the variance minor in nature?

Minor is a subjective terminology which is often based on a specific number. In the case of zoning by-laws it usually is the granting of relief to increase or decrease one or more of the applicable standards.

The reduction in the minimum lot frontage has no impact on the surrounding uses and has no impact on the ability of the individual lots to meet all of the other requirements including lot area, lot coverage and all setback requirements. As such the variance is minor in nature.

Circulation of the Application:

The application was circulated as part of the consent application with the need for the variance noted at that time. Issues related to that application were all addressed as part of that application or included as conditions. All neighboring property owners within 60 metres of the subject lands were circulated with the public notice on November 1, 2024, 13 days prior to the public hearing (minimum 10 days required). The notice was also posted on the Municipal website and signage is posted on the subject property in full view of the fronting road allowance.

Public Comments

At the time of submission of this report, no comments from the public have been received related to the Minor Variance.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin’s infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



Robert Brown, H. Ba, MCIP, RPP
 Planner, Municipality of West Elgin

Report Approval Details

Document Title:	Minor Variance Application D-13 2-2024 - Recommendation Report - 2024-30-Planning.docx
Attachments:	- Appendix A - Survey Sketch - Fordyce.pdf
Final Approval Date:	Nov 7, 2024

This report and all of its attachments were approved and signed as outlined below:

Terri Towstiuć