



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-16  
**Subject:** Minor Variance 175 Furnival Road

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#### **Recommendation:**

That the Committee of Adjustment of the Municipality of West Elgin hereby receives the report from Heather James regarding the minor variance application for File No. D13 01-2020 for Plan 67 Block D Lots 6 and 11 (being Part 1 on RP 11R-4739), 175 Furnival Road; and,

That the Committee of Adjustment approve minor variance application File No. D13 01-2020, subject to the conditions on the decision sheet.

#### **Purpose:**

An application for a minor variance was submitted by Tyler Reid, owner of the subject lands. The purpose of this application is to seek relief from Section 4.1 f) Accessory Uses, Buildings and Structures of the Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36 to permit an already constructed above ground pool deck. Section 4.1 f) states an accessory building or use shall not exceed ten (10) per cent coverage of the total lot area. As a result of the pool deck, the owner is proposing 16.37% coverage of the total lot area for the existing detached garage, existing above ground pool and already constructed above ground pool deck (as shown on the attached Schedule 'A').

#### **Background:**

The subject lands are situated on the east side of Furnival Road within the former Village of Rodney, and municipally known as 175 Furnival Road. The subject lands have an area of 1,226.0 m<sup>2</sup> (13,196.55 ft.<sup>2</sup>), a depth of 60.96 m (200.0 ft.) and a frontage of 20.1 m (66.0 ft.) along Furnival Road. The lands currently contain a single unit dwelling, detached garage, above ground pool and pool deck and used for residential use. The lands are serviced with municipal water and municipal sewer service. Residential and future residential uses surround the subject lands. Location of the subject lands is shown on the attached Schedule 'A' map.

The subject lands are designated Residential as shown on Schedule 'C' Village of Rodney Land Use & Transportation Plan in the Municipality of West Elgin Official Plan and are zoned Residential First Density (R1) as shown on Schedule "B" Map No. 4 in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36.

The application was circulated to Municipal staff for comment. One comment was received from municipal staff:

**Chief Building Official**

*'I have no concerns with the application. The applicant is aware of the requirement to obtain a building permit and pay the associated fees to be in compliance with the Ontario Building Code and the Building Code Act.'*

**Comment:** The owner is aware of this requirement.

All other comments received from municipal staff indicated they have no concerns.

The application was circulated to all applicable public agencies. Only one comment was received from Lower Thames Valley Conservation Authority, indicating they had no objections to the proposal.

The application was circulated to all neighbouring property owners within 60 m (196.85 ft.) of the subject lands. Once comment was received from Benoit Deslauriers, owner of 177 Furnival Road. Mr. Deslauriers stated he is in support of Mr. Reid's minor variance application to increase the lot coverage to 16.37%.

**Financial Implications:**

None.

**Policies/Legislation:****Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Settlement Area and Sewage and Water policies were reviewed and no concerns were evident.

Upon review of the applicable PPS policies, the application is consistent with the PPS.

**County of Elgin Official Plan:**

The County Official Plan designates the subject property as 'Tier One' Settlement Area on Schedule 'A' Land Use. Full municipal services are available. A wide variety of uses including single detached dwellings and accessory uses are permitted.

Upon review of the applicable County Official Plan policies, the application conforms to the County of Elgin Official Plan.

**Ontario Planning Act:**

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.

**Four Tests of the Minor Variance**

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

Yes. A deck for an above ground pool is permitted on the property, provided the pool has been constructed and a single unit dwelling already exists on the property. With the exception of the increase in total lot area coverage for accessory buildings and structures, the application does not contravene the Municipality of West Elgin Official Plan policies.

*2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36?*

Yes. A deck for an above ground pool is permitted in the Residential First Density (R1), provided the pool has been constructed and a single unit dwelling already exists on the property. With the exception of the increase in total lot area coverage for accessory buildings and structures, the application complies with all remaining Residential First Density (R1) zone provisions.

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

Yes. The variance will enable the owners to maximize the value and use of the property, in accordance with the Official Plan policies and Zoning By-law provisions. The increase in total lot area coverage for accessory buildings and structures will allow the owner keep an already constructed pool deck for their above ground pool which provides safety and leisure space for patrons of the pool. The variance will not impede the function of the lot.

*4. Is the variance minor in nature?*

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of metres or feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and municipal functions.

The impact from the proposed variance with respect to the neighbouring property owners and the environment is minimal. There will be no impact from the proposed variance with respect to municipal functions for the municipality.

**Summary/Conclusion:**

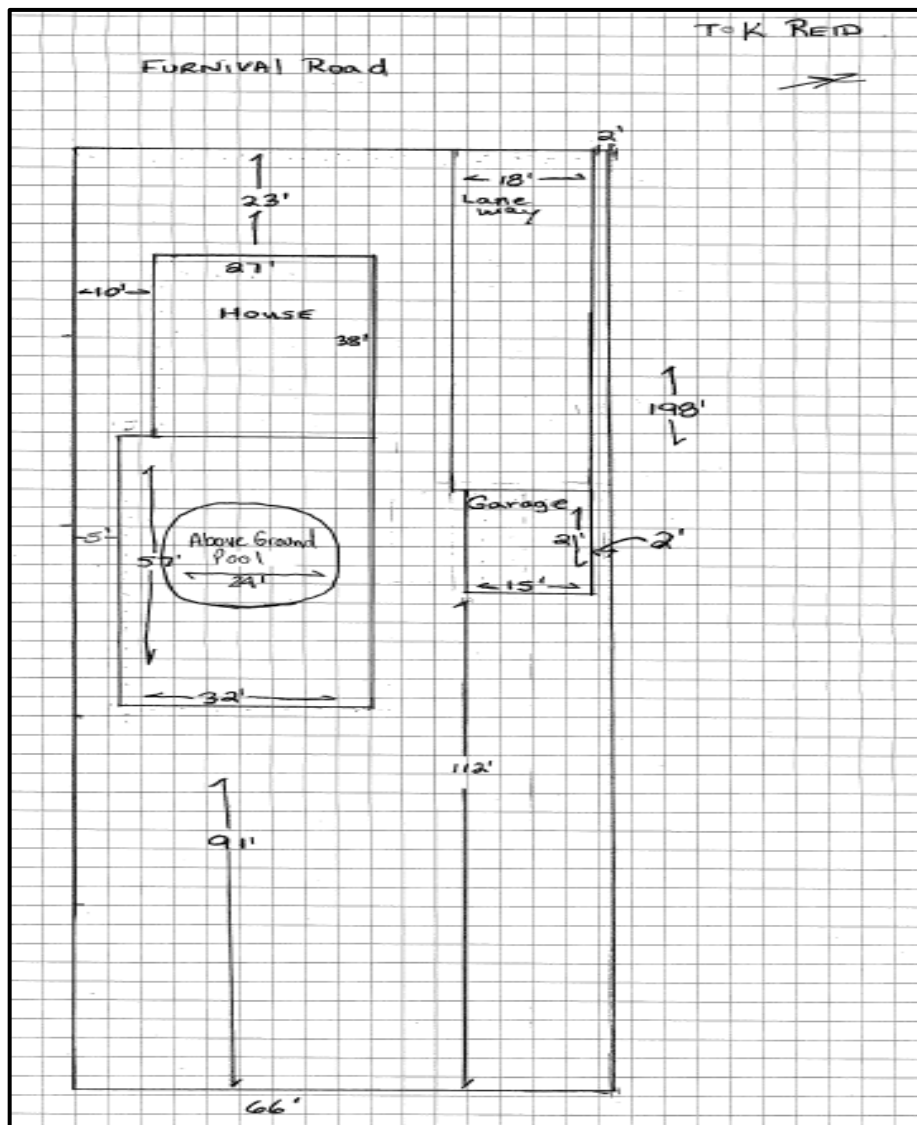
The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions.

I am of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.

**Related Documents:**

Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36.

# Schedule 'A'



## Report Approval Details

Document Title:	Minor Variance 175 Furnival Road.docx
Attachments:	
Final Approval Date:	Jun 8, 2020

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

Jana Nethercott