



LUCAN BIDDULPH COMMITTEE AGENDA

TUESDAY, DECEMBER 17, 2019 6:00 PM
Lucan Biddulph Township Office
270 Main Street P.O. Box 190 Lucan, ON

AGENDA

LAND DIVISION COMMITTEE / COMMITTEE OF ADJUSTMENT / PLANNING COMMITTEE

1. **Call to Order**
2. **Disclosure of Pecuniary Interest & Nature Thereof**
3. **Approval of Minutes**
[Committee Minutes - Aug 13 2019](#)
4. **Applications**
[A-2-2019 \(2219260 Ontario Inc\) - Ridge Crossing Subdivision townhomes](#)
5. **Adjournment**

**The Corporation of the Township of
Lucan Biddulph
Land Division Committee/Committee of
Adjustment/ Planning Minutes**

Present: Mayor C. Burghardt-Jesson, Deputy Mayor D. Manders, Councillor D. Regan, Councillor A. Westman

Also Present: CAO/Clerk R. Reymer, M. Bancroft-Senior Planner, T. Merner-Deputy Clerk, P. Smith-Manager of Parks & Recreation, L. deBoer-Economic Development Officer

Call To Order

Mayor C. Burghardt-Jesson called the meeting to order at 6:00 p.m.

Declaration of Pecuniary Interest & Nature Thereof

None.

1/ Minutes – June 4, 2019

Moved by D. Regan

Seconded by A. Westman

Resolved that the Committee of Adjustment meeting minutes of June 4, 2019 be approved as circulated.

CARRIED

B-4-2019 (Murphy/Maguire)

M. Bancroft reviewed his report regarding the application for consent for the property situated at the north end of Queen Street off William Street. The purpose of the consent application is to convey a parcel of land to enlarge abutting industrial lands to the south. The rectangular parcel of land for lot addition purposes is approximately 0.36 acres. The lands to be retained are vacant, approximately 4.90 acres and currently used for recreational purposes in the form of soccer fields. M. Bancroft advised that if approved the property occupied as a bus storage company, known as Murphy Bus Lines, would increase in size. He further noted that no objections were received from agencies.

Councillor D. Regan asked if this application would interfere with the existing soccer fields and R. Reymer advised it would not, at this time.

2/ B-4-2019 (Murphy/Maguire)

MOVED by D. Regan

SECONDED by A. Westman

*THAT **Application for Consent B-4/2019** filed by Daniel Maguire on behalf of Paul Wilbur Murphy and Michael Thomas Murphy to sever a parcel of land for lot addition purposes having an area of approximately 0.148 hectares (0.367 ac) from a property legally described as Part of Lot 4, Concession SLR, Part of Lot 14 and all of Lots 15 and 16 on Plan 350 and designated as Parts 1, 2 and 3 on Reference plan 33R-4506 (geographic Township of Biddulph), now in the Township of Lucan Biddulph; **BE GRANTED** subject to the following conditions:*

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.*
- 2. That the lands to be conveyed be merged in the same name and title as the adjacent lands to the south known municipally as 6214 William Street to the satisfaction of the Township; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances*

involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.

- 3. *That the lands to be conveyed be rezoned to General Industrial (M1) Zone, consistent with the zoning of the adjacent lands to be enlarged.*
- 4. *That the applicant initiate and assume, if required, all engineering costs associated with the preparation of revised assessment schedule(s) for any municipal drain having jurisdiction in accordance with the Drainage Act, as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a registered copy of the transfer.*
- 5. *That the taxes on the subject lands are paid in full.*
- 6. *That a deposited reference plan be provided to the satisfaction of the Township which provides a valid legal description for the lands to be conveyed.*
- 7. *That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.*
- 8. *That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.*

CARRIED

3/ Adjournment

Moved by D. Regan

Seconded by D. Manders

Resolved that the meeting be adjourned at 6:08 p.m.

CARRIED

CHAIR

SECRETARY-TREASURER



Planning Department
County of Middlesex
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December 17, 2019

REPORT

TO: Mayor Burghardt-Jesson and Members of the Committee of Adjustment
Township of Lucan Biddulph

FROM: Marc Bancroft, Senior Planner

SUBJ: Application for Minor Variance A-2/2019
2219260 Ontario Inc. c/o Vito Campanale (Owner)
Dillon Consulting Ltd. (Agent)
East side of Miller Drive, Lucan

Purpose:

The purpose and effect of this minor variance application is for relief from certain zoning standards to allow the residential development of the lands in the form of townhouse dwellings.

Background (see Figure 1):

The subject property is a 1.2 hectare (2.8 ac) parcel of land located on the east side of Miller Drive and backing onto Saintsbury Line (County Road 47) in the village of Lucan. The lands are one of two vacant development blocks remaining in the Ridge Crossing subdivision. The lands are designated Residential under the Official Plan and zoned site-specific Residential Third Density – Holding (R3-6-H) which permits townhouse dwellings.

The property is also subject to site plan approval through a site plan agreement executed on August 13, 2019 and subsequently registered on title to facilitate the development of the lands. The owner has also sought approval from Middlesex County to develop the townhouses as a vacant land plan of condominium (File No. 39T-CDM1901). Considering the lands are currently subject to site plan approval, the owner has requested that the County exempt this development from the full condominium approval process. Through a vacant land condominium, the individual condominium units would not be the dwelling units (as per a traditional condominium) but rather the individual lots.

This requested variance would allow relief from the following requirements:

Requirements	Relief Requested
Rear yard depth of 7 metres (23 ft)	Rear yard depth of at least 5.63 metres (18.5 ft)
Exterior side yard width of 3.5 metres (11.5 ft)	Exterior side yard width of at least 2.54 metres (8.8 ft)
Decks are permitted to encroach no more than 2.5 metres (8.2 ft) into a required rear yard	Rear decks are proposed to encroach by 3.05 metres (10 ft) yielding a setback of at least 2.58 metres (8.5 ft) from the rear lot line

[illegible]

Analysis:

Section 45 of the Planning Act allows the Committee of Adjustment to grant relief from zoning by-law requirements subject to four tests, as follows:

Is the variance considered minor in nature? YES

The interpretation of what is minor is not necessarily based on the extent to which the zoning by-law is varied. Rather it is based on whether the impact of the variance can be considered minor. Unacceptable adverse impacts on neighbouring residential uses are not anticipated given the nature of this proposal. The impact of can be considered to be minor in nature.

Is the variance an appropriate use of the land? YES

From a land use standpoint, this development would be consistent with the character of the area being a residential neighbourhood. This variance represents an appropriate use of the land.

Does the variance maintain the intent of the Official Plan? YES

The intent of the Residential designation is for the lands to be developed for residential purposes and to ensure compatibility with neighbouring uses. The intent is therefore being maintained as the subject lands are to be developed for residential purposes in the form of townhouse dwellings and adjacent to existing residential development.

Does the variance maintain the intent of the Zoning By-law? YES

The intent of the rear yard requirement is to ensure compatibility with adjacent uses and to allow sufficient amenity areas. Compatibility with adjacent uses would not be comprised considering the adjacent uses are residential. Also, there is a requirement for privacy fencing to be provided along the rear of townhouse units along the perimeter of this development. Adequate amenity spaces would be provided through decks or patios. Reduced rear yard depths for townhouse developments in this order are quite typical and not unusual.

The intent of the exterior side yard requirement is to promote public safety for the movement of vehicles and pedestrians on adjacent streets and to promote orderly built form by ensuring a consistent building line. The foregoing matters would not be compromised. The units affected would be “back to back” with no driveways along the depth of the lots. Also, each driveway for the affected units are planned for the far side of each lot. Lastly, a consistent building line would apply.

Comments:

In the circulation of the notice to prescribed agencies and the public, the following comments were received:

Ausable-Bayfield Conservation Authority: No concerns.

Public Works Manager: No comment.

Chief Building Official: If this development is to have lot lines between each individual townhome unit, an additional setback reduction should be considered for each deck to a side property line. Often decks are proposed to be on the left/right side of the building against the neighbouring unit. This would require zero lot line setbacks to that side yard.

Senior Planner's response: This information was shared with the applicant in that a building permit cannot be issued to allow decks with a zero lot line to the adjacent side yard. A subsequent planning approval will be required to allow such arrangement as noted by the Chief Building Official. Alternatively, the applicant may opt for patios as opposed to decks, which would not require a building permit and makes this issue redundant.

Recommendation:

THAT Application for Minor Variance A-2/2019; filed by Dillon Consulting Ltd. on behalf of 2219260 Ontario Inc. for a property located on the east side of Miller Drive and backing onto Saintsbury Line (County Road 47) and legally described as Block 4 on Registered Plan 739 in the Township of Lucan Biddulph; **be granted.**

Reasons:

The intent of the Township of Lucan Biddulph Official Plan is maintained;
The intent of the Township of Lucan Biddulph Zoning By-law is maintained;
The variance is considered "minor" given the circumstances;
The variance is desirable for the appropriate use and development of the lands.

APPLICATION FOR MINOR VARIANCE: A2/2019

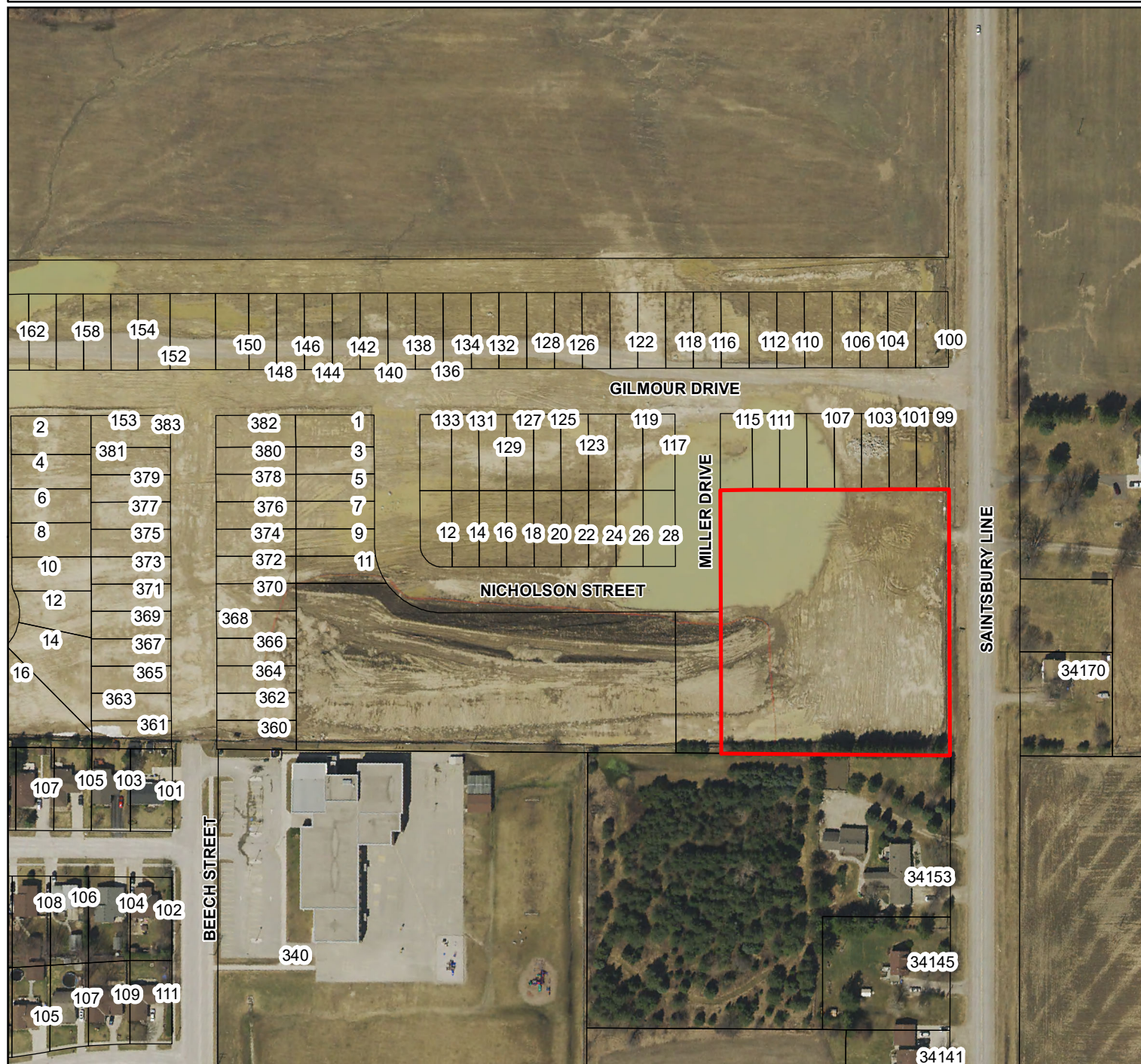
Owner: 2219260 Ontario Inc. (Vito Campanale)

Agent: Dillon Consulting Ltd. (Jason Johnson)

East side of Miller Drive, Lucan



Township of LUCAN BIDDULPH



Published by the County of Middlesex
Planning Department,
399 Ridout Street North, London, ON N6A 2P1
(519) 434-7321
December 2019



SUBJECT LANDS



1:2,500

A scale bar labeled 'Metres' with markings at 0, 10, 20, 30, 40, and 50.

ORTHOPHOTOGRAPHY: SWOOP 2015

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.