



LUCAN BIDDULPH COMMITTEE AGENDA

TUESDAY, MAY 21, 2019 6:15 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 Apr 16 2019](#)
4. **Applications**
[A-1-2019 Vanderkant \(108 Main St, Lucan\)](#)
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 P. Mastorakos, Councillor A. Westman
Also Present: CAO/Clerk R. Reymer, D. Kester-Manager of Public Works, M. Bancroft-Senior Planner

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 – Feb 5, 2019

Moved by A. Westman

Seconded by D. Regan

Resolved that the Committee of Adjustment meeting minutes of February 5, 2019 be approved as circulated.

CARRIED

B-3-2019 (2219260 Ontario Inc.)

Also in attendance for this portion of the meeting was Vito Campanale, Mike Radcliffe, Jason Johnson and Pat Ryan.

M. Bancroft reviewed his planning report for a severance to allow for a Single Family Dwelling (SFD) off of Nicholson Street in the Ridge Crossing Subdivision. This request will allow a further SFD in order to ensure a uniform development within the next phase of the subdivision.

2/ B-3/2019

Moved by D. Regan

Seconded by D. Manders

THAT Application for Consent B-3/2019 filed by Dillon Consulting Ltd. (Jason Johnson) on behalf of 2219260 Ontario Inc. (Vito Campanale) to sever a parcel of land with a width of approximately 13 metres along Nicholson Street and an area of approximately 612 square metres; from a property legally described as Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph). 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 applicant enter into a development agreement with the Township, and that the agreement be registered against the title of the subject lands, which addresses amongst other matters, servicing, building envelope locations, lot grading and drainage that ensures conformity with the adjacent subdivision, entrance locations, all to the satisfaction of the Township.*
- 3. That the applicant pay any outstanding property taxes for the subject lands.*
- 4. That the requested rezoning be approved and in full force and effect.*
- 5. That the applicant's solicitor submit an Acknowledgment and Direction duly signed by the applicant.*
- 6. That the applicant's solicitor submit 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.*

7. *That a soft copy of the reference plan be submitted to the satisfaction of the Township.*
CARRIED

3/ Adjournment

Moved by D. Regan
Seconded by D. Manders
Resolved that the meeting be adjourned at 6:11 p.m.

CARRIED

CHAIR

SECRETARY-TREASURER



Planning Department
County of Middlesex
399 Ridout Street North
London, ON N6A 2P1
(519) 434-7321 (fax) 434-0638
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May 16, 2019

REPORT

TO: Chair and Members of the Committee of Adjustment
Township of Lucan Biddulph

FROM: Marc Bancroft, Senior Planner

SUBJ: Application for Minor Variance A-1/2019
Darryl and Tracy Vanderkant
108 Main Street, Lucan

Purpose:

The purpose and effect of this application is for relief from the Zoning By-law to allow the construction of a detached garage and to allow a home-based business (tutoring) within a dedicated room(s) within the garage.

Background (see Figure 1):

The subject property is a 1,052 square metre (0.26 ac) lot situated on the east side of Main Street (Highway 4) between Wellington Street and Saintsbury Line (County Road 47). The property is occupied by a single unit dwelling connected to municipal water and sanitary sewers. The applicants conduct a home occupation within the dwelling in the form of tutoring business. The property is designated Mixed Use Residential under the Official Plan and also zoned Mixed Use Residential (MUR). The MUR zone allows for a wide range of uses including a single unit dwelling, a home occupation (within the dwelling) and a professional office.

The applicants are proposing to construct a detached garage for personal storage purposes and to also accommodate the existing home occupation. The garage is to be located in the front yard opposite the dwelling as shown on the attached drawing. According to the applicants, reasons why the proposal cannot comply with the current requirements are to prevent the removal of existing trees, to maximize the use of the property and to ensure visibility for the home occupation. To allow the construction of the garage along with the home occupation, relief from the Zoning By-law is being requested in regards to the following requirements:

Requirements	Relief Requested
A detached garage cannot be situated closer to the road than the house.	Front yard depth of 1.22 metres (4 ft) is proposed whereas the dwelling has a front yard depth of 5.45 metres (17.9 ft).
A minimum side yard of 1 metre (3.3 ft) is required for a detached garage.	A side yard of 0.45 metres (1.5 ft) is proposed from the northerly lot line.
A home occupation can only be conducted from within a dwelling.	A home occupation is proposed within the detached garage within a dedicated room(s).
The maximum size of the detached garage is 79.4 square metres (855 ft ²) based on the floor area of the existing dwelling.	A detached garage with a floor area of 102.8 square metres (1,107 ft ²) is requested.

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. The impact of this proposal can be considered to be minor in nature in that it would be in keeping with the residential character of the area.

Is the variance an appropriate use of the land? YES

This development would be consistent with the character of the area which includes residential uses and uses accessory thereto. This variance represents an appropriate use of the land.

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

The intent of the Official Plan through the Mixed Use Residential designation is to encourage residential uses, uses accessory thereto, as well as professional offices where consulting services are provided. Given that the detached garage would be accessory to the residential use and the applicant's tutoring business would constitute a professional office, the intent of the Official Plan would be maintained.

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

The intent of the front yard depth requirement is to promote orderly development through a consistent building line. The foregoing is not being compromised given that there are examples of buildings on the opposite side of Main Street constructed along the street line. The intent would therefore be maintained.

The intent of the side yard width is to ensure there is adequate space to access the rear yard and to maintain the side of the building. Considering the garage would be limited to one-storey in height and the rear yard would continue to be accessible between the garage and the dwelling, the foregoing matters would not be compromised and the intent of the By-law would be maintained.

The intent of the maximum floor area requirement for accessory buildings is to ensure that accessory uses remain secondary to the primary use of the property being residential. Given the building's height would not exceed the dwelling's height and that the garage doors would not face the street, the dwelling would remain the dominant feature from the street. The intent of the Zoning By-law would therefore be maintained.

The intent of prohibiting home occupations from being conducted in an accessory building is to prevent a business that could generate noise and disrupt the enjoyment of residents in the area. The intent of this requirement would be maintained in that adverse impacts on neighbouring uses are not anticipated with this form of business.

Comments:

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

Ausable-Bayfield Conservation Authority: no concerns.

Chief Building Official:

I offer the following comments:

- Given the proposed setback to the side property line, the eaves projection will be very near the property line. Based on this please include a condition requiring eaves troughs and downspouts on that side of the building in order to prevent roof water from running onto the neighboring property
- Given the eaves projection, the permitted encroachment may require a variance as well.
- The applicant should be advised that due to the limited setback to the property line, that wall of the building and its eaves will be required to be built of non-combustible construction.
- Due to the occupancy of the building to include a small business it will need to be designed by a qualified designer for small buildings. This too is simply information for the applicant.

Provided the above are included as conditions, I have no objection to the variance.

Recommendation:

THAT Application for Minor Variance A-1/2019 filed by Darryl and Tracy Vanderkant for relief from the Township of Lucan Biddulph Comprehensive Zoning By-law to permit the construction of a detached garage with a front yard of 1.22 metres, a side yard of 0.45 metres, a maximum floor area of 103 square metres; and to also permit a home occupation limited to a professional office within the detached garage; for a property known municipally as 108 Main Street, Lucan; be granted and subject to the following conditions.

1. Given the proposed setback to the side property line, the eaves projection will be very near the property line. Based on this please include a condition requiring eaves troughs and downspouts on that side of the building in order to prevent roof water from running onto the neighboring property
2. The applicant should be advised that due to the limited setback to the property line, that wall of the building and its eaves
3. will be required to be built of non-combustible construction.
4. Due to the occupancy of the building to include a small business it will need to be designed by a qualified designer for small buildings. This too is simply information for the applicant.
5. That the garage doors for vehicular access not face Main Street.

Report
Application for Minor Variance A-1/2019
Darryl & Tracy Vanderkant

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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 (A-1/2019)

Applicant: Darryl and Tracy Vanderkant

108 Main Street, Lucan



Township of LUCAN BIDDULPH



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Planning Department
399 Ridout Street North, London, ON N6A 2P1
(519) 434-7321
May 2019

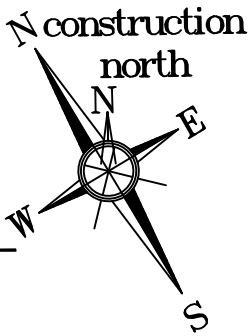


1:15,000

0 150 300 450 600 Meters

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.

SITE BUILDING LOCATION INFORMATION
(DISTANCES TO LOT LINES) OBTAINED FROM
MTE/OLS LTD, ONTARIO LAND SURVEY.
FILE No. 45156-100



DRAWN BY T.F.W.		SHEET No. AA	
APPROVED BY			
SCALE AS SHOWN		FILE No. 1906_AA	
DATE APRIL/02/2019		PROJECT No. 1906	REV. 01