



**Planning Department
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Meeting Date: May 20, 2025

REPORT

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

FROM: Dan FitzGerald MPI MCIP RPP, Manager of Planning
Alyssa Soldo, Planner

SUBJ: **Application for Minor Variance A-1/2025**
13202640 CANADA INC. (Randolph Mendonca)
34427 Granton Line, Granton

Purpose:

The purpose of this report is to provide the Committee of Adjustment with a recommendation for an application which seeks relief from the Zoning By-law to permit zero parking spaces on a commercial parcel of land located on the west side of Granton Line (County Road 59), northwest of the intersection at Fallon Drive and Granton Line.

Background (see Figure 1):

The subject property is a 347 square metre (0.08 acres) parcel situated on the west side of Granton Line. The lands are surrounded by residential uses on all sides. The property currently contains a 232.92 m² building with commercial office space on the main floor and potential for additional commercial space on the second floor. It is within the Settlement Area of Granton, is designated 'Commercial' according to the Township Official Plan and is within the 'Central Commercial (C1) Zone'. The property is serviced by municipal water and sewage systems.

Given the above, the purpose and effect of this Application is a request for relief from the Township's Comprehensive Zoning By-law to permit zero on-site parking space requirements, whereas the Zoning By-law requires one parking space per 30m² of net floor area for a commercial use (8 parking spaces for a 232.92 m² building). The effect would be to permit commercial uses on the property without the on-site parking requirements. The requirements and relief requested are provided below:

Requirements	Relief Requested
As per section 4.17 n), one parking space per 30m ² of net floor area is required (8 parking spaces for a 232.92m ² building).	Zero required parking spaces.

This application was previously brought forward to Committee on January 22nd, 2025 requesting relief from the minimum driveway width to utilize an existing easement as access to the rear of the property for parking space. The applicant took the comments received during this meeting and revised their proposal accordingly.

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? NO

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. In this case, while no parking is capable of being provided on-site due to property boundary restrictions and the location of the existing structure, solely relying on street parking to accommodate the zoning requirements cannot be considered minor. A commercial use requiring up to 8 parking spaces will potentially utilize a significant amount of space on the street for a number of hours while the businesses are open. The business may potentially monopolize the street parking within this area of Granton, leaving less spaces for surrounding properties and uses. Therefore, staff are of the opinion that providing no parking on site cannot be considered minor in nature.

Is the variance an appropriate use of the land? NO

The reduction in parking space requirements is not appropriate as commercial uses require parking on-site to accommodate both the tenants and visitors to the business during hours of operation. Without parking, the commercial use may not be able to appropriately function.

Does the variance maintain the intent of the Official Plan? NO

The intent of the Official Plan through the Commercial designation is to accommodate future commercial needs through a full range of retail and service uses. The proposed variance may affect the functionality of running commercial uses from this property without adequate parking. Therefore, planning staff find that the subject proposal would not maintain the general intent and purpose of the Township Official Plan.

Does the variance maintain the intent of the Zoning By-law? NO

The general intent and purpose of the Comprehensive Zoning By-law as it relates to parking space requirements is to ensure that adequate parking is provided for the use of the property. In this case, these parking requirements cannot be provided on site and on-street parking cannot designate certain spaces for the sole commercial use of this property. On-street parking is further limited during the winter months, which may intensify parking concerns in this area. As such, Planning Staff are not satisfied that the general intent and purpose of the Zoning By-law would be maintained.

Given the above, Planning Staff are not satisfied that the proposed minor variance can be supported. Planning staff recommend that the subject application be denied, as the proposal does not meet the four tests of a minor variance of the Planning Act.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the committee is advised to take such information into account when considering the application.

Comments:

In the circulation of the notice to prescribed agencies and the public, the comments below were received.

Lucan Biddulph Building Division:

No objections.

Upper Thames River Conservation Authority:

The subject lands at 34427 Granton Line are not affected by any regulations made pursuant to Section 28 of the Conservation Authorities Act. The UTRCA has no objections to this application and have no Section 28 Permit requirements.

Middlesex County Engineer:

This office has concerns with reducing the number of on-site parking stalls to zero. There is limited parking available along the County Road and this space is even more limited during the winter months.

Recommendation:

THAT Application for Minor Variance A-1/2025 filed by 13202640 Canada Inc. (Randolph Mendonca) for relief from the Township of Lucan Biddulph Comprehensive Zoning By-law to permit zero required on-site parking spaces, for a property legally described as PLAN 221 PT LOT 5 W/S MAIN PT LOT 5 E/S KING, in the Township of Lucan Biddulph; **BE DENIED.**

Reasons:

The intent of the Township of Lucan Biddulph Official Plan is not maintained;
The intent of the Township of Lucan Biddulph Zoning By-law is not maintained;
The variance is not considered "minor" in nature; and,
The variance is not desirable for the appropriate use and development of the lands.

Attachments:

1. Location Map