

**Meeting Date:** September 5, 2023  
**Department:** Building, By-law & Planning  
**Report No.:** BBP-2023-106  
**Submitted by:** Erin Besch, Planner  
**Reviewed by:** Tim Williams, Senior Planner  
**Approved by:** Jennifer Huff, Director of Building & Planning  
Trisha McKibbin, Chief Administrative Officer

**SUBJECT:** Application for Zoning By-law Amendment ZBA17-2023  
7620 Walkers Drive – JASLO Farms Ltd.

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**RECOMMENDATION: THAT:** the rezoning application be approved.

## SUMMARY HIGHLIGHTS

- The application satisfies a condition of consent for a Surplus Farm Dwelling Severance.
- The applicant is proposing to rezone from the 'General Agricultural (A1) Zone' to a site-specific 'Agricultural Purposes Only (A3-8) Zone' and a site-specific 'Agricultural Small Holdings (A2-35) Zone.'
- The retained parcel satisfies the zoning provisions for the A3 zone.
- The severed parcel will require amendment to the provisions of the A2 zone to recognize the residential nature of the lot and to restrict permitted uses.
- No concerns or objections have been identified with the application by staff or agencies.

## STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) *Economic Development:* Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Growth Management:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

## PURPOSE AND BACKGROUND:

A zone change application has been submitted to satisfy a condition of consent respecting Consent Application File No.: B4-2023. The consent application proposed the severance of a dwelling surplus to a farm operation as a result of a farm consolidation. The application was conditionally approved by

the Committee of Adjustment on July 6, 2023. The subject zone change application proposes to re-zone the 'lands to be severed' to a site-specific 'Agricultural Small Holdings (A2-35) Zone' and to re-zone the 'lands to be retained' to a site-specific 'Agricultural Purposes Only (A3-8) Zone' in order to satisfy one of the consent conditions. The subject lands comprise approximately 20.7 ha (51.15 ac) of agricultural land located on the north side of Walkers Drive, east of Sutherland Road, in the former Township of Caradoc. Surrounding land uses are predominately agricultural and rural residential in nature. Walkers Drive is a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc.

The severed lands, being the residential lot, are approximately 0.53 ha (1.3 ac) in size and contain a single detached dwelling with an attached garage and a garden shed. The lands are privately serviced with a well and a septic system. Access to the dwelling is currently provided by a driveway with access to Walkers Drive.

The retained farm parcel is approximately 20.17 ha (49.84 ac) in area and contains a driveshed that is to be used for farm implement storage. It is noted that hydro service to the driveshed is wholly contained on the proposed lands to be retained. The remainder of the land is in agricultural production. Staff note that a site-specific 'A3' zone is proposed to recognize the side yard width of 4 m (13.1 ft) between the driveshed and the new residential lot line, whereas a minimum of 5 m (16.4 ft) is required in the 'A3' zone.

#### **POLICY AND REGULATION BACKGROUND:**

The lands are located within a 'Prime Agricultural Area' as defined by the 2020 Provincial Policy Statement and within the 'Agricultural' designation of the County and Strathroy-Caradoc Official Plans. The lands are currently zoned 'General Agricultural (A1) Zone' within the Strathroy-Caradoc Zoning By-law.

The Provincial Policy Statement, the County and the Local Official Plan permit lot creation in agricultural areas for a residence surplus to a farming operation as a result of a farm consolidation provided a number of criteria are met.

The current Section 5.3.1.8 of the Strathroy-Caradoc Official Plan states that "dwellings considered surplus to a farming operation as a result of farm consolidation may be severed from the balance of the farm provided the residential dwelling was built prior to January 1, 1999." It further states, "The loss of productive agricultural land shall be minimized to the greatest extent possible taking into account the location of the dwelling, accessory buildings, driveway, on-site water supply and sanitary waste disposal system". Other matters include adequacy of water supply, sanitary waste facilities, vehicular access, proximity to livestock operations and lot frontage / depth and size shall be suitable for the intended use of surplus farm dwelling lot and shall comply with the Zoning By-law. In addition, the remnant farm parcel resulting from the surplus farm dwelling severance will be prohibited from accommodating any new dwelling.

Section 5.3.1.8 (g) of the Strathroy-Caradoc Official Plan states that, "farm buildings deemed to be surplus to the needs of the farm or which may be incompatible with the disposal of a surplus dwelling may be required to be demolished or removed as a condition of consent." It also indicates that where such buildings are structurally sound, have potential for alternative and compatible uses and / or are

more likely to be maintained, they may be severed along with the surplus dwelling.

As with the County Official Plan, the Strathroy Caradoc Official Plan has also been updated through OPA 14 in 2022. The purpose of this Amendment is to update the Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. The most significant relevant update to the Plan was the change to the date of construction for eligible surplus farm dwellings from 'January 1, 1999' to a rolling date of 'at least 20 years prior to the date of the application'.

Section 4.2(2) of the Zoning By-Law limits the size of accessory structures within Residential Zones (including A2 zoned properties under 1 ha (2.47 ac) in size) to a maximum of 15% of the lot coverage, but must also not exceed 80% of the ground floor area of the dwelling. Given the dwelling's ground floor area is approximately 190 m<sup>2</sup> (2,045 ft<sup>2</sup>), the permitted maximum cumulative size of accessory buildings and structures is 152 m<sup>2</sup> (1,636 ft<sup>2</sup>). The subject property contains an approximate 40 m<sup>2</sup> (430 ft<sup>2</sup>) attached garage and an approximate 17.8 m<sup>2</sup> (192 ft<sup>2</sup>) detached garden shed that is proposed to remain on the severed lands for a total of approximately 57.8 m<sup>2</sup> (622 ft<sup>2</sup>) of cumulative accessory space. As this is under the total permitted area on the property, no recognition is required in the site-specific 'A2-35' zone.

Section 4.19(5) of the Zoning By-law states where an existing building or structure on a lot created as a result of a consent being given following the effective date and having less than the minimum setback and/or minimum front, side, or rear yard; or having more than the maximum floor area or maximum height permitted by this By-law, the said building or structure may be used, altered, repaired, or renovated provided the external dimensions of the building or structure remain as they were on the day the lot was created.

The 'Agricultural Small Holdings (A2) Zone' is intended to recognize lots created by surplus farm dwelling consents and existing undersized agricultural lots. The 'A2' Zone requires a minimum lot area of 0.4 ha (0.98 ac) and a minimum lot frontage of 30 m (98 ft).

The 'Agricultural Purposes Only (A3) Zone' applies to farm lots in the 'Agricultural' designation which have been zoned to prohibit residential uses on the parcel. The 'A3' zone requires a minimum lot area of 'as it existed on the day the residential use was discontinued', a minimum lot frontage of 150 m, and a minimum side yard width of 5 m (16.4 ft).

**CONSULTATION:**

Notice of the application has been circulated to agencies as well as property owners, and a notice sign has been posted on the property as per the Planning Act.

At the time of writing the subject report, the following comments from agencies have been received:

The Director of Building and Planning has advised that the uses on the property rezoned to A2 will need to be restricted to residential and accessory purposes only. This would ensure the accessory buildings (current or future) will not contain livestock.

The Director of Engineering and Public Works has advised of no concerns.

No comments or concerns from the public have been received at the time of preparing this report.

**ANALYSIS:**

The application for consent proposes to create a new rural residential lot resulting from a farm consolidation, in accordance with the surplus farm dwelling policies of the PPS, Middlesex County Official Plan, and Strathroy-Caradoc Official Plan. It is noted that the severance meets the criteria for a surplus farm dwelling in accordance with the Middlesex County Official Plan (s.4.5.3.4) and Strathroy-Caradoc Official Plan (s.5.3.1.8).

Staff are satisfied that the configuration of the severed residential parcel represents a reasonable size necessary to accommodate the dwelling, accessory building and private services. The proposed site-specific 'Agricultural Small Holdings (A2-35) Zone' will limit the permitted uses to residential and accessory uses and prohibit livestock. Although the dwelling has a front yard setback of 17.2 m (56.4 ft), whereas 20 m (65.6 ft) is required in the 'A2' zone, Section 4.19(5) of the Zoning By-law deems the dwelling to be in compliance. Therefore, staff are of the opinion that this rezoning is appropriate, as the lot meets the provisions of the 'A2' zone and conforms to Section 5.3.1.8 of the Strathroy-Caradoc Official Plan.

The retained farmlands are proposed to be rezoned to the site-specific 'Agricultural Purposes Only (A3-8) Zone' to prohibit future residential uses on the lands and recognize the deficient side yard setback to the driveshed. Staff are of the opinion that this rezoning will satisfy the condition of consent B4-2023 and will meet the intent of the Official Plan and PPS policies. The residential lot boundaries were determined to ensure the hydro line was wholly contained on the residential lands, and staff are of the opinion that the 4 m width is adequate separation between the driveshed and the new lot line.

**SUMMARY:**

In summary, staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement; conforms to the Official Plans of both the County of Middlesex and the Municipality of Strathroy-Caradoc; and represents sound land use planning.

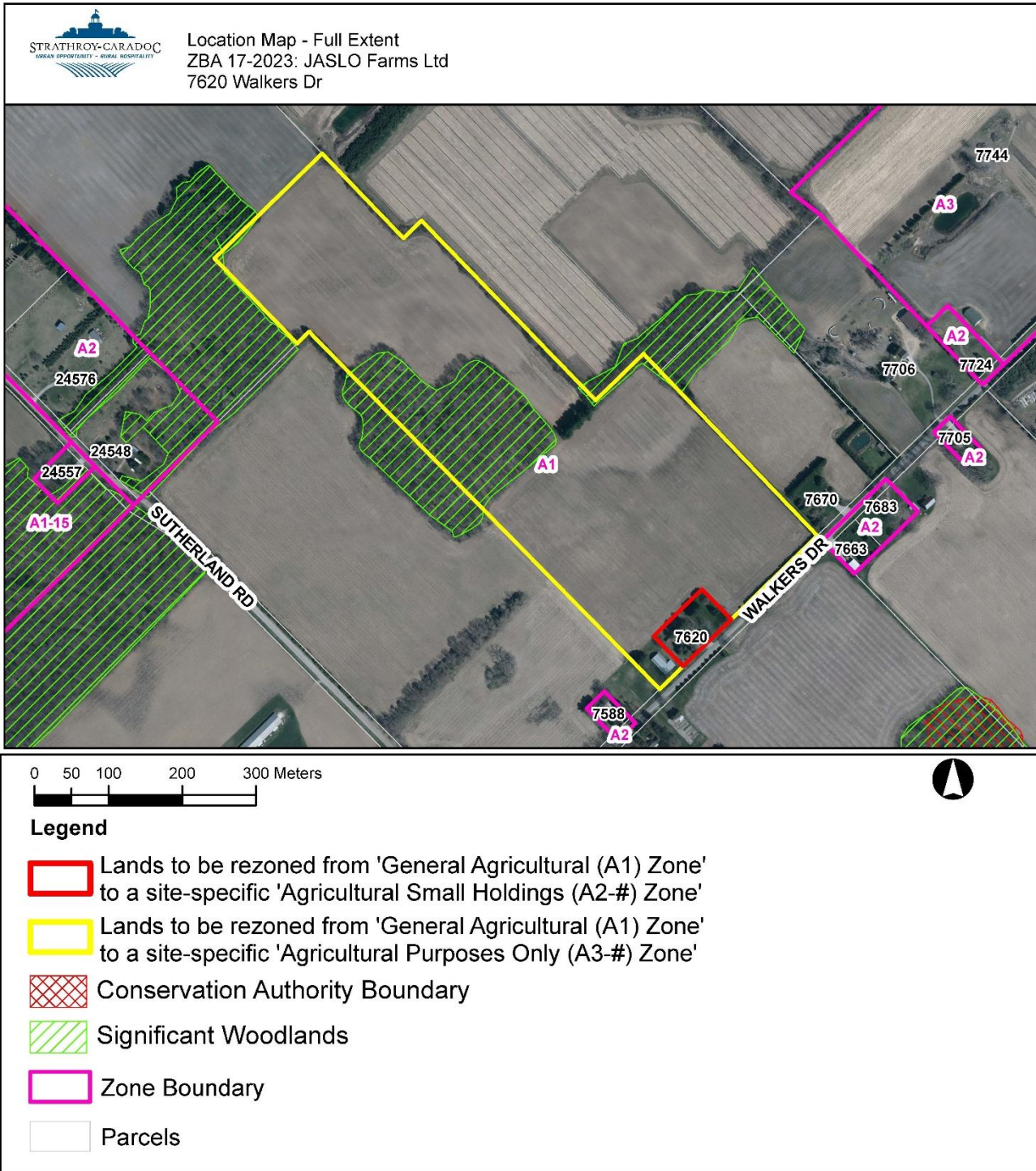
**FINANCIAL IMPLICATIONS:**

None

**ATTACHMENTS:**

Location Map  
Draft Survey Plan

# Location Map



Draft Survey Plan

PART 1, PLAN 33R-XXXX  
P.I.N. 08530- 0028(LT)

