



## COMMITTEE OF ADJUSTMENT Planning Staff Report

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**Meeting date:** November 7, 2024  
**Department:** Building, By-law & Planning  
**Report No.:** BBP-2024-130  
**Submitted by:** Erin Besch, Planner  
**Reviewed by:** Tim Williams, Manager of Planning, County of Middlesex  
**Approved by:** Jake DeRidder, Senior Development Coordinator/Acting Secretary-Treasurer  
**SUBJECT:** Application for Minor Variance (A23-2024) 22399 Adelaide Road (County Road 81), Mt Brydges  
Owner: 1000792205

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**RECOMMENDATION: THAT: Application for Minor Variance A23-2024 be approved.**

### **PURPOSE:**

The purpose of the application is to seek relief from the following sections of the Strathroy-Caradoc Zoning By-law:

1. Section 4.14(1) of the Strathroy-Caradoc Zoning By-law to permit a front yard depth of 13.3 m (43.6ft), whereas a maximum of 4.8 m (15.7 ft) is required based on the setbacks of the surrounding dwellings and the requirement to meet the 'established building line'.
2. Section 4.6(5)(a) to permit two secondary suites that are 107.2 m<sup>2</sup> (1,154 ft<sup>2</sup>) and 98.6 m<sup>2</sup> (1,061 ft<sup>2</sup>) in size, whereas the By-law restricts secondary suites to 80% of the gross floor area of the primary dwelling unit, to a maximum of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>). The primary dwelling unit would be 113.9 m<sup>2</sup> (1,226 ft<sup>2</sup>) in size.
3. Section 4.23(6) to permit a drive aisle width of 4.5 m (14.8 ft), whereas 7.3 m (24 ft) is required.
4. Section 4.23(5)(f) to permit a parking area that is 65% of the area of the front yard, whereas a maximum of 50% is permitted on residential lots.
5. Section 4.23(1)(20j) to permit two parking spaces for the primary unit, whereas three parking spaces are required. The application would facilitate the construction of a 2-storey residence with 3 dwelling units inside (one primary and two secondary) and four total parking spaces.

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The application would facilitate the construction of a 2-storey residence with 3 dwelling units inside (one primary and two secondary) and four total parking spaces.

**BACKGROUND:**

The subject property is located on the west side of Adelaide Road (County Road 81), between King Street and Wesleyan Street in Mount Brydges (see Location Map). Adelaide Road is classified as an 'arterial road' under the jurisdiction of the County of Middlesex.

The subject lands are approximately 475 m<sup>2</sup> (5,112.9 ft<sup>2</sup>) in size, with 13.5 m (44.3 ft) of frontage along Adelaide Road. The lands were severed from 22397 Adelaide Road in 2017 and are currently vacant.

The surrounding land uses are primarily a mix of low and medium density residential, with several commercial uses located across just north along Adelaide Road.

The property is within the site-specific 'Medium Density Residential (R2-4) Zone' which permits single detached dwellings, as well as multi-unit dwellings with a maximum of three units. The applicant is proposing to construct a dwelling with one primary unit and two secondary suites located within the same structure. The units are proposed to be stacked, with two units above grade and one in the raised basement. Within the context of the Strathroy-Caradoc Zoning By-law, secondary suites are restricted to 80% of the floor area of the primary dwelling unit, to a maximum of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>). In this case, the applicant is proposing to increase the secondary suite maximum to 107.2 m<sup>2</sup> (1,154 ft<sup>2</sup>) and 98.6 m<sup>2</sup> (1,061 ft<sup>2</sup>) in size. As the dwelling units are stacked, all floors would be relatively similar in size.

The Zoning By-law also requires that new residential dwellings that are proposed within 150 m of 5 existing dwellings (on the same street) must meet the 'established building line', which is the average setback of these 5 dwellings. In this case, the established building line is 4.8 m (15.7 ft). The applicant is proposing an increase in this setback to 13.3 m (43.6 ft) to accommodate parking in the front yard.

Finally, the applicant is requesting a decrease in the parking requirements for the primary unit from three parking spaces to two. Staff note that secondary suites require only one parking space per unit, which is being provided. Therefore, only the reduction to the primary unit is required.

This application was originally heard at the October 3rd Committee of Adjustment meeting, but was deferred by the Committee to provide a revised parking layout as there were concerns about the proposed tandem parking spaces. The applicant has now reoriented the parking configuration so that the parking spaces are all fully accessible, as well as adding an additional parking space. In response, the application has been amended to include two additional variances – a reduced drive aisle width of 4.5 m, whereas 7.3 m is required, and a parking area that is 65% of the front yard, whereas a maximum of 50% is permitted on residential lots.

**POLICY AND REGULATION BACKGROUND:**

The Provincial Planning Statement, Middlesex County Official Plan, and Strathroy-Caradoc Official Plan all encourage intensification in designated settlement areas, provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

The subject lands are located within a 'Settlement Area' according to the 2024 Provincial Planning Statement (PPS).

Section 2.3.1(1) states that settlement areas will be the focus of growth and development. Further, land use patterns within settlement areas should be based on densities and a mix of land uses which (s.2.3.1(2)):

- Efficiently use land and resources;
- Optimize existing and planned infrastructure and public services facilities;
- Support active transportation;
- Are transit-supportive, as appropriate; and
- Are freight-supportive.

Section 3.6 of the PPS outlines the hierarchy for sewage and water services and establishes that municipal water and sewage services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

#### County of Middlesex Official Plan, 2023

The subject lands are located within the Mount Brydges Settlement Area according to the Middlesex County Official Plan.

Section 2.3 contains the County's growth management framework which directs that the majority of growth is to occur in designated settlement areas. The intent of the growth management framework is to make efficient use of existing infrastructure. The goal of the County Plan is that future development within settlement areas proceed on the basis of full municipal services. The County Official Plan also encourages a wide variety of housing by type, size, and tenure achieved in part by way of intensification and redevelopment of vacant or otherwise underutilized lands.

#### Strathroy-Caradoc Official Plan

The subject lands are within the designated 'Settlement Area' of Mount Brydges according to *Schedule A: Structure Plan* and designated 'Residential' according to *Schedule F: Land Use & Transportation Plan – Mount Brydges*, as contained in the Strathroy-Caradoc Official Plan.

The 'Residential' designation is intended for continued and future residential purposes, as well as lands to accommodate future expansions (s.4.3.1). Within the 'Residential' designation, the primary use of land shall be single detached dwellings, as well as other dwelling types such as accessory apartments, semi-detached dwellings, duplex dwellings, converted dwellings, townhouses and low rise, and small-scale apartment buildings (s.4.3.1.1).

The Strathroy Caradoc Official Plan has 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 Planning Statement (PPS), and reflect changing community needs for the next 25-years. The most significant relevant update to the Plan was the

change in designation title from 'Residential' to 'Neighbourhoods'. This designation maintains the intent of the 'Residential' designation in that it continues to support and encourage a range of housing types and densities. OPA 14 is currently under appeal and, while generally in line with the proposal, the updated policies are not determinative for this application.

### Strathroy-Caradoc Zoning By-law

The subject lands are currently zoned a site-specific 'Medium Density Residential (R2-4) Zone' according to the Strathroy-Caradoc Zoning By-law. The 'R2-4' zone permits single detached dwellings, and multi-unit dwellings to a maximum of 3 units. The 'R2' zone requires a minimum lot area of 350 m<sup>2</sup>, minimum lot frontage of 12 m, minimum front yard depth of 5 m, minimum side yard width of 1.2 m, minimum rear yard depth of 8 m, maximum lot coverage of 40%, and minimum landscaped open space of 30%.

Section 4.14 of the Zoning By-law outlines several provisions specific to residential infill lots that are created between 5 existing dwellings, other than apartment dwellings, and said existing dwellings are no more than 150 m apart.

#### (1) Established Building Line

- a. The established building line shall be the required minimum setback, and the required front yard depth shall be adjusted accordingly.
- b. The maximum setback shall be no more than 1 m greater than the established building line.

Section 4.6(5)(a) of the Zoning By-Law limits the size of secondary suites to no more than 80% of the gross floor area of the primary dwelling, to a maximum of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>).

Section 4.23(1)(58) of the Zoning By-Law states that three (3) parking spaces are required to be provided to a single detached dwelling plus one (1) additional space per secondary suite.

Section 4.23(5)(f) requires that the area devoted to parking, other than in a garage but including the driveway, in the front yard shall not exceed 50% of the yard area.

Section 4.23(6) requires a minimum aisle width of 7.3 m for parking spaces at a 90° angle.

### **CONSULTATION:**

The application has been circulated to agencies and neighbouring landowners in accordance to the provisions of the Planning Act.

The County Engineer advised of no concerns, but advised the applicant that a permit issued by the County of Middlesex will be required prior to the construction of an access onto County Road 81.

As of the date of the writing of this report, no comments have been received by the public.

### **ANALYSIS:**

Section 45 of the Planning Act allows a municipality to grant a minor variance to a zoning by-law based on four tests, as follows:

**1. Are the variances considered minor in nature? YES**

The application proposes to increase the maximum secondary suite size from 80% of the ground floor area of the primary unit to roughly 94% and 87%. While the percentages compared to the primary unit appear high, staff are of the opinion that this increase can be considered minor in nature as the units would only be approximately 32 m<sup>2</sup> (344.5 ft<sup>2</sup>) and 23.6 m<sup>2</sup> (254 ft<sup>2</sup>) over the maximum size of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>). Further, the stacked nature of the units makes them relatively uniform in size. Staff also note that the structure would meet all other provisions of the 'R2' zone in terms of setbacks and lot coverage requirements.

In regard to the request for the reduction in parking spaces from three to two for the primary unit, staff note that the unit would be significantly smaller than the size of a typical single detached dwelling to which these standards apply. Each unit would have one assigned parking space, with one additional space dedicated to visitors of the units, in addition to on-street parking directly in front of the lot. Staff are of the opinion that the parking reduction request can be considered minor in nature.

In terms of the reduction to drive aisle width, staff note that the 7.3 m (24 ft) width required in the Zoning By-law typically applies in situations where there is two-way traffic through a parking lot with parking spaces on either side of the drive aisle. In this case, the parking area is single-loaded and comprised of only four spaces. Staff note that a standard parking space is required to be 5.4 m (17.7 ft) based on the definition in the Zoning By-law, whereas the applicant has indicated parking spaces that are 6 m (64.6 ft) in length. Although identified on the parking plan as 4.5 m (14.8 ft), the aisle will actually be 5.1 m (16.7 ft) in width. Staff are of the opinion that this width can be considered minor in nature, as it would allow cars to enter and exit parking spaces effectively, ensuring the spaces are always accessible.

The application also requests an increase in permitted parking area in the front yard from 50% to 65%. Due to the narrowness of the lot, parking cannot be accommodated in the rear of the lot, thereby requiring it to be in front of the proposed structure. Staff are of the opinion that this variance can be considered minor in nature, as it is required to accommodate a parking area that allows each of the spaces to be accessible at all times, removing the tandem orientation. Further, this increase would still maintain 35% of the front yard for landscaping, which would ensure it maintains the character of the area and reduce off-site impacts.

Finally, in regard to the request for relief from the established building line, staff are of the opinion that is minor in nature as the applicant is unable to satisfy the requirement due to the previous land dedication to the County and the fact that the adjacent homes are located in close proximity to their front lot lines. Further, the required setback of 4.8 m would not allow enough space to accommodate the required parking spaces for the proposed structure, and due to the constrained width of the lot, the applicant is not able to construct a driveway between the house and the side lot line to access parking at the rear of the lot.

**2. Are the variances an appropriate use of the land? YES**

The proposed structure with three dwelling units would be consistent with the character of the area, which includes a mix of low and medium density residential dwellings, including a multi-

unit structure abutting the lands to the east in an old church. With the revisions to the parking area, the applicant is able to provide four spaces, one per unit and additional visitor space. Further, the orientation of the spaces allows each resident to come and go as they please, limiting parking conflicts. Although the parking area would be more than what is permitted in the by-law, landscaping would be provided on either side of the parking area adjacent to neighbouring properties and continue to maintain the residential feeling of the subject lands.

Although most of the front yard would be devoted to parking, amenity space would be provided in the rear yard, with each unit having its own private patio at the rear of the dwelling. Through the building permit process, the applicant is required to provide adequate fire separation between the units, ensuring that they would meet the requirements of the building code.

In regard to the established building line, staff note that several structures are set back even further than what is proposed by the applicant, so although the dwelling would not meet the average setback of the nearby houses, it would not be out of character with the general area. Therefore, staff are of the opinion that the variance is an appropriate use of the land.

**3. Do the variances maintain the intent of the official plan? YES**

The 'Residential' designation of the Official Plan permits a range of housing types and densities, including medium density dwellings. Residential development within this neighbourhood compliments and re-enforces the neighbourhood identity and low to medium density residential character of Mt. Brydges. Staff are of the opinion that the requested variances to facilitate the creation of two secondary suites will add to the rental housing stock of Mount Brydges, while maintaining sufficient space between neighbouring dwellings and properties. Further, the applicant is providing parking for each unit, as well as a visitor space to limit parking conflicts with the surrounding area. It is in this way that the intent of the Official Plan is maintained.

**4. Do the variances maintain the intent of the zoning by-law? YES**

The intent of restricting the size of secondary suites is to ensure the unit remains ancillary to the primary dwelling unit. As the proposed units are stacked, it makes it difficult to accommodate two units that are smaller in size than the primary unit on the ground floor. However, staff note that the size and width of the lot are such that a standalone single detached dwelling and separate secondary suite that meets the 80% size restriction may be difficult to accommodate within the setback and lot coverage provisions of the 'R2' zone. Therefore, the stacked units allow the applicant to work within the provisions of the zone, while also providing additional density to the site.

The intent of the established building line provision in the Zoning By-law is to ensure that infill development is compatible with existing residential uses and that it represents a good 'fit' for the area. As the applicants are unable to satisfy this provision due to the offset front lot lines, and the 4.8 m front yard setback would not be long enough to accommodate the required parking. As mentioned above, several dwellings in the area are setback further than the proposed structure, so while the established building line requirement is not being met, the general intent of the good 'fit' provision is.

The intent of a minimum drive aisle width in parking lots is to ensure adequate spacing for two-way traffic flow, as well as allowing enough of a radius for cars to move in and out of parking spaces. Staff are of the opinion that the intent of the zoning by-law provision continues to be met, as the lot will be comprised of four parking spaces with the spaces being single loaded on one side. The applicant has proposed spaces that exceed the minimum parking space size, ensuring that vehicles will not 'overhang' the space into the drive aisle.

The intent of limiting parking area in a residential zone is to ensure that the property maintains some landscaping and amenity space in the front yard which contributes to its residential feel and 'fit' with the character of the area. Staff are of the opinion that the increase from 50% to 65% continues to maintain the intent of the Zoning By-law, as landscaping and grassed area will be provided along the sides abutting the neighbouring properties, and amenity space will be provided in the rear yard. Further, the front lot line is setback approximately 6 m (19.7 ft) from the sidewalk due to the road widening taken during the original severance of the lot, which adds approximately 68 m<sup>2</sup> (732 ft<sup>2</sup>) of landscaped area to the front yard, thereby reducing the off-site impact of the increased parking area.

Finally, the intent of parking provisions in the Zoning By-law is to ensure safe, orderly development that does not unduly interfere with or impact the surrounding neighbourhood. Planning staff are of the opinion that permitting a reduction in parking spaces from three to two for the primary dwelling unit does not compromise the foregoing, as each unit will be provided with one parking space with an additional space for visitors. On-street parking in the area would also provide parking opportunities for temporary guests. Planning staff are of the opinion that the intent of the Zoning By-law is maintained.

In summary, it is staff's opinion that the application meets the four tests of the Planning Act required in order to grant a minor variance.

#### **CONCLUSION:**

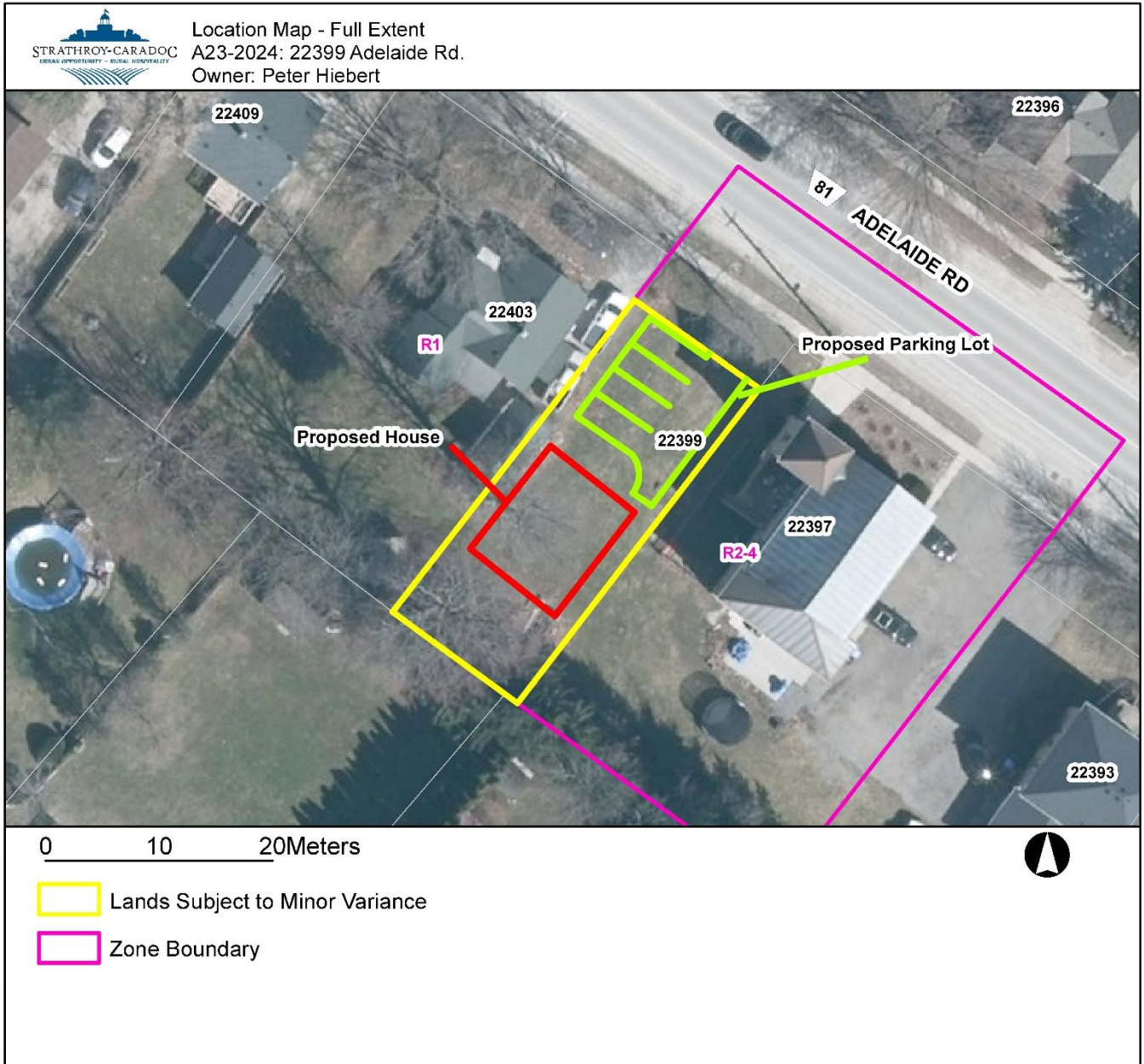
Based on the above analysis, it is recommended that the application for relief from Sections 4.14(1), 4.6(5)(a), 4.23(6), 4.23(5)(f) and 4.23(1)(20j) of the Zoning By-law to permit a front yard depth of 13.3 m (43.6 ft), two secondary suites that are 107.2 m<sup>2</sup> (1,154 ft<sup>2</sup>) and 98.6 m<sup>2</sup> (1,061 ft<sup>2</sup>) in size, a drive aisle width of 4.5 m (14.8 ft), a parking area of 65% in the front yard and a reduction in parking spaces from three spaces to two for the primary dwelling unit, **be approved.**

#### **ATTACHMENTS**

Location Map

Site Plan

# Location Map





# Site Plan

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