

Meeting Date: November 4, 2024
Department: Building, By-law, and Planning
Report No.: BBP-2024-122
Submitted by: David Welwood, Planning Consultant (JL Richards & Associates Ltd.)
Reviewed by: Jake DeRidder, Senior Development Coordinator
Approved by: Trisha McKibbin, Chief Administrative Officer
SUBJECT: **Application for Zoning By-law Amendment (ZBA 14-2024)**
Owner: Gregory Allen Willsie & Casandra Ann Ogaick

RECOMMENDATION: THAT: the subject report BBP-2024-122 for Zoning By-law Amendment be received for information.

EXECUTIVE SUMMARY:

- This is an information report that provides background for the statutory public meeting and seeks comments from the public and Council. The proposal may then be amended, or additional information provided to address comments before a planning evaluation report is presented to Council.
- The proposal requires a zoning by-law amendment to rezone the property from Agricultural Small Holdings (A2) to Agricultural Small Holdings Special Exception (A2-40) to permit a secondary dwelling unit on a lot, a reduction to the exterior side yard width, an increased accessory building coverage, an increased size of a secondary suite, existing accessory buildings in the required front yard, an increase in the maximum height of accessory buildings, and a reduction to the setback to the road centerline.
- The municipality has received comments from both agencies and the public.
- The Planning Department are receiving comments from agencies and departments on the application and will work with the applicant on finalizing any outstanding details prior to coming back to Council with a recommendation.

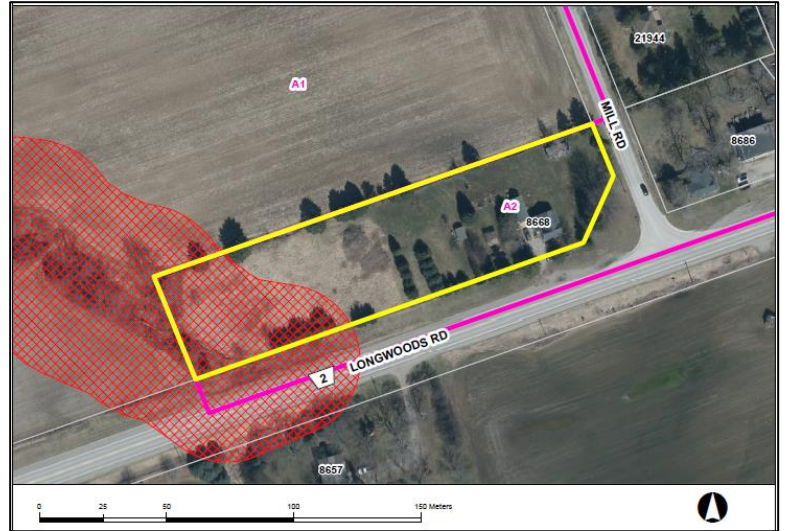
PURPOSE:

The purpose of the subject information report is to provide Council and the public background information on the proposed zoning by-law amendment (ZBA) to accompany the scheduled public meeting at the November 4, 2024, Council Meeting. The public meeting seeks to collect comments

from the public and Council. The proposal may then be amended, or additional information provided to address comments before a planning evaluation report is presented to Council.

SITE CONTEXT:

The lands are municipally known as 8668 Longwoods Road in the Municipality of Strathroy-Caradoc and are approximately 0.767 ha (1.89 ac) in size with approximately 181.5 m of frontage along Longwoods Road (County Road 2) and approximately 42.8 m of frontage on Mill Road. The lands are currently used for residential purposes and contain a dwelling with a detached garage and accessory sheds. The property is located to the northwest side of the intersection of Longwoods Road and Mill Road.



These lands are currently designated as Agricultural in both the County of Middlesex Official Plan and the Strathroy-Caradoc Official Plan and are zoned Agricultural Small Holdings (A2) in the Zoning By-law of the Municipality of Strathroy-Caradoc (By-Law No. 43-08). The western portion of the subject property is in a Conversation Regulated Area which is under the Lower Thames Valley Conservation Authority jurisdiction.

The lands are serviced with municipal water and a private individual septic system (the site does have a well but it is for ancillary uses). Longwoods Road is owned by the County and Mill Road is owned by the Municipality. Both roads are maintained year-round.

PROPOSAL SUMMARY:

The purpose of the Zoning By-law Amendment application is to permit a secondary dwelling unit on a property in the Agricultural Small Holding (A2) zone. The proposal includes a proposed 230 m² two-storey single-detached dwelling with an attached garage (94 m²), for a total ground floor area of 324 m². A future accessory structure having 240 m² in ground floor area is proposed. The new dwelling will be located immediately to the west of the existing 82 m² one storey single-detached dwelling on the property. A site plan provided with the application shows a proposed new driveway accessing the property from Longwoods Road, with the option of a new driveway for the existing dwelling from Mill Road if required. A sketch provided with the application shows an existing septic system located east of the existing house. A new septic system is proposed to the south of the proposed dwelling. The existing dwelling and the proposed dwelling will both be connected to municipal water services.

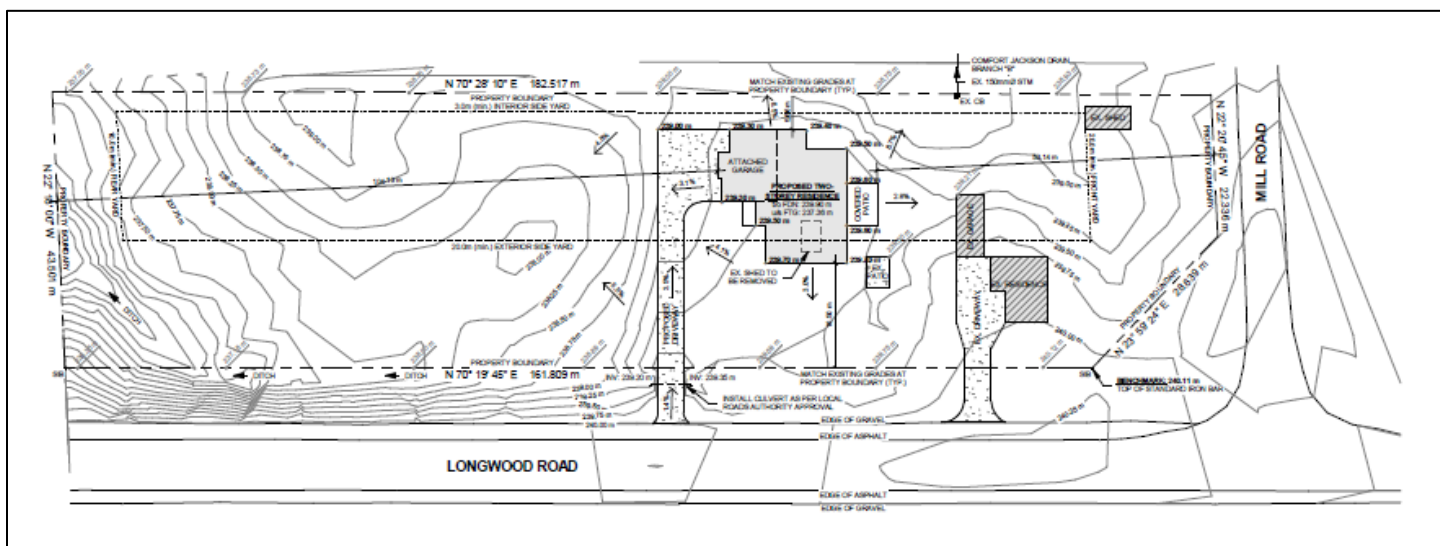
In addition to permitting a secondary dwelling unit, the application also seeks several site specific provisions from the requirements of the Zoning By-law. These include:

- An exterior side yard of 16.5 metres whereas 20 m is required;
- A ground floor area for accessory structures of approximately 173% that of the principal dwelling, whereas the Zoning By-law requires a lot coverage for accessory structures not exceeding 80% of the ground floor area of a dwelling;
- Location of a secondary suite on a ground floor;
- An accessory building is located in the front yard, whereas the Zoning By-law restricts the construction of buildings in the front yard;
- The height of accessory buildings on the property are 5.5 m, 8.2 m, and 6 m for the existing dwelling/proposed secondary suite, attached garage, proposed new accessory building, respectively, whereas the Zoning By-law requires accessory buildings to be no higher than 4.5 m in height; and
- A setback for development from the centreline of an arterial road under County jurisdiction being 30.8 metres, whereas 38 m is required.

The proposed dwelling will be significantly larger than the existing dwelling, therefore the new dwelling will become the primary dwelling and the existing dwelling will become a secondary suite for the purposes of calculating zoning requirements.

The application was received and deemed complete on September 5, 2024, and full details on the application material submitted can be found in Attachment 3 below.

The current site plan is shown below and is included as Attachment 2 to this report.



TECHNICAL DISCUSSION:

Staff note that the following issues must be addressed prior to bringing the item back to Council.

- 1) A livestock barn appears to be located within 1 kilometre of the subject lands. A calculation should be undertaken to determine compliance with the Minimum Distance Separation (MDS) Formulae.

- 2) Only one driveway from Longwoods Drive is permitted. The applicant should clarify and revise the drawing to show the final approved location of any driveways.

Comments from departments are included in Attachment 4.

PUBLIC CONSULTATION SUMMARY:

Statutory Notice Requirements

The application has been circulated to agencies and the public in accordance with the requirements of the Planning Act. This included the circulation of the Notice of Public Meeting (which also served as the Notice of Complete Application and Notice of Application for the zoning by-law amendment) which included details of the application, a copy of the site plan, and a location map.

On October 10, 2024, the Notice of Public Meeting was circulated to property owners within 120 metres of the subject property, two signs were posted on the property as well as being circulated to agencies and departments.

Comments received and responses are detailed in Attachment 5 below.

PLANNING CONSIDERATION:

The subject lands are designated Agricultural Area of the County of Middlesex Official Plan, and Agricultural in the Strathroy-Caradoc Official Plan. The subject property is zoned Agricultural Small Holdings (A2) in the Zoning By-law of the Municipality of Strathroy-Caradoc (By-law No. 43-08 Consolidated June 2024).

Further detail is found in the Planning Policy Background Attachment.

FINANCIAL IMPLICATIONS:

This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessed value of the dwellings on the properties which review is completed by the Municipal Property Assessment Corporation (MPAC). Financial services will work with Planning Staff to collect any required security deposits / bonds related to the potential development.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) *Managing the Challenges of Growth for the Municipal Organization:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources. We are committed to maintaining operational efficiency and economies of scale through these times of change.

SUMMARY AND NEXT STEPS:

The intent of the subject report is to provide Council and the public with information regarding the proposed development, the relevant policies and regulatory context, and to summarize comments received by the public and agencies to date.

A subsequent report will be provided and will include a full policy analysis and responses to comments received related to the ZBA application. The ZBA will receive a final decision by Strathroy-Caradoc Council.

ALTERNATIVE(S) TO THE RECOMMENDATION:

Planning Staff have provided their recommendation however there are alternative options to this recommendation:

1. THAT: the subject report BBP-2024-122 for ZBA 14-2024 be received for information and the application for Zoning By-law Amendment be deferred sine die.;
2. THAT: the subject report BBP-2024-122 for ZBA 14-2024 be received for information and the application for Zoning By-law Amendment be denied.; OR
3. THAT: the subject report BBP-2024-122 for ZBA 14-2024 be received for information.
AND THAT: Council to provide alternate direction.

ATTACHMENTS:

Attachment No. 1 – Location Map

Attachment No. 2 – Site Plan

Attachment No. 3 – Application Summary

Attachment No. 4 – Technical Comments

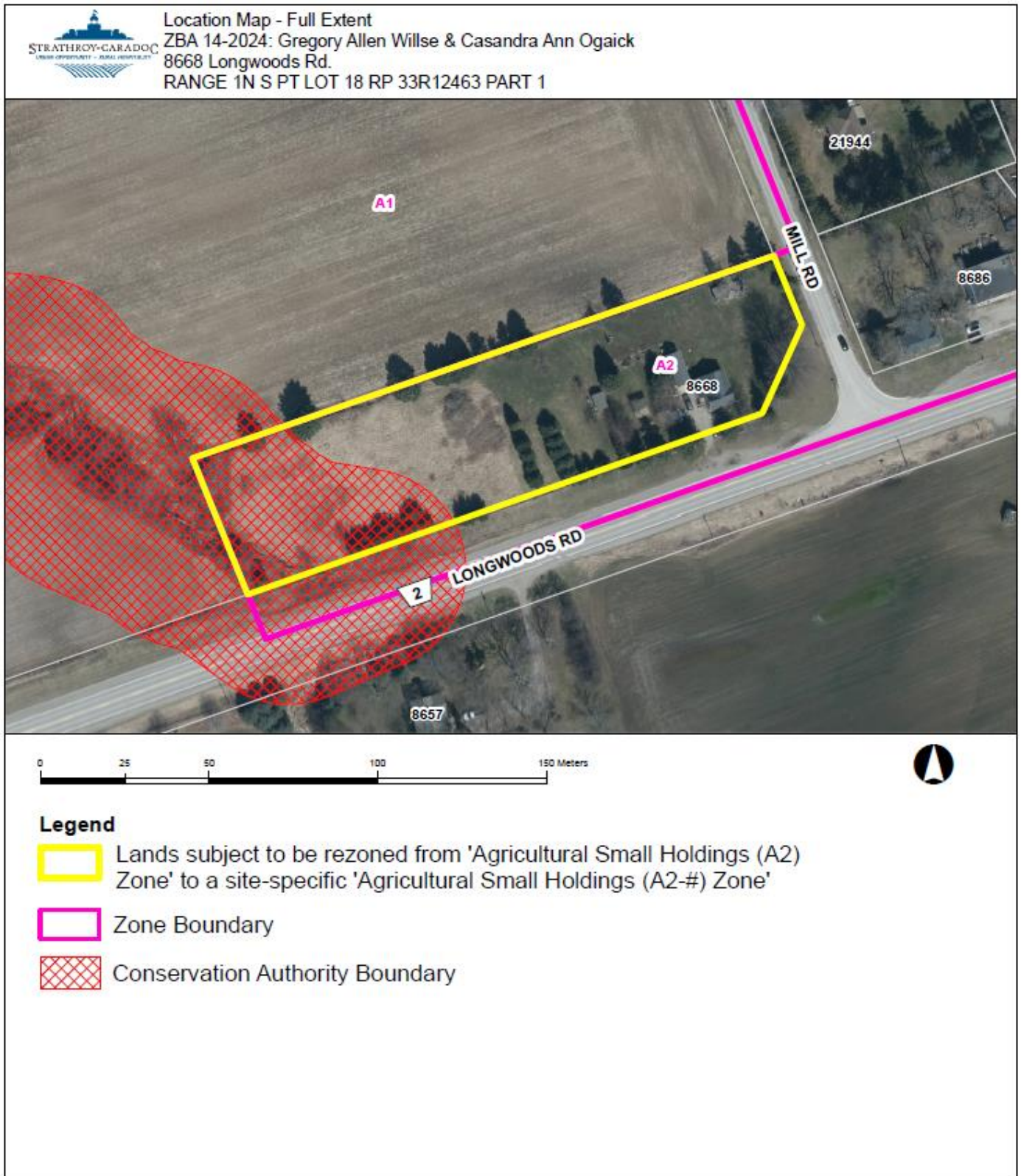
Attachment No. 5 – Public Consultation details

Attachment No. 6 – Planning Policy Background

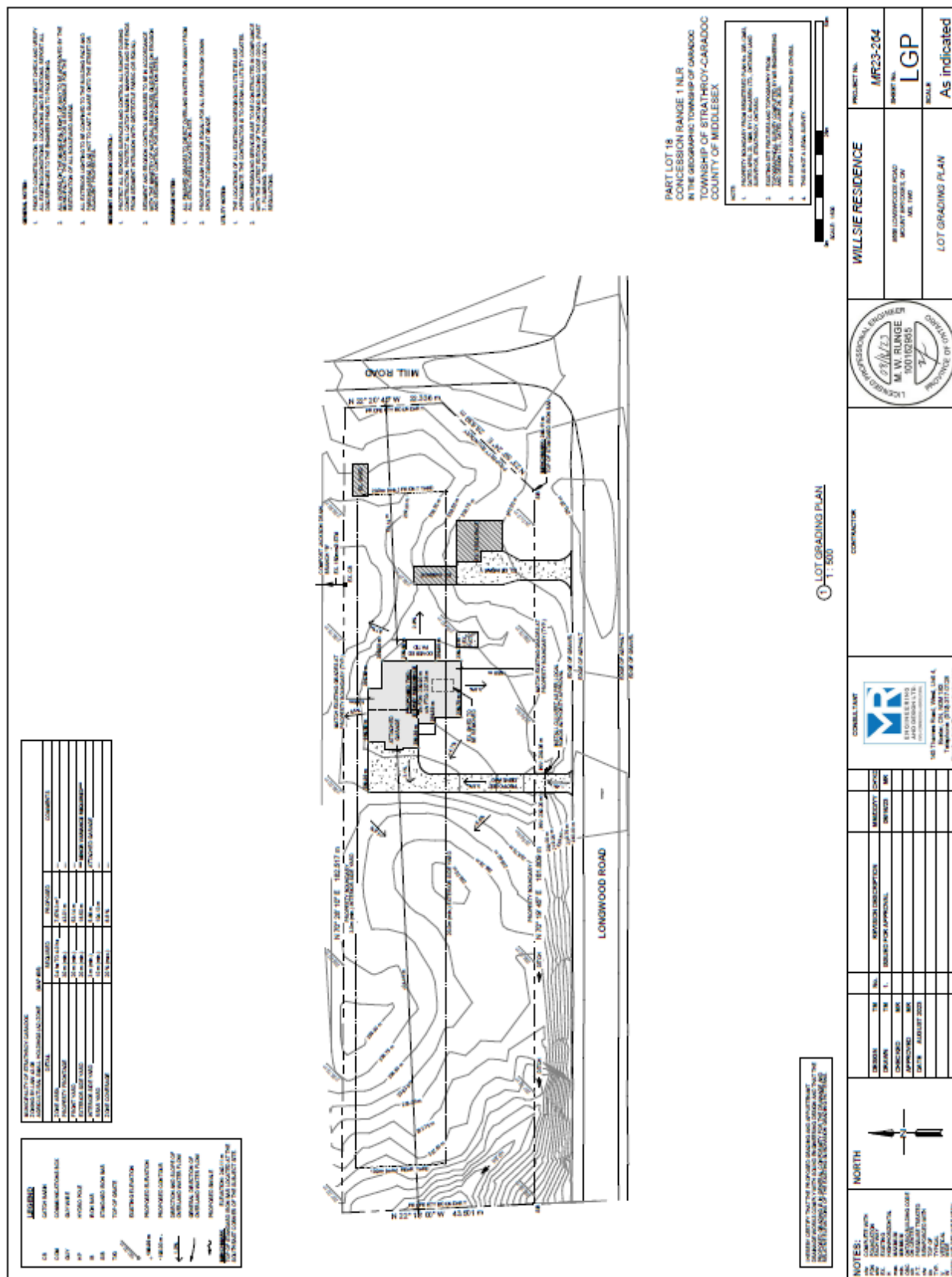
Attachment No. 7 – Site Statistics & Planning Summary

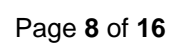
Attachment No. 8 – Notice of Application and Public Meeting

Attachment 1: Location Map



Attachment 2: Site Plan





Attachment 3: Application Summary

In addition to the application forms, the submission included the following support documents:

- Lot Grading Plan, dated August 16, 2023, by MR Engineering and Design Ltd.
- Proposed Development Plan, dated September 4, 2024, by Applicant.

Attachment 4: Technical Comments

County Engineer has advised that they do not objection to the rezoning, however, only a single residential driveway to this property from County Road 2 (Longwoods Road) is permitted. A single driveway will need to be utilized to access both the existing and proposed residences.

County Safety and Standards Officer Comments:

- That the existing residential dwelling retain the 911 address of 8668 Longwoods Road and the property owner ensure the 911 municipal address is posted to municipal standards and is maintained, visible and unobstructed so emergency responders can easily identify the 911 municipal address from the road allowance when responding from either direction on Longwoods Road.
- That the proposed additional residential dwelling to be located west of the existing 911 address of 8668 Longwoods Road have a proposed 911 municipal address that is sequential in numbering to existing Longwoods Road and that proposed 911 municipal address be submitted to the Municipality of Strathroy-Caradoc in consultation with the County of Middlesex for approval.
- If the proposed additional residential dwelling is approved that the approved 911 municipal address be posted to municipal standards, temporarily and permanently during all stages of construction and that 911 municipal address can easily be identified by emergency responders from the road allowance when responding from either direction on Longwoods Road.

Attachment No. 5 – Public Consultation details

As part of the zoning by-law amendment application a public meeting is to be held. This report is prepared to be alongside the public meeting held on November 4, 2024.

Statutory Public Meeting

The application has been circulated to agencies and the public in accordance with the requirements of the Planning Act. This included the circulation of the Notice of Public Meeting to property owners within 120 metres of the subject application on October 10, 2024, as well as signs posted on both the Longwoods Road frontage and the Mill Road frontage.

Attachment No. 6 – Planning Policy Background

The subject lands are within the designated Agricultural Area of the County of Middlesex Official Plan (2023) and the Municipality of Strathroy-Caradoc Official Plan (Consolidated 2024). The subject lands are zoned Agricultural Small Holdings (A2) in the Zoning By-law of the Municipality of Strathroy-Caradoc (By-law No. 43-08 Consolidated June 2024).

The Provincial Policy Statement 2024 (PPS), the County of Middlesex Official Plan, and the Municipality of Strathroy-Caradoc Official Plan all encourage intensification where the development is compatible with existing development and servicing needs can be met.

Planning Act

Under Section 2 of the Planning Act, the council of a municipality shall have regard to matters of provincial interest that include the protection of the agricultural resources of the Province, the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing, and the appropriate location of growth and development.

Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions, “shall be consistent with” all policy statements issued under the Act.

Provincial Planning Statement (PPS, 2024)

The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Section 2.2 describes how planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of their community by permitting and facilitating all types of residential intensification.

Section 3.3 requires planning authorities to protect corridors and right-of-ways for infrastructure,

including transportation. New development adjacent to transportation corridors should be compatible with and support the long-term purpose of the corridor, and minimize negative impacts on and adverse effects from the corridor and transportation facilities.

Section 3.6 sets out planning for sewage and water services and states that individual on-site sewage services and on-site water services may be used provided that the site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 4.3 describes the general policies for Agriculture and specifically, Section 4.3.2.5 states where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted provided that they comply with the minimum distance separation formulae, are compatible with surrounding agricultural operations, have appropriate sewage and water services, address any public health and safety concerns, are of limited scale and located in close proximity to the principal dwelling or farm building cluster and minimize the land taken out of agricultural production.

This application will not remove any lands from agricultural production and the proposed development is compatible with the surrounding land uses, which includes being located on an existing lot in close proximity to the existing dwelling and accessory buildings.

Middlesex County Official Plan (2023 Update)

The subject lands are designated 'Agricultural Areas' according to *Schedule A: Land Use*, as contained within the County of Middlesex Official Plan. The property has Natural Heritage System features as shown on *Schedule C: Natural Heritage System* and is within Conservation Authority Regulation Limits as shown on *Schedule D: Natural Hazard Area*. These features should be precisely determined through consultation with the County and the Lower Thames Valley Conservation Authority.

Section 3.3 outlines the policies of the Agricultural Areas designation describing the purpose to protect and strengthen the agricultural community by protecting agricultural lands from incompatible uses. Section 2.2.2.1 recognizes that certain lands outside of settlement areas have been designated in local official plans for non-agricultural uses, and these uses are deemed to be non-agricultural uses in prime agricultural areas.

Section 2.3.7 states that the County supports the intensification and redevelopment, and policies of local official plans shall include individual lot intensification, wherever appropriate, such as additional residential units where health, safety, servicing and other reasonable standards can be met. Specifically, Section 2.3.7.4 describes Additional Residential Units as being a permitted means of increasing housing stock. Specific to the creation of additional residential units outside of the settlement areas, they shall be grouped with the primary dwelling, shall meet Minimum Distance Separation (MDS) formulae, and shall be prohibited from being severed from the property unless they are part of a severance of a residence surplus to a farming operation.

Section 2.3.10 describes natural heritage features and that development within 120 m of a feature will require consultation with the local Conservation Authority. This also applies to areas associated with natural hazards on the subject property as identified on Schedule D, and will consultation to determine appropriate setbacks for development.

Section 2.4.2.1 describes the County's transportation hierarchy. Development is discouraged where it would inhibit traffic movement along the County Road network. The cumulative impact of individual private accesses to the County Road Network compromises the underlying function of this transportation network. Section 2.4.2.2 recommends limiting direct vehicular access to County Roads where access is available by a local road.

Section 2.4.5 of the OP addresses partial servicing and the situations in which it is permitted. Partial servicing is only permitted where they are necessary to address failed on-site sewage services and individual on-site water services in existing development; or within settlement areas to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Strathroy-Caradoc Official Plan

The subject lands are designated 'Rural Area' on *Schedule A: Structure Plan* and 'Agricultural' on *Schedule H: Land Use and Transportation Plan*. The property has identified Hazard Lands according to *Schedule J: Hazard Lands*.

Section 5.3.1 describes the permitted land uses in the Agricultural designation. A full range of agricultural uses and secondary uses shall be permitted with the actual uses specified in, and regulated by, the provisions of the Zoning By-law.

Section 5.3.1.5 requires new land uses to comply with the Minimum Distance Separation (MDS) formula.

Section 5.3.1.12.1 states that the establishment of a secondary dwelling unit in an existing single unit dwelling or located in a building accessory to a single unit dwelling, shall be permitted and subject to the standards prescribed by the Zoning By-law.

Section 6.1.1 describes Hazard Lands and the limits of these lands shall be more precisely determined at the time of development in consultation with the Lower Thames Conservation Authority. The applicant may be required to provide technical information necessary to evaluate the minimum building setbacks in relation to the existing and potential hazard.

Section 7.4.4.3 permits the extension and enlargement of non-conforming uses provided they do not aggravate the situation created by the existence of the non-conforming use, with regard to neighbouring uses.

Strathroy-Caradoc Zoning By-Law No. 43-08

The property is currently within the Agricultural Small Holdings (A2) zone. Section 19.3 states that the intent of this zone is to recognize existing undersized agricultural lots and allow for agricultural uses to be permitted, as per the provisions of A2 zone.

The application proposes to rezone the subject property to Agricultural Small Holdings – Special Exception (A2-40) to permit;

- a secondary dwelling unit on the ground floor;
- the exterior side yard width requirement of approximately 16.5 m where 20 m is required;
- a maximum lot coverage for accessory structures of approximately 6.4%, but having a ground floor area of approximately 173% of the principal dwelling where 15% lot coverage but not exceeding 80% of the ground floor area of a dwelling is permitted;
- the maximum size of a secondary suite in an accessory building to be 82 m² on the ground floor where less than 75 m² and not permitted on the ground floor is required;
- accessory buildings erected in the required front yard as existing buildings in their current location (single family dwelling, detached garage and shed) where they are currently not permitted;
- the height of an accessory building to be 5.5 m for the existing house, 8.2 m for proposed attached garage, and 6 m for the proposed accessory structure where accessory buildings are required to be less than 4.5 m; and,
- the setback for development from the centreline of an arterial road under County jurisdiction be 30.8 m, where 38 m is required.

Section 4.1 of the Zoning By-law restricts the location of accessory buildings in the front yard. The proposed secondary suite, and existing accessory structures are located within the front yard on the property however the proposed new accessory structure would be located in the rear yard.

Section 4.2(2) requires that accessory buildings cannot exceed 15% lot coverage and cannot exceed 80% of the ground floor area of the dwelling. The calculation excludes attached garages. The proposed accessory buildings and secondary suite would make up 173% of the ground floor area of the principal dwelling.

Section 4.2(5) limits the height of accessory buildings or structures to a maximum of 4.5 metres. The existing dwelling (proposed secondary suite) has a height of 5.5 metres, the attached garage has a height of 8.5 metres, and the proposed new accessory structure has a height of 6 metres.

Section 4.6(5) requires that the gross floor area of the secondary suite shall not be greater than 40% of the gross floor area of the main dwelling to a maximum of 75m² and shall not be permitted on the ground floor or below grade. The proposed accessory dwelling meets the ground floor area requirement but does is located on the ground floor of the existing dwelling.

Section 4.18 states that all lands within the Municipality shall be subject to MDS calculations to determine required setbacks for new development from agricultural uses.

Section 4.28 requires confirmation that the subject property demonstrates there is a suitable location for a private independent sewage disposal system and an adequate and potable water supply exists on the property prior to a building permit being issued. The subject property is currently serviced by municipal water and the proposed development is expected to connect to this service. Both dwellings will have independent sewage disposal systems.

Section 4.29(3) requires a setback of 38 metres from the centreline of any County Road. The new dwelling will be set back 30.8 from the centre line of Longwoods Road (County Road 2).

The following chart identifies the zoning provisions applicable to the A2 zone. Bold numbers below indicate provisions that do not meet the zoning standards.

<u>Provision</u>	<u>Agricultural Small Holdings (A2) Zone</u>	<u>Proposed Agricultural Small Holdings – Special Provision (A2-40) Zone</u>
Permitted Use	Dwelling, Single Detached, Dwelling, Secondary Suite, Agricultural Use...	A second Dwelling, Single Detached
Lot Frontage (min)	30 m	43.01 m
Lot Area Range	0.4 ha to 4 ha	0.76 ha (7,676.3 m ²)
Front Yard Depth (min)	20 m	53.14 m
Exterior Side Yard Width (min)	20 m	16.5 m
Side Yard Width (min)	3 m	5.66 m
Rear Yard Depth (min)	10 m	104.13 m
Lot Coverage (max)	20%	@ 9% (includes existing and proposed SFD + accessory buildings)

Attachment No. 7 – Notice of Completion / Notice of Public Meeting



NOTICE OF APPLICATION AND PUBLIC MEETING

APPLICATION FOR ZONING BY-LAW AMENDMENT

APPLICATION NO.: ZBA14-2024

APPLICANT/AGENT: Gregory Willsie & Casandra Ogaick

SUBJECT LANDS

8668 Longwood Rd., Mount Brydges

Purpose and Effect

An application Zoning Amendment has been submitted by the owner of the property. The lands are approximately 0.77 ha (1.9 ac) in size and are designated 'Agricultural' in the Official Plan. The application proposes to amend the zoning of the property to permit an additional residential dwelling. The dwelling is proposed to be located centrally on the property west of the existing dwelling on the property. The owner has indicated that existing accessory building adjacent to Mill Road will be move west to eliminate any zoning concern. The rezoning application proposes to re-zone the land from 'Agricultural Small Holdings (A2) zone' to site specific 'Agricultural Small Holdings (A2-#) zone'.

PUBLIC MEETING

Date: November 4, 2024

Time: 6:00 pm

Location: Hybrid Public Hearing (ZOOM and in person-52 Frank Street, Strathroy, 2nd floor Council Chambers)

How to Participate in the Public Meeting:

1) Submit written comments to the Clerk at clerk@strathroy-caradoc.ca or by mail to: 52 Frank Street Strathroy, Ontario N7G 2R4. Please note communications are part of the public record that will be provided to council and made available to the general public, pursuant to the Planning Act and the Municipal Freedom of Information and Protection and Privacy Act.

2) Speak to council by attending the meeting in person OR through ZOOM video or phone. Pre-registration is required by emailing planning@strathroy-caradoc.ca or by calling 519-245-1070 ext. 210. Leave your name, phone number, method you wish to participate in the meeting, as well as the application file number or address of the property you are calling about. Staff will return your call and provide participation details.

3) View the meeting online at www.strathroy-caradoc.ca/meetings. The livestream will begin at 6pm. No pre-registration is required.

If you wish to be notified of the decision of the Municipality of Strathroy-Caradoc on the proposed zoning by-law amendment, you must make a written request to the Clerk at clerk@strathroy-caradoc.ca / 52 Frank Street, Strathroy, ON N7G 2R4. Should you require additional information relating to the proposed rezoning please contact Tim Williams, Manager of Planning by phone at: 519-930-1007 or by email at: twilliams@middlesex.ca.

Notice of Complete:

Per Section 34 of the Planning Act, information and material required under the Act have been provided and the zoning by-law amendment application is hereby considered complete.



NOTICE OF APPLICATION AND PUBLIC MEETING

The applicant, or any authorized person, appointed in writing and acting on behalf of the applicant, must attend this Meeting. If you are aware of any persons affected by this application who have not received a copy of this notice, it would be appreciated if you would so advise them.

If a person or public body would otherwise have an ability to appeal the decision of (reference to council and name of municipality, or name of planning board or approval authority, as the case may be) to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to (name of municipality or planning board) before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to (name of municipality or planning board) before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Notwithstanding the above, subsection 34(19) of the Planning Act defines the parties that are eligible to appeal the decision to the Ontario Land Tribunal. Pursuant to Section 1.0.1 of the Planning Act and in accordance with Section 32(e) of the Municipal Freedom of Information and Protection of Privacy Act, it is a policy of the Municipality of Strathroy-Caradoc to make all planning applications and supporting material, including signed written submissions regarding the application and received by the Clerk, available to the public.

DATED: October 10th, 2024

