



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: March 6, 2025
Department: Building, By-law and Planning
Report No.: BBP-2025-16
Submitted by: Alyssa Soldo, Planner
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Erin Besch, Planner
Approved by: Jake DeRidder, Senior Development Coordinator
SUBJECT: **Application for Minor Variance (A2-2025) – 544 Regent Street,
Mount Brydges
Owner: Banman Developments Inc. (Paul Banman)**

RECOMMENDATION: THAT: Application for Minor Variance A2-2025 be approved.

PURPOSE:

The purpose of the minor variance application is to seek relief from Section 6.3(5) of the Strathroy-Caradoc Zoning By-law to permit a single detached dwelling to be constructed with a rear yard setback of 3.88 metres (12.7 ft), whereas a minimum rear yard setback of 8.0 metres (26.2 ft) is required in the 'R2-17' Zone. The application also requests relief from Section 4.29(5)(b) of the Strathroy-Caradoc Zoning By-law to permit a required setback to the municipal drain of 12 metres (39.4 ft), whereas a setback of 18.5 metres (60.7 ft) is required.

BACKGROUND:

The subject property is located on the north side of Regent Street, north of Glendon Drive (County Road 14) in Mount Brydges (see Location Map).

The property is a shallow pie-shaped lot and is located on the curved portion of the road. It is approximately 572.25 m² (6,159.65 ft²) in size with 15 m (49.2 ft) of frontage along Regent Street. Regent Street is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. The subject lands are currently vacant, with a proposed 290 m² (3,121.5 ft²) single detached two-storey dwelling to be constructed. The lands are municipally serviced with water and sanitary.

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Approximately half of the property is within an area regulated by the St. Clair Region Conservation Authority. The lands abutting the rear of the property contain the Lipsit Drain.

The rear yard has a required setback of 8.0 metres (26.2 ft) in the 'R2-17' zone. The applicant is proposing a rear yard setback of 3.33 metres (11 ft) as this lot is the shallowest in the subdivision providing difficulties for constructing a detached dwelling. Additionally, due to the size of the Lipsit Drain, there is a required setback of 18.5 metres (60.7 ft) from the top of the bank to the proposed structure. Given the Lipsit Drain is directly adjacent to the property this will require a variance to the drain. The applicant is proposing a rear yard setback of 12 metres (39.4 ft) to the municipal drain. Staff note that setback to the Lipsit Drain was considered during the original subdivision process, including the location of the rear lot line. During the original subdivision process it was noted that the erosion hazard limit was approximately 8.25m to 9.38m from the top of the drain.

Surrounding land uses are predominately medium density residential to the north and east, a community centre to the north, and open space directly to the south and west which includes the Lipsit Drain and a stormwater management facility.

POLICY AND REGULATION BACKGROUND:

The subject lands are located within the 'Residential' designation of the Strathroy-Caradoc Official Plan and within a site-specific 'Medium Density Residential (R2-17) Zone' of the Strathroy-Caradoc Zoning By-law.

County of Middlesex Official Plan

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

Section 2.3 of the County Official Plan 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 and to establish future development within settlement areas on 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 located within the Mount Brydges 'Settlement Area' according to *Schedule A: Structure Plan* and designated 'Residential' on *Schedule F: Land Use & Transportation Plan for the Settlement Area of Mount Brydges*, as contained within 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 for single unit detached dwellings, although a range of dwelling types is encouraged from semi-detached dwellings to small scale apartment buildings (s. 4.3.1.1).

The density and form of new residential development shall complement and reinforce the 'small' village character of Mount Brydges. To ensure compatibility with existing and desired character of the Village,

the density and height of new residential development shall be strictly controlled and recognize existing servicing constraints (s.4.3.1.3).

Medium density residential development in the form of townhouses, low-rise apartments or variations thereof shall be encouraged to be located where direct or nearby access is available to major roads, and where commercial areas and/or parks and open space are close-by. Intrusions into areas predominantly characterized by single unit dwellings shall not be permitted (s.4.3.1.5).

The Official Plan speaks to ensuring that new development result in no negative impacts on the natural features or their ecological functions (s.2.7.1(c)) and preventing development from encroaching on environmentally sensitive areas including areas subject to natural hazards (s.2.7.1(d)).

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 property is currently zoned as a site-specific 'Medium Density Residential (R2-17) Zone' according to the Strathroy-Caradoc Zoning By-law.

The 'R2-17' zone permits single detached dwellings, semi-detached dwellings, and secondary suites. Site-specific lot provisions include a minimum lot area of 260 m² and a minimum lot frontage of 9.5 m for semi-detached/linked dwellings, and a minimum exterior side yard width of 3 m to the habitable portion of the dwelling.

General R2 lot provisions for a single detached dwelling include a minimum lot area of 350m², minimum lot frontage of 12 m, front yard depth of 5 m, side yard width of 1.2 m, rear yard depth of 8 m, maximum lot coverage of 40%, and minimum landscaped open space of 30%.

The Lipsit Drain is approximately 4.5 m to 7.5 m wide in proximity to the subject property, requiring a setback from the top of bank to any structure to be 18.5 metres (60.7 feet) in Section 4.29(5)(b) of the Zoning By-law.

CONSULTATION:

The application has been circulated to agencies and the public in accordance with the provisions of the *Planning Act*.

The Senior Development Coordinator advised that the municipal drain setback was considered and reviewed at the subdivision approval stage. Through that process, it was identified that the erosion hazard limit was approximately 8.25m to 9.38m from the top of the drain which is below the requested 12m setback. There was also appropriate access to the drain provided through the original lot configuration of the subdivision.

The St. Clair Region Conservation Authority advised that all applicable SCRCA requirements for the lots in the Timberview Trail Subdivision (39T-SC2001) should be addressed through the subdivision agreement. As such, SCRCA has no concerns with the proposed minor variances.

No comments have been received from the public on the application at the time of preparing this report.

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

In regard to the reduction in rear yard setback from 8 m to 3.88 m, staff are of the opinion that the variance can be considered minor in nature, as there will be no development permitted on the property abutting the rear of the subject property due to the location of the municipal drain. Therefore, there will be no impact to an abutting residential neighbour. Amenity space can still be provided in the side yards as the lot is wider than normal, which can accommodate the shorter length of the lot. There will be room for drainage and maintenance purposes on the property as well as the applicant is maintaining lot coverage requirements. Therefore, planning staff are of the opinion that the variance can be considered minor in nature. They will be required to receive a permit from the Conservation Authority.

In regard to the reduction in setback to the municipal drain from 18.5 metres to approximately 12 metres, staff are of the opinion that variance can be considered minor in nature as the erosion hazard limit was previously identified as approximately 8.25 metres to 9.38 metres which is below the requested setback. This will ensure that the proposed dwelling to be constructed it not at risk in the future due to its location on the lot. Therefore, planning staff are of the opinion that the variance can be considered minor in nature.

2. Is the variance an appropriate use of the land? YES

The proposed decrease in rear yard depth would maintain the residential use of the lands and would be consistent with the character of the area. While the dimensions of this lot are unique, the requested setback would allow for the property to be used similar to its neighbouring lots for residential purposes. The requested rear yard setback is not expected to impact the neighbouring residential lots. The remainder of the rear yard and side yards will still provide ample amenity space and the appearance of the structure from the street will remain a single detached dwelling. In regard to the setback to the municipal drain, staff are of the opinion that the variance maintains an appropriate development of the land, as the proposed dwelling would continue to be located outside of the erosion hazard limit.

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

The property is within the 'Residential' designation of the Official Plan, which permits a range of housing types and densities, including low-density single detached dwellings and accessory structures. Low-density development within this neighbourhood compliments and re-enforces the neighbourhood identity and residential character of Mount Brydges. The proposed dwelling to be constructed will remain outside of the erosion hazard limit to respect flood plains and the natural environment. Staff are of the opinion that the requested variance will maintain the intent of the Official Plan as it is not out of character with the surrounding area.

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

The intent of the rear yard depth provision is to ensure appropriate separation between dwellings and the abutting lands to provide for privacy and adequate amenity area. Further, the dwelling is proposed to be setback approximately 8 m from the side lot line, which will function as the amenity area for the lot. It is the opinion of staff that the proposed 3.88 metre rear yard setback will provide sufficient separation and will not have negative impacts on adjacent residential properties as none exist to the rear.

The intent of the setback to the municipal drain is to ensure adequate separation of structures for erosion and flooding hazards. As the hazard limit was identified as between 8.25 m and 9.38 m from the top of the drain at the time of original subdivision, and SCRCA has advised of no concerns, staff are of the opinion that the intent of this provision has been met.

Therefore, it is the opinion of staff 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 the minor variances.

CONCLUSION:

Based on the above analysis, it is recommended that the application to permit a rear yard depth of 3.88 m (12.7 ft) and a 12 metre (39.4 ft) setback to the municipal drain to facilitate the construction of a 290 m² (3,121.5 ft²) single detached dwelling be **approved**.

ATTACHMENTS

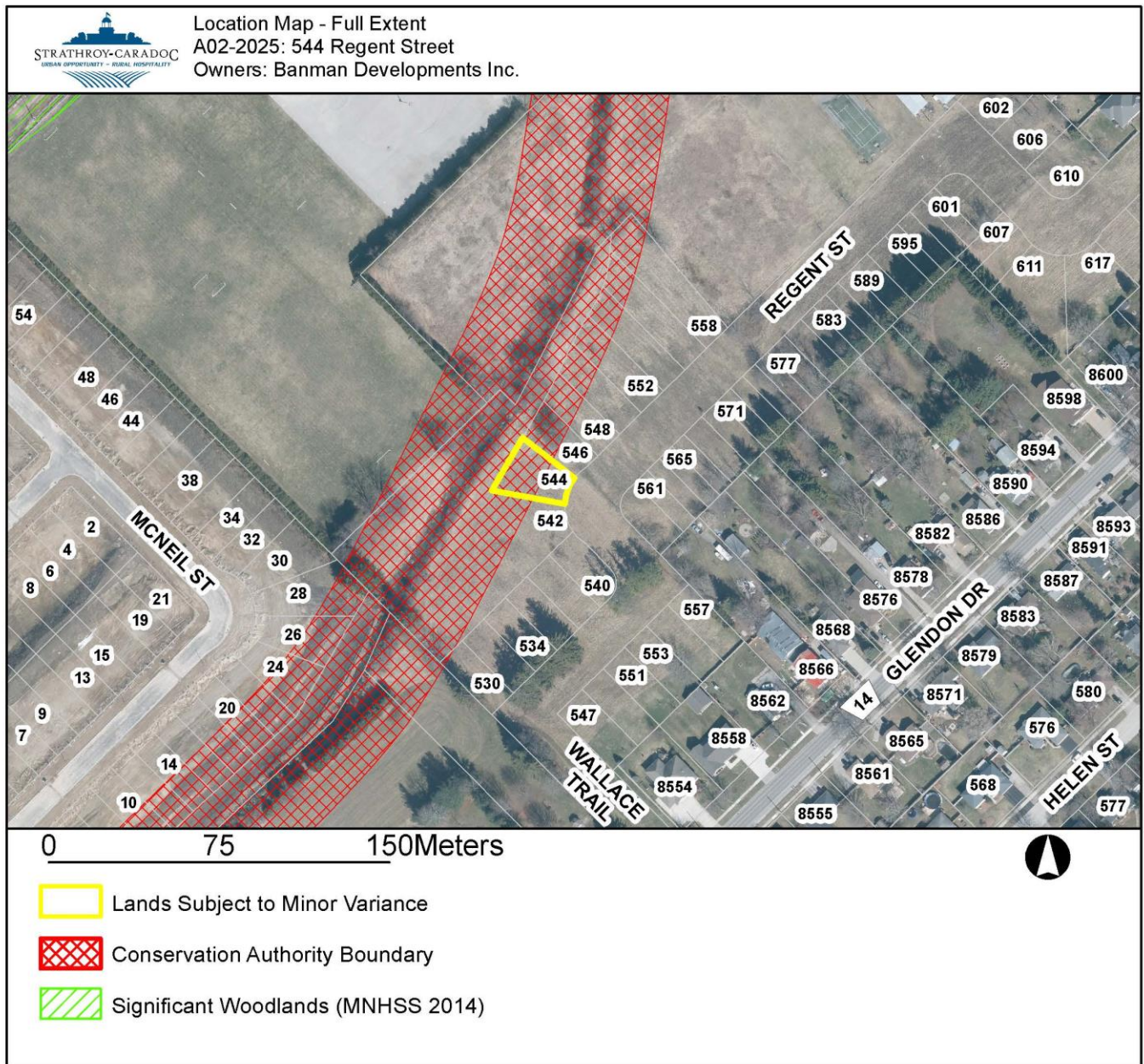
Location Map – Full Extent

Location Map – Zoomed In

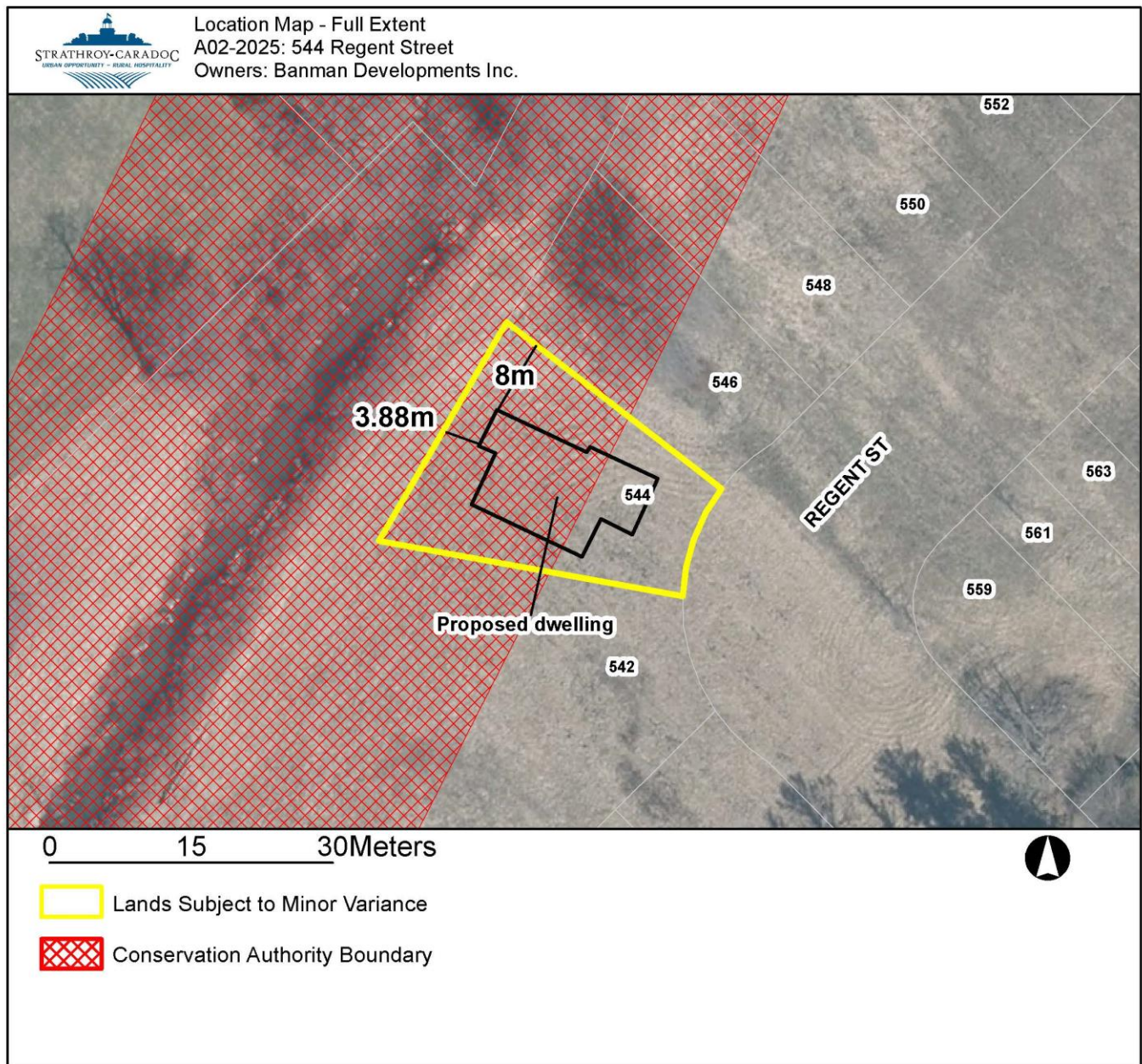
Site Plan

Elevation Drawing

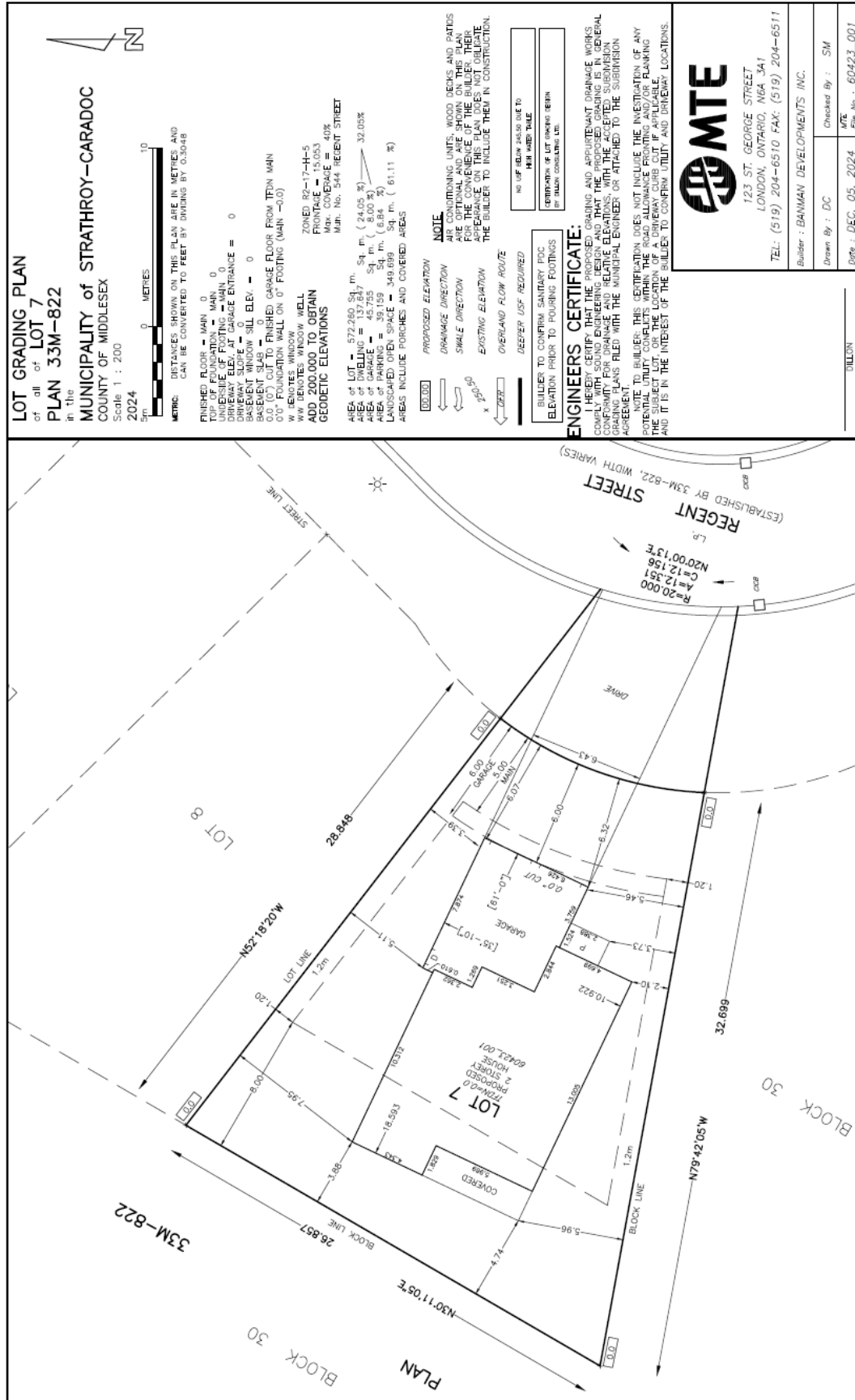
Location Map – Full Extent



Location Map – Zoomed In



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THERMAL & EFFICIENCY REQUIREMENTS*

SB12 - A1 PACKAGE

IN ACCORDANCE WITH SB12 TABLE 3.3.3.3.3 OF THE 2023 C.B.G.

REQUIREMENT	COMPONENT	THERMAL VALUE(S)
CEILING WITH ATTIC SPACE (MIN. R-VALUE)	R60	
CEILING WITHOUT ATTIC SPACE (MIN. R-VALUE)	R31	
EXPOSED FLOOR (MIN. R-VALUE)	R21	
WALLS ABOVE GRADE (MIN. R-VALUE)	R22	
BASEMENT WALLS (MIN. R-VALUE)	R20 & R21	
BELOW GRADE SLAB - ENTIRE SURFACE GREATER THAN 24" BELOW GRADE (MIN. R-VALUE)	R10	
HEATED SLAB or SLAB LESS THAN 24" BELOW GRADE (MIN. R-VALUE)	R10	
EDGE OF BELOW GRADE SLAB LESS THAN OR EQUAL TO 24" BELOW GRADE (MIN. R-VALUE)	R10	
TO 24" BELOW GRADE (MIN. R-VALUE)	R10	
WINDOWS AND SLIDING GLASS DOORS (MAX. U-VALUE)	U 0.28	
SKYLIGHTS (MAX. U-VALUE)	U 0.48	
SPACE HEATING EQUIPMENT (MIN. AFUE)	AFUE 85%	
NEW AIR SEALS	SEE 5.5	
DOMESTIC HOT WATER HEATER (MIN. EF)	EF 0.9	

*SUMMARY ONLY; REFER TO SB12 FOR FULL DESCRIPTIONS AND REQUIREMENTS.

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ELEVATION NOTES:

NOTE: WINDOW SIZES SHOWN ARE APPROXIMATE. EXACT ROUGH OPENINGS TO BE DETERMINED BY WINDOW MANUFACTURERS SPECIFICATIONS.

NOTE: WHERE RATIO/TERRACE DOOR THRESHOLD IS GREATER THAN 2'-0" ABOVE FINISHED GRADE, PROVIDE 55-7" W/4RD OR PROVIDE BLOOMING TO PREVENT DOOR FROM OPENING MORE THAN 4".

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FLAT ENTRY ROOF / TERRACE NOTE:
PROVIDE SLOPED ROOF TO SIDE SCUPPER DRAIN. INSTALL 1/2" DRAINAGE SLOPE TO SIDE SCUPPER DRAIN. PROVIDE ROOFING ALUMINUM OR SLIDED 2x8 FLOOR JOISTS. WRAP ALUM. CAP. INSTALL MEMBRANE UNDER GLAZING 12" MIN. FASTEN TO SHEATHING AND SEAL.