



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: April 3, 2025
Department: Building, By-law and Planning
Report No.: BBP-2025-29
Submitted by: Alyssa Soldo, Planner
Reviewed by: Tim Williams, Manager of Planning
Erin Besch, Planner
Approved by: Jake DeRidder, Senior Development Coordinator
SUBJECT: **Application for Minor Variance (A5-2025) – 598 Peter Street**
Owners: Joseph Meade & Natalie Meade

RECOMMENDATION: THAT: application for Minor Variance A5-2025 be approved.

PURPOSE:

The purpose of the minor variance application is to seek relief from Section 5.3(3) of the Zoning By-law to permit a minimum front yard setback of 4.7 m, whereas a minimum of 7 m is required. The applicant also seeks relief from Section 5.3(4) to permit a minimum side yard width of 1.2 m, whereas a minimum 2 m is required. Finally, the application seeks relief from Section 5.3(6) to permit a maximum lot coverage of 32.8%, whereas a maximum of 30% is permitted in the Low-Density Residential Zone for parcels on partial municipal services.

These variances would permit the construction of a 179.67 m² (1,934 ft²) single detached dwelling on the property to replace the existing home.

BACKGROUND:

The subject property is located on the north side of Peter Street, east of Melbourne Road (County Road 9) in the hamlet of Melbourne (see Location Map). The land is approximately 663 m² (7,136.6 ft²) in area with approximately 13.6 m (44.6 ft) of frontage along Peter Street. The subject property currently contains a 287 m² (941.8 ft²) single detached dwelling, a 25 m² (272 ft²) accessory building (to be removed), and a 38.6 m² (416 ft²) detached garage.

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The applicant is proposing to demolish the existing dwelling and construct a new single-storey dwelling that is 179.67 m² (1,934 ft²) in size. The proposed dwelling would be single storey for accessibility purposes and therefore has a larger footprint. To accommodate the new structure, the applicant is requesting a front yard setback of 4.7 metres due to the location and size of the proposed septic bed in the rear of the property. The applicant is also proposing a minimum side yard width of 1.2 metres and a lot coverage of 32.8% or 217.5 m² (2,341 ft²), which includes the proposed dwelling with an attached garage and the existing detached garage. The cumulative accessory building coverage is 65% or 86.2 m² (928 ft²), which meets the requirement to not exceed 80% of the gross floor area of the dwelling.

The property is serviced by municipal water and a private septic system. In support of the application, the applicant has submitted a drawing of the proposed septic system and septic system design report, which was prepared by a qualified septic engineer. This plan demonstrates the capability of the lot to accommodate the additional lot coverage requested with an appropriate septic design.

Surrounding land uses include low density residential to the north, institutional uses to the east and south, and commercial uses to the west.

POLICY AND REGULATION BACKGROUND:

The lands are located with a 'Settlement Area' as defined in the County of Middlesex Official Plan and Strathroy-Caradoc Official Plan. The subject lands are located within the 'Hamlet' designation of the Strathroy-Caradoc Official Plan. The lands are located within the 'Low Density Residential (R1) Zone' of the Strathroy Caradoc Zoning By-law.

Strathroy-Caradoc Official Plan

The Strathroy-Caradoc Official Plan outlines goals and objective for housing, including to encourage residential intensification and redevelopment where compatible with existing development and infrastructure is appropriate (Section 2.4.1(c)).

Section 5.3.3.1 of the Strathroy-Caradoc Official Plan states that the primary use of land within areas designated 'Hamlet' shall be for low density residential purposes. Single unit detached dwellings on lots suitably sized to allow for the proper siting and functioning of a private sanitary waste disposal system, shall be the predominant housing type.

Development criteria for residential uses are outlined in Section 5.3.3.3:

- a) Compatibility with the existing scale and character of neighbouring development;
- b) Access to a public road;
- c) Cash-in-lieu of parkland dedication;
- d) Compliance with the Zoning By-law.

Section 5.3.3.5 of the Strathroy-Caradoc Official Plan states that all uses shall be serviced by the public water supply system and private sanitary waste disposal systems. Prior to obtaining approval for private

sanitary waste disposal, soil studies may be required. Soil and groundwater conditions shall not be impaired.

It should be noted that the Strathroy-Caradoc Council adopted Amendment No. 14 to the Official Plan in 2022. The purpose of the Amendment was 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. 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 zoned 'Low Density Residential (R1) Zone' according to the Strathroy-Caradoc Zoning By-law. The 'R1' zone permits single detached dwellings, secondary suites, and a Type I group home. Lot provisions for a lot without municipal sewer service include a minimum lot area of 930 m², minimum lot frontage of 23 m, front yard depth of 7 m, side yard width of 2 m, rear yard depth of 10 m, maximum lot coverage of 30%, and minimum landscaped open space of 40%.

CONSULTATION:

Notices have been circulated to agencies and the public in accordance with the requirements of the *Planning Act*. At the time this report was completed, the following comments were received:

The Building Department noted to ensure that the proposed design meets the requirements of spatial separation between houses with the proposed reduced side yard setbacks and increased lot coverage as per sections [OBC 9.10.15.1 to 9.10.15.5].

No comments were 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

Concerning the requested front yard setback of 4.7 metres, planning staff are satisfied that the 2.3 metre reduction will not have an impact on the useability of the front yard or impact the streetscape. The existing single detached dwelling currently is closer to the front lot line than what is being proposed, therefore the applicants are moving closer to compliance. Therefore, staff are satisfied that the variance is minor.

Concerning the requested variance to permit a minimum side yard width of 1.2 metres, this 0.8 metre reduction is, in this case, considered minor in nature, as the setback will maintain sufficient spacing for maintenance, access to the rear yard, and water runoff management. Therefore, staff are satisfied that the variance is minor.

With respect to the requested variance to permit a maximum lot coverage of 32.8%, planning staff are satisfied that the additional 2.8% will not impact the usability of the property as it has been demonstrated that the lot can accommodate a septic system that has the capacity to service the size of the single-storey dwelling. Therefore, staff are satisfied that the variance is minor.

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

The proposed change to lot coverage is not anticipated to have an effect on how the subject lands will function as a residential property. The applicants have demonstrated the ability of the lot to accommodate a private septic system, and the location of the proposed dwelling will provide for adequate area on the lot for maintenance, grading/drainage, and amenity space.

The proposed change to side yard setbacks will still provide access to the rear yard while providing privacy for the neighbouring lots.

The proposed change to the front yard setback will ensure that there is sufficient spacing and setbacks for the private septic system in the rear yard of the dwelling. Amenity space in the front yard will be increased as the dwelling will be further setback than it currently exists. The single detached dwellings on neighbouring lots on this street have been built closer to the road than the Zoning By-law's defined setback, therefore no negative impacts on the streetscape are anticipated through this variance. Planning staff are of the opinion that the variances requested are an appropriate use of the land.

3. Do the variances maintain the intent of the Official Plan? YES

The property is within the 'Hamlet' designation of the Official Plan which permits single detached dwellings. Low density development within this area compliments and reinforces the identity and character of the Hamlet of Melbourne. While the proposed home may have a larger presence than other dwellings in the hamlet, it is still appropriate for the character of the area. The single detached dwelling will be serviced by municipal water and a private septic system as required for all uses within the Hamlet. The footprint of the proposed dwelling allows for a new septic system to be located in the rear of the property, which has the capacity to provide sufficient servicing for the size and the function of the home. Therefore, the intent of the official plan is maintained.

4. Do the variances maintain the intent of the Zoning By-law? YES

The intent of the front yard setback provision is to maintain a safe distance between buildings/structures and the travelled portion of roads for vehicle traffic sightlines and general public safety. Further, it is used to ensure a consistent building line and streetscape. Staff are of the opinion that the front yard setback variance will maintain separation between the dwelling and the street. The streetscape will not change as neighbouring dwellings and the existing dwelling were built closer to the streetline than what is being proposed. Therefore, it is planning staff's opinion that the intent of the Zoning By-law is maintained.

The intent of the side yard provision is to ensure appropriate separation between dwellings to provide privacy, adequate amenity area and room for property maintenance. Planning Staff are

satisfied that the side yard variance will maintain privacy for the neighbouring property, will provide sufficient space for maintenance, water runoff management, and access to the rear yard. The requested 1.2 setback would align with the setback required for 'R1' zone lots on full services. It is planning staff's opinion that for these reasons the intent of the Zoning By-law is maintained.

The intent of the maximum lot coverage requirement is to ensure sufficient amenity and private servicing areas, as well as to ensure that adequate pervious surfaces are available to facilitate infiltration and lessen drainage impact. Staff are of the opinion that sufficient space is provided for maintenance on the property, with ample space in the rear yard to accommodate amenity space and private septic services. The 2.8% increase in lot coverage is not expected to significantly increase stormwater runoff, therefore 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 to permit a maximum lot coverage of 32.8%, a minimum side yard width of 1.2 metres, and a minimum front yard setback of 4.7 metres for the proposed single detached dwelling with attached garage **be approved**.

ATTACHMENTS

Location Map

Site Plan

Location Map






Location Map - Full Extent
A5-2025: 598 Peter Street
Owners: Joseph Meade & Natalie Meade

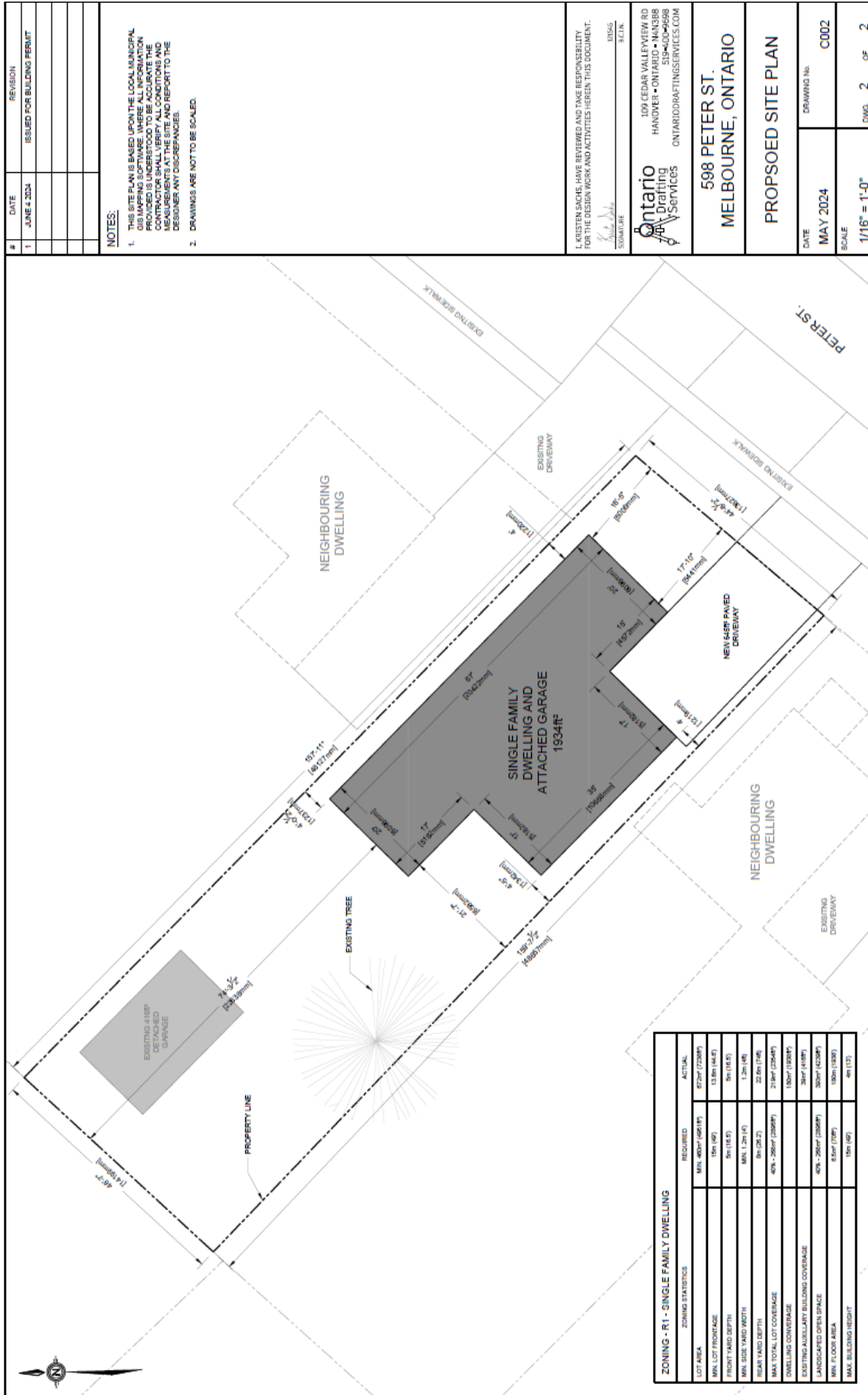


0 20 40Meters



-  Lands Subject to Minor Variance
-  Conservation Authority Boundary
-  Significant Woodlands (MNHSS 2014)

Site Plan



#	DATE	REVISION
1	JUNE 4 2024	ISSUED FOR BUILDING PERMIT

NOTES:

- THIS SITE PLAN IS BASED UPON THE LOCAL MUNICIPAL ZONING BY-LAW AND THE INFORMATION PROVIDED TO THE DESIGNER. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND REQUIREMENTS IN THE SITE AND REPORT TO THE DESIGNER ANY DISCREPANCIES.
- DRAWINGS ARE NOT TO BE SCALED.

I, KRISTEN SACHE, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

SKETCHES
DESIGN
SECTION

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519-400-9598
ONTARIODRIFTINGSERVICES.COM

598 PETER ST.
MELBOURNE, ONTARIO

PROPOSED SITE PLAN

DATE: MAY 2024
DRAWING NO: C002
SCALE: 1/16" = 1'-0"
SHEET: 2 OF 2