



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: May 1, 2025
Department: Building, By-law, & Planning
Report No.: BBP-2025-41
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 (A3-2025) 24640 Melbourne Road (County Road 9)**
Owners: Pamela Maragaret Burdick & Paul Kody Vanderkroft

RECOMMENDATION: THAT: Application for Minor Variance A3-2025 be denied.

PURPOSE:

The purpose of the application is to provide relief from Section 4.6(5)(b) of the Zoning By-law to permit a secondary suite on the ground floor of an accessory building that is 139.4m² (1500 ft²) in size (98.4% of the gross floor area of the primary dwelling unit), whereas the by-law restricts secondary suites to 40% of the gross floor area of the primary dwelling unit, to a maximum of 75 m² (807.3 ft²), and must be located above the main floor.

BACKGROUND:

The subject property is located at the southeast corner of Melbourne Road (County Road 9), and Calvert Drive (County Road 10) in Strathroy-Caradoc (see Location Map). Melbourne Road and Calvert Drive are classified as 'arterial roads' under the jurisdiction of the County of Middlesex. A portion of the property is regulated by the St. Clair Region Conservation Authority. The lands are designated 'Agricultural' and are within the 'General Agricultural (A1) Zone'.

The subject lands are approximately 22.67 acres (9.17 ha) in size with approximately 600 metres (1,968.5 ft) of frontage along Melbourne Road (County Road 9) and approximately 50 m (164 ft) of frontage along Calvert Drive (County Road 10). The property contains a one-storey single detached

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dwelling, a steel frame garage, a steel frame barn, and multiple greenhouses. The owners run a propagation/garden centre from this property. The existing one-storey single detached dwelling has a gross floor area of 133.6 m² (1,438 ft²). The existing single detached dwelling/proposed secondary suite is connected to private water and sewage services.

The surrounding land uses are rural residential to the southwest, and agricultural in all other directions.

The applicants are proposing to build an 8 m² (87 ft²) addition onto the existing dwelling to increase its gross floor area from 133.6 m² (1,438 ft²) to 141.7 m² (1,525 ft²) to ensure that the existing dwelling is technically larger than the 139.4 m² (1,500 ft²) secondary suite. The secondary suite would be located approximately 30 m (98.4 ft) from the closest greenhouse (See Location Map).

This application was previously presented to the Committee of Adjustment on February 6th, 2025, and was deferred to discuss a temporary rezoning. Since the application fee and process has started from the minor variance, the applicants have revised their application to pursue the minor variance with an addition onto the existing house. Should this minor variance application be unsuccessful the owners may choose to pursue the temporary rezoning. The previous planning report recommended denial based on the size of the secondary suite and its location. The location has been updated and is no longer a concern due to it now being clustered with farm buildings on the property, and being behind the primary dwelling. The applicants are hoping to address the size concern by placing an addition onto the existing dwelling to make it larger than the proposed secondary suite.

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.

Provincial Planning Statement 2024

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

Section 4.3.1.2 states that as part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.

Section 4.3.2 outlines permitted uses in agricultural areas:

1. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance
2. In prime agricultural areas, all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards
3. New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae
4. A principle dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c)

5. Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:
 - a. Comply with the minimum distance separation formulae;
 - b. Are compatible with, and would not hinder, surrounding agricultural operations;
 - c. Have appropriate sewage and water services;
 - d. Address any public health and safety concerns;
 - e. Are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
 - f. Minimize land taken out of agricultural production.

Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).

6. For greater certainty, the two additional residential units that are permitted on a lot in a prime agricultural area in accordance with policy 4.3.2.5 are in addition to farm worker housing permitted as an agricultural use.

Section 3.6.4 of the PPS states that where municipal or private communal sewage services and municipal or private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provisions of such services with no negative impacts.

County of Middlesex Official Plan, 2023

The subject lands are located within the 'Agricultural Areas' designation according to *Schedule A: Land Use*, as contained within the Middlesex County Official Plan.

Section 2.3.9 states that the primary use of land in the Agricultural Area shall be agriculture, agriculture-related uses and on farm-diversified uses in accordance with Section 3.3.5.

Section 3.3.1 states that the purpose of the Agricultural Areas designation is to protect and strengthen the agricultural community, a major economic component within the County, while directing growth and development to existing settlement areas and designated hamlets.

Section 2.3.7.4 notes that specific to the creation of additional residential units outside of settlement areas, such uses shall be grouped with the primary dwelling, shall meet Minimum Distance Separation formulae, and shall be prohibited from being severed from the property unless as part of the severance of the primary dwelling unit as a residence surplus to a farming operation.

The definition of additional residential unit is "a dwelling unit that is self-contained, subordinate to, and located within the same building or on the same lot of a primary dwelling unit".

Strathroy-Caradoc Official Plan

The subject lands are within the 'Rural Area' according to *Schedule A: Structure Plan*, as contained within the Strathroy-Caradoc Official Plan. Further, the property is within the designated 'Agricultural',

identified as a component of the Rural Area, according to *Schedule H: Land Use & Transportation Plan*. The intent of the 'Agricultural' designation is to ensure the continuation of farming as the predominant use in this area – free in its ability to function and expand in accordance with sound farm management techniques and conservation practices and without the constraints imposed by potentially conflicting land uses. The primary use of land in this designation shall be for the cultivation of land, the raising of livestock and the growing of trees. A full range of agricultural activity shall be *permitted* including general farming, livestock farming, cash crop farming, market gardening, tobacco farming, specialty crops, horticulture and forestry.

Section 2.2.1 of the Official Plan outlines the goals and objectives of the Plan in regard to policies related to the agricultural area. They are listed as follows:

- a) To preserve and protect the Municipality's rich agricultural heritage and prime agricultural land;
- b) To maintain and promote agriculture as a major component of the local economy;
- c) To protect agricultural operations from the unwarranted intrusion of nonagricultural activities which potentially limit or conflict with these operations.

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 standards prescribed by the Zoning By-law with respect to such matters including but not limited to floor area, exterior alterations, servicing, outdoor amenity area and parking.

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 outlines criteria for new additional residential uses which includes the number of units permitted on a lot, being accessory in scale and function, and being grouped with the primary dwelling. OPA 14 is currently under appeal and the updated policies are not determinative for this application.

Strathroy-Caradoc Zoning By-law

The subject lands are currently zoned 'General Agricultural (A1) Zone' according to the Strathroy-Caradoc Zoning By-law. The 'A1' zone permits single detached dwellings, secondary suites, and agricultural uses. The 'A1' zone requires a minimum lot area of 40 hectares, minimum lot frontage of 150 m, minimum front yard depth of 20 m, minimum side yard width of 15 m, minimum rear yard depth of 500 m, and maximum lot coverage of 20%.

Section 4.6(5)(b) of the Zoning By-Law limits the size of secondary suites located in an accessory building to no more than 40% of the gross floor area of the primary dwelling, to a maximum of 75 m² (807.3 ft²). Given the primary dwelling's gross floor area of approximately 141.7 m² (1,525 ft²) which includes the proposed addition, 40% would be 56.7 m² (610 ft²). The applicant is requesting to increase this maximum permitted size for the secondary suite to 139.4m² (1500 ft²), which is approximately 98.4% of the gross floor area of the primary dwelling. Further, the by-law restricts these units from being located on the ground floor of an accessory building.

Section 4.23(1)(20j) of the Zoning By-Law states that three (3) parking spaces are required to be provided for a single detached dwelling plus one (1) additional space if there is a secondary suite.

CONSULTATION:

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

The Middlesex County Engineer advised of no comments regarding the application.

The St. Clair Region Conservation Authority advised that a portion of the subject property is regulated by the Conservation Authority under Ontario Regulation 41/24. The proposed secondary suite is entirely outside the regulated area. SCRCA has no concerns with the proposed application. Any future development and/or site alteration within the regulated area will require written permission from the Conservation Authority under Ontario Regulation 41/24.

The Senior Development Coordinator advised that this updated proposal is a step in the right direction concerning the reduced distance between structures, however the new dwelling should be in close proximity to the existing dwelling to avoid impacts to the agricultural land.

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. Is the variance considered minor in nature? NO

The application proposes to increase the maximum secondary suite size by approximately 64.4 m² (692.7 ft²) and is roughly 98.4% the size of the gross floor area of the primary dwelling unit. Staff are of the opinion that this increase cannot be considered minor in nature as the secondary dwelling is very close in size to the primary dwelling, significantly exceeding the 40% maximum size permissions identified in the Zoning By-law. The two structures would be very similar in size when comparing their square footage.

Additionally, the secondary suite seeks another variance to be located on the main floor. In this case, it is not considered minor as this contributes to the large size of the secondary suite being 98.4% the size of the primary dwelling unit on the property. The requested variances are essentially proposing a second dwelling on the property, which is not permitted and is not minor.

2. Is the variance an appropriate use of the land? NO

The Strathroy-Caradoc Official Plan and Zoning By-law permit uses such as single detached dwellings, secondary suites, and agricultural uses. The proposed secondary suite is not consistent in size with similar secondary suites within accessory buildings in the area, as it is a single detached dwelling being proposed as a secondary suite.

The applicants have indicated that there is adequate parking and access available for the secondary suite through the existing driveway for farm equipment which can be shared for this

residential purpose. The secondary suite is proposed to be clustered with the farm building cluster, which will help to limit negative impacts on the lands used for crop production.

Staff are of the opinion that the variances are not an appropriate use of the land due to its inconsistency with historically approved secondary suite sizes.

3. Does the variance maintain the intent of the official plan? YES

The policies for development of the 'Agricultural' designation of the Official Plan are intended to allow for residential and accessory uses, provided they are compatible with and do not hinder the surrounding agricultural operations. Further, these residential uses are capable of being developed on private water and sanitary services. The applicant has stated that the location of the proposed secondary suite is not suitable for crop production and would not hinder the agricultural operations of the farmer who they rent out 11 acres of their land to. They have also noted that the property already contains 2 septic beds and 2 wells. It is planning staff's opinion that the intent of the official plan can be maintained.

4. Does the variance maintain the intent of the zoning by-law? NO

The intent of restricting the size of secondary suites is to ensure that the unit remains ancillary to the primary dwelling unit. Planning staff are of the opinion that the secondary suite does not meet the intent of the zoning by-law due to the size increase from 40% to 98%. While the location of the secondary suite being clustered with farm buildings and behind the main dwelling does help to make it more subordinate, ultimately the size of 98% gross floor area does not meet the intent.

The intent of the requirement for secondary suites to be located on the second storey of an accessory building is to ensure the structure does not become a second dwelling on a property that may become severable in the future. Planning staff are satisfied that the location of the proposed structure does not present an opportunity for severance in the future as it is within close proximity to the farm building cluster, 30 metres away. Therefore, it is the opinion of staff that the intent of the Zoning By-law can be maintained concerning its location on the ground floor.

In summary, it is staff's opinion that the application does not meet all 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 Section 4.6(5)(b) of the Zoning By-law to permit a secondary suite that is 139.4m² (1500 ft²) in size and located on the ground floor of an accessory building, **be denied**.

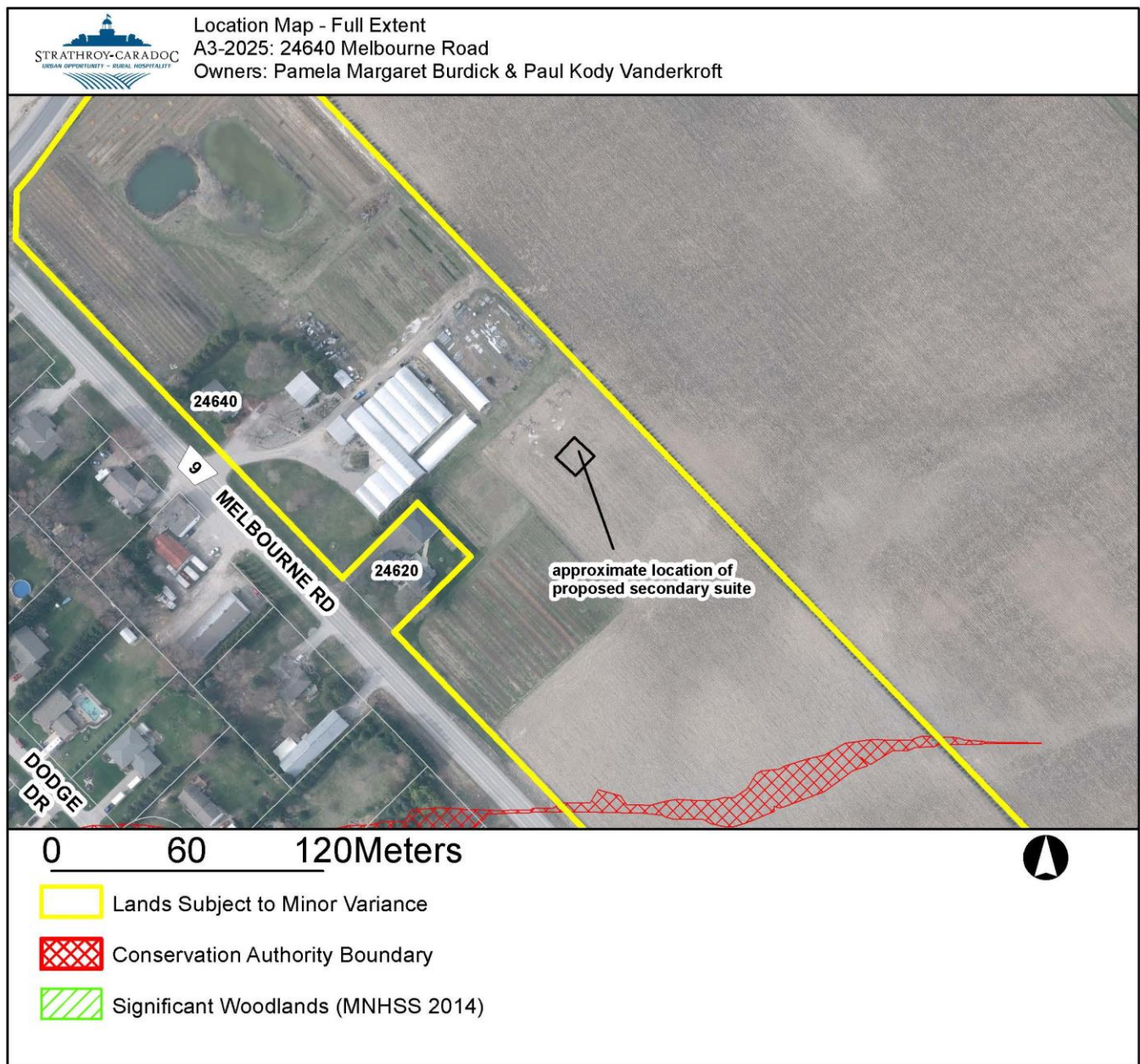
ATTACHMENTS

Location Map – Full Extent

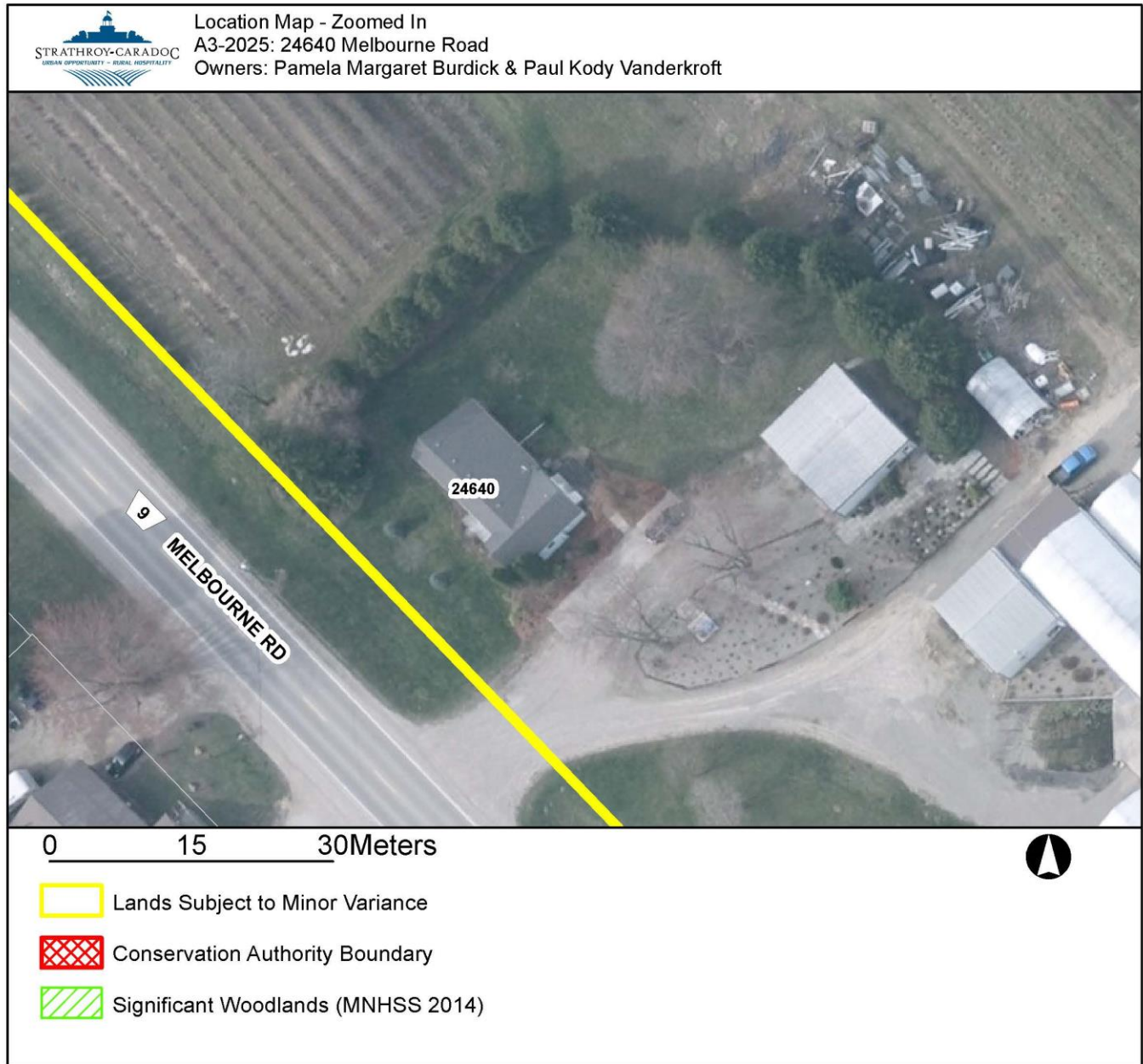
Location Map – Zoomed In

Site Plan

Location Map – Full Extent



Location Map – Zoomed In



Site Plan

24640 Melbourne Road, Strathroy, N7G 3H5 with approximate measurements as our property is not a perfect rectangle

