

COUNCIL REPORT

Meeting Date: June 2, 2025
Department: Building, Bylaw and Planning
Report No.: BBP-2025-48
Submitted by: Tim Williams, Manager of Planning, County of Middlesex
Reviewed by: Jake DeRidder, Senior Development Coordinator
Approved by: Rob Browning, Chief Administrative Officer
SUBJECT: Application for Temporary Zoning Extension By-law Amendment
Burnbrae Processco Holdings 19 Inc.
311 Ellor Street, Strathroy – File number ZBA 9-20251

RECOMMENDATION: THAT: Report BBP-2025-48 regarding rezoning application ZBA 9-2025 for 311 Ellor Street, Strathroy, be received for information, and further;

THAT: Application ZBA 9-2025 temporary rezoning be approved, and further;

THAT: Staff be directed to bring forward a temporary use agreement and Temporary Use Zoning By-law Amendment.

SUMMARY HIGHLIGHTS

- This is an evaluation report that provides background, analysis of the application and a recommendation on the proposal.
- The proposal is to permit an extension to temporary zoning for a parking lot to accommodate parking for the associated and adjacent Industrial operation (egg grading and packaging) in the rear yard of the property. The temporary zoning is to allow the owners of the industrial use time to work to secure a new location for their operation.
- The application seeks to extend the temporary zoning only no other changes to the “Low Density Residential (R1-20-T) zone”. The temporary site-specific zone provisions would recognize the proposed parking.
- Staff recommend the request extension of the temporary zoning to the end of 2026.

PURPOSE

The purpose of the zoning by-law amendment application is to extend the temporary zoning to the end of 2026 for a parking lot at the rear of the lot property to be used by the adjacent industrial facility.

BACKGROUND

Location

The property is 2,266 m² (0.56 ac) in size and 32.3 m in frontage and located on the northeast side of Ellor Street. The property is owned by the same company that owns and operates the adjacent industrial facility at 301 Ellor Street. The surrounding area is primarily residential, however, directly to the southwest is another industrial use. From a servicing perspective, municipal water and sanitary services exist along Ellor Street. Ellor Street is a local road under the jurisdiction of Strathroy-Caradoc (see attached location map).

History of the Site

The property and building was originally constructed as a single detached dwelling. In mid-December 2022 staff became aware of renovation/construction activity occurring without a building permit. Accordingly, the Chief Building Official discussed this issue with the builder who agreed to pause work until a building permit was issued. The applicant/builder submitted and received a building permit for a single detached home renovation for an eight-person occupancy (however it would allow for up to 14 people). With the understanding that if the number of people residing in the building exceeds 14 people, they would need to apply for a change of use permit that would allow for a higher occupancy load of the building. At that time, it was also identified that the rear of the property was being used as overflow parking for the adjacent industrial use. The applicant made a rezoning application for a parking lot on a temporary basis to allow them to operate while searching for and starting up their industrial operation in a different location. This rezoning was approved on July 4, 2023, and set to expire on July 4, 2025.

Proposal

The application for Zoning By-law amendment was made on May 2, 2025. The zoning by-law amendment application was deemed complete on May 3, 2025. In addition to the application form, the submission included Site Plan by Bourrie Planning Services, dated January 9, 2023 (the same as the original application).

The application submitted request an extension to the temporary use for rear parking area to the end of 2026.

The site plan is included as an attachment to this report.

POLICY AND REGULATION BACKGROUND AND ANALYSIS

The subject lands are located within a fully serviced Settlement Area as per the definitions of the Provincial Policy Statement and the County of Middlesex Official Plan. The lands are designated “Residential” pursuant to the Strathroy-Caradoc Official Plan and within the ‘Low Density Residential (R1) zone’ pursuant to the Strathroy-Caradoc Zoning By-law.

Planning Act

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.

Section 39 of the Planning Act allows a Council, to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. A temporary use is authorized any time specified by Council to a maximum 3 years.

Comments on meeting the Planning Act:

- The consistency with the Provincial Policy Statement is reviewed in the following section.
- The statutory public meeting has been held.
- The requested temporary use amendment would comply with the Section 39 temporary zoning amendment.

Provincial Policy Statement (2020)

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

Section 1.1.1 establishes that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential housing (including additional units, affordable housing, and housing for older persons) to meet long-term needs and promotes cost-effective development that minimizes land consumption and servicing costs.

Section 1.1.3.1 states that settlement areas will be the focus of growth. Land use patterns within settlement areas shall be based on:

- Densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available;
- Support active transportation;
- Efficiently use land and resources; and,
- A range of uses and opportunities for intensification and redevelopment in accordance with the criteria of Policy 1.1.3.3, where this can be accommodated.

Sections 1.4 and 1.5 of the PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents as well as promoting the creation of healthy, active communities by encouraging pedestrian connections.

Section 1.6.6 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 development areas to support protection of the environment and minimize potential risks to human health and safety.

Comments on Consistency with the Provincial Policy Statement 2020

- The proposal is located within a designated growth area of a settlement area, on lands identified for residential development within the Strathroy-Caradoc Official Plan.
- The proposed use will be fully serviced and provide for the efficient use of existing infrastructure and public service facilities.
- The use would be temporary and would not impact on the future use of the rear yard once the industrial user has left.

Given the above, it is staff's opinion that the application is consistent with the Provincial Policy Statement.

Middlesex County Official Plan

The subject lands are designated 'Settlement Areas (Urban and Community)' according to *Schedule A: Land Use*, as contained within the County of Middlesex Official Plan. The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. This is detailed in Section 1.3 of the County Official Plan by outlining that the County Official Plan does not address in any detail those planning matters that can better be dealt with by the local municipalities. With this being said there are some relevant policies to this application.

Urban Areas are the focus for future development and expansion. Section 2.3.4 of the County Official Plan states that economic development is an important component of the County's Growth Management policy framework and that many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in Middlesex County. The County consequently encourages diversity in its economic base.

Section 2.3.7 of the Middlesex County Official Plan identifies that the County encourages a wide variety of housing by type, size, and tenure to meet projected demographic needs and market requirements of current and future residents of the County, and further, that the County will support intensification and redevelopment within settlement areas where an appropriate level of services are, or will be, available to service the lands, and further, that 15 percent of all development occur by intensification and redevelopment.

Section 2.4.5 states that the County shall encourage development on municipal water and sanitary systems.

Section 3.2.2 directs that settlement areas shall develop in a manner that is phased, compact, and does not result in a strip pattern of development. Further, development is to complement the positive elements of the existing built form in an effort to preserve the historic character of the area.

Comments on the Conformity with the County of Middlesex Official Plan

- As noted above, the property is within a designated growth area of a settlement area and will be fully serviced and provides for the efficient use of infrastructure and public service facilities.

- The proposal is temporary in nature and will allow for the adjacent industrial use to operate efficiently.
- The proposal will be proceeding on full municipal services.
- The proposal results in the orderly development of this infill lot.

Given the above, it is staff's opinion that the application conforms to the County Official Plan.

Strathroy-Caradoc Official Plan

The subject lands are designated 'Settlement Area' and 'Residential' according to *Schedule A: Structure Plan* and *Schedule B: Land Use & Transportation Plan*, respectively. Similar to County Official Plan, the Strathroy Caradoc Official Plan has also been updated through OPA 14 this year however it has been appealed. The purpose of this Amendment is also 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 Policy Statement (PPS), and reflect changing community needs for the next 25-years. The changes in OPA 14 to the residential designation (now neighbourhood) do not materially change the impact of the policies applicable to this application. An additional note relating to each of the policies below has been included to provide detail for some of the changes as a result of OPA 14.

Sections 1.2 and 1.3 outline the assumptions, goals and objectives which include the promotion of local economic development, increased employment opportunities and encouraging the strengthening and expansion of existing industrial uses.

Section 2.1 speaks to support and facilitate the expansion of existing industrial operations.

Section 2.4.6 establishes that residential intensification shall be encouraged in settlement areas where it is complementary to, and compatible with, the nature, scale, design, and general character of neighbouring development, and where municipal services and facilities are capable of accommodating the development. Where residential intensification is proposed, it shall be in keeping with the character of the area and not adversely affect neighbourhood stability.

Section 2.4.7 includes a policy to eradicate substandard housing, reviewing the need for minimum standards for occupancy dwellings and participating in programs designed to eradicate substandard housing conditions.

Section 3.2 outlines the goal of maintaining adequate supply of housing, more specifically dwelling types, tenure and affordability. The section also has the objective to maintain the essential qualities of privacy, quiet enjoyment, public health and safety, and land use compatibility in residential areas.

Section 3.3.4 provides policies for lands designated 'Residential' and identifies that primary uses include residential purposes including a range of housing types and densities from single detached dwellings to high-rise apartment buildings. Secondary uses may be permitted provided that are

complementary to, and compatible with the area, serve the neighbourhood needs, and do not detract from the predominantly residential nature, such as neighbourhood parks.

Section 3.3.4.3 outlines that low density development proposals are to be encouraged to include the following features: create a sense of neighbourhood identity; result in attractive and distinctive streetscapes; incorporate public amenities and safety measures; utilize traffic calming measures; preserve and enhance natural features; provide a mix of housing types; ensure appropriate and effective buffering from neighbouring nonresidential uses; minimize total road length and road surface within practical considerations for snowplowing, surface drainage and on-street parking; and maximize energy saving criteria such as southern exposure for solar gain and landscaping and to minimize the adverse effects of winds. OPA 14 expanded this policy to include a need to connect to existing or proposed trail networks and consider climate change mitigation and adaptation. They also expanded to promote integration and accessibility of community uses, including parks and open space.

Residential intensification within Strathroy is specifically addressed in Section 3.3.4.7, which identifies that residential intensification in existing developed areas is considered desirable to make efficient use of underutilized lands and infrastructure. This is subject to evaluation and conditions, as necessary, to ensure that the development is in keeping with the established residential character and is appropriate in terms of height, lot fabric, building design, dwelling types, and parking, and where appropriate services are available. OPA 14 amended this policy to specifically note that 15% of development in urban settlement areas will occur by way of intensification.

Section 7.4.4.2 recognizes that "...some existing uses of land may not satisfy the land use designations and policies of the Official Plan. To prevent undue hardship, these uses may be zoned as conforming uses in the Zoning By-law provided: it does not constitute a danger or blight to neighbouring uses, an extension would not be detrimental, it is compatible with neighbouring uses, extensions will not have impact on hazard lands. OPA 14 has not amended this policy.

Section 7.4.4.3 states that existing uses of land which do not satisfy the requirements of Section 7.4.4.2 shall be recognized as conforming uses in the Zoning By-law. While it is the intent of the Official Plan that such uses cease to exist in the long run, it may be desirable to permit their extension or enlargement. In these circumstances, permission to extend or enlarge these non-conforming uses shall be based a number of considerations including: the extension does not aggravate the situation created by the existence of the use, the expansion is an appropriate proportion to the existing use, the characteristics of the non-conforming use do not add significantly to the incompatibility of the use with the surrounding area and neighbouring uses are protected, where deemed necessary, and such protection be applied as a condition of the extension of the use, in order to improve compatibility with the surrounding area. Traffic and parking conditions are not adversely affected by the extension or enlargement. Existing or proposed services and utilities shall be adequate or be made adequate to service the proposed extension or enlargement. OPA 14 has not amended this policy.

Section 7.4.5 address temporary use policies. It confirms that temporary uses are permitted within the Residential designation and has a list of criteria. They can be summarized as follows: compatibility

with adjacent and surrounding uses; effect on possible and probable future uses in the area; regard for land use and development sensitivity areas, available services, satisfactory and approved vehicular access; satisfactory assurance that the land will be returned to its previous status and all buildings and structures removed at the end of the temporary use timeline. OPA 14 has only amended the terminology to match the rest of the OP and no policy change.

Comments on Conformity to the Strathroy-Caradoc Official Plan

- The proposal is located within a settlement area, within the Strathroy-Caradoc Official Plan.
- The proposal will be fully serviced and provides for the efficient use of infrastructure and public service facilities.
- As noted above, the proposed will assist, on a temporary basis, with the adjacent industrial operation.
- The proposed layout represents efficient use of the lands.
- Section 7.4.5 identified criteria for temporary uses. The proposed use is addressing this as follows;
 - The parking area is surrounded by residential uses on three sides. The proposed fence and landscaping will assist in alleviating the impact of the parking lot. The comments received to date include headlight shine, noise from cars and visual proximity which can be addressed through site plan approval.
 - The proposed parking lot with new landscaping a fence. The effect on possible and probable future uses in the area would be minimal as the fence would not be out of character for the area and the parking lot removal will need to occur regardless of the results of the application;
 - The proposal will have regard for sensitivity areas through the noted mitigation measures, there are no need for municipal services (but are available), the vehicular access is from the existing industrial accesses;
 - The owners have signed a temporary use agreement that will provide satisfactory assurance that the land will be returned to its previous status at the end of the temporary use timeline.

Given the above, it is staff's opinion that the applications conform to the Strathroy-Caradoc Official Plan.

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

With respect to the Zoning By-law Amendment, the applicant has submitted a revised zone change application to temporarily rezone the property to be within a site specific 'Low Density Residential (R1-20-T) Zone' to allow for to allow up to 6 transport trucks and/or up to 40 passenger vehicles related to the adjacent industrial operation to park on the rear portion of the property.

The 'R1' zone is intended for lands within Strathroy that are designated 'Residential' in the Strathroy-Caradoc Official Plan and permits low density residential uses, such as Single Detached Dwellings, Secondary Dwellings and a Type 1 Group Home. The chart below identifies the zoning provision

applicable to the R1 zone as well as the zoning statistics for the proposal. Bold numbers below indicate provisions that do not meet the zoning standards.

Provision	Low Density Residential (R1) Zone	Dwelling	Parking Lot
Lot Frontage (min)	20 m	32.3 m	32.3 m
Lot Area (min)	460 m ²	1,113 m ²	1,113 m ²
Front Yard Depth (min)	5 m	14.3 m	N/A
Side Yard Width (min)	1.2 m	~8.3 m (western) 6.1 m (eastern)	3.0m (landscape strip)
Rear Yard Depth (min)	8 m	14.0 m	3.0m (landscape strip)
Lot Coverage (max)	40%	Less than 20%	N/A
Landscaped Open Space (min)	40%	More than 40%	More than 40%
Parking for a single detached dwelling	3 parking spaces	3 parking spaces	40 parking spaces
Parking Space Dimension (min)	2.6 m by 5.4 m	Min 2.6 m by 5.5 m	Min 2.6 m by 5.5 m
Parking, aisle or driveway	7.3m aisle adjacent to parking spaces 6 m two-way travel	N/A	Applicants have confirmed greater than 7.3 m and 6 m.
Use	– single detached dwelling, secondary suite and group home type 1	Single Detached Dwelling	Temporary use of the rear yard of a residential use for industrial parking.
Building Height (maximum)	15 m	Less than 15 m	N/A

Comments on Zoning By-law Amendment to extend the subject lands temporary zoning

The proposal has been designed to comply with the zoning by-law with the exception of the parking lot use. The request will not change any of the conditions on the property.

CONSULTATION

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 residents living within 120 metres of the subject application on May 3, 2025. No formal comments have been received, a question about what was proposed at this stage was asked.

At the time of writing the subject report the following department and agency comments were received:

Engineering and Public Works advised no objection to the temporary rezoning.

Senior Development Coordinator advised they had no objections with the temporary zoning bylaw amendment.

STRATEGIC PLAN ALIGNMENT

This matter is in accord with the following strategic priorities:

- 1) *Economic Development, Industry, and Jobs: Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.*
- 2) *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.*

FINANCIAL IMPLICATIONS

None

ALTERNATIVE(S) TO THE RECOMMENDATION:

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

1. THAT: the subject report BBP-2025-48 for planning applications ZBA9-2025 be received for information and the application for Zoning By-law Amendment be deferred sine die.;
2. THAT: the subject report BBP-2025-48 for planning applications ZBA9-2025 be received for information and the application for Zoning By-law Amendment be approved for and alternate length of time.; OR
3. THAT: the subject report BBP-2025-39 for 39T-SC2101 and ZBA23-2022 be received for information and the application for Zoning By-law Amendment be denied.; OR
4. THAT: the subject report BBP-2025-39 for 39T-SC2101 and ZBA23-2022 be received for information.

AND THAT: Council to provide alternate direction.

SUMMARY

Based on the above analysis staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement, in conformity with the County of Middlesex Official Plan, Strathroy-Caradoc Official Plan and represents good planning.

A zoning by-law amendment has been prepared for Council's consideration and on this agenda.

ATTACHMENTS

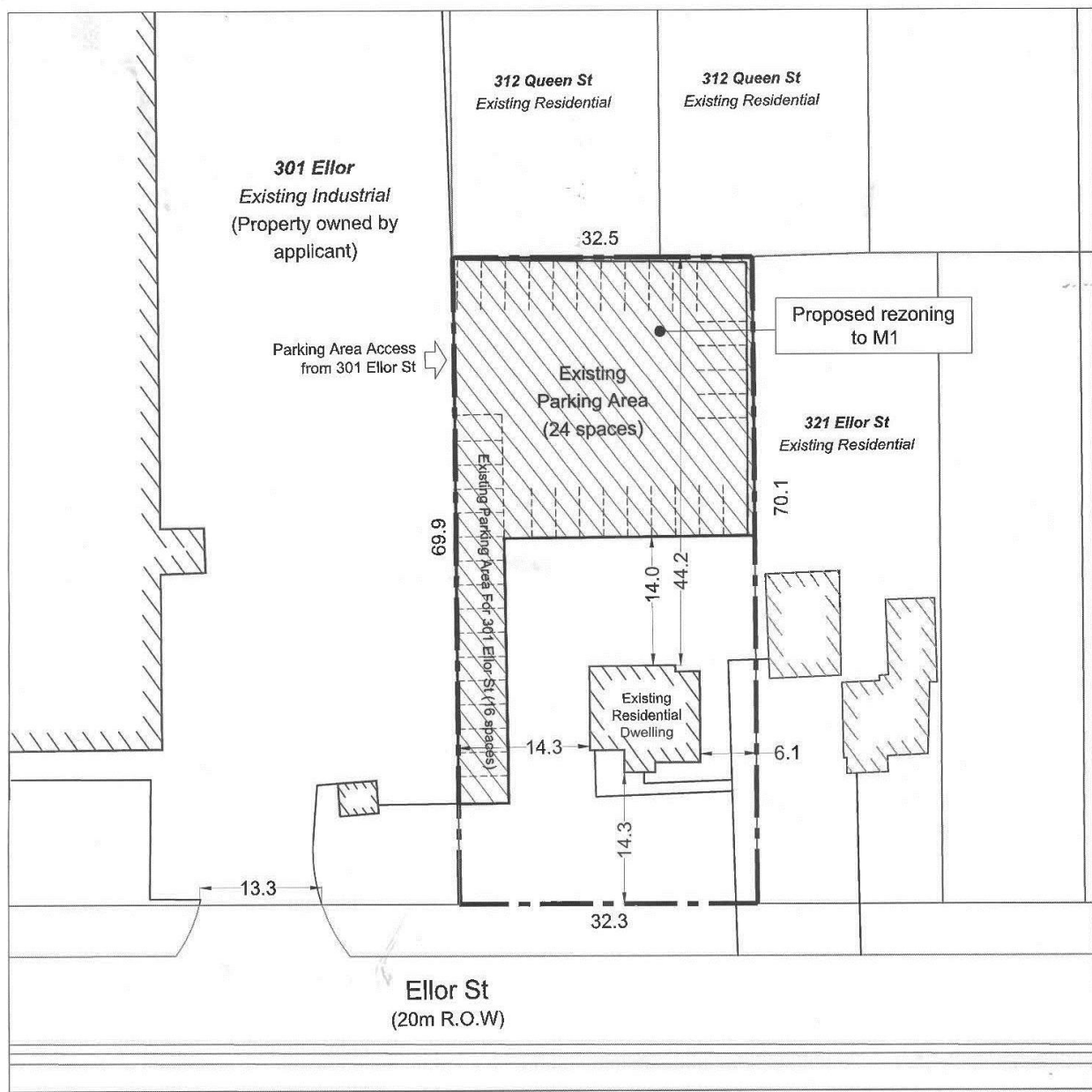
Location Map

Site Plan

Location Map



Site Plan



SCHEDULE B

