



## COMMITTEE OF ADJUSTMENT Planning Staff Report

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**Meeting date:** July 3, 2025  
**Department:** Building, By-law and Planning  
**Report No.:** BBP-2025-61  
**Submitted by:** Alyssa Soldo, Planner  
**Reviewed by:** Tim Williams, Manager of Planning  
**Approved by:** Jake DeRidder, Manager of Growth and Development  
**SUBJECT:** **Application for Minor Variance (A14-2025) – 401 Victoria Street**  
**Owner: Mark Scripnick**

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**RECOMMENDATION: THAT: Application for Minor Variance A14-2025 be approved.**

### **PURPOSE:**

The purpose of the application is to seek relief from Section 4.2(2) of the Zoning By-law to permit an accessory building that is 78.1 m<sup>2</sup> (326.1ft<sup>2</sup>) in size, for a total accessory building lot coverage of 239.9 m<sup>2</sup>, whereas a maximum accessory building lot coverage of 169.36 m<sup>2</sup> is permitted given the ground floor area of the existing dwelling. The applicant is also seeking relief from Section 4.2(5) to permit an accessory structure height of 4.62 m (15.2 ft), whereas a maximum height of 4.5 m (14.8 ft) is permitted. The variances will facilitate the construction of a 78.1 m<sup>2</sup> (840.7 ft<sup>2</sup>) accessory structure to be used as a private garage with storage space above.

### **BACKGROUND:**

The subject property is located on the east side of Victoria Street (County Road 44), south of Kittridge Avenue West in Strathroy. The southern portion of the subject lands are regulated by the St. Clair Region Conservation Authority (see Location Map).

The subject property is generally rectangular in shape and is approximately 5,918.7 m<sup>2</sup> (1.46 ac) in size with 80.74 m (264.9 ft) of frontage along Victoria Street. Victoria Street is classified as an 'arterial road' under the jurisdiction of the County of Middlesex. The subject property currently contains a 211.7 m<sup>2</sup> (2,278.7 ft<sup>2</sup>) two-storey single detached dwelling, a 131.5 m<sup>2</sup> (1,415.5 ft<sup>2</sup>) attached garage, and a 30.3 m<sup>2</sup> (326.1ft<sup>2</sup>) shed. The property is municipally serviced with water and is on a private sewage system.

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The applicant is proposing to construct a 78.1 m<sup>2</sup> (326.1ft<sup>2</sup>) private garage with storage space above, with a covered breezeway and carport. As a result, the applicant is requesting a variance from the total accessory building lot coverage to permit an additional 70.54 m<sup>2</sup> over the maximum permitted 80% of the GFA of the dwelling (169.36 m<sup>2</sup>). Additionally, the accessory structure will require a variance to permit the height of 4.62 m (15.2 ft), whereas a maximum height of 4.5 m (14.8 ft) is permitted to provide the space above the garage for storage.

Surrounding land uses are low density residential on all sides with lands owned by the Conservation Authority further to the east and lands owned by the Municipality of Strathroy- Caradoc further to the south (Alexandra Park).

#### **POLICY AND REGULATION BACKGROUND:**

The subject lands are located within the 'Residential' designation of the Strathroy-Caradoc Official Plan and within the 'Low Density Residential (R1) Zone' of the Strathroy-Caradoc Zoning By-law.

#### County of Middlesex Official Plan

The subject lands are located within the Strathroy '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 Strathroy 'Settlement Area' according to *Schedule A: Structure Plan* and designated 'Residential' on *Schedule B: Land Use & Transportation Plan for the Settlement Area of Strathroy*, 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 expansion (s. 3.3.4). Within the 'Residential' designation, the primary use of lands shall be for residential purposes including a range of housing types and densities from single unit dwellings to high-rise apartment buildings.

Low density residential development in the form of single unit dwellings and two-unit dwellings shall continue to be the dominant form of residential development (s. 3.3.4.3).

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 'R1' zone permits single detached dwellings, secondary suites, and type I group homes. Lot provisions include a minimum lot area of 460 m<sup>2</sup>, minimum lot frontage of 15 metres, minimum front yard depth/exterior side yard width of 5 metres, side yard width of 1.2 metres, rear yard depth of 8 metres, maximum lot coverage of 40%, and minimum landscaped open space of 40%.

Section 4.2(2) of the Zoning By-law states that the maximum lot coverage / size of accessory buildings or structures in a residential zone is 15% of the lot coverage but not exceeding 80% of the ground floor area of the dwelling (calculation of floor area shall exclude any attached private garage). The total allowable accessory lot coverage (15%) is 887.8 m<sup>2</sup> (9,555.1 ft<sup>2</sup>). The total proposed accessory lot coverage is 4.1% therefore the proposal will not exceed the 15% lot coverage provision. 80% of the ground floor area of the dwelling is 169.36 m<sup>2</sup> and the proposed accessory building lot coverage exceeds this by 78.1 m<sup>2</sup> for a total accessory building lot coverage of 239.9 m<sup>2</sup> requiring a minor variance.

Section 4.2(5) of the Zoning By-law states that no accessory building or structure shall exceed 4.5 metres in height or the height of the main building, whichever is lesser. The single detached dwelling is two-storeys in height which is greater than 4.5 metres. The accessory building is proposed to be 4.62 metres, exceeding the height requirement by 0.12 m (0.4 ft) requiring a minor variance.

### **CONSULTATION:**

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

The St. Clair Region Conservation Authority has noted that they have no concerns with the proposed minor variance as the proposed accessory structure appears to be outside the regulated area. Any future development and/or site alteration within the regulated area will require written permission from the Conservation Authority under Ontario Regulation 41/24.

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**

With respect to the requested variance for an increase to the permitted area of accessory structures, it is noted that the proposed increase in size will result in a cumulative lot coverage for all accessory structures of 4.1%, which is significantly less than the permitted 15%. Additionally, concerning the total lot coverage for a property in the 'Low Density Residential (R1) Zone', the cumulative lot coverage for all structures is proposed to be 7.6%, which again is significantly less than the

permitted maximum lot coverage of 40%. Further, the applicant is proposing to locate the structure in the rear yard sufficiently setback from the rear and side yard lot lines, allowing for sufficient space for maintenance. Additionally, the accessory building lot coverage is distributed between a number of accessory buildings and structures rather than a request for one large accessory structure. Vegetation on the subject lands will retain a visual buffer to reduce off-site impacts of the structure. Planning staff see this increase as minor in nature because negative off-site impacts are not anticipated, and the structure will maintain lot coverage requirements.

In regard to the requested variance for height, staff note that the applicant is requesting an increase from 4.5 m (14.8 ft) to 4.62 m (15.2 ft). Staff are of the opinion that the 0.12 metre height increase can be considered minor in nature as the existing dwelling is two-storeys in height and will be located in front of the proposed accessory structure. Additionally, as noted above, there is dense vegetation present on the property reducing any visual impacts from the street as well as the neighbouring residential properties. Therefore, the variance can be considered minor in nature.

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

The Strathroy-Caradoc Official Plan and Zoning By-law permits residential uses such as single detached dwellings and accessory structures. The proposed structure is consistent with the size and height of similar accessory buildings in the surrounding area. Further, the location of the proposed building meets the zoning requirements of the 'R1' zone in terms of setbacks and lot coverage and will provide for adequate area on the lot for maintenance, grading/drainage, and amenity space. As such, staff are of the opinion that the proposed accessory structure is appropriate and desirable for the development of the property.

## **3. Do the variances 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 Strathroy. Staff are of the opinion that the requested variances will maintain the intent of the Official Plan.

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

The intent of restricting the size/lot coverage and height of accessory buildings and structures on residential properties is to ensure that they remain visually and physically subordinate to the primary residential use. It is staff's opinion that the accessory building will remain visually subordinate, as the dwelling will appear larger in size when considering the living space and the attached garage which appear as one structure. Additionally, the proposed accessory building is located behind the dwelling and vegetation buffers are present. The two-storey dwelling will also continue to be the taller structure and in front of the accessory building, ensuring that it remains the primary structure on the property. 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 maximum lot coverage of 239.9 m<sup>2</sup> for accessory buildings and to permit a maximum accessory structure height of 4.62 m (15.2 ft) for the purposes of an accessory structure be **approved**.

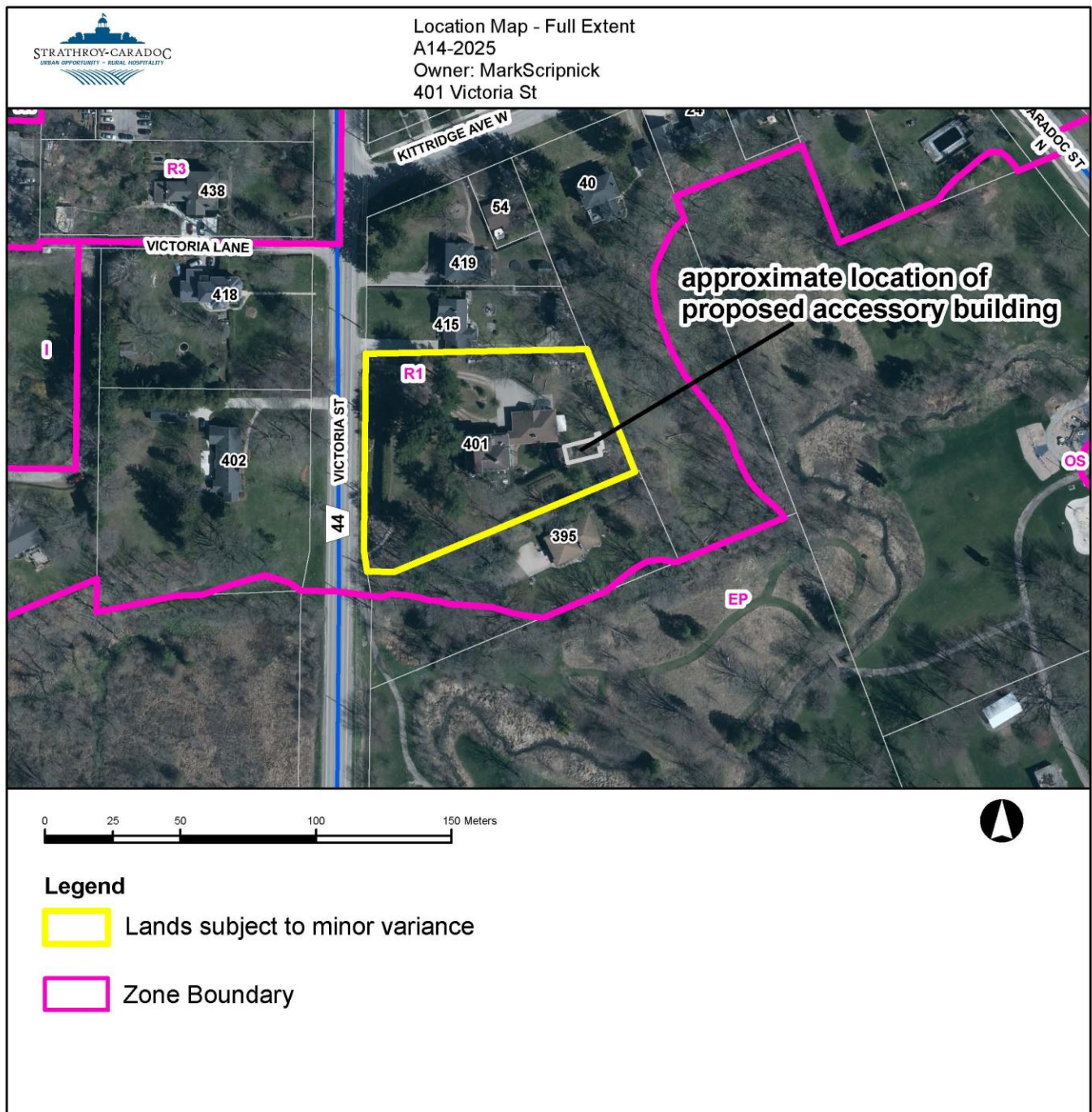
**ATTACHMENTS**

Location Map

Site Plan

Elevations

## Location Map





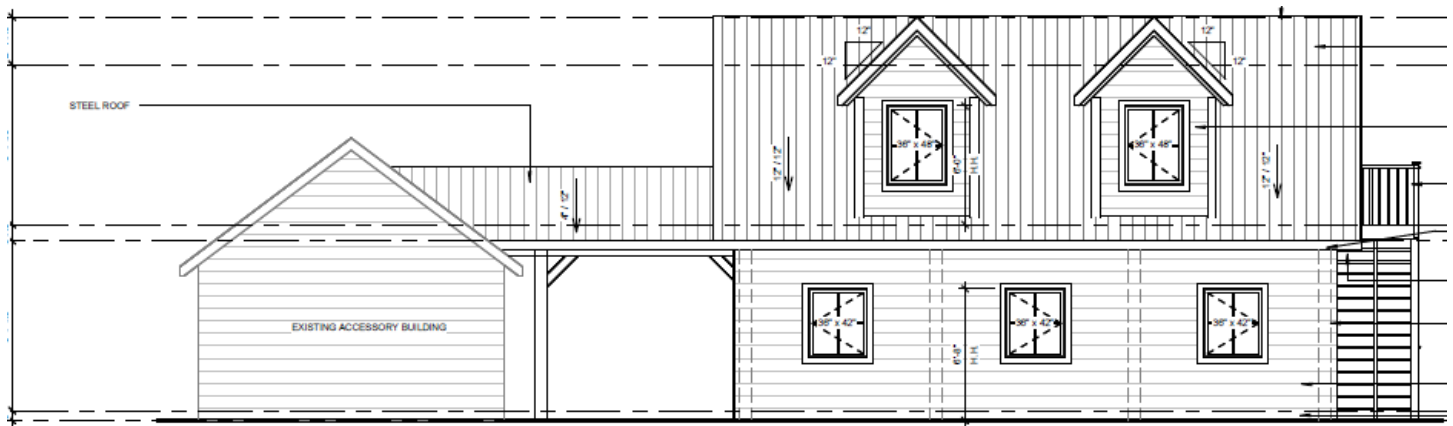
# Site Plan



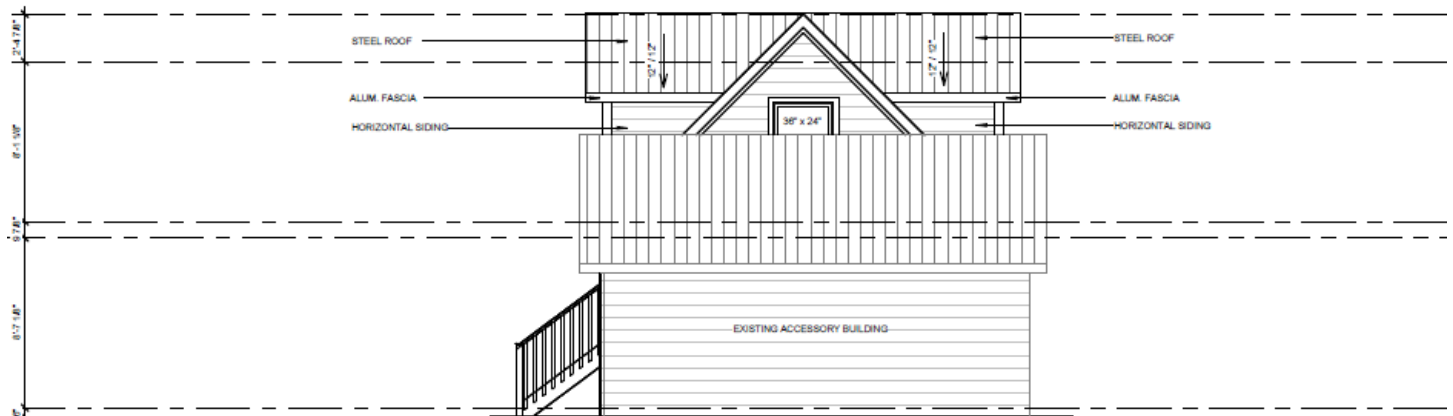
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Page 8 of 9





REAR ELEVATION  
3/16" = 1'-0"



① RIGHT ELEVATION  
3/16" = 1'-0"