



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: September 4, 2025
Department: Building, By-law and Planning
Report No.: BBP-2025-85
Submitted by: Alyssa Soldo, Planner, County of Middlesex
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Approved by: Jake DeRidder, Manager of Growth and Development
SUBJECT: **Application for Minor Variance (A18-2025) – 55 Ashby Crescent
Owners: Kimberly & David Vegso**

RECOMMENDATION: THAT: Application for Minor Variance A18-2025 be approved.

PURPOSE:

The purpose of the application is to seek relief from Section 5.3(6) of the Zoning By-law to permit a lot coverage of 41.4% (316.2 m²) whereas a maximum lot coverage of 40% (305.8 m²) is permitted on a Low Density Residential (R1) lot. This application will permit the construction of a gazebo in the backyard that is 36.9 m² (397 ft²) in size.

BACKGROUND:

The subject property is located on the south side of Ashby Crescent, southeast of Metcalfe Street West (County Road 9) in Strathroy (see Location Map).

The subject property is generally rectangular in shape and is approximately 764.4 m² (8,228 ft²) in size with 19.8 m (65 ft) of frontage along Ashby Crescent. Ashby Crescent is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. The subject property currently contains a 208 m² (2,239.4 ft²) single detached dwelling on municipal services with an attached garage and front and rear covered porches.

The applicant proposes to construct a 36.9 m² (397 ft²) gazebo in the backyard which would exceed the permitted total lot coverage with all existing structures on the property. As a result, the applicant is requesting a variance to increase the maximum permitted lot coverage to 41.4%, which is a relief of 1.4%. The gazebo and existing accessory structures (1,164 ft²) will not exceed accessory building lot

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coverage requirements which allow for 15% of the lot area (1,234.4 ft²) or 80% of the ground floor area of the dwelling (1,791.5 ft²).

Surrounding land uses are low density residential to the north, east, and west, with lands identified as 'significant woodlands' by the Middlesex Natural Heritage Systems Study (2014) and regulated by the St. Clair Region Conservation Authority directly to the south.

POLICY AND REGULATION BACKGROUND:

The subject lands are located within the 'Residential' designation of the Strathroy-Caradoc Official Plan and within a site-specific 'Low Density Residential (R1-7) 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 'R1-7' zone permits single detached dwellings, secondary suites, and type I group homes. Lot provisions include a minimum lot area of 460 m², minimum lot frontage of 15 metres, minimum front yard depth of 5 metres, an exterior side yard width of 1.2 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 5.3(6) of the Zoning By-law states that the maximum lot coverage for all structures is 40%, which is 305.8 m² for this property. The 36.9 m² (397 ft²) gazebo proposed will increase the coverage to 41.4%, exceeding the permitted maximum by 1.4% therefore 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 application.

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. Is the variance considered minor in nature? YES

It is the opinion of planning staff that the proposed lot coverage increase from 40% to 41.4% is, in this case, considered minor in nature, as the subject lands will continue to provide amenity space in the rear yard. The proposed gazebo will not exceed lot coverage provisions for accessory building structures and it will maintain separation setbacks to neighbouring properties, therefore negative off-site impacts are not anticipated.

2. Is the variance 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 increase in lot coverage would maintain the residential use of the lands and would be consistent with the character of the area. The proposed gazebo is not anticipated to impact neighbouring residential lots and no privacy concerns would be created through the variance. Additionally, municipal staff have noted no concerns with the gazebo's impact to the stormwater management capacity. Therefore, staff are of the opinion that the variance is an appropriate use of the land.

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 Strathroy. Staff are of the opinion that the requested variance will maintain the intent of the Official Plan.

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

The intent of restricting the lot coverage on residential properties is to ensure appropriate separation between dwellings and the abutting lands, provide for privacy and adequate amenity area as well as enough space for stormwater management. It is the opinion of staff that a lot coverage increase from 40% to 41.4% is minimal and will still provide adequate amenity space, privacy, and space for stormwater management. 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 variance.

CONCLUSION:

Based on the above analysis, it is recommended that the application to permit a maximum lot coverage of 41.4% (316.2m²) to permit the construction of a 36.9 m² (397 ft²) gazebo be **approved**.

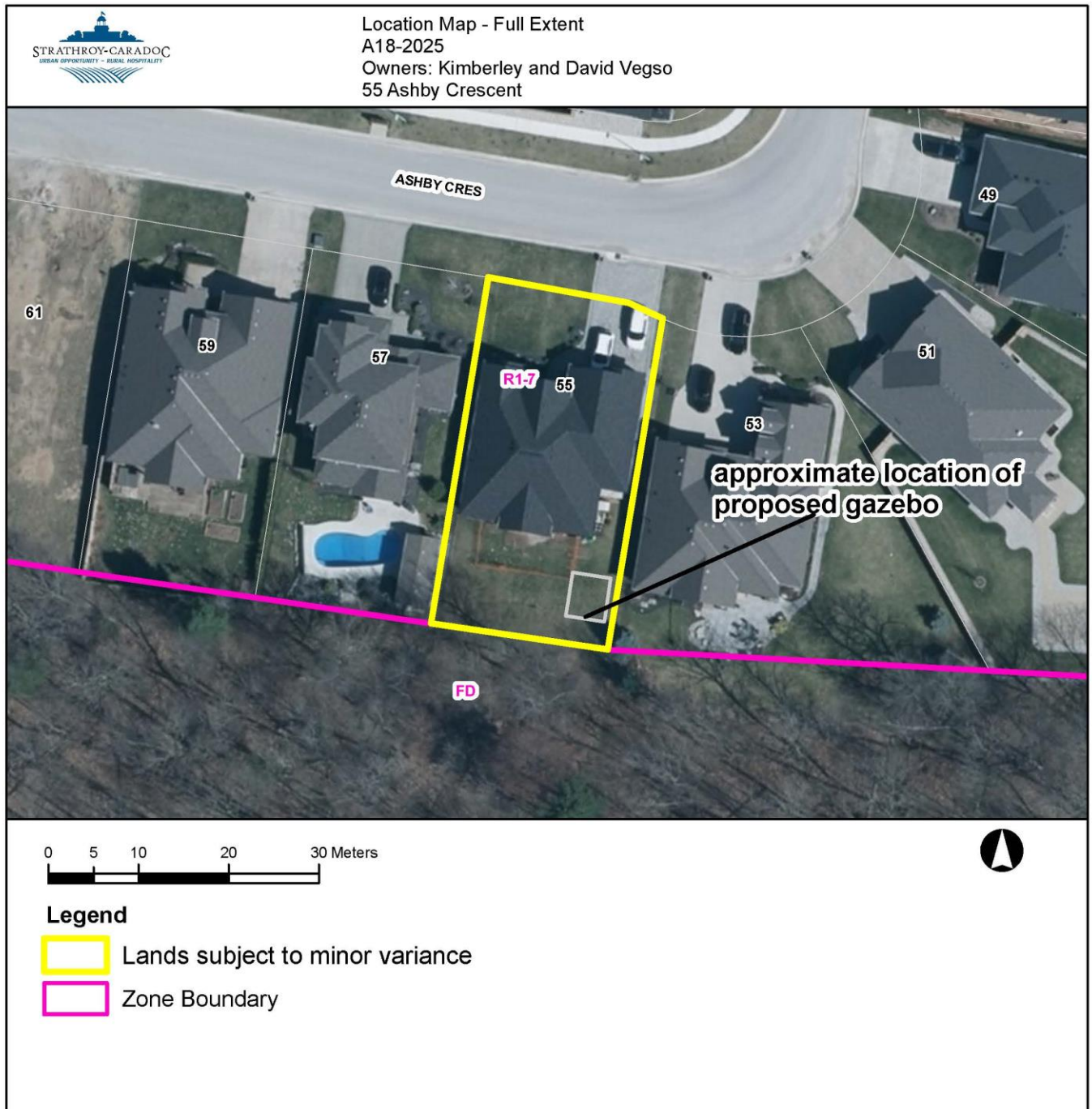
ATTACHMENTS

Location Map

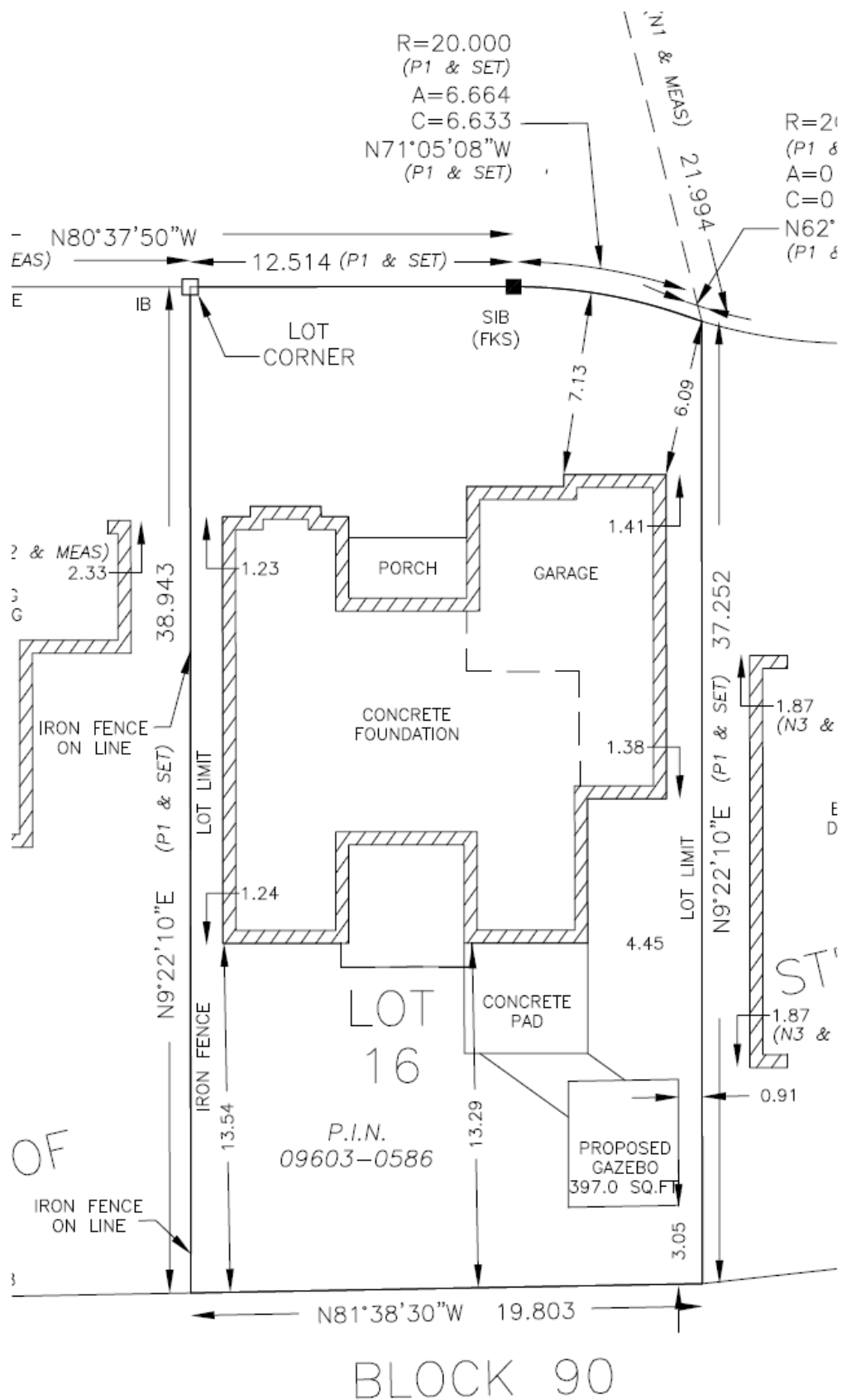
Site Plan

Elevation Drawings

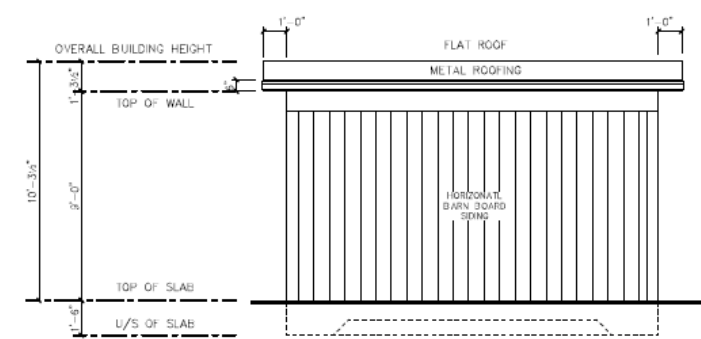
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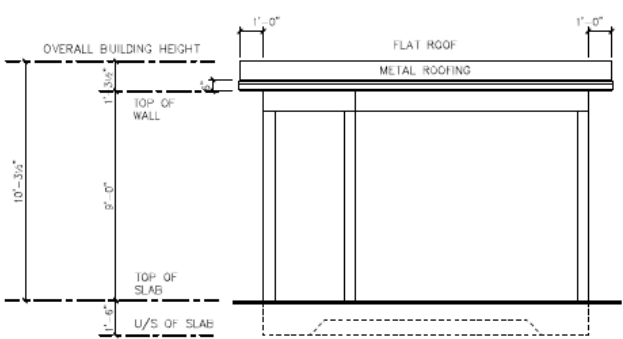
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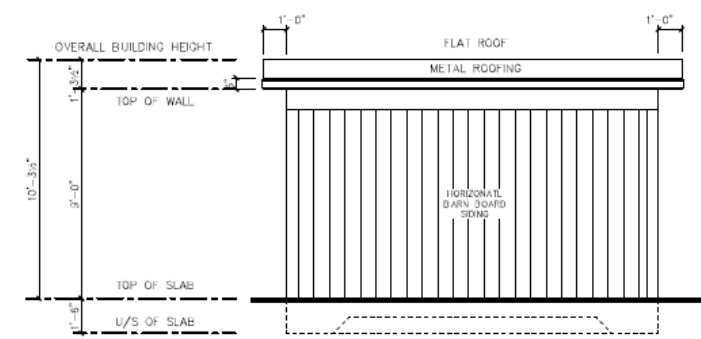
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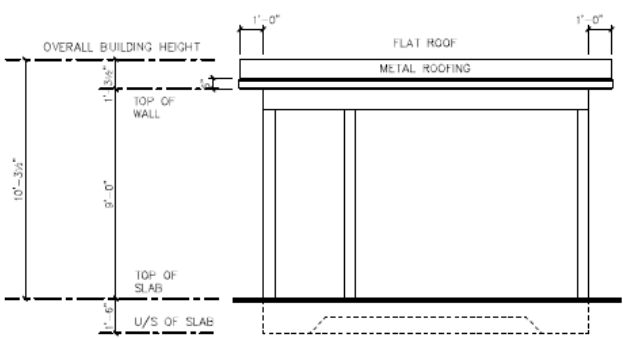
PROPOSED GAZEBO
FRONT ELEVATION



PROPOSED GAZEBO
RIGHT-SIDE ELEVATION



PROPOSED GAZEBO
REAR ELEVATION



PROPOSED GAZEBO
RIGHT-SIDE ELEVATION