



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: September 4, 2025
Department: Building, By-law & Planning
Report No.: BBP-2025-86
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 & Development
SUBJECT: **Application for Consent (B14-2025) and Minor Variance (A19-2025)**
165 Milliner Street, Strathroy
Owners: Christa and David Rosser

RECOMMENDATION: THAT: Application for Consent B14-2025 be approved with conditions, and further;

THAT: Application for Minor Variance A19-2025 be approved.

PURPOSE:

The purpose of the consent application is to seek permission to sever one additional residential parcel from an existing lot for the purpose of constructing one new single-detached dwelling. The application proposes to sever a lot with an area of 390.3 m² (4,201.2 ft²) and a lot frontage of 14.5 m (47.6 ft) along Milliner Street.

An application for minor variance has also been submitted by the Applicant to seek relief from Section 5.3(1) of the Zoning By-law to permit a lot area of 390.3 m² (4,201.2 ft²) whereas a minimum lot area of 460m² (4,951.4 ft) is required for lots on municipal services. They are also seeking relief from Section 5.3(2) to permit a lot frontage of 14.5m (47.6 ft) whereas a minimum lot frontage of 15 m (49.2 ft) is required for lots on municipal services.

BACKGROUND:

The subject property is a corner lot, located on the northeast corner of the intersection at Milliner Street and Burns Street in Strathroy (see Location Map). The lands are 780.6m² (8,402.4 ft²) in size, with

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approximately 29 m (95.2 ft) of frontage along Milliner Street and 26.9 m (88.3 ft) of frontage along Burns Street.

The applicant is proposing to sever a new residential lot that would be 390.3 m² (4,201.2 ft²) in size, with 14.5 m (47.6 ft) of frontage along Milliner Street. The lands contain a shed which is to be removed, and the remaining lands are used as amenity and driveway space.

The lands to be retained are proposed to be 390.3 m² (4,201.2 ft²) in size, with 14.5 m (47.6 ft) of frontage along Milliner Street. The lands contain an existing single detached dwelling on full municipal services, and access onto Milliner Street. The concrete steps on the west side of the existing dwelling are to be removed to not encroach into the side yard setback. A new driveway would be required on the retained lands as the existing driveway is further west on the lands to be severed.

In support of the application, the applicant has provided a plan of survey, which depicts the lots to be severed and retained. Staff note that the proposed lots would not meet the minimum lot area and frontage requirements of the 'R1' zone therefore requiring a minor variance to address these provisions. The existing dwelling would maintain the required setbacks to the proposed lot line. Further, the lands to be retained would have a lot coverage of 28.6%, which is under the 40% maximum permitted in the Zoning By-law.

Milliner Street and Burns Street are classified as 'local roads' under the jurisdiction of the Municipality of Strathroy-Caradoc. Surrounding land uses are a mix of low and medium density residential.

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 'Settlement Area' according to the 2024 Provincial Planning Statement (PPS).

The PPS encourages lands use patterns with settlement areas that are based on densities and a mix of land uses that (s.2.2.1):

- Efficiently use land and resources;
- Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoids the need for their unjustified or uneconomical expansion;
- Provides for a range of uses and opportunities for intensification and redevelopment taking into account existing building stock or areas; and,
- The availability of suitable existing or planned infrastructure.

County of Middlesex Official Plan, 2023

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. The goal of the County Plan is that future development within settlement areas proceed on the basis of 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.

Section 4.5.3 (Consent) establishes that applications for consent will be considered based on the underlying land use designation and associated consent policies, and further, when reviewing applications for consent, County Council, local Councils, and Committee of Adjustments will apply appropriate sets of policies. In accordance with Section 4.5.3.1, applications for consents for building purposes will not be permitted where:

- The land is located within a Natural Heritage Feature or Natural Hazard and a suitable building site cannot be found;
- The land is located within a floodplain and an appropriate building site cannot be provided or access to the building site is subject to flooding or erosion;
- The land is located on significant mineral aggregate or mineral deposits, as identified by the Province;
- Provincial transportation objectives, standards, and policies for safety and access cannot be maintained;
- Where entrances and building setbacks from County Roads cannot be maintained; or,
- Where the created or retained parcels cannot be provided with adequate servicing.

Section 4.5.3.3 states that first consideration for the division of land in Settlement Areas shall be given to development by Plan of Subdivision. When the scale of development does not require a Plan of Subdivision a consent to sever will be considered provided:

- a) the application represents infilling in a built-up area and the proposed lots are compatible with the lot area, frontage and density pattern of the surrounding area; and
- b) the application represents orderly and efficient use of land, and its approval would not hinder future development of the retained land.

Consents shall conform to the intent of the County Plan and the land use designations and zoning provisions of the local municipality and in accordance with the Planning Act.

Strathroy-Caradoc Official Plan

The subject lands are within the designated 'Settlement Area' of Strathroy according to *Schedule A: Structure Plan*, as contained within the Strathroy-Caradoc Official Plan. Further, the property is designated 'Residential' according to *Schedule B: Land Use & Transportation Plan*.

The 'Residential' designation is intended for continued and future residential purposes, as well as lands to accommodate future expansions (s.3.3.4). Lands designated 'Residential' shall be pre-dominantly

used for residential purposes including a range of housing types and densities from single unit dwellings to high-rise apartment buildings (s.3.3.4.1).

Section 3.3.4.7 states that residential intensification, including infilling, is considered desirable to make efficient use of underutilized lands and infrastructure. Proposals shall be evaluated, and conditions imposed as necessary, to ensure that any proposed development is in keeping with the established residential character, constitutes an appropriate fit in the terms of density, lot fabric, building design, dwelling types, and parking, and further, where appropriate services can be provided.

Section 7.4.3.1 (Lot Creation) identifies that the creation of lots by consent shall be considered in accordance with the following:

- Lots shall be created by severance where the number of new lots does not exceed three;
- Whether the proposed use and severance is in conformity with the policies and land use designations of the County and Municipal Official Plans;
- Whether the requirements of the Planning Act are satisfied;
- The effect of any relevant matters of provincial interest as declared by the Planning Act;
- The input received from the County of Middlesex and other public bodies/agencies;
- Input received from neighbouring property owners and residents; and,
- Resolution of issues arising out of the above evaluation through conditions imposed to the granting of the severance, including entering into an agreement between the Municipality and landowner pursuant to the Planning Act.

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 Policy 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. While the proposal is generally consistent with the policies in OPA 14, the document is currently under appeal and is therefore not determinative for this application.

Strathroy-Caradoc Zoning By-law

The property is currently zoned 'Low Density Residential (R1) Zone' according to the Strathroy-Caradoc Zoning By-law.

The 'R1' zone permits single detached dwellings, secondary suites, Type 1 Group Homes and home occupations. The zone requires a minimum lot area of 460 m² and a minimum lot frontage of 15 m for lots on full municipal services. Additional requirements include a minimum front yard depth of 5 m, minimum side yard width of 1.2 m, minimum rear yard depth of 8 m, maximum lot coverage of 40%, and minimum landscaped open space area of 30%.

Section 4.23(20j) of the Zoning By-law requires a minimum of three (3) parking spaces for single detached dwellings.

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:

Middlesex County Emergency Services has noted the following:

1. That the severed lot that is approximately 390.3 m² (4,201.2 ft²) in size, with 14.5 m (47.6 ft.) of frontage along Milliner Street currently containing a shed which is to be removed have a new proposed 911 municipal property address that is sequential in existing 911 addressing for Milliner St. and that proposed 911 address be submitted to the Municipality of Strathroy-Caradoc in consultation with the County of Middlesex for approval. If approved the 911 municipal property address is to be posted temporarily and permanently to municipal standards during all stages of construction when and if a building permit is issued and it is to be maintained, visible and unobstructed so emergency responders can easily identified the 911 address when responding from either direction from the Milliner Street road allowance. The approved 911 property address is to be sent to the County of Middlesex GIS Specialists so it can be added to the County mapping system.
2. That the retained lot that is approximately 390.3 m² (4,201.2 ft²) in size, with 14.5 m (47.6 ft.) of frontage along Milliner Street currently containing a single detached dwelling retain the existing 911 municipal property address of 165 Milliner Street. The property owner is to ensure the 911 property address is permanently posted to municipal standards so it is to be maintained, visible and unobstructed so emergency responders can easily identified the 911 address when responding from either direction from the Milliner Street road allowance.

At the time of preparing this report, no concerns or comments have been received from the public.

ANALYSIS:

Consent

It is the opinion of staff that the consent proposal represents desirable intensification in keeping with surrounding land uses and the policies of the PPS and the Middlesex County and Strathroy-Caradoc Official Plan.

Consent applications are considered based on the existing context of land and zoning. Surrounding residential land uses vary in size and configuration, including narrower lots to the north along Milliner Street. As such, staff are of the opinion that both the severed and retained lot will not be out of character for the area. While both parcels do not meet the minimum requirements for lot area and frontage, these will be addressed through the minor variance portion of this application. It is also noted that the retained lot is connected to municipal services, and the severed parcel will also be connected to municipal services as a condition. As both parcels are proposed to be the same size with the existing dwelling meeting all setbacks on the retained parcel, this demonstrates that the severed parcel is generally capable of accommodating a dwelling that also meets lot development provisions. However, it will be the future builder's responsibility to propose a specific building footprint that complies with the 'R1' zone standards.

The new residential building lot will require individual connection to the municipal water system and sanitary system to the satisfaction of the Municipality and as such is included in the recommended conditions.

It is noted that a number of conditions of approval are being recommended by staff in order to satisfy the comments received on the consent application.

Minor Variance

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

It is the opinion of planning staff that the proposed reductions to the required minimum lot frontages and lot areas can, in this case, be considered minor in nature, as both lots will maintain the remaining setback provisions of the 'R1' zone. Both water and sanitary services will be provided municipally, therefore not requiring area to accommodate private systems. The areas will continue to be large enough for a new dwelling on the severed lot, amenity space, and access to the rear yards through their side yards. Staff do not anticipate any negative impacts on adjacent lands and the lots will conform to the general side and width of residential lots in the vicinity. Therefore, planning staff are satisfied that the variances are minor in nature.

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

The proposed reductions to the minimum lot frontage and lot area provisions of the 'R1' zone will facilitate the creation of one new building lot for the purposes of constructing a single detached dwelling. The proposed reductions are not anticipated to have an effect on how the subject lands will function as a residential property, and they are expected to be compatible with the general character of the area. Staff are of the opinion that the lands will continue to be a sufficient size for its residential use. Further the lot frontages will continue to be wide enough to meet side yard setbacks and provide access to the rear yard. As such, staff are of the opinion that the proposed variances are an appropriate use of the land.

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. The variances would permit a single detached dwelling to be constructed on the severed lot encouraging gentle intensification and infilling where it is compatible with servicing. As such, 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 a minimum lot frontage is to provide streetscape that maintains character and provides adequate separation between dwellings within the streetscape. The lot frontage also works with other standards such as side yard setbacks to ensure access to the rear of the property. The width

of the frontage will continue to provide adequate side yard setbacks to the dwelling and access to the rear yard. The intent of the minimum lot area is to ensure that the lots are large enough to accommodate a residential dwelling as well as provide amenity space and driveway space. The reduced lot area and frontage will continue to accommodate an adequate area for a dwelling, amenity space and access onto Milliner Street. Therefore, planning staff are satisfied 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 a minor variance.

CONCLUSION:

Based on the above analysis, it is recommended that the application for consent under Section 53 of the Planning Act **be approved** subject to conditions as the application: satisfies the requirements of the Planning Act; is consistent with the Provincial Planning Statement; conforms to the Official Plans of both the Municipality of Strathroy-Caradoc and the County of Middlesex; and, represents sound land use planning.

Further, it is recommended that Application for Minor Variance A19-2025 to permit a lot area of 390.3 m² (4,201.2 ft²) and a lot frontage of 14.5 m (47.6 ft), **be approved**.

ATTACHMENTS

Location Map

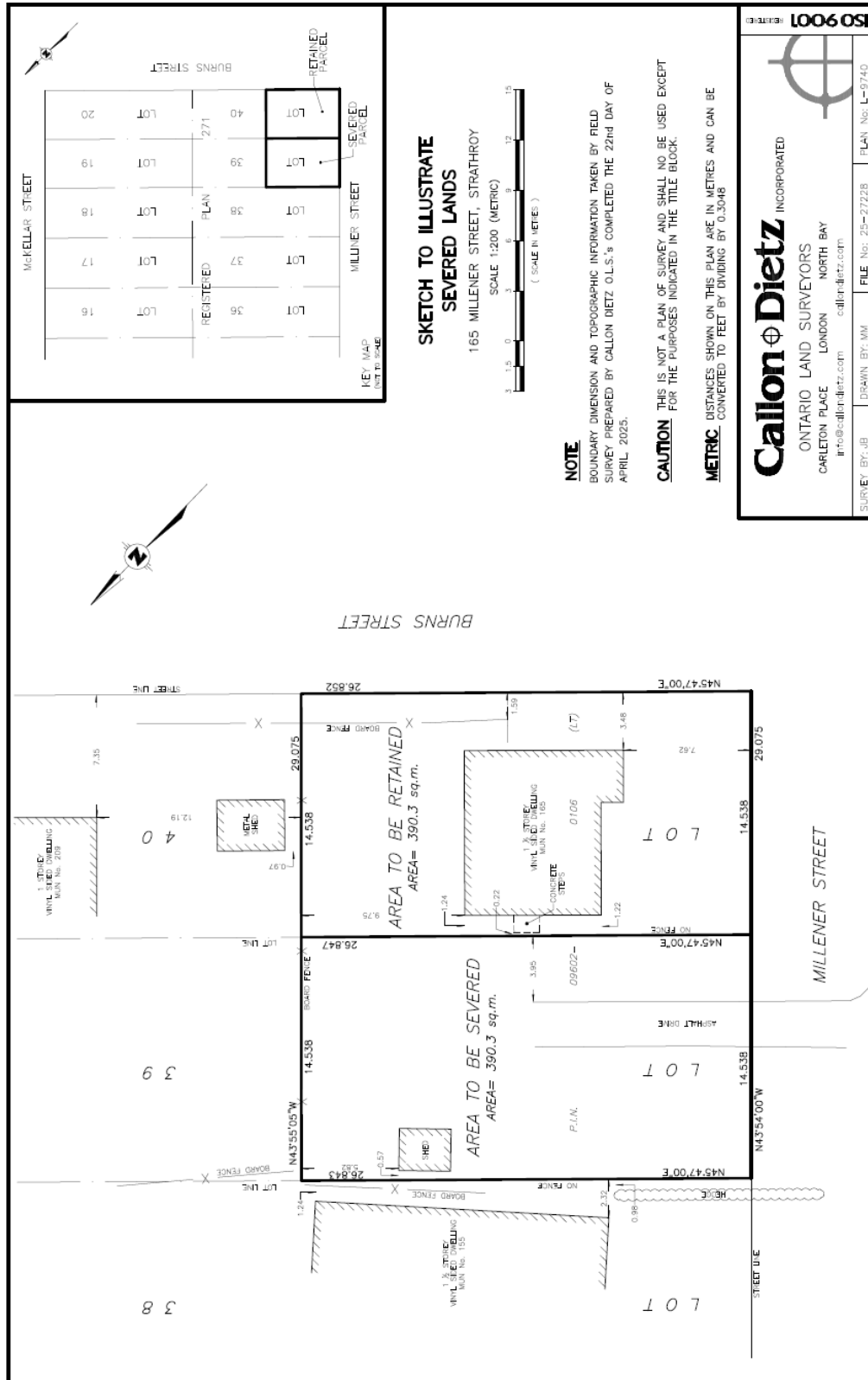
Draft Survey Plan

Conditions of Approval

Location Map



Draft Survey Plan



Conditions of Approval (B14-2025)

Approval of the subject application is conditional upon the following:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within two years of the date of the notice of the decision and the consent certificate fee is paid to the Municipality.
2. That any outstanding property taxes be paid in full.
3. That the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the severed property be assigned an appropriate Milliner Street Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
5. That a draft reference plan, showing the severed and retained lands be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B14-2025 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
6. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
7. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be severed', to the satisfaction of the Municipality. If the services run through the new lot boundary, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
8. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant. The service is to be wholly contained on the severed lands.
9. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant. The service is to be wholly contained on the severed lands.
10. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
11. That the applicant's solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.