

# EVALUATION REPORT

## PLANNING DEPARTMENT

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To: Chair and Members of the Committee of Adjustment, Municipality of North Middlesex

From: Josh Barber, Student Planner, County of Middlesex  
Ashley Sawyer, Planner, County of Middlesex

Date: July 16<sup>th</sup>, 2025

**Re: RECOMMENDATION REPORT**  
**Minor Variance Application MV-7-2025**  
**Part of Lot 21, Concession 7, being Part 1 and 2 on 33R-22047, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex**  
**30468 Sylvan Road**  
**Owner/Applicant: Robert Creighton**

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### Purpose

The purpose and effect of the Minor Variance application (MV-7-2025) is to seek relief from the North Middlesex Zoning By-law No.35/2004, as amended, to facilitate the construction of one (1) accessory structure (detached garage/shed). Relief is required to allow for an increased roof height, as the shop features a single-pitch roof that must maintain a specific slope. Relief is also necessary to accommodate a second-storey loft space for personal storage. Relief is required from Section 13.2 h) of the North Middlesex Zoning By-law as outlined in the table below.

Section	Description	Permitted	Proposed	Difference
13.2 h)	Accessory Structure Height <i>Maximum</i>	5.5 m (18.04 ft)	6.5 m (21.33 ft)	1.0 m (3.28 ft)

### Background

The subject lands are located on the east side of Sylvan Road and the north side of Townsend Line (County Road No. 12), within the Hamlet Settlement Area of Hungry Hollow, with a municipal address of 30468 Sylvan Road. The lands are approximately 1.76 ha (4.35 ac) in size and surrounding uses are a mix of residential and agricultural in nature. The lands are legally described as Part of Lot 21, Concession 7, being Part 1 and 2 on 33R-22047, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex.

The subject lands are currently the subject of two separate Consent applications (B4-2024 and B5-2024). The proposed accessory building will be on the 'Retained Parcel'. It should be noted that the consent applications are unrelated to the proposed Minor Variance.

The subject lands previously contained one (1) detached garage which was demolished. Currently the owner has proposed one (1) single-detached residential dwelling and one (1) accessory structure (detached garage/shed). The lands are serviced by the municipal water system and a privately owned septic system. The lands have existing access to Sylvan Road and no new access is proposed to accommodate the accessory structure. The proposed garage will have a 6.30 m (20.67 ft) height with a 9.5-degree slope. For the purposes of zoning interpretation and to

account for minor construction tolerances, the proposed garage height of 6.30 m (20.67 ft) has been rounded up to 6.5 m (21.33 ft).

A key map illustrating the location of the subject lands, with an outline showing the approximate location of the demolished former detached garage, proposed garage/shed, and proposed dwelling is attached to this report.

### **Policy and Regulation Background**

The subject lands are located in the 'Hamlet Settlement Area' and contain 'Hazard Lands' per 'Schedule A' of the North Middlesex Official Plan and are zoned 'Hamlet Residential (RH) Zone' per the North Middlesex Zoning By-law No. 35 of 2004, as amended. Additionally, a portion of the subject lands are regulated by the Ausable Bayfield Conservation Authority.

#### North Middlesex Official Plan

##### Section 2.0 – Interpretation

Section 2.0 e) states that “wherever a use is permitted in a designated area, it is intended that uses, buildings or structures normally incidental, accessory and/or essential to that use shall also be permitted.”

##### Section 5.1.4 – Hamlet Settlement Areas

Hamlet Settlement Areas are 'rural settlements that are intended to function as small dormitory clusters' and are generally serviced by municipal water and a private sanitary system.

##### Section 5.8 – Hamlet Settlement Area Land Use Designation

The rural settlements noted in Section 5.1 of this Plan are designated Hamlet Settlement Area. The existing hamlets are identified with a symbol on Schedule “A” to this Plan. These areas are intended to function as small dormitory clusters providing very limited commercial, institutional and recreational services to the surrounding area. The existing hamlets may accommodate a very limited amount of the anticipated Municipality residential growth and development within the horizon of this Plan. The following policies shall apply to lands designated Hamlet Settlement Area on Schedule “A”.

#### North Middlesex Zoning By-law

The subject lands are zoned 'Hamlet Residential (RH) Zone' within the North Middlesex Zoning By-law No. 35 of 2004, as amended. The zone permits for accessory use, such as a detached garage/shed, to a single-detached dwelling.

##### Section 5.2 – Accessory Building Definition

An accessory building is defined as a detached building located on the same lot as the main build, the use of which is normally incidental or secondary to that of the main building and which is not used for human habitation. Examples of an accessory building are a private garage, a boathouse, a tool shed, a storage building or a warehouse.

##### Section 6.3.2 – Location Requirements for Accessory Buildings

Unless otherwise permitted in this By-law, in a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than: 1.5 m from any wall of the main building, 1.5 m from the rear lot line, 1.5 m from the interior side lot line; and, 3.0 m from the exterior side lot line.

Section 6.3.3 – Lot Coverage and Height Requirements for Accessory Buildings and Structures  
The total allowable lot coverage for all accessory buildings on a lot shall not exceed 10.0 % of the lot area. The height of any accessory building, as measured from the average finished grade to the top of the roof peak, shall not exceed 10.5 m in the subject zone, except as otherwise indicated in the specific Zone provisions. In this case, it is otherwise specified in Section 7.3.2.

#### Section 13.2 – Zone Requirements

i) The maximum building height for an accessory building is 5.5 m (18.0 ft)

Additional applicable zoning regulations for the accessory structure, pertaining to setbacks and lot coverage, are proposed to be met.

Accessory Building Provisions		
Provision	Permitted	Proposed
Location	Shall only be erected in a side or rear yard and the setback requirements for the main building shall also applying in the location of an accessory building.	Side yard
Minimum distance to side lot line	3.0 m	12.0 m
Maximum height	5.5 m	6.5 m

#### Consultation

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Agency	Comments
Ausable Bayfield Conservation Authority	No concerns.  The report submitted is attached for review.
Canada Post	No concerns.
Middlesex County Emergency Services	No concerns.
Middlesex County Engineer	No concerns.
Enbridge	No concerns.
Entegrus	No concerns.
North Middlesex Chief Building Official	No concerns.

North Middlesex Director of Infrastructure and Operations	No concerns.
North Middlesex Drainage Superintendent	No concerns.
Thames Valley District School Board	No concerns.
Public Comments	No comments were submitted prior to the submission of 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

The interpretation of what is minor is not necessarily based on the quantitative extent to which the Zoning By-law is varied but rather is based on whether the impact of the variance can be considered minor in nature. Staff are of the opinion that the variance is minor in nature. The maximum permitted height identified in the North Middlesex Zoning By-law for the detached garage, as measured from the average finished grade to the peak is 5.5 m (18.0 ft) whereas 6.30 m (20.67 ft) is proposed. As noted above, for the purposes of zoning interpretation and to account for minor construction tolerances, the proposed garage height of 6.30 m (20.67 ft) has been rounded up to 6.5 m (21.33 ft). Height for an accessory structure is measured from grade to peak. The proposed height increase represents a difference of 1.0 m (3.28 ft) when considering the existing permission relative to the proposed height increase factoring in the additional buffer space.

Staff have reviewed the location of the lands, the context of the development and the existing characteristics of the surrounding residential and agricultural area and are of the opinion that the proposed height is not anticipated to negatively impact neighbouring properties nor detract from the streetscape. The proposed structure will be located in the side yard of a 1.76 ha (4.35 ac) parcel, positioned beside the proposed single-detached dwelling, with both structures set back approximately 15.0 m (49.21 ft) from the edge of pavement on Sylvan Road. A peak-to-peak comparison of the proposed structures confirms that the accessory building will be shorter than the proposed single-detached dwelling, thereby ensuring that it remains subordinate in height and scale. Additionally, its location, combined with existing mature tree cover along both Sylvan Road and Townsend Line (County Road No. 12), effectively screens the structure. This screening and setback will block direct sightlines from the road, ensuring the structure does not detract from the existing streetscape. The requested relief is largely supported by the fact that a structure of the same built form previously existed in a similar form and function on the property. The proposed change represents only a minor adjustment to what was previously on site, and as such, is not expected to alter how the property functions or impact neighbouring lands. The proposal maintains compatibility with the character of the area and reflects a minimal change within an existing built form context.

#### 2. Is the variance an appropriate use of the land? YES

Staff are of the opinion that the variance is an appropriate use of the land. Accessory structures on residential properties are a permitted use in the North Middlesex Official

Plan and Zoning By-law. The subject lands are located in an Hamlet Settlement area, defined by the North Middlesex Official Plan as small dormitory clusters utilized for mainly residential purposes. The accessory structure is proposed to be located in the side yard of the subject lands. The nearest existing structure is a dwelling on a neighbouring property, located approximately 16.84 m (55.25 ft) from the proposed detached garage/shed and separated by a solid tree line. As noted above, the structure will be setback approximately 15.0 m (49.21 ft) from the edge of pavement on Sylvan Road and will maintain the open rural character of the area while not detracting from the streetscape. Additionally, the proposed location of the detached garage/shed would be located outside of the regulated limits of the Ausable Bayfield Conservation Authority. As noted above, the proposed change represents only a minor adjustment to what was previously on site, and as such, is not expected to alter how the property functions or impact neighbouring lands. The proposal maintains compatibility with the rural character of the area and reflects a minimal change within an existing built form context.

**3. Do the variances maintain the intent of the Official Plan? YES**

The Official Plan designates the subject lands as an 'Hamlet Settlement Area' in which structures accessory to a residential use are permitted. The general intent and purpose of the Official Plan policies is to ensure orderly and compatible development with no adverse impacts on neighbouring properties. Staff are of the opinion that the proposed garage/shed is compatible and will not have an adverse impact on the neighbouring properties and uses and therefore are satisfied that the intent of the Official Plan is met. Staff note that the primary use of the land will remain as existing, for hamlet residential purposes, and no change of use is proposed.

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

The intent of requiring accessory structures to have a maximum height is to ensure that the use is accessory to the main use of the subject lands, that the intended use is appropriate for the land use, that the structures are subordinate in size/scale to the residential dwelling, and the character of the area is maintained. The owner has advised that the structure will be utilized for the personal storage purposes and personal use. As noted above, the proposed accessory building is not expected to visually detract from the residence because of its location, size, and the presence of mature trees; therefore, the residence will continue to be perceived as the primary structure on the property. Also noted above, the proposed change represents only a minor adjustment to what was previously on site and allows the owner to construct a detached garage/shed at a height of 6.3 m (20.67 ft) which has prompted the requirement for the height relief. It is not expected for the property to impact neighbouring lands. The proposal maintains compatibility with the character of the area and reflects a minimal change within an existing built form context. As such, staff are of the opinion that the additional requested height will maintain the intent of the Zoning By-law.

Staff recommend the inclusion of a condition that the relief only applies to the proposed accessory structure as shown on the site sketch submitted with this application. This will ensure that the relief granted solely applies to the structure as proposed. Additionally, staff recommend the inclusion of the condition that the structure be used for personal storage purposes only.

Based on the above analysis, Application for Minor Variance MV-7-2025 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

**Attachments**

1	Location Map
2	Building Plans
3	Site Sketch
4	ABCA Comments

**Recommendation**

**THAT** the Application for Minor Variance MV-7-2025, to permit an increased maximum height of 6.5 m (21.33 ft) for an accessory structure (detached garage/shed), be **GRANTED** subject to the following conditions:

- 1) The relief solely applies to the accessory structure, as shown on the site sketch submitted with the subject application.
- 2) The accessory structure shall only be used for personal garage/shed purposes.

**Reasons**

The intent of the Municipality of North Middlesex Official Plan is maintained;  
The intent of the Municipality of North Middlesex Zoning By-law is maintained;  
The variance is considered minor in nature;  
The variance is for the appropriate use and development of the lands.