

EVALUATION REPORT

PLANNING DEPARTMENT

To: Chair and Members of the Committee of Adjustment

From: Ashley Sawyer, Planner, County of Middlesex

Date: July 16th, 2025

Re: RECOMMENDATION REPORT – CONSENT AND MINOR VARIANCE
Application for Consent – B10-2025
Application for Minor Variance MV-6-2025
Part of Lot 39 and Part of Lot 40, on Plan 276, North of Ellen Street, West of
Catherine Street, in the geographic Town of Parkhill, Municipality of North
Middlesex, County of Middlesex
191 Catherine Street, Parkhill
Owner/Applicant: Kevin Vanderveen

Purpose and Effect of Consent

The purpose and effect of the application for Consent (File No. B10-2025) is to sever one (1) residential lot from the centre of an existing 1,341.3 m² (0.33 ac) property which will create of two (2) residential infill lots (one (1) lot to the north and one (1) lot to the south).

‘Severed Parcel No. 1’ is proposed to have a frontage of approximately 18.00 m (59.06 ft) on Catherine Street and an area of approximately 487.08 m² (0.12 ac). ‘Severed Parcel No. 1’ is currently vacant of any buildings or structures, will be required to be serviced by the municipal water and sanitary systems and will be required to install a new driveway access to municipal standards. Approximately 1.36 m² (10.76 ft²) of the northeast corner of the parcel is regulated by the Ausable Bayfield Conservation Authority.

‘Severed Parcel No. 2’ is proposed to have a frontage of approximately 14.50 m (47.57 ft) on Catherine Street and an area of approximately 392.38 m² (0.10 ac). ‘Severed Parcel No. 2’ currently contains two (2) accessory structures (garden sheds), that will be required to be removed or relocated as a condition of the Consent, and existing fencing on the front lot line that must be removed. ‘Severed Parcel No. 2’ will be required to be serviced by the municipal water and sanitary system and will be required to install a new driveway access to municipal standards.

The **‘Retained Parcel’** is proposed to have a frontage of approximately 17.18 m (56.36 ft) on Catherine Street and an area of approximately 461.84 m² (0.11 ac). The ‘Retained Parcel’ currently contains one (1) single detached residential dwelling and a portion of one (1) of the accessory structures (garden shed) predominantly located on ‘Severed Lot No. 2’ that, as noted above, will be removed or relocated as a condition of Consent. The parcel is serviced by the municipal water and sanitary system and has an existing driveway access to Catherine Street. The driveway may be required to be altered as a condition of Consent should it encroach onto ‘Severed Parcel No. 1’.

The proposal is summarized in the table below.

	Lot Frontage	Lot Area
‘Severed Parcel No. 1’ <i>Address to be assigned.</i>	18.00 m (59.06 ft) Catherine Street	487.08 m ² (0.12 ac)
‘Severed Parcel No. 2’ <i>Address to be assigned.</i>	14.50 m (47.57 ft) Catherine Street	392.38 m ² (0.10 ac)
‘Retained Parcel’ 191 Catherine St	17.18 m (56.36 ft) Catherine Street	461.84 m ² (0.11 ac)

Purpose and Effect of Minor Variance

The purpose and effect of the Minor Variance (File No. MV-6-2025) is to facilitate the Consent (File No. B10-2025). Relief is required from Section 10.2 a) and 10.2 b) for ‘Severed Parcel No. 2’ and from 10.2 e) for the ‘Retained Parcel’ of the North Middlesex Zoning By-law No. 35 of 2004, as amended, as outlined in the table below. Upon further review, staff are also proposing to include relief for the existing front yard setback of the dwelling on the ‘Retained Parcel’. Although the dwelling has existed since approximately 1880, including this relief will provide clarity and certainty moving forward by formally recognizing the existing setback as compliant.

‘Severed Parcel No. 2’				
Section	Description	Permitted	Proposed	Difference
10.2 a)	Lot Area <i>Minimum for single detached dwelling unit</i>	460.0 m ² (0.11 ac)	392.38 m ² (0.10 ac)	67.62 m ² (0.01 ac)
10.2 b)	Lot Frontage <i>Minimum for single detached dwelling unit</i>	15.0 m (49.21 ft)	14.50 m (47.57 ft)	0.5 m (1.64 ft)

‘Retained Parcel’				
Section	Description	Permitted	Proposed	Difference
10.2 c)	Front Yard Setback <i>Minimum</i>	6.0 m (19.69 ft)	5.88 m (19.29 ft)	0.12 m (0.40 ft)
10.2 e)	Interior Side Yard Setback <i>Minimum</i>	1.2 m (3.93 ft)	0.95 m (3.12 ft)	0.25 m (0.81 ft)

Background

The subject lands have a municipal address of 191 Catherine Street in the Urban Settlement Area of Parkhill, and are located north of Ellen Street, on the west side of Catherine Street just before the road changes direction and turns into Allness Street. Surrounding uses are predominantly residential in nature, with the North Middlesex Parkhill Fire Station property, in which the Parkhill branch of the Middlesex-London Paramedic Services also operates out of, abutting the rear lot line. The lands are legally described as Part of Lot 39 and Part of Lot 40, on Plan 276, North of Ellen Street, West of Catherine Street, in the geographic Town of Parkhill, Municipality of North Middlesex, County of Middlesex. Ellen Street, Catherine Street and Allness Street are all local municipal roads under the jurisdiction of the Municipality of North Middlesex.

The Committee and residents may recall that the subject lands were previously granted conditional approved for Consent B10-2022 on July 12, 2022 to sever one (1) residential lot with a frontage of approximately 21.43 m (70.0 ft) on Catherine Street, with an area of approximately 559.11 m² (0.14 ac). Section 53(41) of the Planning Act requires all conditions be fulfilled within two (2) years of the date the Notice of Decision was issued (July 15, 2024) otherwise the Consent lapses and the lot is not severed. The conditions of B10-2022 were not fulfilled and therefore the Consent lapsed. The subject application is a new application by a new owner.

A key map illustrating the location of the subject lands is attached.

Policy and Regulation Background

The subject lands are located within the Parkhill 'Urban Settlement Area' per 'Schedule A' of the Middlesex County Official Plan and per 'Schedule A1' of the North Middlesex Official Plan. The lands are designated as 'Residential Area' per 'Schedule A1' of the North Middlesex Official Plan. The lands are zoned 'Residential Density One (R1) Zone' within the North Middlesex Zoning By-law No. 35 of 2004, as amended.

Provincial Planning Statement (2024)

The Provincial Planning Statement is issued under the authority of Section 3 of the *Planning Act* which came into effect on October 20th, 2024. According to Section 3 of the *Planning Act*, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The PPS emphasises that "Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs" and that "providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce." The policy is intended to be read in its entirety, and the principal policies applicable to each proposal is to be applied. The principal policies of the PPS that are applicable to the proposed development are summarized below.

Section 2.2 – Housing

The PPS emphasises the importance of providing an appropriate range and mix of housing options and densities by permitting and facilitating all types of residential intensification and introducing new housing options within previously developed areas. Intensification is defined as "the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant and/or

underutilized lots within previously developed areas, infill development and the expansion or conversion of existing buildings.”

Section 2.3 – Settlement Areas

Settlement areas shall be the focus of growth and development. Settlement areas are defined as “urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.” Settlement areas are “built-up areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an official plan for development over the long term.”

Section 3.6 – Sewage, Water and Stormwater

Municipal water and sanitary systems are the preferred form of servicing for settlement areas. Stormwater management shall be integrated with planning for sewage and water services and ensure that systems are optimized, and minimize, or, where possible, prevent or reduce increases in stormwater volumes.

County of Middlesex Official Plan

The County will experience population and employment growth which is important to residents and to the future of the County and its constituent municipalities. Growth must be managed to minimize adverse impacts on natural features and agriculture, and it must be phased to coincide with the types of levels of services available. The majority of growth shall be directed to designated settlement areas and priority is given to fully serviced settlement areas such as Parkhill.

Section 2.3.7 – Housing Policies

A wide variety of housing types, sizes and tenures are encouraged, to meet projected demographic and market requirements of current and future County residents. Intensification and redevelopment, primarily within Settlement Areas, is encouraged and local municipalities “shall support opportunities to increase the supply of housing through intensification and redevelopment in appropriate locations, taking into account municipal services, transportation and environmental considerations.” Local official plans “shall consider site specific characteristics for neighbourhood compatibility.”

Section 2.3.8.1 – Urban Areas

Urban Areas are the focus for future growth and are expected to accommodate a significant portion of the projected growth over the planning period. Urban Areas have the highest concentration and intensity of land uses in the County, and either provide or demonstrate a strong potential to provide full municipal services. Development shall be fully serviced by municipal water and sanitary services.

Section 2.4.5 – Sanitary Sewers and Water

The County of Middlesex does not fund or maintain sanitary or water systems in the County, but the County does promote efficient and environmentally responsible development. Generally, there is a preference towards full municipal services.

Section 4.5.3 – Consent

Consents in settlement areas are permitted when the scale of development does not require a Plan of Subdivision, where 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. Additionally, the application must represent an orderly and efficient use of land, and its approval must not hinder future development of the retained lot. The severed and retained lots shall front on an existing opened and maintained on a year-round basis road allowance. The lot created shall not substantially worsen traffic, access or servicing problems. Conditions may be imposed on granting of a consent.

North Middlesex Official Plan

Section 5.1.2 – Urban Settlement Areas

Parkhill is one of the two Urban Settlement Areas in the Municipality of North Middlesex. Urban Settlement Areas shall have the highest concentration of intensity of land uses within the Municipality and shall be the focus of growth by accommodating a significant portion of it. All new proposed development shall be fully serviced by the municipal water and sanitary systems.

Section 5.2 – Residential Land Use Designation

The predominant use of land in the Residential Area Land Use Designation shall be a variety of dwelling types. Urban and Community Settlement Areas shall provide a mix and range of residential lot sizes and unit sizes required to satisfy the varied needs of the Municipality's existing and future residents.

Section 5.2.5 – General Housing Policies

It is the policy of the Municipality that intensification and redevelopment within Settlement Areas will be encouraged to provide a greater mix and balance of residential housing types. The Municipality shall consider the level of municipal services available, neighbourhood compatibility, transportation accommodation and the protection of environmental features.

Section 9.6.4 – General Consent Policies

The decisions of the Committee of Adjustment shall be consistent with the Provincial Planning Statement and conform to the Middlesex County Official Plan. Consents should only be granted in instances where the land is not better developed as a plan of subdivision, where the lands front onto an existing and assumed public road that is maintained on a year-round basis and where it has the effect of infilling in existing areas. The size of any parcel created by consent should be appropriate for the proposed use, considering the level of services available. On the granting of a consent, conditions may be imposed.

North Middlesex Zoning By-law

The subject lands are zoned 'Residential Density One (R1) Zone' within the North Middlesex Zoning By-law No. 35 of 2004, as amended, which permits the existing and proposed residential use. No change of use is required to facilitate the Consent, however a Minor Variance for the lot area and lot frontage of 'Severed Parcel No. 2' and for the interior side yard setback of the 'Retained Parcel' is required. Key zoning provisions are outlined in the table below. Bolded items indicate the requested site-specific relief.

Residential Density One (R1) Zone		
Section 10.2 – Zone Requirements	Required	Proposed
Lot Area <i>Minimum for single-detached dwelling</i>	460 m²	Severed Parcel No. 1 – 487.08 m ² Severed Parcel No. 2 – 392.38 m² Retained – 461.84 m ²
Lot Frontage <i>Minimum for single-detached dwelling</i>	15.0 m	Severed Parcel No. 1 – 18.00 m Severed Parcel No. 2 – 14.50 m Retained – 17.18 m
Front Yard Setback Minimum	6.0 m	Severed Parcel No. 1 – TBD Severed Parcel No. 2 – TBD Retained – 5.88 m (existing)
Interior Side Yard Setback Minimum	1.2 m	Severed Parcel No. 1 – TBD Severed Parcel No. 2 – TBD Retained – 0.95 m (3.12 ft)
Rear Yard Setback Minimum	7.0 m	Severed Parcel No. 1 – TBD Severed Parcel No. 2 – TBD Retained – 9.53 m
Lot Coverage Maximum	40%	Severed Parcel No. 1 – TBD Severed Parcel No. 2 – TBD Retained – 33.55 %

Consultation

Notice of the application has been circulated to required agencies, as well as property owners within 60 m of the subject lands, and was posted on the subject lands in accordance with the requirements of the Planning Act. Comments submitted prior to the submission of this report are summarized below.

Agency	Comments
Ausable Bayfield Conservation Authority	“From the information submitted the regulated area will remain on the lands described as “Severed Parcel No.1”. As such, the ABCA does not have a natural hazard concern with the requested Severance and does not oppose the requested Minor Variance.” The ABCA comments are attached for review.
Canada Post	No concerns.
County of Middlesex	If approved, the following conditions should apply: “

Emergency Services	<p>1) That the retained parcel retain the existing 911 property address of 191 Catherine Street and the property owner ensure the 911 property address is installed to municipal standards on the residential building so it is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address when responding from either direction from the Catherine Street road allowance.</p> <p>2) That both severed parcels 1 and 2 have proposed 911 addresses that are sequential in existing 911 addressing for Catherine Street and those proposed 911 addresses be submitted to the Municipality of North Middlesex in consultation with the County of Middlesex for approval.</p> <p>3) When building permits are issued for the severed parcels 1 and 2 that the 911 property addresses be posted to municipal standards temporarily and permanently during all stages of construction so the 911 property address is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address when responding from either direction from the Catherine Street road allowance and ensure the 911 property address is posted at time of final occupancy approval.”</p>
County of Middlesex Engineer	No concerns.
Entegrus	“Infill lots will require applications for service through our website and follow our regular servicing agreements.”
North Middlesex Chief Building Official	<p>“There are significant building code concerns with this application if the existing house is to remain. Please confirm if the existing house is to be demolished as part of this application. If it is proposed to remain, I offer the following comments:</p> <p>1. The Ontario Building Code requires spatial separations between buildings and property lines and other buildings which vary depending on the number of openings such as windows. Where it's proposed to be less than 1.2 metres from a property line, there can either be no windows, or the limiting distances required would have to extend onto adjacent property to ensure no buildings are constructed within this distance. in this case, the limiting distance would be at least 1.2 metres and may be more depending on the percentage of openings in the building's south facing wall. This would require a spatial separation agreement between the two properties to be registered on title. Future buildings</p>

	<p>on the southerly created property would also likely have separations of at least 1.2 metres. These may not overlap and therefore a minimum of 2.4 metres would be required between buildings. Given the technical nature of this concern, this will need to be evaluated by a qualified building code designer and included as a condition of the consent.</p> <p>2. In addition to spatial separations, the eaves projecting to the property line will also have to be evaluated given their proximity to the property line. Compensating construction may be required to protect these. This too will need to be reviewed by a qualified building code designer and may limit this application</p> <p>3. Please provide a lot grading plan from a qualified engineer for the resulting properties to ensure drainage will not adversely impact these or adjacent lots. This should be a condition regardless of the dwelling being removed or not.”</p>
North Middlesex Director of Infrastructure and Operations	No concerns.
North Middlesex Drainage Superintendent	“Assessed in the Cameron-Gillies Drain. The assessment schedule will required to be reassessed under the Drainage Act R.S.O. 1990, cD17 at the sole expense of the owner, in the format recommended by and to the satisfaction of the Drainage Superintendent of the Municipality of North Middlesex.”
Thames Valley District School Board	No concerns.
Public Comments	One (1) neighbouring landowner at 228 Ellen Street did reach out to clarify the proposal in advance of the submission of this report, but no formal comments have been provided by them to date. No additional comments have been received to date either.

Analysis

Consent

The Provincial Planning Statement (PPS), Middlesex County Official Plan and North Middlesex Official Plan encourage residential infill development within settlement areas such as Parkhill, subject to servicing and compatibility. Growth and development is directed to settlement areas which are serviced by a municipal water and municipal sanitary system. This proposal supports intensification and infill development by more efficiently utilizing a vacant portion of a residential lot within an existing built-up settlement

area where services are available. In addition, this proposal will contribute to a mix of dwelling types and residential lot sizes, which is noted as a priority in the North Middlesex Official Plan.

The North Middlesex Official Plan allows up to four lots to be created by way of Consent so long as the subject lands have frontage on a public road that is maintained on a year-round basis and is in an area serviced by municipal water and sanitary sewers. All proposed parcels front onto Catherine Street, which is a year-round maintained public road under the jurisdiction of the Municipality of North Middlesex and the lands are located in an area serviced by municipal water and sanitary sewers. The execution of a Severance & Development Agreement will be required as a condition of approval, which would address items including but not limited to entrance locations and construction, lot grading, drainage and stormwater, securities for off-site works in the municipal road allowance, and connection(s) to the municipal water and sanitary systems. Provisions are included in the Severance & Development Agreement that also requires that the parcels all be mowed and kept in accordance with the Municipality's Tidy Yards By-law, as well as that any trees removed during development are replaced with similar species that are similar in size. Staff note that the existing fencing on the subject lands that runs parallel to Catherine Street must be removed as with the creation of the new lot it would be located on the front lot line. The existing fencing abutting 228 Ellen Street will remain or be replaced with a similar board-on-board style fence that complies with the Municipality's Fence By-law. Should the fence need to be replaced as a result of this development, the cost of the replacement will be solely the responsibility of the developer of the 'Severed Parcel No. 2'. In addition, if not already in existence, the Municipality will require fencing along the rear lot lines of 'Severed Parcel No. 1', 'Severed Parcel No. 2' and the 'Retained Parcel', as well as some additional tree buffering, as these lot lines abut the North Middlesex Fire Station property, where the Middlesex London Paramedic Service is also located. Staff suggest the inclusion of these requirements to maintain appropriate separation and privacy between the residential and institutional uses, reduce potential noise and visual impacts, and support compatibility with the surrounding neighbourhood. These items will be included in the and this will be detailed in the Severance & Development Agreement.

Staff are satisfied that with the inclusion of the recommended conditions that the Consent criteria of the Official Plan is being maintained.

Lot Area and Configuration

Lot fabrics in Parkhill generally range in size, with residential lots in the surrounding neighbourhood ranging in size from approximately 311.72 m² (0.08 ac) to 1,618.49 m² (0.4 ac). The proposal is classified as residential infill development which avoids outward expansion of the settlement area and will more efficiently utilize the land already located within the settlement area boundary. Based on comments received by the Chief Building Official, to ensure compliance with the Ontario Building Code spatial separation requirements, staff are recommending that the minimum 1.2 m (3.94 ft) setback on the 'Retained Parcel' be maintained from the existing dwelling to the proposed southerly lot line. To accommodate this setback, the lot area and frontage of 'Severed Parcel No. 2' will be reduced by 0.25 m (0.82 ft) from the original proposal with a minimum lot frontage of 14.50 m (47.57 ft) to a minimum lot frontage of 14.25 m (46.75 ft), and from a minimum lot area of 392.38 m² (0.10 ac) to 385.56 m² (0.10 ac). In staff's opinion, this proposed change is modest and does not compromise the functionality or development potential of

'Severed Parcel No. 2'. The resulting parcel remains consistent with the range of lot sizes and frontages in the surrounding neighbourhood, maintaining compatibility with the established lot fabric and character of the area. In staff's opinion, maintaining the existing dwelling on the 'Retained Parcel' as is, rather than requiring its removal or structural modifications, is preferable as it supports housing retention of a home with character that was constructed in approximately 1880, minimizes construction impacts, and ultimately avoids additional regulatory complexities such as spatial separation agreements or the prohibition of windows on certain walls of the dwellings, as identified by the Chief Building Official.

Servicing

The Owner will be required to complete full engineered drawings and reports ('Servicing Plan') to support servicing of 'Severed Parcel No. 1' and 'Severed Parcel No. 2' which will include confirming the adequacy of capacity of the existing municipal water and sanitary systems to support the additional infill. Additionally, a Grading & Drainage Plan completed by a qualified professional and approved by the Municipality is required, as is a drain reassessment to the satisfaction of the Drainage Superintendent. These requirements have been included as recommended conditions. All costs associated are solely the responsibility of the owner.

In addition to the above, the location of the existing service connections, including but not limited to connections for municipal water, municipal sanitary, hydro, gas and telecommunication lines shall be confirmed to be wholly contained to the lot in which they service, and shown on the preliminary survey completed by an Ontario Land Surveyor to the satisfaction of the Municipality. Should they encroach beyond the lot line to the lot in which they service, they shall be relocated solely at the owner's expense.

Zoning

As noted above, the existing 'Residential Density One (R1) Zone' on the subject lands permits the existing and proposed residential use. No change of use is required to facilitate the Consent, however, as noted above, a Minor Variance is requested for site-specific relief. A Minor Variance analysis is provided in a following section of this report.

In conclusion, staff are of the opinion that the proposed Consent is appropriate, is consistent with the Provincial Planning Statement and is in conformity with the County of Middlesex and North Middlesex Official Plans provided the recommended conditions are addressed.

Minor Variance

The below analysis is based on staffs recommended revised proposal, as noted above, which reduces the lot frontage and area of 'Severed Parcel No. 2' from 14.50 m (47.57 ft) to a minimum lot frontage of 14.25 m (46.75 ft), and from a minimum lot area of 392.38 m² (0.10 ac) to 385.56 m² (0.10 ac), to maintain the required 1.2 m (3.94 ft) setback from the existing dwelling to the proposed southerly lot line on the 'Retained Parcel'.

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

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 variances can be considered minor in nature. Staff are of the opinion that the variances are minor in nature.

'Severed Parcel No. 2'

The minimum required lot area for a single detached dwelling in the 'Residential Density One (R1) Zone' is 460.0 m² (0.11 ac), whereby 385.56 m² (0.10 ac) is now proposed, equating to a difference of 74.44 m² (0.02 ac). Additionally, the minimum required lot frontage is 15.0 m (49.21 ft), whereby 14.25 m (46.75 ft) is now proposed, equating to a difference of 0.75 m (2.46 ft). Staff have reviewed the location of the lands, the context of the development, and the existing characteristics of the surrounding area and are of the opinion that the proposed lot area and frontage relief is not anticipated to negatively impact neighbouring properties nor detract from the streetscape. The proposed lot remains of sufficient size and configuration to accommodate a single detached dwelling that is consistent with the general development pattern of the area, with the reduction considered modest and not anticipated to result in any noticeable visual or functional impacts from the street. Lot fabrics in this neighbourhood in Parkhill generally range from approximately 311.72 m² (0.08 ac) to 1,618.49 m² (0.4 ac), and the resulting parcel remains comparable to, and in some cases larger than, other existing lots in the neighbourhood. Based on comments from the Chief Building Official, staff recommend maintaining a minimum 1.2 m (3.94 ft) setback on the 'Retained Parcel' to comply with Ontario Building Code spatial separation requirements. To accommodate this, the lot area and frontage of 'Severed Parcel No. 2' have been reduced slightly from the original proposal. In staff's opinion, this adjustment is preferable as it allows for the retention of the existing dwelling, which is a home with character built in approximately 1880, without requiring removal or structural modifications, while avoiding additional regulatory complexities such as spatial separation agreements or window restrictions as noted by the Chief Building Official. It is staff's opinion that the proposal maintains compatibility with the residential character of the neighbourhood and reflects a minor adjustment.

'Retained Parcel'

The minimum required interior side yard setback for a single detached dwelling in the 'Residential Density One (R1) Zone' is 1.2 m (3.93 ft) whereby 0.95 m (3.12 ft) is proposed, equating to a difference of 0.25 m (0.81 ft). As noted above, based on comments from the Chief Building Official, staff are recommending that the

minimum 1.2 m (3.94 ft) setback on the southerly interior side yard of the 'Retained Parcel' be maintained so that it complies with the Ontario Building Code spatial separation requirements. This means that relief is only required to recognize the existing front yard setback of the dwelling, constructed in approximately 1880. The minimum required front yard setback is 6.0 m (19.69 ft) whereby 5.88 m (19.29 ft) exists, equating to a difference of 0.12 m (0.40 ft). Staff note this is specifically for the existing dwelling that was constructed in approximately 1880. This variance will simply recognize and existing location of the dwelling that has been in the same place for many years. Addressing this now through the minor variance process is beneficial as it ensures that the property is clearly in compliance moving forward. It is staff's opinion that the proposal maintains compatibility with the residential character of the neighbourhood, reflects a minor adjustment, and recognizes the existing dwelling in its current form, with no changes to the structure proposed.

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

Staff are of the opinion that the variances are an appropriate use of the land and reflect a minor adjustment. Single detached dwellings are a permitted use within the 'Residential Density One (R1) Zone' and the subject lands are located in an established residential neighbourhood. The lots will remain generally consistent with the character of the neighbouring area and are comparable to, and in some cases larger than, nearby properties. The requested front yard setback relief pertains to an existing dwelling that has remained in its current location since approximately 1880, and the relief simply recognizes the existing location to ensure clarity and compliance moving forward. The proposed changes are not expected to hinder the residential function of the lands.

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

The Official Plan designates the subject lands as located within an 'Urban Settlement Area' and are designated as a 'Residential Area'. The general intent and purpose of the Official Plan policies is to ensure orderly and compatible development with no adverse impacts on neighbouring properties and to direct growth and intensification to 'Urban Settlement Areas', such as Parkhill, where full municipal services are available. It promotes a mix and range of residential lot sizes and housing types while supporting infill and redevelopment within established areas, provided it is compatible with the surrounding neighbourhood and makes an efficient use of services. Staff are of the opinion that the minor reductions in lot area and frontage for 'Severed Parcel No. 2' and for the front yard setback for the 'Retained Parcel' is compatible with and is not anticipated to have a negative impact on neighbouring lands, represents infill development that is consistent with the lot fabrics in the neighbourhood, and utilizes lands that are in a fully serviced area. Staff are therefore satisfied that the intent of the Official Plan is met.

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

The intent of the Zoning By-law regulations for lot area, frontage and setbacks is to ensure that residential lots are appropriately sized and configured to support functional dwellings and maintain neighbourhood character. In staff's opinion, the requested relief represents minor reductions in which 'Severed Parcel No. 2' will remain of sufficient size to accommodate a single detached dwelling and the

'Retained Parcel' will remain of a sufficient size to accommodate the existing single detached dwelling. The parcels will maintain the existing neighbourhood character and streetscape, while more efficiently using the land within the fully serviced settlement area. As such, staff are of the opinion that the requested relief will maintain the intent of the Zoning By-law.

Based on the above analysis, Application for Minor Variance MV-6-2025 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

Attachments

1	Public Meeting Notice and Location Map
2	Survey Sketch
3	ABCA Comments

Recommendation

That the application for Consent B10-2025, submitted under Section 53 of the Planning Act be **GRANTED** by the Committee of Adjustment subject to the following conditions:

1. That pursuant to Section 53(41) of the *Planning Act* all conditions imposed shall be completed to the satisfaction of the Municipality of North Middlesex within a maximum period of two (2) years after the Notice of Decision was issued.
2. That pursuant to Section 53(42) of the *Planning Act*, the Municipality of North Middlesex shall issue a Certificate of Consent to the owner/applicant's solicitor stating that the Consent has been given, and the certificate is conclusive evidence that the Consent was given and that the provisions of the *Planning Act* leading to the Consent have been complied with.
3. That the owner/applicant shall provide a written submission and supporting documentation to the satisfaction of the Municipality of North Middlesex detailing how each condition of consent has been fulfilled, prior to the issuance of the Certificate of Consent.
4. That the owner/applicant's solicitor shall submit an undertaking, in a form satisfactory to the Municipality of North Middlesex, to register an electronic transfer of title consistent with the Consent decision.
5. That the owner/applicant's solicitor shall provide to the Municipality of North Middlesex, a draft transfer a minimum of three (3) business days before the expected transfer.
6. That the fee for the Certificate of Consent shall be paid by the owner/applicant in accordance with the Municipality's Fees and Charges By-law.
7. That all financial requirements of the Municipality of North Middlesex which may be deemed necessary for the proper and orderly development of the subject lands,

including but not limited to, the payment of any monies owed to the Municipality of North Middlesex for taxes, water, sanitary, third-party review costs, and parkland dedication, shall be satisfied.

8. That the lot fabric shall be revised to the satisfaction of the Municipal Planner, in which 'Severed Parcel No. 2' has a minimum lot frontage of approximately 14.25 m (46.75 ft) and a minimum lot area of 385.56 m² (0.10 ac).
9. That a preliminary survey prepared by an Ontario Land Surveyor, shall be submitted to and approved by the Municipality of North Middlesex. The preliminary survey shall include the following information:
 - a. The boundaries and dimensions of 'Severed Parcel No. 1', 'Severed Parcel No. 2' and the 'Retained Parcel';
 - b. The location, type, dimensions, and status (i.e. if being removed) of all existing buildings and structures on the subject lands;
 - c. Setbacks of all existing buildings and structures from all existing and proposed property lines;
 - d. The location of all existing and proposed driveways, and any shared access arrangements if applicable;
 - e. The location of all municipal water and sanitary service connections for each parcel;
 - f. The location of all hydro, gas, telecommunication, and any other private or public service utility lines;
 - g. Any easements or encroachments affecting the lands; and
 - h. Any natural or built features that may be relevant to the severance, such as fences, culverts, ditches, trees near lot lines, gardens, or regulated area boundaries (i.e. Ausable Bayfield Conservation Authority).
10. That following the Municipality's review and approval of the preliminary survey, a draft Reference Plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent and that this plan be submitted to and approved by the Municipality of North Middlesex prior to being deposited with the Land Registry Office.
11. That all public and private service locations shall be confirmed to be located wholly on the parcel to which they service and do not encroach beyond the proposed lot lines, to the satisfaction of the Municipality of North Middlesex. If the services are not wholly located on the property to which they service, they shall be relocated at the sole expense of the registered owner and at no cost to the Municipality of North Middlesex, to the satisfaction of the Municipality of North Middlesex.

12. That a Minor Variance be in full force and effect for the necessary zoning relief for 'Severed Parcel No. 2' and the 'Retained Parcel' to facilitate the Consent to the satisfaction of the Municipality of North Middlesex.
13. That the Owner shall pay the cash-in-lieu of parkland dedication rate in effect at the time of payment to the Municipality of North Middlesex, in accordance with the Municipality's Fees and Charges By-law, pursuant to Section 51.1 of the Planning Act.
14. That an Entrance Permit be obtained for the 'Severed Parcel' or that such requirement be written into the Severance and Development Agreement, if deemed acceptable by the Director of Infrastructure and Operations, to the satisfaction of the Municipality of North Middlesex.
15. That 'Severed Parcel No. 1' and 'Severed Parcel No. 2' shall be assigned a new 911 address, and the associated signage shall be posted, or confirmed to be posted, in accordance with municipal standards to the satisfaction of the Municipality of North Middlesex and the County of Middlesex.
16. That the assessment schedule(s) for the impacted municipal drain(s) be reassessed under the Drainage Act R.S.O 1990, c D17 at the sole expense of the Owner, in the format recommended by and to the satisfaction of the Drainage Superintendent of the Municipality of North Middlesex.
17. That a Servicing Plan completed by a qualified professional engineer be provided to the satisfaction of and approved by the Director of Infrastructure and Operations of the Municipality of North Middlesex.
18. That a Grading & Drainage Plan completed by a qualified professional engineer be provided to the satisfaction of and approved by the Chief Building Official and the Director of Infrastructure and Operations of the Municipality of North Middlesex.
19. That the Owner enter into a Severance & Development Agreement (the "Agreement") with the Municipality of North Middlesex, that is registered on title of the subject lands at the sole expense of the owner/applicant. The Agreement shall address to the satisfaction of the Municipality of North Middlesex, the following matters (among others):
 - a. Location, permitting and construction requirements for new driveways;
 - b. Lot grading, drainage and stormwater management requirements;
 - c. Connections to the municipal water and systems;
 - d. Civic addressing and property signage requirements;
 - e. Yard maintenance obligations in accordance with the Municipality's Tidy Yard By-law (i.e. parcels must be kept clean, clear of debris, and lawns regularly maintained);

- f. Tree replacement requirements where trees are removed to accommodate development;
 - g. Fencing requirements;
 - h. Requirements for certification from the owner/applicant's engineer of record.
20. That the existing fencing running parallel to Catherine Street, which will become located along the front lot line of 'Severed Parcel No. 2' as a result of the severance, shall be removed entirely, to the satisfaction of the Municipality of North Middlesex, and at the sole expense of the owner/applicant.
21. That the existing fence abutting 228 Ellen Street shall remain, or if replaced, shall be replaced with a similar board-on-board style fence in accordance with the Municipality's Fence By-law. Should replacement be required as a result of the development, the cost shall be entirely the responsibility of the developer of 'Severed Parcel No. 2'.
22. That the owner/applicant shall install a 6.0 ft board-on-board fence and tree buffering along the rear lot lines of 'Severed Parcel No. 1', 'Severed Parcel No. 2', and the 'Retained Parcel' to the satisfaction of the Municipality of North Middlesex.
23. That the accessory structures on 'Severed Parcel No. 2' and the 'Retained Parcel' shall be removed or relocated to the satisfaction of the Chief Building Official.
24. That, if required, a Deeming By-law to deem a historic Plan of Subdivision not to be a Registered Plan of Subdivision on the subject lands, be adopted to the satisfaction of the Municipality of North Middlesex.
25. That the owner shall provide one (1) digital PDF copy of the deposited Registered Plan to the satisfaction of the Municipality of North Middlesex.

AND FURTHER THAT Minor Variance Application MV-7-2025 to permit a minimum lot area of 385.56 m² (0.10 ac) and a minimum lot frontage of 14.25 m (46.75 ft) for 'Severed Parcel No. 2' of Consent B10-2025, as well as relief to formally recognize the existing front yard setback 5.88 m (19.29 ft) for the dwelling on the 'Retained Parcel' be **GRANTED**.

Reasons

The variance is considered minor in nature;

The variance is for the appropriate use and development of the lands.

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;