



# vallee

*Consulting Engineers,  
Architects & Planners*

July 11, 2022

Planning and Development Services  
Municipality of Middlesex Centre  
10227 Ilderton Road, RR2  
Ilderton, ON N0M 2A0

**Attention: Dan FitzGerald, Planner**

**Reference: Planning Justification Report for Minor Variance  
G. Douglas Vallee Limited on behalf of Stone Haven Landscape & Design  
67 Earls court Terrace, Middlesex Centre  
Our Project 22-133**

---

## Introduction

G. Douglas Vallee Limited has been retained by Stone Haven Landscape & Design to make application to the Municipality of Middlesex Centre for a minor variance to permit an accessory structure with a reduced interior side yard setback, an increased yard projection, and an increased maximum lot coverage on lot known municipally as 67 Earls court Terrace, Roll# 393900001023142.

The purpose of this application is to provide relief from the following sections of the Municipality of Middlesex Centre Zoning Bylaw No. 2005-005:

- Section 4.1 (a) Accessory uses, buildings, or structures shall be permitted in any zone, subject to the provisions of this By-law for the particular zone in which the said building, structure, or use is located, and provided that no accessory building, structure or use:
  - (iv) shall be erected closer than the lesser of 1.5 metres (4.9 ft) or the minimum interior side yard setback required for the main use on the lot, to an interior side lot line in any Residential or Agricultural Zone, except that a common semi-detached private garage may be centered on a mutual interior side lot line;
- Section 4.1 (b) LOT COVERAGE & GROSS FLOOR AREA
  - (i) shall exceed the lesser of 50.0 m<sup>2</sup> (538 ft<sup>2</sup>) of gross floor area or three percent (3%) lot coverage in any Urban Residential or Community Residential Zone;
- Section 4.30 (a) No part of any required yard shall be obstructed by any building or structure or portion thereof except one or more of the following:
  - architectural adornments including, but not necessarily limited to, sills, belt courses, chimneys, gas fireplaces, cornices, eaves, gutters, parapets, pilasters

and roof trusses projecting not more than 0.6 metres (2.0 ft) into any required yard, with the exception of any eaves of a building located in any Residential Zone which shall be no closer than 0.6 metres (2.0 ft) to any lot line.

This application:

- Avoids impacts on surrounding lands;
- Meets the four tests of a minor variance;
- Is consistent with the Official Plans of Middlesex County and Middlesex Centre;
- Maintains the general intent and purpose of the Municipality's Zoning Bylaw; and
- Represents good planning.

This Planning Justification report provides planning support and information to the Municipality of Middlesex Centre's Committee of Adjustment and Staff to consider when reviewing the subject application.

Supporting documents have been provided, including:

1. Appendix A – Site plan, G. Douglas Vallee Limited, dated July 5, 2022.

### **Site Description**

The subject lands are a 1537m<sup>2</sup> residential parcel located within the urban settlement area of Komoka-Kilworth as shown on Schedule A-2 of the Middlesex Centre Official Plan. The property is located northeastern limits of the urban area at the intersection of Jefferies Road and Stephen Moore Drive.

The subject lands are designated Residential in accordance with Schedule A-2 of the Middlesex Centre Official Plan and zoned Urban Residential First Density (UR1-22) on Schedule U-8 of the Municipal Zoning Bylaw.

Figure 1 below provide an aerial view of the existing property and its location within the urban area.

### **Proposal**

The homeowner is seeking to create an attractive and inviting backyard amenity space through the construction of backyard accessory structures. Figure 2 below, provides a concept rendering for the proposed pergola and pool storage building while Appendix A provides a concept site plan indicating the location of the proposed structure on the lot.

As displayed in Table 1 below, the proposed accessory structures will meet all zoning provision required under the UR1-22 zone, with the exception of the minimum interior side yard setback and maximum lot coverage for an accessory structure. Table 1 below provides an analysis of the applicable zoning provisions for an accessory structure in the UR1 zone.

**G. DOUGLAS VALLEE LIMITED**  
**Consulting Engineers, Architects & Planners**



**Professional Engineers**  
Ontario

*Authorized by the Association of Professional Engineers of Ontario  
to offer professional engineering services*



**Ontario Association**  
of Architects

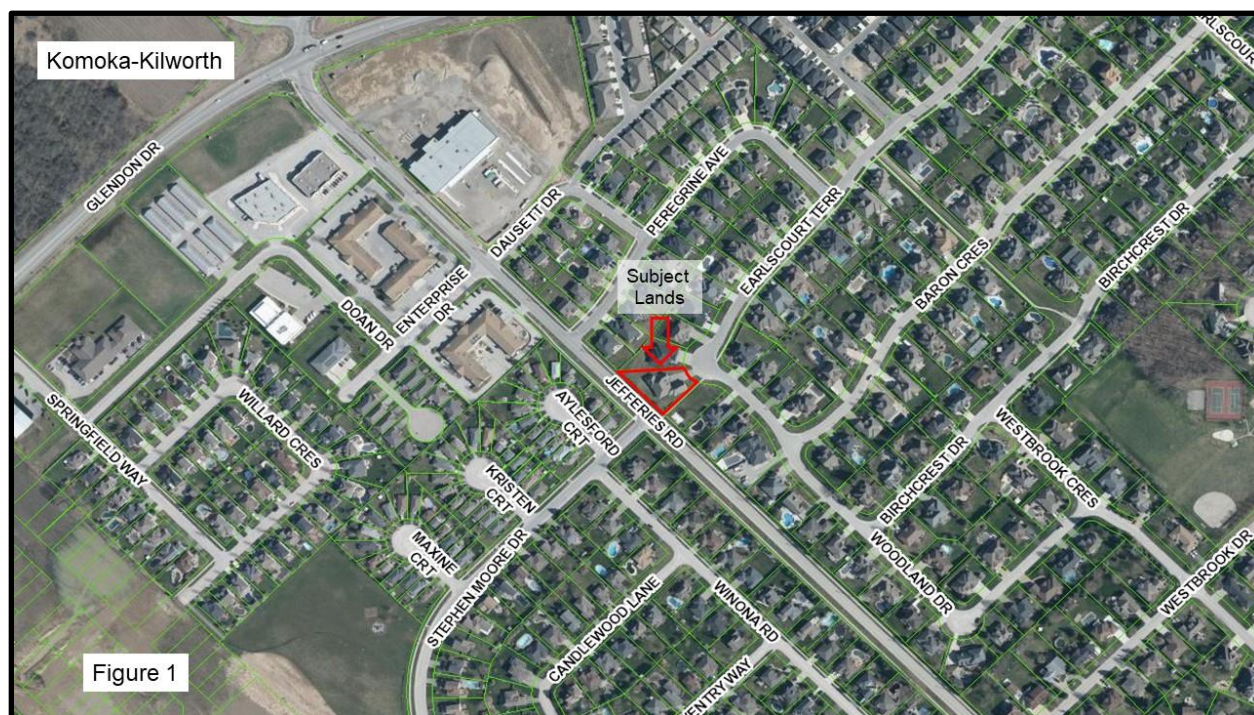


Table 1: Zone provisions for an accessory structure in the UR1 Zone

| Provision  | Required  | Provided                          | Comment   |
|--|---|-----------------------------------|---|
| <b>4.1(a)</b><br><b>Minimum Interior Side yard</b> | 1.5m  | <b>0.76m</b>                      | <b>Deficient</b><br><b>Requires relief of 0.74m to permit 0.76m</b> |
| <b>4.1(a)</b><br><b>Minimum rear yard</b>          | 1.5m  | 2.4m                              | Meets required zoning provision                                     |
| <b>4.1(a)</b><br><b>Location to main building</b>  | 1.2m  | 2.9m                              | Meets required zoning provision                                     |
| <b>4.1(b)</b><br><b>Maximum Gross Floor Area</b>   | 50.0 m <sup>2</sup> (538 ft <sup>2</sup> ) of gross floor area or three percent (3%) lot coverage | 10.0m <sup>2</sup><br><b>4.0%</b> | <b>Deficient</b><br><b>Requires relief of 1% to permit 4%</b>       |
| <b>4.1(c)</b><br><b>Height</b>                     | 5.5m  | Max 5.5m                          | Meets required zoning provision                                     |

**G. DOUGLAS VALLEE LIMITED**  
Consulting Engineers, Architects & Planners

|  |   |   |  |
|--|---|---|--|
| <p><b>4.30 (a)<br/>YARD<br/>ENCROACHMENTS<br/>AND<br/>OBSTRUCTIONS</b></p> | <p>0.60 metres (2.0 ft) into any required yard</p> <p>And</p> <p>no closer than 0.60 metres (2.0 ft) to any lot line;</p> | <p>1.04m</p> <p>And</p> <p><b>0.46m</b></p> | <p>Deficient</p> <p>However, approval of the reduced interior side yard would eliminate this deficiency.</p> <p>And</p> <p><b>Required relief of 0.14m to permit 0.46m</b></p> |
| <p><b>8.1.7 Maximum Lot Coverage</b></p>                                   | <p>(a) main building 35%</p> <p>(b) all buildings including accessory buildings 38% subject to Section 4.1a)</p>          | <p>(a) 26.5%</p> <p>(b) 30.5%</p>           | <p>Meets required zoning provision</p>   |

For review purposes it is important to note how Municipality's zoning bylaw defines Gross Floor Area and Lot Coverage.

**FLOOR AREA, GROSS** means the total sum of the horizontal areas of a building or structure measured from the exterior faces of the exterior wall or from the centreline of any common or partition wall but shall not include the horizontal area of any cellar, attic, enclosed parking area, enclosed loading space, or any unenclosed porch, veranda, balcony or similar structure.

**LOT COVERAGE** means the percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected, measured at grade level including all porches and verandas, steps, cornices, eaves, bay windows, and chimneys but shall not include decks.

In accordance with the above definition, the gross floor area was calculated for the enclosed storage portion of the structure, while lot coverage was calculated for the entire structure.

### Planning Analysis

Section 45(1) of the Planning Act gives power to the Committee of Adjustment to modify the zoning by-law provided that the application:

1. Maintains the general intent and purpose of the Township Official Plan;
2. Maintains the general intent and purpose of the Township Zoning Bylaw;
3. The variance is appropriate for the desirable development of the lot; and,
4. The requested variance is minor in nature.

Table 2 and 3 below provide an analysis for the variance being sought in light of the 4 tests of a minor variance required under the Planning Act.



**Table 2: Four Tests related to Section 4.1(a) of the Municipality of Middlesex Centre Zoning Bylaw**

| Section 4.1 (a)   |   | Minimum Interior Side Yare – 1.5m |
|---|---|-----------------------------------|
| Test  | Comment   | Complies                          |
| 1)The request for variance constitutes a minor departure from the performance standards of the zoning bylaw | <p>1) The minimum interior side yard for an accessory building in an urban residential zone is 1.5m. As shown on Appendix A, the proposed interior side yard setback is 0.76m with an overhang within 0.46m of the property line.</p> <p>The relief sought is for 0.74m from the required 1.5m and 0.14m from the required 0.60m. The subject variance would permit the construction of a pergola / pool storage building to create high quality backyard amenity space.</p> <p>When considering the minor nature of the requested relief there are important factors to consider:</p> <ul style="list-style-type: none"> <li>• The unique shape of the lot creates challenges for an accessory structure to meet the required setbacks.</li> <li>• The proposed setback of 0.76m will still provide enough space between the proposed structure and the property line for property maintenance purposes.</li> <li>• The reduced overhang will maintain a sufficient setback of 0.46m to ensure water is not directed onto the neighbouring lot.</li> <li>• Much of the proposed structure will be unenclosed (see Figure 2 below). This will help provide a more open concept and lessen perceived impacts on the adjacent parcel.</li> </ul> <p>In this instance, the requested variance is considered a minor departure from the zoning bylaw standards.</p> | ✓                                 |
| 2)The variance is desirable for the appropriate development of the land.                                    | <p>2)This application is proposing to construct a pergola and pool storage structure as an accessory residential use. Given the open concept nature of the structure the limited combined lot coverage, the proposed structure will not result in an over development of the lot.</p> <p>As a residential accessory use in a newly developed residential area, approval of the proposed application would provide high-quality amenity space to the homeowner.</p>  | ✓                                 |

|  |  |   |
|--|--|---|
|  | In this instance, a reduced interior side yard setback and a reduced setback for an overhang is considered appropriate development of the subject lands.   |   |
| 3)The variance maintains the general intent and purpose of the Zoning Bylaw  | <p>3) As outlined above, the proposed application is seeking to permit an accessory structure with an interior side of 0.76m with an overhang within 0.46m of the property line.</p> <p>From a planning perspective the intent of the side yard setback is to ensure maintenance can be completed between the building and the property line AND to ensure compatibility with the neighbouring property. As outlined above, the following factors have been considered:</p> <ul style="list-style-type: none"> <li>• The proposed setback of 0.76m will still provide enough space between the proposed structure and the property line for property maintenance purposes.</li> <li>• The reduced overhang will maintain a sufficient setback of 0.46m to ensure water is not directed onto the neighbouring lot.</li> <li>• Much of the proposed structure will be unenclosed (see Figure 2 below). This will help provide a more open concept and lessen perceived impacts on the adjacent parcel.</li> </ul> <p>The requested relief will not result in over development, allows for any occasional maintenance of the building and land between the building and property line, and the future structure will not be out of character with the area. In this instance, the proposed variance maintains the general intent and purpose of the zoning bylaw.</p> | ✓ |
| 4)The variance maintains the general intent and purpose of the Official Plan | 4) As an accessory structure to the permitted residential use, the proposed ability maintains the general intent and purpose of the official plan. Section 10.2 outlines policies the committee may consider granting a minor variance which cannot reasonably meet one or more of the provisions of the zoning by-law, provided that the development meets sound planning principles, and provided that the following have been demonstrated:   |   |

|                                   |  |   |
|-----------------------------------|--|---|
|                                   | <p>i) The proposal is compatible with the surrounding neighbourhood;</p> <ul style="list-style-type: none"> <li>As outlined above the open concept and satisfaction of other bylaw provisions will help ensure the compatibility of the proposed structure.</li> </ul> <p>ii) The proposal is in keeping with the general intent and purpose of the comprehensive zoning by-law;</p> <ul style="list-style-type: none"> <li>See Section 3</li> </ul> <p>iii) The proposal is in keeping with the general intent and purpose of the Official Plan;</p> <ul style="list-style-type: none"> <li>See above</li> </ul> <p>iv) The proposal is an appropriate and desirable use of land;</p> <ul style="list-style-type: none"> <li>See Section 2</li> </ul> <p>v) The variance is generally minor in nature. The interpretation of what is minor is not necessarily based on the extent by which the by-law is varied. Rather, it is based on whether the effect of the variance could be considered minor.</p> <ul style="list-style-type: none"> <li>See Section 1</li> </ul> <p>vi) There are valid reasons as to why the by-law cannot or should not be complied with, and that reasonable alternatives that comply with the by-law have been considered.</p> <ul style="list-style-type: none"> <li>See Section 1. The unique configuration of the lots makes it difficult to meet zoning requirements.</li> </ul> | ✓ |
| Proposed Motion for the Committee | <p>The Municipality of Middlesex Centre Committee of Adjustment approve the following variances:</p> <ul style="list-style-type: none"> <li>In accordance with Section 4.1 relief of 0.74m from the required 1.5m to permit an accessory structure with interior side yard of 0.76m;</li> <li>In accordance with Section 4.30 relief of 0.14m from the required 0.60m to permit an overhang within 0.46m of a property line.</li> </ul>  |   |

**Table 3: Four Tests related to Section 4.1 (b) of the Municipality of Middlesex Centre Zoning Bylaw**

| Section 4.1 (a)   |  | Minimum Interior Side Yare – 1.5m |  |
|---|--|-----------------------------------|--|
| Test  | Comment  | Complies                          |  |
| 1)The request for variance constitutes a minor departure from the performance standards of the zoning bylaw | <p>1) The maximum permitted lot coverage for an accessory building in the urban residential zone is 3%. As shown on Appendix B, the proposed lot coverage is 4%.</p> <p>The relief sought is for 1% from the required 3%. The subject variance would permit the construction of a pergola / pool storage building to create high quality backyard amenity space.</p> <p>When considering the minor nature of these requested relief there are important factors to consider:</p> <ul style="list-style-type: none"> <li>• The UR1 zone permits a maximum lot coverage of 35% for the main dwelling to a maximum of 38% for all buildings including accessory buildings. The existing dwelling and proposed accessory structure will have a combined lot coverage of 30.5%, well under the permitted maximum;</li> <li>• Much of the proposed structure will be unenclosed (see Figure 2 below). This will help provide a more open concept and lessen perceived impacts on the adjacent parcel.</li> </ul> <p>In this instance, this requested variance is considered a minor departure from the zoning bylaw standards.</p> | ✓                                 |  |
| 2)The variance is desirable for the appropriate development of the land.                                    | <p>2)This application is proposing to construct a pergola and pool storage structure as an accessory residential use. Given the open concept nature of the structure and the proposed final lot coverage, the proposed structure will not result in an over development of the lot.</p> <p>As a residential accessory use in a newly developed residential area, approval of the proposed application would provide high-quality amenity space to the homeowner.</p> <p>In this instance, an increased lot coverage of 1% for the accessory structure is considered appropriate development of the subject lands.</p>  | ✓                                 |  |



|   |  |          |
|---|--|----------|
| <p>3)The variance maintains the general intent and purpose of the Zoning Bylaw</p>  | <p>3) As outlined above, the proposed application is seeking to permit an accessory structure with a lot coverage of 4%.</p> <p>From a planning perspective the intent of the lot coverage provision is to limit over development on a lot. As outlined above, the UR1 zone permits a combined maximum lot coverage of 38%. The existing dwelling and the proposed accessory structure will have a combined lot coverage of 30.5%, well under the permitted 38%. Although the requested variance would permit an increased lot coverage for the accessory structure, the combined total would be more than 7% less than the permitted total.</p> <p>Given the factors listed above, approval of this application will not result in over development of the lot. The proposed structure will not be out of character with the area, this variance maintains the general intent and purpose of the zoning bylaw.</p>  | <p>✓</p> |
| <p>4)The variance maintains the general intent and purpose of the Official Plan</p> | <p>4) As an accessory structure to the permitted residential use, the proposed ability maintains the general intent and purpose of the official plan. Section 10.2 outlines policies the committee may consider granting a minor variance which cannot reasonably meet one or more of the provisions of the zoning by-law, provided that the development meets sound planning principles, and provided that the following have been demonstrated:</p> <p>i) The proposal is compatible with the surrounding neighbourhood;</p> <ul style="list-style-type: none"> <li>As outlined above the open concept and limited total lot coverage will help ensure the compatibility of the proposed structure.</li> </ul> <p>ii) The proposal is in keeping with the general intent and purpose of the comprehensive zoning by-law;</p> <ul style="list-style-type: none"> <li>See Section 3</li> </ul> <p>iii) The proposal is in keeping with the general intent and purpose of the Official Plan;</p> <ul style="list-style-type: none"> <li>See above</li> </ul> <p>iv) The proposal is an appropriate and desirable use of land;</p> <ul style="list-style-type: none"> <li>See Section 2</li> </ul> <p>v) The variance is generally minor in nature. The interpretation of what is minor is not necessarily based</p> | <p>✓</p> |

|                                   |  |  |
|-----------------------------------|--|--|
|                                   | <p>on the extent by which the by-law is varied. Rather, it is based on whether the effect of the variance could be considered minor.</p> <ul style="list-style-type: none"> <li>• See Section 1</li> </ul> <p>vi) There are valid reasons as to why the by-law cannot or should not be complied with, and that reasonable alternatives that comply with the by-law have been considered.</p> <ul style="list-style-type: none"> <li>• See Section 1. The unique configuration of the lots makes it difficult to meet zoning requirements.</li> </ul> |  |
| Proposed Motion for the Committee | The Municipality of Middlesex Centre Committee of Adjustment approve relief of 1% from the maximum permitted lot coverage of 3% to permit an accessory structure with a maximum lot coverage of 4%.  |  |

**Figure 2: Rendering provided by Stonehaven Landscape & Design**



### **Conclusion**

The proposed application is seeking relief from the minimum interior side yard for an accessory structure and setback requirements for an overhang. As demonstrated in this report, this application meets the 4-tests of a minor variance, is compatible with the surrounding land uses and will provide high-quality backyard amenity space for the home owner.

Given the factors outlined in this report, it is respectfully requested that the Municipality of Middlesex Centre Committee of Adjustment approve the requested minor variance.

Report prepared by:



---

Scott Puillandre, CD, MSc  
Planner  
**G. DOUGLAS VALLEE LIMITED**  
Consulting Engineers, Architects & Planners

H:\Projects\2022\22-133 Earls Court Terrace (Middlesex Centre)\Minor Variance\Agency\Template.docx

**G. DOUGLAS VALLEE LIMITED**  
**Consulting Engineers, Architects & Planners**



**Professional Engineers**  
Ontario

*Authorized by the Association of Professional Engineers of Ontario  
to offer professional engineering services*



**Ontario Association**  
of Architects