



PLANNING JUSTIFICATION REPORT

**2312 Sunningdale Road
Official Plan and Zoning By-law Amendment Applications
Municipality of Middlesex Centre**

March 26, 2024

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APPENDIX A - MDS Calculations

1.0 INTRODUCTION

Official Plan and Zoning By-law Amendment applications have been submitted to the Municipality of Middlesex Centre to amend the Official Plan and Zoning By-law to permit a secondary dwelling unit in a detached accessory building on the property.

1.1 DESCRIPTION OF SUBJECT PROPERTY

The subject lands are an 18.2 ha (45 ac) parcel of land located on the north side of Sunningdale Road West, just east of Denfield Road. The property currently contains a newly constructed, single detached dwelling as well as a 45+ year old, two-storey home. In addition to the existing dwellings, the lands contain a woodlot and agricultural uses including cultivation and horticulture activities. A small flower farm is currently operated on the property.

Figure 1 – Subject Property



1.2 SURROUNDING LAND USES

The site is located in a rural area that consists primarily of large rural residential estate lots, agricultural lands and significant woodlots. The site abuts the westerly limit of the City of London boundary along the easterly property line. Directly east is an existing residential dwelling on an undersized agricultural lot, while the lands further east and to the south and west contain farm dwellings on agricultural lots. A woodlot is located on lands to the north.

1.3 THE PROPOSAL

On July 14, 2021 a Zoning By-law Amendment was approved for the subject lands to add a temporary use zone to allow the existing dwelling on the property to remain on the property once the new house is constructed, provided that the existing dwelling be converted to an agricultural building. The conversion would allow the existing dwelling to be used in association with the cultivation and sale of horticulture grown on the property.

However, since that time the province enacted Bill 23, More Homes Built Faster Act. In support of this the Municipality, through their Official Plan Review and the County of Middlesex approved redline changes to the Official Plan, has brought forward new policies to allow additional residential units on a property.

As such, the purpose of the proposed Official Plan and Zoning By-law Amendment applications are to allow the existing dwelling on the property to remain as a detached secondary dwelling unit.

1.4 CONTEXT OF THE SUBJECT LANDS WITHIN THE COUNTY OF MIDDLESEX OFFICIAL PLAN

The subject lands are currently designated “Agricultural Area” on Schedule A Land Use in the County of Middlesex Official Plan (Figure 2). Lands within the current designation are permitted for a range of agricultural uses as well as farm residences. Additional residential units outside of settlement areas are also permitted.

The proposed development meets the intent and purpose of the County of Middlesex Official Plan.

Figure 2 – County of Middlesex Official Plan



1.5 CONTEXT OF THE SUBJECT LANDS WITHIN THE MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN

The subject lands are currently designated “Agriculture” on Schedule ‘A’ - Land Use Plan in the Municipality of Middlesex Centre Official Plan. Agricultural areas are intended to be used predominately for agriculture and agriculture related uses, including principal farm dwellings and related buildings and structures.

On September 26, 2023 the County of Middlesex approved Amendment No. 59 to the Municipality of Middlesex Centre Official Plan. One of the policy changes through OPA 59 allows additional residential units where single detached and other residential uses are permitted, subject to a number of conditions. However, as a result of an appeal to

OPA 59 the policies permitting an additional residential unit on the property are not yet in full force and effect. Therefore, an Official Plan Amendment is required to allow an additional residential unit on the property.

Figure 3 – Municipality of Middlesex Centre Official Plan



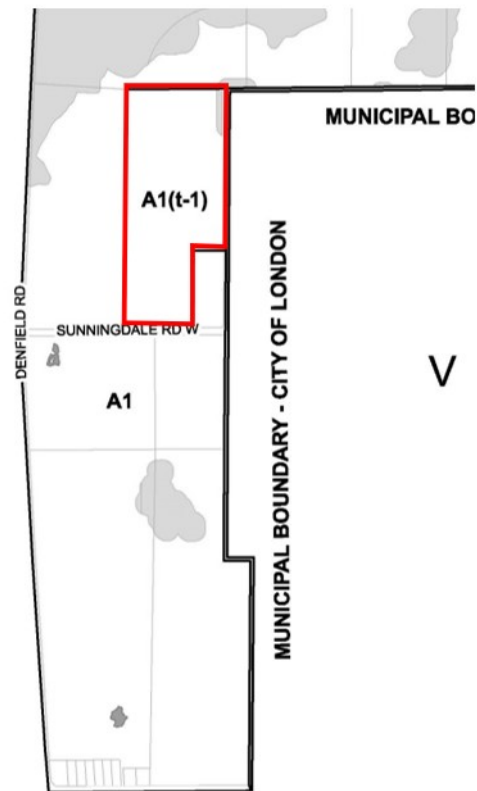
1.6 CONTEXT OF THE SUBJECT LANDS WITHIN THE MUNICIPALITY OF MIDDLESEX CENTRE ZONING BY-LAW

The subject lands are currently zoned “Agricultural (A1(t-1))” with a temporary zone in the Municipality of Middlesex Centre Zoning By-law (Figure 4). The A1 zone permits only agricultural uses, conservation uses and single detached dwellings. The temporary t-1 zone was applied in 2021 to temporarily allow the existing dwelling to remain on the subject lands for a period of three years while a new dwelling was under construction.

The existing dwelling is permitted to remain long term, however; is required to be converted to be used in association with the flower farm grown on the property.

Despite the permissions in the County and the adopted Municipal Official Plans for secondary dwelling units the existing and new dwellings are not both permitted on the property long term as residential uses. As such, a Zoning By-law Amendment is required to allow both dwellings to remain and be used for residential purposes.

Figure 4 – Municipality of Middlesex Centre Zoning By-law



2.0 PROPOSED AMENDMENT

Given the above, Official Plan and Zoning By-law Amendment applications are proposed to allow an additional residential unit on the property. The specifics of the applications are as follows:

- An OPA to implement the Additional Residential Unit policies adopted within OPA 59 on the subject lands; and
- A ZBA with the following site-specific regulations:
 - allow an additional residential unit on the subject lands in a detached accessory structure;
 - permit an accessory structure in the front yard; and
 - to permit an accessory structure with a gross floor area of 2,200sq.ft.

3.0 PLANNING ANALYSIS

3.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient, cost efficient development and the protection of resources. Official Plan and Zoning By-law Amendment applications are required to be consistent with these policies.

3.1.1 Relevant Policies of the PPS

The policies outlined in Sections 1.1.1.a) to e), 1.1.2, 1.1.4.1.c) to e), 1.1.5.2 c), 1.1.5.4, 1.4.1, 1.6.6.4 and 2.3.1 of the PPS are relevant with respect to the proposed additional residential unit. These sections relate to promoting economic development through redevelopment and the efficient and cost-effective use of infrastructure and public services.

3.1.2 Analysis of the PPS

The development of the underutilized subject parcel is consistent with the Provincial Policy Statement (PPS) and the provision for “*efficient land use and development patterns to support strong liveable and healthy communities*” as follows:

- The preservation of the secondary dwelling on the property for residential uses promotes efficient development, offers a rental option to the rural area, avoids development that would cause any environmental concerns, does not prevent the expansion of a settlement area and makes use of existing rural infrastructure (*Sections 1.1.1 a) to e) and 1.1.4.1.e)*;
- The preservation of the existing dwelling contributes to the supply of housing for the area (*Sections 1.1.2, 1.1.4.1.c and 1.4.1)*;
- The application allows for the conservation of existing rural housing stock on rural lands (*Section 1.1.4.1d)*;
- Residential development is permitted on rural lands and the secondary dwelling unit is locally appropriate as it is already on the property (*Section 1.1.5.2.c and 1.1.5.4)*;
- Individual on-site sewage services are permitted (*Section 1.6.6.4)*; and

- The primary dwelling unit on the property is located in an area of the field that experienced poor crop yields due to its lower lying elevation as compared to the surrounding area and is the site of a former treed area (see Figure 5). The secondary dwelling is already on a long-established, manicured non-cultivated area. No cultivated areas are being removed as a result of the proposed application (*Section 2.3.1*).

Figure 5 – 2010 Air Photo of Subject Lands



The proposed development is consistent with the PPS and the 2020 directives that support compact form and increased densities to limit the unnecessary expansion of settlement areas into surrounding prime agricultural areas.

3.2 COUNTY OF MIDDLESEX OFFICIAL PLAN

All growth with the County of Middlesex is directed to settlement areas, however; Section 2.3.7.4 of the Official Plan does recognize that the creation of additional

residential units outside of settlement areas will occur. The proposed additional dwelling unit is consistent with these policies as follows:

- The existing dwellings are already established in their respective locations on the property. That notwithstanding, the new primary dwelling unit on the property is grouped as close as possible to the secondary dwelling unit without taking up prime cultivation land. The primary dwelling unit is located on a former forested area which was subject to poor crop yields;
- The nearest existing facility capable of housing livestock is located at 21272 Denfield Road. Although there is no livestock currently on the property, it is assumed that a total of 30 cows can be accommodated in the existing barn. Based on MDS I calculations a setback of 135m is required. The existing dwellings are well beyond this requirement; and
- The secondary dwelling is not proposed to be severed from the primary dwelling. Both are to be maintained on the same parcel in perpetuity.

Given the above, the retention of the existing dwelling as an additional residential unit is appropriate for the subject lands and meets the intent and purpose of the County of Middlesex Official Plan.

3.3 MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN

Although OPA 59 is currently under appeal, the new policies within it, in relation to Additional Residential Units under Section 9.6.1 were used to determine the appropriateness of the proposed applications. The proposed additional residential unit is consistent with these policies as follows:

- Only one additional residential unit is proposed within the detached accessory building;
- The existing dwellings on the property are both fully serviced with water and individual on-site sewage systems;
- The additional residential unit is surrounded by an existing manicured lawn and is not within a natural heritage or hazardous area;

- The additional residential unit complies with MDS I calculations in relation to the nearest livestock facility;
- The primary dwelling on the property is 4,616 sq.ft in area. The secondary dwelling unit is approximately 2,200 sq.ft in area, less than 49% of the primary dwelling; and
- The secondary dwelling was constructed consistent with the Ontario Building Code.

3.4 MUNICIPALITY OF MIDDLESEX CENTRE ZONING BY-LAW

The proposed Zoning By-law Amendment would apply a site-specific use that implements the Official Plan policies as adopted under OPA 59. The continued use of the existing dwelling for residential uses is the highest and best use for the existing building. Moreover, it is a long-established structure within the community. Its continued location in the front yard, at its current size, will have no impacts on the existing residents, infrastructure or surrounding environmental areas. The existing dwelling also already complies with all other applicable zoning regulations.

Albeit only one residential unit, the dwelling will still add a housing option at a time when demand for residential units in the province is at an all-time high.

Given the above, the proposed Zoning By-law Amendment is consistent with the existing A1 zone.

4.0 CONCLUSIONS

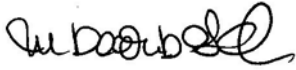
The proposed Official Plan and Zoning By-law Amendment applications are consistent with the PPS and are in conformity with the County of Middlesex and the adopted Municipality of Middlesex Centre Official Plan policies and meet the long-term intent and purpose for the subject lands.

The applications make use of existing building stock and will provide a housing option in the rural area without any changes to the rural landscape. The proposed applications make efficient use of land and existing infrastructure.

The proposed applications represent good land use planning. The public interest is best served by maintaining the existing dwelling for residential uses.

Respectfully submitted,

BROCK DEVELOPMENT GROUP INC.

A handwritten signature in black ink, appearing to read "Michelle Doornbosch". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michelle Doornbosch, BA
Partner/Principal Planner

APPENDIX 'A' – MDS I CALCULATION

Description:
Application Date: Sunday, March 24, 2024

Municipal File Number:
Proposed Application: New or expanding zone or designation for a residential use outside of a settlement area (e.g. estate or rural residential)
Type B Land Use


Applicant Contact Information

Not Specified

Location of Subject Lands

County of Middlesex, Township of Middlesex Centre

Concession: , Lot:

 Roll Number: 3939 
Calculation Name: *Farm 1*
Description:
Farm Contact Information


Not Specified

Location of existing livestock facility or anaerobic digester

County of Middlesex


Concession: , Lot:

Roll Number:


 Total Lot Size: 0 ha 

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn [Livestock barn is currently unoccupied]	30	30.0	139 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V4. Solid, outside, no cover, 18-30% DM, with covered liquid runoff storage

Design Capacity (NU): 30.0

Potential Design Capacity (NU): 30.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	=	Building Base Distance 'F' (minimum distance from livestock barn)
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0.7 X 220 X 0.7 X 2.2 = N/A

Storage Base Distance 'S'
(minimum distance from manure storage)

N/A

Preparer Information

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Signature of Preparer: _____ **Date:** _____
 Michelle Doornbosch

NOTE TO THE USER:

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MDS Radius Map

