



**Planning Department
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Meeting Date: May 20, 2025

REPORT

TO: Chair and Members of the Committee of Adjustment
Township of Lucan Biddulph

FROM: Dan FitzGerald MPI MCIP RPP, Manager of Planning
Alyssa Soldo, Planner

**SUBJ: Application for Minor Variance A-3/2025
Owner: Leonard Troiano
5690 William Street**

Purpose:

The purpose of this report is to provide the Committee of Adjustment with a recommendation for an application which seeks relief from the Zoning By-law to increase the maximum permitted height for an accessory building and to allow for the accessory building to be located in the front yard for a parcel of land located on the north side of William Street (County Road 13), east of Denfield Road (County Road 20).

Background (see Figure 1):

The subject property is a 1.99 acre (0.81 hectare) lot situated in an agricultural area. The property currently contains a single detached dwelling and a small shed (to be removed). The property is designated Agricultural in the County Official Plan, is designated Country Residential in the Township Official Plan, and is zoned Rural Residential (RR) Zone in the Zoning By-law. The RR zone allows residential uses and their associated accessory uses. The property is surrounded by forest to the north, residential uses immediately east and west, and agricultural lands used for crop production to the south. The majority of the property is regulated by the Ausable Bayfield Conservation Authority (ABCA).

The applicant is proposing to construct an accessory building for personal storage purposes, adjacent to the attached garage and in the front yard of the existing detached dwelling. It is noted that the location of the proposed accessory structure is within the conservation authority regulated area. The applicant has been in contact with the ABCA and has acquired a permit for their proposed construction. The applicant is seeking planning permission to exceed the maximum permitted height for this accessory building to 6.1 metres, whereas the Zoning By-law permits a maximum height of 4.5 metres within the Rural Residential Zone. The applicant is also seeking permission to erect the structure in the front yard, whereas the Zoning By-law does not permit accessory structures in the front yard.

It is noted that this property previously was approved for a minor variance application (A-4-2020) to allow for an accessory building in the front yard. A change of building materials and a widening of the original structure has led to the need for the newly requested minor variances to accommodate the construction height and wider building footprint compared to the original application.

A sketch is attached to this report depicting the location of the proposed accessory structure. The requested relief is outlined below:

Requirements	Relief Requested
As per section 12.2.1(d), the maximum permitted height for an accessory building is 4.5 metres.	Maximum permitted height of 6.1 metres, which is a relief of 1.6 metres (5.25 feet).
As per section 12.2.1 (b), no accessory building or structure shall be erected in the front yard.	The accessory building or structure shall be erected in the front yard, 24.77 metres (81.3 ft) from the front lot line.

Analysis:

Section 45 of the Planning Act allows the Committee of Adjustment to grant relief from zoning by-law requirements subject to four tests, as follows:

Are the variances considered minor in nature? YES

The interpretation of what is minor is not necessarily based on the extent to which the zoning by-law is varied. Rather it is based on whether the impact of the variance can be considered minor. In this case, the accessory building will align with the existing dwelling and attached garage in terms of height. Due to its height and location aligning with the existing structures, it can be viewed as a seamless transition where one would not be able to distinctly identify the accessory building as separate or more dominant than the principal dwelling. The location of the accessory building will also be screened by existing vegetation at the front of the property and is not anticipated to have a negative impact on surrounding residential uses, therefore, it is staff's opinion that both variances can be considered minor in nature.

Are the variances an appropriate use of the land? YES

The development of an accessory building would be consistent with the character of the area which includes single detached dwellings and their accessory uses. Therefore, the proposed variance would represent an appropriate use of the land.

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

The intent of the Official Plan through the Agricultural designation is primarily to protect farmland, but also permits dwellings and accessory buildings in the area as ancillary uses. The proposed accessory building would be directly associated with the residential use of the property, therefore planning staff find that the subject proposal would maintain the general intent and purpose of the Township Official Plan.

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

The general intent and purpose of the Comprehensive Zoning By-law as it relates to the maximum permissible height and front yard location restrictions for an accessory building is to limit an accessory building to maintain the dwelling as the principal use of the lands. The proposed accessory building would not be taller than the primary structure on the property. While its location is technically in the front yard, it will align with the location of the attached garage on the side of the home. The accessory structure will be screened by vegetation, therefore its height and location in the front yard will not

visually detract from the residence being viewed as the main structure on the property. As such Planning Staff are satisfied that the general intent and purpose of the Zoning By-law would be maintained.

Given the above, Planning Staff is satisfied that the proposed minor variances can be supported. Planning staff recommend that the subject application be approved, as the proposal meets the four test of a minor variance of the Planning Act.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the committee is advised to take such information into account when considering the application.

Comments:

The application for minor variance was circulated to adjacent properties as well as internal and external stakeholders in accordance with Planning Act requirements.

Ausable Bayfield Conservation Authority: Based on the information provided, the ABCA does not oppose the approval of the requested minor variance.

Lucan Biddulph Building Division: Gutters and downspouts must direct water away from the neighbouring property.

At the time of writing this report, the Township received no comments from the public.

Recommendation:

THAT Application for Minor Variance A-3/2025 filed by Leonard Troiano for relief from the Township of Lucan Biddulph Comprehensive Zoning By-law to permit the construction of an accessory building at a maximum height of 6.1 metres and in the front yard, 24.77 metres from the front lot line, for a property legally described as Part of Lot 20 Biddulph Concession 1 West, Part 1 on Reference Plan 33R18638, in the Township of Lucan-Biddulph, County of Middlesex, and municipally known as 5690 William Street, be **GRANTED**.

Reasons:

The intent of the Township of Lucan Biddulph Official Plan is maintained;
The intent of the Township of Lucan Biddulph Zoning By-law is maintained;
The variance is considered "minor" in nature; and,
The variance is desirable for the appropriate use and development of the lands.

Attachments:

1. Location Map
2. Survey Plan