



Staff Report

Report To: Committee of Adjustment
From: Robert Brown, Planner
Date: 2025-04-30
Subject: Minor Variance Application D-13 1-2025 – Westerveld – Recommendation Report (Planning Report 2025-09)

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 1-2025 – Recommendation Report (Planning Report 2025-09).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 1-2025, to obtain relief from Section 4.22 to permit a total of two second dwelling units within a permitted single detached dwelling subject to compliance with all other requirements of the West Zoning By-law.

Purpose:

To grant relief from Section 4.22 to permit two second dwelling units on the subject property.

Background:

The subject parcel is 862.2 sq. m (9,281.2 sq. ft.) in area with 21.336 m (70 ft.) of frontage on John St. (Figure One) The applicant is proposing to construct a single detached dwelling with two additional dwelling units. (Figure Two) The West Elgin Zoning By-law does permit a second dwelling unit under Section 4.22, however, does not permit a third dwelling unit. Despite this the Planning Act, as a result of changes to increase housing supply and permit the development of additional dwelling units as-of-right, stipulates under Section 16(3) and 35.1 that no policy or by-law may be passed that prohibits the use of two residential units in a single detached dwelling or one in the dwelling and one in a detached building.

The purpose of the requested minor variance is to permit two additional dwellings units versus one consistent with the Planning Act and address the lag between the Planning Act and West Elgin Zoning By-law. This will ensure compliance with the Zoning By-law, the Planning Act and Building Code requirements.

Financial Implications:

The applicable fee was collected as outlined in the Fees and Charges By-law. There will be an increase in the assessed value of the subject property once the new dwelling is completed.

Policies/Legislation:

Provincial Planning Statement (2024)

The proposed variance is consistent with Provincial Planning Statement and maintains compliance with the applicable section of the Planning Act regarding additional dwelling units.

County of Elgin Official Plan

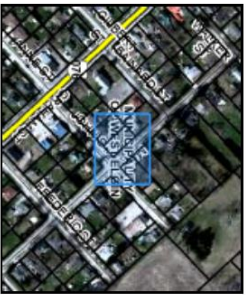
There are no issues of significance raised related to the County of Elgin Official Plan. The lands are designated Tier One Settlement Area by the CEOP.

FIGURE ONE



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Landbase
Parcels

Municipal Boundaries
Elgin Boundaries
Elgin_Road_Network
Local Road Network

World Imagery
World Imagery

Low Resolution 15m Imagery

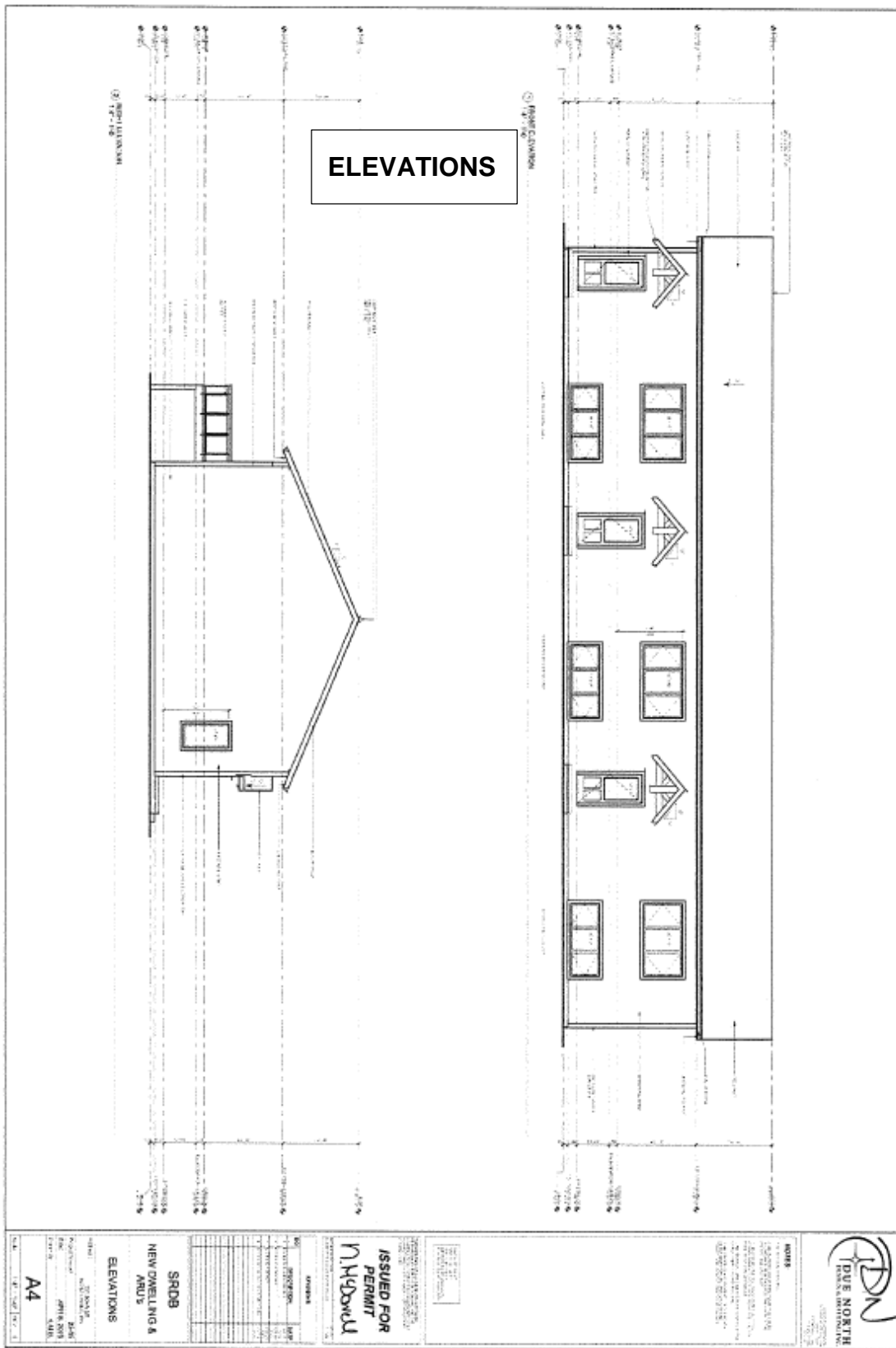
High Resolution 60cm Imagery

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Citations

15cm Resolution Metadata

Notes



Four Tests of the Minor Variance:

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

1. ***Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?***

The subject lands are designated Residential as shown on the Land Use and Transportation Plan Schedule '4B' of the Official Plan. Section 5.4 Additional Dwelling Units (ADU) outlines the policy applicable to ADUs.

The Municipality recognizes additional dwelling units as an important component to support a range and mix of housing options. Accordingly, additional dwelling units are permitted throughout the Municipality ancillary to permitted single-detached, semi-detached or rowhouse dwellings in accordance with the following:

- a) One additional dwelling unit in the principal building and one additional dwelling unit in an ancillary building or as a tiny home on the same lot, for a total of three residential dwellings on one property, shall be permitted;

Comment: N/A

- b) Two additional dwelling units shall be permitted in the principal building, where no ancillary building contains a dwelling unit on the same lot, for a total of three residential dwellings on one property;

Comment: The proposed development on the lot will include a total of three residential dwelling units as permitted by Section 5.4.

- c) The lot size and configuration are sufficient to accommodate required infrastructure, adequate parking, green spaces and amenity areas for both the principal dwelling and the additional dwelling unit(s);

Comment: The proposed development is being constructed within the limits of the applicable Residential First Density (R1) Zone. No relief is being requested from any of the regulations of the R1 zone.

- d) The additional dwelling unit(s) meet(s) all applicable law;

Comment: The dwelling will be required to meet all applicable requirements of the Ontario Building Code and Zoning By-law.

- e) The overall appearance and character of the principal dwelling is maintained in accordance with local by-laws.

Comment: The proposed development is being constructed as a residential use with a main dwelling and two additional dwelling units, all being used for residential purposes consistent with and in conformity with the requirements of the West Elgin Official Plan.

Based on the foregoing the intent and purpose of the Official Plan is maintained.

2. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Zoning By-law?*

The subject lands are zoned Residential First Density (R1) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule “C” Map 3. Section 4.22 of the By-law does permit a second residential unit however this was added when the initial direction in the Planning Act was to permit only one additional dwelling unit. Since that time the Act has been updated to permit two. It is not unusually for regulations in a zoning by-law to not be 100% up to date with Planning Act changes, particularly given the number of changes that have occurred over a relatively short time frame in recent years. The by-law is due for a review and update as the next step after the approval of the new West Elgin Official Plan. However, in the interim it may be necessary to address requests such as this on a site-by-site basis in the interest of efficiency.

With these points in mind the variance does maintain the intent and purpose of the zoning by-law.

3. *Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?*

The proposed development is a single detached dwelling with two additional dwelling units on a residential lot. The building being proposed will be constructed in compliance with all other applicable regulations of the R1 zone. (See Figure Two) Parking requirements for the development are two for the main dwelling and one additional space for each dwelling unit which are shown on the plan. The variance is desirable for the appropriate and orderly development of the use, land, and buildings.

4. *Is the variance minor in nature?*

A minor variance is not solely based on a specific increase or decrease in a required zoning regulation but rather an assessment of any potential impacts that might result from granting relief. A common consideration can be what would the variance allow to be constructed that might otherwise not be permitted.

In the case of Section 4.22 the increase from one to two additional dwelling units is related to compliance with Planning Act requirements and the restriction in the Act from prohibiting a total of two ADUs on a given lot. In the absence of such a direction the main consideration for permitting a development such as this would primarily focus on the compliance with other regulations. While there is a strong need for a variety of housing in all areas of a municipality it remains important that intensification efforts are undertaken with sensitivity to existing neighbourhoods. The proposed development is taking place on an existing lot and the owner is

working within the limitation of the current R1 setbacks and lot coverage limits which maintains a development that does not over intensify the use of the lands as such the variance is minor in nature.

Circulation of the Application:

to the applicable agencies for comment. All neighboring property owners within 60 metres of the subject lands were circulated with the public notice on April 25, 2025, 13 days prior to the public hearing (minimum 10 days required). The notice was also posted on the Municipal website, and signage is posted on the subject property in full view of the fronting road allowances.

Other Agencies

The application was circulated to the County of Elgin, LTVCA and internal staff. No objections or concerns were noted by staff or the County. The subject parcel is not located in a regulated area.

Public Comments

At the time of submission of this report, no comments from the public have been received related to the Minor Variance. However, prior to the submission of the application a neighbouring landowner to the west had expressed concern that the area has parking issues that would be further aggravated by the addition of extra dwelling units beyond what is permitted, and the development seemed excessive for the lot.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of Chatham-Kent

Report Approval Details

Document Title:	Minor Variance Application D-13 1-2025 - Westerveld - Recommendation Report - 2025-09-Planning.docx
Attachments:	
Final Approval Date:	May 2, 2025

This report and all of its attachments were approved and signed as outlined below:

Robin Greenall