

**MINUTES OF MEETING
COMMITTEE OF ADJUSTMENT
TUESDAY, DECEMBER 4, 2018**

9:00 A.M. – COUNCIL CHAMBERS -- MUNICIPAL OFFICE

1. ROLL CALL.

Present: Rick McCracken
Larry Cowan
Steve Dausett
Charlene Quinlan
Ken Peters
Jess Terpstra

Also Present: Debbie Walsh, Secretary-Treasurer
Matthew Stephenson
Jennifer Huff, Planner
Erin Besch, Planner
Tim Williams, Planner
Tony Novotny
Michael Rosborough

2. READING AND CORRECTION OR APPROVAL OF MINUTES.

Move by Charlene Quinlan and Jess Terpstra:
That the minutes of November 4, 2018 be adopted as if read. Carried.

3. DECLARATION OF PECUNIARY INTEREST.

Rick McCracken declared a conflict re Consent B20/18.

4. SUBMISSIONS FOR CONSIDERATION.

1. A19/18 – Royal Oak Homes – 36 Kemp Crescent

Request: Permission to allow a sideyard setback of 1.13m on the northwest corner of the foundation rather than the 1.2m required.

The foundation was poured in error.

Present to support: None

Present to oppose: None

Written comments received:
Erin Besch, Planner, recommended approval with condition

Erin Besch explained the application.

Moved by Larry Cowan and Steve Dausett:

That Submission A19/18 be approved subject to the following condition:

-That a survey be prepared and submitted to the Municipality showing the exact location the structure becomes less than 1.2 m from the side yard line. If an opening exists within this area, modifications may be required, to the satisfaction of the Municipality and the Ontario Building Code. Carried.

Reasons:

The intent of the Official Plan is maintained; the intent of the Zoning Bylaw is maintained; the variance is considered minor given the circumstances; the variance is desirable for the appropriate use and development of the subject lands. The Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

2. A20/18 – Tony Novotny – 599 Churchill Crescent

Request: Permission to allow an accessory building 48% larger than permitted to accommodate cars and general storage.

Present to support: Tony Novotny

Present to oppose: None

Written comments received:

Erin Besch, Planner, recommended approval with conditions

Erin Besch explained the application.

Steve Dausett expressed his concerns with possible future owners of the property creating an unauthorized entrance to access the proposed building.

Moved by Charlene Quinlan and Ken Peters:

That Submission A20/18 be approved subject to the following conditions:

- Eaves and trough be installed on the proposed new garage to manage stormwater to the satisfaction of the Municipality.
- Confirmation of the septic weeping bed location will be required prior to the issuance of a building permit. Carried.

Reasons:

The intent of the Official Plan is maintained; the intent of the Zoning Bylaw is maintained; the variance is considered minor given the circumstances; the variance is desirable for the appropriate use and development of the subject lands. The Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

3. B10/18 – Emil Pattyn for Michael Rosborough – 22681 Adelaide Rd.

Request: Requesting permission to sever a parcel of land approximately 123' +/- x 190' +/- creating a lot with an existing Commercial Building.

4. B11/18 – Emil Pattyn for Joop DeVoest – 22701 Adelaide Rd.

Request: Requesting permission to sever a parcel of land approximately 120' +/- x 145' +/- creating a lot with an existing SFD.

Present to support: None

Present to oppose: None

Written comments received:

Erin Besch, Planner, recommended approval with conditions

Erin Besch explained the applications.

Michael Rosborough was in attendance for interest.

Moved by Larry Cowan and Charlene Quinlan:

B10/18 be approved subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
2. That any outstanding property taxes be paid in full.
3. That the severed lands be appropriately re-zoned.
4. That the lot to be severed be merged in the same name and title as the adjacent lot to be severed by B11/18 from lands known municipally as 22701 Adelaide Road to the satisfaction of the Municipality; that the two holdings' PINs be consolidated, that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
5. That the applicant enter into a servicing agreement with the Municipality, which requires the extension of sanitary services across the full length of the frontage of 22701 Adelaide Road and associated connections to existing residential properties.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B10/18 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That a land dedication to the County of Middlesex for the purposes of road widening to a distance of 15.0 m from the centerline of construction of County Road 81 (Adelaide Road) is required. The purchaser or his / her representative is requested to contact the County Engineer upon approval with regards to the process and timing of the dedication.
8. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
9. That the applicant's solicitor submit an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.

10. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
Carried.

Reasons:

Satisfies the requirements of the Planning Act; Is consistent with the Provincial Policy Statement; Conforms to the Official Plans of both the Municipality and the County of Middlesex, Constitutes good planning and the Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

Moved by Ken Peters and Jess Terpstra:

B11/18 be approved subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
2. That any outstanding property taxes be paid in full.
3. That the severed lands be appropriately re-zoned.
4. That the lot to be severed be merged in the same name and title as the adjacent lot to be severed by B10/18 from lands known municipally as 22681 Adelaide Road to the satisfaction of the Municipality; that the two holdings' PINs be consolidated, that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
5. That the accessory structure on the retained lands be demolished and all debris cleared, to the satisfaction of the Municipality.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B11/18 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That a land dedication to the County of Middlesex for the purposes of road widening to a distance of 15.0 m from the centerline of construction of County Road 81 (Adelaide Road) is required. The purchaser or his / her representative is requested to contact the County Engineer upon approval with regards to the process and timing of the dedication.
8. That the severed lands be independently connected to the municipal sewer system with all costs, including applicable fees and charges, be borne by the applicant.
9. That private sanitary facilities be decommissioned to the satisfaction of the Municipality.
10. That the severed lands be independently connected to the municipal water supply with all costs, including applicable fees and charges, be borne by the applicant.
11. That private water facilities be decommissioned to the satisfaction of the Municipality, should they exist.
12. That, if deemed necessary, an Agreement be entered into with the Municipality (including the posting of financial security not to exceed \$5,000.00) to ensure due performance of works to be undertaken and upon such other terms as determined by the Municipality) registered on title and binding on future owners, which addresses the matters contained in Conditions (5, 8-11) inclusive. The cost of the drafting and preparation of the foregoing Agreement shall be paid by the Applicant.
13. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
14. That the applicant's solicitor submit an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.
15. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
Carried.

Reasons:

Satisfies the requirements of the Planning Act; Is consistent with the Provincial Policy Statement; Conforms to the Official Plans of both the Municipality and the County of Middlesex, Constitutes good planning and the Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

5. B20/18 – Brenair Farms – Glen Oak Rd.

Rick McCracken, Chairman declared a conflict on this Application and left the Chambers.

Moved by Steve Dausett and Larry Cowan:

That Charlene Quinlan be appointed Chair for this portion of the meeting. Carried.

Charlene Quinlan assumed the Chair.

Request: Requesting permission to sever a parcel of land 66m x 92m for an area of .61ha (1.5 acres) with a single family dwelling and a shed, together with/subject to an easement for an underground hydro service to the house.

This is a surplus farm dwelling consent.

Present to support: None

Present to oppose: None

Written comments received:

Erin Besch, Planner, recommended approval with conditions

Erin Besch explained the applications.

Moved by Steve Dausett and Larry Cowan:

B20/18 be approved subject to the following conditions:

1. That any outstanding property taxes be paid in full.
2. That the subject lands be appropriately re-zoned.
3. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B20/18 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That confirmation is obtained, ensuring that the septic system and water supply are wholly contained on the lot to be severed to the satisfaction of the Municipality.
6. That a new field entrance permit be obtained from the Municipality, if deemed necessary.
7. That the applicant establish a permanent easement over the lands to be retained in favour of the lands to be severed to facilitate access to the existing underground hydro line.
8. That the applicants initiate and assume if necessary, all engineering costs associated with the preparation of revised assessment schedules for the applicable municipal drain(s) in

accordance with the Drainage Act, R.S.O. 1990 as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a copy of the transfer as noted below.

9. That the applicants' solicitor submits an Acknowledgement and Direction duly signed by the applicants.
10. That the applicants' solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.
11. That one copy of the reference plan be provided to the satisfaction of the Municipality.
Carried.

Reasons:

Satisfies the requirements of the Planning Act; Is consistent with the Provincial Policy Statement; Conforms to the Official Plans of both the Municipality and the County of Middlesex, Constitutes good planning and the Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

5. UNFINISHED BUSINESS.

6. ENQUIRIES BY MEMBERS.

7. OTHER BUSINESS.

Jennifer Huff, Municipal Planner introduced Tim Williams, Senior Planner with Middlesex County. Mr. Williams is contracted to Strathroy-Caradoc to provide planning services on Plans of Subdivision and Site Plan Approvals.

Rick McCracken noted that Charlene Quinlan, Ken Peters and Steve Dausett were retiring as members of the Committee of Adjustment. He thanked them all for their years of service and noted how well the group worked together over the years.

8. SCHEDULING OF MEETINGS.

To be determined at a later date.

9. ADJOURNMENT.

The meeting adjourned at 10:00 a.m.

Chairman

Secretary-Treasurer

/dw

December 6, 2018