

**Municipality of Strathroy-Caradoc
Committee of Adjustment Meeting
Thursday, February 7, 2019
5:30 p.m.**

**In the Council Chamber
52 Frank Street, Strathroy**

MINUTES

1. Roll Call

Present: Rick McCracken
Jess Terpstra
Mike McGuire
Steve Pelkman
Larry Cowan
John Brennan

Also Present: Brianna Hammer-Keidel (Acting Secretary-Treasurer)
Matthew Stephenson, Director of Building & Planning
Jennifer Huff, Manager of Building & Planning
Erin Besch, Planner
Joe Christiaans, Building Inspector/Plans Examiner
Dwayne Odorizzi Dale Pennell
Anne Pennell Paul Langford
Justin Knapp Ken Tupholme
Wayne Turner Maria LeBlanc
Herm Vanderheyden Laverne Kirkness

2. Reading and Correction or Approval of Minutes

Moved by Larry Cowan and Jess Terpstra

THAT: the minutes of the December 4, 2018 meeting of Committee of Adjustment be adopted as if read. **Carried.**

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. A1/19 – Tom & Patti Harman Re: 285 Burns Street

Request: Permission to allow an accessory building to exceed the 4.5m (14/76') height restriction by .11 (.36) inches, and also to allow an accessory building to be 576 sq. ft. (53.5 sq. m.) where the by-law allows only a building of 295 sq. ft. (27.4 sq. m.).

Present to support: Tom Harman

Present with questions: Paul Langford

Written comments received:

- Erin Besch, Planner, recommended approval with conditions.

Erin Besch explained the application.

Paul Langford read a letter from neighbour Claire Anderson with questions regarding the size of the proposed detached accessory structure and the location of the structure on the property. Paul Langford shared these concerns, and had further questions about fencing and future uses of the accessory building.

Tom Harman spoke in support of his application, indicating that the intended use of the detached accessory building is storage for hobby equipment.

Moved by Larry Cowan and Mike McGuire

THAT: the application be conditionally approved subject to the following conditions:

- That eaves and trough are to be installed on the detached garage and direct stormwater away from the lot lines to the satisfaction of the Municipality; and
- That existing sheds at the rear of the property be removed to the satisfaction of the Municipality. **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.

4.2. A2/19 – Pennell Re: 8476 Olde Drive

Request: Permission to allow a front yard setback of 8.1m rather than the 15m required in the Zoning By-law for an accessory building.

Present to support: Anne and Dale Pennell
Present to oppose: None.

Written comments received:

- Erin Besch, Planner, recommended that the application be denied;
- A written request was received from John and Cindy Farrugia requesting that the application be denied;
- A written response was received from Anne Pennell.

Erin Besch explained the application. The property was subject to a previous minor variance application that allowed for a reduction of front yard depth from 20m to 15m to accommodate the construction of an accessory structure. The application seeks to recognize the construction of an addition (lean-to) onto the recently constructed accessory structure in the front yard of the subject lands. Anne and Dale Pennell spoke in support of their application, indicating they require additional space for storage of agricultural equipment.

Moved by John Brennan and Jess Terpstra
THAT: the application be denied. **Carried.**

Moved by Larry Cowan and John Brennan
THAT: the structure be removed by June 20, 2019, should the applicants not appeal the decision. **Carried.**

Reasons: The variance does not maintain the intent of the zoning by-law and the variance is not considered minor in nature.

Planning staff explained the appeal process to the applicants, should they wish to initiate.

4.3. A3/19 – Knapp Re: 279 Oak Ave.

Request: Permission to allow an accessory building to exceed the 4.5m (14.76') height restriction to 5.64m (18'6"), being over by 1.14m (3.74'), and to allow an accessory building to be 112 sq. m. (1,205 sq. ft.) where the by-law allows only a building of 93.032 sq.m. (1,055.2 sq. ft.).

Present to support: Justin Knapp
Present to oppose: None.

Written comments received:

- Erin Besch, Planner, recommend approval with conditions.

Erin Besch explained the application.

Moved by Jess Terpstra and Mike McGuire

THAT: the application be conditionally approved subject to the following conditions:

- Eaves and trough are to be installed on the proposed garage to manage stormwater to the satisfaction of the Municipality; and
- The existing shed to be removed to the satisfaction of the Municipality.

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.

4.4. B1/19 – Turner Homes Re: Darcy Drive

Request: Permission to sever a parcel of land approximately 20.1m x 35.9m +/- (720 sq. m.) creating a S.F.D. building lot.

B2/19 – Turner Homes Re: Darcy Drive

Request: Permission to sever a parcel of land approximately 20m x 35 m +/- (700 sq. m.) creating a S.F.D. building lot.

Present to support both applications: Laverne Kirkness (Kirkness Consulting Inc.), Wayne Turner (Turner Homes)

Present to oppose: None.

Written comments received:

- Erin Besch, Planner, recommended that both consent applications be approved with conditions.

Erin Besch explained Submissions B1/19 and B2/19 concurrently. The land to be retained will remain designated commercial until such a time that a comprehensive review is undertaken. The two severed lots will remain in residential zone.

Laverne Kirkness, Kirkness Consulting Inc., spoke in support of the applications, indicating that the applicant wishes to use the two lots and build two homes while the comprehensive review is undertaken.

Moved by Mike McGuire and Steve Pelkman

THAT: application B1/19 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 applicant provide \$800 cash-in-lieu of parkland dedication to the Municipality.
4. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B1/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That confirmation of zoning compliance be provided, or a minor variance be in full force and effect recognizing any zoning deficiencies.
6. That the applicant submit a conceptual plan of a potential future development of the retained lands and cross section of future entrance road width and servicing alignments demonstrating, to the satisfaction of the Municipality, that future development is feasible with two entrances to the development for emergency services, or a widened access during interim initial phases of development providing added assurance of continued access in the event of major maintenance of the underground services or preferably, both.
7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer be submitted for the 'lots to be severed' to the satisfaction of the Municipality.
8. That the entrances to the 'lots to be severed' be located, designed, constructed and / or upgraded to the satisfaction of the Municipality.
9. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
10. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
11. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
12. 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.
13. 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 Larry Cowan and Mike McGuire

THAT: Application B2/19 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 applicant provide \$800 cash-in-lieu of parkland dedication to the Municipality.
4. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B1/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That confirmation of zoning compliance be provided, or a minor variance be in full force and effect recognizing any zoning deficiencies.
6. That the applicant submit a conceptual plan of a potential future development of the retained lands and cross section of future entrance road width and servicing alignments demonstrating, to the satisfaction of the Municipality, that future development is feasible with two entrances to the development for emergency services, or a widened access during interim initial phases of development providing added assurance of continued access in the event of major maintenance of the underground services or preferably, both.
7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer be submitted for the 'lots to be severed' to the satisfaction of the Municipality.
8. That the entrances to the 'lots to be severed' be located, designed, constructed and / or upgraded to the satisfaction of the Municipality.
9. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
10. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
11. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.

12. 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.
13. 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.

4.5. B3/19 – LeBlanc Re: Ellor Street

Request: Permission to sever a parcel of land approximately 23.2m x18.01m for a total area of 458.4 sq. m., creating a S.F.D. building lot.

Present to support: Herm Vanderheyden and Maria LeBlanc

Present to oppose: None.

Written comments received: Erin Besch, Planner, recommended approval with conditions.

Erin Besch explained the submission.

Members clarified that it is expected that the new parcel would be sold shortly, and the new owner would be responsible for meeting the conditions, including water and sewer hookups.

Moved by Mike McGuire and Larry Cowan

THAT: Application B3/19 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 applicant provide \$800 cash-in-lieu of parkland dedication to the Municipality.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B3/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

5. That the lands to be severed be subject to a minor variance to recognize any lot area or rear yard setback deficiencies created through the approval of Consent B3/19, if deemed necessary.
6. That the owner provide road widening dedication to the Municipality of Strathroy-Caradoc for both the lot to be severed and the lot to be retained, the exact width of the widening to be determined by survey using a straight line from the southwest corner property bar to the front property line along Ellor Street, parallel to the northerly property line, to the satisfaction of the Director of Engineering and Public Works.
7. That the frame addition on the detached garage be removed, to the satisfaction of the Municipality.
8. That the 'severed lands' be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
9. That the 'severed lands' be connected to the municipal sanitary service with all costs, including applicable fees and charges, borne by the applicant.
10. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer be submitted for the 'lot to be severed' to the satisfaction of the Municipality.
11. That, if deemed necessary, an agreement be entered into with the Municipality (including the posting of financial security not to exceed \$5,000 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 8-10 inclusive. The cost of drafting and preparation of the foregoing Agreement shall be paid by the Applicant.
12. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
13. 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.
14. 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. **Unfinished Business.** None.

6. **Enquiries by Members**

Larry Cowan noted the \$800 cash donation in lieu of parkland has remained the same amount for many years, and that the Municipality does not have the authority to change it as it is under the authority of the Planning Act.

Jess Terpstra confirmed that it is the intent of the Committee to continue meeting at 5:30 p.m.

7. **Other Business.** None.

8. **Scheduling of Meetings**

- Thursday, March 7, 2019 @ 5:30 p.m.

9. **Adjournment**

Moved by John Brennan and Mike McGuire

THAT: the meeting adjourn at 7:25 p.m. **Carried.**

Chairperson

Acting Secretary-Treasurer