

MUNICIPALITY OF STRATHROY-CARADOC
COMMITTEE OF ADJUSTMENT
MEETING – THURSDAY APRIL 4, 2019
In the Council Chamber
52 Frank Street, Strathroy

MINUTES

1. Roll Call

Present: Jesse Terpstra, Vice-Chair
Mike McGuire
Steve Pelkman
John Brennan
Frank Kennes

Absent

With Notice: Larry Cowan
Rick McCracken

Also Present: Ruth Alcaidinho (Recorder)
Matthew Stephenson, (Acting Secretary-Treasurer)
Tim Williams, Planner
George Elliott, Director of Engineering Services
Victoria Trglavcnik
Harley Poysor
Ken Tupholme

2. Reading and Correction or Approval of Minutes

Moved by Frank Kennes and Mike McGuire:

That: the minutes of the March 7, 2019 meeting of Committee of Adjustment be adopted as if read. **Carried.**

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1 A5/19 – Trglavcnik and Poysor – 21917 Adelaide Rd. Mt. Brydges

Request: Permission to provide relief from Section 19.3(3) of the Zoning By-law to allow a minimum front yard depth of 6.81 m (22.32 ft), whereas the Zoning By-law requires a minimum front yard depth of 20 m (65.62 ft) on the subject lands;

The application is also seeking relief from Section 19.3(4) of the Zoning By-law to allow a side yard width of 2.09m (6.86 ft) whereas the Zoning By-law requires a minimum side yard width of 3 m (9.84 ft);

Permission to allow a lot coverage of 27%, whereas the Zoning By-law requires a maximum lot coverage of 20%.

Also, the application seeks relief from Section 19.3(6) of the Zoning By-law to permit a lot coverage of 27%, whereas the Zoning By-law requires a maximum lot coverage of 20%. The application will facilitate the removal of the current dwelling and the construction of a new 210.35m sq. (2.264.25 sq ft) one storey, single detached dwelling.

Present to support:: Victoria Trglavcnik and Harley Poysor

Present to oppose: None.

Written comments received: Erin Besch, Planner/Planning Department

Erin Besch, Planner, Planning Department staff report recommending that the application be approved.

Tim Williams, Planner, explained the application as a minor variance application for property located on the south side of Adelaide Road in Mt. Brydges with a number of different uses in this area; rural residential and agricultural uses, designated in the Official Plan and zoned A2 Agricultural Small Holdings. The zone category is generally for sites with surplus farm dwellings and .4 hectares in size. This property is .07 hectares, smaller and makes it a unique property. The Planner explained the proposal to demolish the existing building (built in the 1950's) and a tarp Quonset hut, and construct a new one storey, single detached dwelling maintaining the current setbacks of the existing dwelling and no further setback reductions being requested. The structure meets the remainder of the requirements under the A2 zone. There is significant access to the rear of the property and primarily vacant lands with no privacy issues. The application was circulated to landowners and agencies as per the requirements of the Planning Act. The County Engineer indicated no concerns as the proposed structure setback from the centreline of the county road will be the same as the existing dwelling currently on the lands. It appears the proposed residential dwelling meets the remainder of the A2 zone requirements. No other concerns/comments had been received from the public. The variances are considered minor in nature and maintain an appropriate use of the land and meet the intent of the official plan and zoning by-law and staff recommend approval of the application.

Moved by Steve Pelkman and Frank Kennes:

THAT: Application A5/19 to permit a front yard depth of 6.81m, a side yard width of 2.09m and a lot coverage of 27% to facilitate the construction of a new 210.35m² dwelling be approved. **Carried.**

Reasons: The intent of the Official Plan is maintained; the intent of the Zoning By-law 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 A6/19 – De Voest – 2331 Bentim Rd., Mt. Brydges

Request: Permission to permit a maximum gross floor area of accessory buildings and structures of 125.9m² (1,355 ft²) whereas a maximum cumulative gross floor area of accessory buildings and structures of 94.7m² (1,019 ft²) is permitted given the gross floor area of the existing dwelling. Permission allow a maximum height of 5m (16.4 ft.) for an accessory structure whereas the maximum height of 4.5m (14.7 ft.) for an accessory structure. Permission to facilitate the construction of a detached accessory structure with a gross floor area of 83.6m² (900 ft²). The additional size and height is to allow for storage and a workshop space.

Present to support: None

Present to oppose: None.

Written comments received: Erin Besch, Planner/Planning Dept.

Erin Besch, Planner, Planning Department staff report recommending that the application be approved.

Tim Williams, Planner, explained the application. This application is for land located on the south side of Bentim Road. The application is seeking relief from the zoning bylaw to permit a maximum gross floor area of accessory buildings and structure at an approximate increase of 125.9 square metres and to permit a maximum height of 5 metres and is considered minor in nature and low impact on any of the neighbouring properties given the size of the lot. The additional size and height is to allow for storage and workshop space. The application has been circulated to agencies and area landowners according to the provisions of the Planning Act. The Director of Building/Planning and Waste Services has requested the eaves and trough be installed on the accessory structure and direct water away from the lot lines to the satisfaction of the Municipality. No other concerns have been received on this circulation. Member Steve Pelkman asked whether hard surface driveways are included in lot coverage calculations to which Director Matt

Stephenson explained it is not and that a hard surface driveway can be created for access to the accessory building. The only matter is with regards to ensuring that run off water is not flowing onto any adjoining property lands.

Moved by Mike McGuire and seconded by Steve Pelkman:

That: Application A6/19 for relief from Section 4.2(2) and 4.2(5) of the Zoning By-law to permit a cumulative maximum permitted floor area of accessory building and structures of 125.9m² (1,355 ft.²) and a height of 5m (16.4 ft) to facilitate the construction of an 83.6m² (900 ft²) detached accessory structure, be approved subject to the following conditions:

1. THAT: Eaves and trough are to be installed on the detached garage and direct storm water away from the lot lines to the satisfaction of the Municipality.

2. THAT: The existing shed be removed to the satisfaction of the Municipality. Carried.

Reasons: The intent of the Official plan is maintained; the intent of the Zoning By-law is maintained, the variance is considered minor given the circumstances; the variance is desirable for the appropriate use and development of the subject lands.

4.3 B419 to B8/19 – Tupholme for 2155051 Ontario Inc. and Noor Allidina

Part 2 and 3, RP 33R16136 and Part Lot 18, Plan 147, York St. Strathroy

Request: For the consent to create six residential building lots along York Street and severing the rear portion of the subject lands to be merged with the property at 412 High Street.

Present to support the applications: Ken Tupholme, 2155051 Ontario Inc. (Allidina)

Written comments received: Tim Williams, Senior Planner, Planning Department Staff Report.

Tim Williams, Planner, explained the applications for a total of five severances of land located on the south east side of York St at High Streets in Strathroy. Application B4/19 and B5/19 will merge the severed lands to 412 High Street and contains an industrial building. The remaining parcel will be severed to create six separate lots; three pairs of semi detached units fronting on York Street as requested in Applications B6/19, B7/19 & B8/19. Mr. Williams explained this is

approximately a 5,000 square meter parcel and that an earlier consent and rezoning resulted in the creation of three lots, one of which has been developed with a single detached dwelling at 140 York Street leaving the lands to the south along York Street. Surrounding land uses are industrial to the west and south, residential to the north side of High Street with the Henk Van Dyk Parkland to the north and east. The Planner further explained that while 420 and 432 High Street are zoning industrial, they have site specific zoning to allow for single unit dwellings. The subject lands have access to full services along York Street. Comments were received from Director George Elliott, Engineering Services as well as Director Matt Stephenson, Building, Planning and Waste Services and are both available to explain or answer any questions.

The consents are considered reasonable and an orderly development of lots for this parcel and the rezoning applications to proceed for Council approval at their April 15th meeting.

Mr. Tupholme asked to speak to the applications explaining the parcel originally came from 412 High Street and the Official Plan changed it to and R3 Zoning. Two years ago a house was built at 140 York Street and contains two apartments for young families. Servicing was extended to the house and lot, from a force main from High Street. At that time a proposal for townhouses had not posed any issues. Last fall, in order to pave a centre road for the townhouse proposal, the municipality would require a street scape. Mr. Tupholme voiced his concerns on the servicing costs as being requested by the municipality for this current application, indicating it may be another 20 years or more before York Street is developed. This proposal is same as other infilling lots in the municipality with a total of 12 family units created. Strathroy community has much growth in senior complex units and also has a need for units for young families. Mr. Tupholme provided some hand outs of other housing in the municipality as a comparative to what servicing improvements/costs were required for those developments.

The Director of Building and Planning is recommending cash-in-lieu of parkland of \$800 per lot, connection to the municipal water services as well as the sanitary service and a lot grading and drainage plan to the satisfaction of the Municipality. Director Matt Stephenson explained the need for a servicing agreement and that it is two-fold; with a cash deposit of \$105,000, \$17,500 per lot payable at time lots are sold or York Street is reconstructed; and secondly, sidewalk to be extended from High Street including curbing along the edge of the road fronting this property only.

Mr. Elliott is supportive of the applications providing conditions are placed on the approval, addressing works to be completed in the York Street right-of-way; installation of the required water and sanitary sewer servicing works, drainage

sidewalk extension and utility servicing extensions, roadway restorations and financial contributions to future York Street reconstruction to be determined.

Director George Elliott explained the existing sanitary sewers are smaller size and at a threshold in development and also explained on how the costs were calculated. Director Stephenson explained previous proposals were for a single entrance to the development whereas this current proposal requires six individual entrances/connections. Discussions ensued regarding the servicing done in the past for York Street; also that this approach would be consistent to Development Charges for all new developments; and a plan of costs. Subsequently the following motions were made:

B4/19

Moved by John Brennan and Mike McGuire:

B4/19 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 severed lands be appropriately re-zoned.
4. That the Parts 8 and 9 of the Draft R-plan dated February 19, 2019 to be severed and merged in the same name and title as the adjacent lot known municipally as 412 High Street 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 owner of 412 High Street submits a signed acknowledgement that the revised grading of the rear parcel to be transferred will discharge more storm drainage onto the parking lot of 412 High Street which will result in greater amounts of water on the site. Further, the acknowledgement will include a statement that additional private drainage piping and catch basins may be required in the parking lot area to mitigate the drainage concerns. These works will not be the responsibility of the Municipality.
6. That the owner move the existing trees along the rear lot line and relocate them to along the new rear lot line within the residential lots (Parts 1 to 7 of the Draft R-plan dated February 19, 2019) to the satisfaction of Municipality.
7. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
8. 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.
9. That a draft reference plan, showing the 'retained' and 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consents B4/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

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.

B5/19

Moved by John Brennan and Mike McGuire:
B5/19 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 severed lands be appropriately re-zoned.
4. That the Parts 8 and 9 of the Draft R-plan dated February 19, 2019 to be severed and merged in the same name and title as the adjacent lot known municipally as 412 High Street 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 owner of 412 High Street submits a signed acknowledgement that the revised grading of the rear parcel to be transferred will discharge more storm drainage onto the parking lot of 412 High Street which will result in greater amounts of water on the site. Further, the acknowledgement will include a statement that additional private drainage piping and catch basins may be required in the parking lot area to mitigate the drainage concerns. These works will not be the responsibility of the Municipality.
6. That the owner move the existing trees along the rear lot line and relocate them to along the new rear lot line within the residential lots (Parts 1 to 7 of the Draft R-plan dated February 19, 2019) to the satisfaction of Municipality.
7. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
8. 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.
9. That a draft reference plan, showing the 'retained' and 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consents B5/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
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.

B6/19

Moved by John Brennan and Steve Pelkman:

B6/19 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 severed lands be appropriately re-zoned.
4. That the applicant provide \$800 for lot cash-in-lieu of parkland dedication to the Municipality.
5. That the applicant enter a servicing agreement with the Municipality to the satisfaction of the Director of Engineering & Public Works for works to be completed on the York Street right of way. The agreement will also include the required water and sanitary sewer servicing works, details regarding drainage, sidewalk extension, utility service extensions, roadway restorations and financial contributions to future York Street reconstruction to be determined.
6. That a lot grading, storm water management and drainage plan, prepared by a professional engineer be submitted for the 'lots to be severed' to the satisfaction of the Municipality.
7. That the applicant provide a grading plan provide details about the driveway layout for lots along York Street (being Parts 1 through 7) so that the site is developed in a manner to provide a minimum 12 metre separation between the combined driveways for grass front yard / boulevard which will facilitate future on street parking opportunities between the driveways.
8. That the subject lands be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
9. That the subject lands be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
10. That a draft reference plan, showing the 'retained' and 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consents B6/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
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.

B7/19

Moved by Mike McGuire and Steve Pelkman:

B7/19 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 severed lands be appropriately re-zoned.
4. That the applicant provide \$800 for lot cash-in-lieu of parkland dedication to the Municipality.
5. That the Parts 4 and 5 of the Draft R-plan dated February 19, 2019 to be merged in the same name and title 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.
6. That the applicant enter a servicing agreement with the Municipality to the satisfaction of the Director of Engineering & Public Works for works to be completed on the York Street right of way. The agreement will also include the required water and sanitary sewer servicing works, details regarding drainage, sidewalk extension, utility service extensions, roadway restorations and financial contributions to future York Street reconstruction to be determined.
7. That a lot grading, storm water 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 applicant provide a grading plan provide details about the driveway layout for lots along York Street (being Parts 1 through 7) so that the site is developed in a manner to provide a minimum 12 metre separation between the combined driveways for grass front yard / boulevard which will facilitate future on street parking opportunities between the driveways.

9. That the subject lands be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
 10. That the subject lands be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
 11. That a draft reference plan, showing the 'retained' and 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consents B7/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
 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.

B8/19

Moved by Mike McGuire and seconded by Frank Kennes:

B8/19 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 severed lands be appropriately re-zoned.
4. That the applicant provide \$800 for lot cash-in-lieu of parkland dedication to the Municipality.
5. That the applicant enter a servicing agreement with the Municipality to the satisfaction of the Director of Engineering & Public Works for works to be completed on the York Street right of way. The agreement will also include the required water and sanitary sewer servicing works, details regarding drainage, sidewalk extension, utility service extensions, roadway restorations and financial contributions to future York Street reconstruction to be determined.
6. 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.
7. That the applicant provide a grading plan provide details about the driveway layout for lots along York Street (being Parts 1 through 7) so that the site is developed in a

manner to provide a minimum 12 metre separation between the combined driveways for grass front yard / boulevard which will facilitate future on street parking opportunities between the driveways.

8. That the subject lands be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
 9. That the subject lands be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
 10. That a draft reference plan, showing the 'retained' and 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consents B8/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
 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.

5. Unfinished Business. None.

6. Enquiries by Members. None.

7. Other Business. None.

8. Scheduling of Meetings

- Thursday, May 2, 2019 at 5:30p.m.

9. Adjournment

Moved by Frank Kennes and seconded by John Brennan:

Meeting adjourned at 6:55 p.m. **Carried.**

Chairperson

Acting Secretary-Treasurer