

**Municipality of Strathroy-Caradoc
Committee of Adjustment Meeting**

**Thursday, July 4, 2019
5:30 p.m.**

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

MINUTES

1. Roll Call

Present: Rick McCracken
Jesse Terpstra
Mike McGuire
Steve Pelkman
Larry Cowan
Frank Kennes

Absent with
Notice: John Brennan

Also Present: Matthew Stephenson (Secretary-Treasurer)
Jennifer Pereira (Recorder)
Erin Besch, Planner
Tim Williams, Planner
Frances & Calvin Higgins, Resident
Jeremy & Michele Henderson, Resident
Denis Dixon, Resident
Linda Shirley, Resident
Bruce Farrer, Resident
Lindsay & Brad Grozelle, Resident
Tom Tillman, Representing Applicant of 278 Metcalfe St W
Mike & Nellie Levitt, Resident

2. Reading and Correction or Approval of Minutes

Moved By Steve Pelkman and Mike McGuire

THAT: the minutes of the June 6, 2019 meeting of Committee of Adjustment be adopted as if read. **Carried.**

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. A11/19 – 260 Parkview Drive – Calvin and Frances Higgins

Request: Permission to seek relief from Section 6.3 of the Strathroy-Caradoc By-law to permit a side yard depth of .305 m where as a side yard depth of 1.2 m is required.

Present to support: Calvin and Frances Higgins

Present to oppose: None.

Written comments received:

Erin Besch, Planner, recommended that the minor variance application be denied.

The Planner explained the application. The subject lands are situated at the corner of Parkview Drive and Juniper Crescent in Strathroy and contains a single detached dwelling that was built in 2000. The rear yard is fully fenced. The applicant originally applied for a building permit in 2018 for a deck; however, the plans examiner identified a deficiency with the proposal, as it did not meet the required side yard setback. The applicant did not pursue a remedy to this deficiency. Upon a site inspection, it was determined that the deck was constructed without an approved permit. Based on the analysis the application does not meet the four tests for minor variance.

Calvin Higgins indicated that he contacted the neighbours and there was no opposition at that time.

Mike McGuire has concerns with the process, as the applicant was aware that a minor variance was needed but went ahead with the construction of the deck without approval. In addition to the concerns of fire safety and how it would effect the neighbouring property.

Steve Pelkman also agrees with the safety hazard and supports the staff recommendation for those reasons.

Frank Kennes enquires what the remedy is for this situation. Matthew Stephenson, Director of Building and Planning indicates that there are a number of issues pertaining t the Building Code and being the fact that the deck is only 3 cm from the property line, this is a safety issue if a fire should occur.

Frances Higgins inquires on the elimination of the deck, this would leave them with only a front entrance to the dwelling and is concerned on a fire, the deck was put in to utilize the rear entrance of the dwelling.

Rick McCracken, Chair, indicated that the applicants discuss this issue with staff to remedy this issue.

Moved By Mike McGuire and Frank Kennes

THAT: Application A11/19 for relief from Section 5.3(4) of the Zoning By-law to recognize the construction of a deck with a 0.3 m interior side yard depth be **denied. Carried.**

Moved By Mike McGuire and Larry Cowan

THAT: the deck be removed within 30 days. **Carried.**

Reasons: The intent of the Official Plan is not maintained; the intent of the Zoning Bylaw is not maintained; the variance is not considered minor given the circumstances; the variance is not 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.

4.2. A12/19 - 547 Hollis Court – Robert and Linda Shirley

Request: Permission to seek relief from Section 4.2 (2) and 5.3 (3) the Strathroy-Caradoc Zoning By-law to permit a cumulative floor area of all accessory structures of 97.7 m² (1,052 ft²) whereas 84.8 m² (913.6 ft²) is permitted given the size of the main floor of the existing dwelling, and to permit an exterior side yard depth of .355 m whereas an exterior side yard of 5 m is required.

Present to support: Linda Shirley

Present to oppose: Suzanne and Terry Racine

Moved By Frank Kennes and Mike McGuire

THAT: the all correspondence received from the public regarding application A12-2019 – 547 Hollis Court, Mt. Brydges be received for information.

Carried.

Written comments received:

Erin Besch, Planner, recommended that the minor variance application be conditionally approved.

The subject lands are located at the corner of Pamela Drive and Hollis Court in Mount Brydges. The lot currently contains a single detached dwelling with attached garage. The applicant has advised that the pool has been removed. The septic weeping bed is located near the centre of the rear yard of the property, which requires a 5 m setback from the bed to any buildings or structures. This limits the location of accessory structures to the exterior side yard only. It was indicated by staff that no additional access to Pamela Drive will be permitted for the proposed accessory buildings.

Suzanne and Terry Racine have concerns with the need for so many places for storage and requested verification on the location of the septic system. Mr. and Mrs. Racine also had additional concerns regarding the family business, the applicant runs a construction company

and there are concerns that this additional storage shed would be used for those items. They question why the hobby/storage shed can not be achieved within the regulations of the by-law.

Erin Besch, Planner addresses these concerns. She indicates that the septic system inspection report indicates that the septic system is located in the rear yard which limits the construction of the accessory building there. She also indicates that the permitted uses of these structures would be for hobby/storage use only and if those permitted uses change, this would become a by-law enforcement issue.

Larry Cowan has concerns with the distance from the structure to the fence line (1ft) as this would make it difficult to control weed and debris.

Linda Shirley clearly indicates that the fence will remain there and there is no intention for gate access to Pamela Drive.

Moved By Frank Kennes and Jesse Terpstra

THAT: Application A12/19 that the application for relief from Section 5.3(3) of the Zoning By-law to allow for a reduced exterior side yard setback of 0.3 m, Section 4.2(2) to allow for a maximum cumulative area of accessory buildings of 97.7 m² (1,052 ft²), and Section 4.2(6) to permit accessory structures in the exterior side yard to permit the construction of two accessory structures be **approved subject to the following condition:**

1. **THAT: Eves and trough be installed on the proposed accessory structures to manage stormwater to the satisfaction of the Municipality.**
2. **THAT: The pool 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. The Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

4.3. A14/19 – 22152 Gibson Rd – Brad Grozelle

Request: Permission to seek relief from Section 4.2 (2) of the Strathroy-Caradoc Zoning By-law to permit a cumulative floor area of all accessory structures of 160 m² (1,725 ft²) whereas 150 m² (1,616 ft²) is permitted given the size of the main floor of the existing dwelling.

Present to support: Brad & Lindsay Grozelle

Present to oppose: Jeremy Henderson

Written comments received:

Erin Besch, Planner, recommended that the minor variance application be conditionally approved.

The application will facilitate the construction of a 44.6 m² addition to an existing detached accessory building. The applicant has advised that the purpose of the proposed addition is for the storage of tool, an ATV and space for a hobby woodworking shop. The subject lands are located at the corner of Gibson Road and Clark Street in Campbellvale. The subject lands contain a single-detached dwelling with an attached garage, a detached shop and a shed.

Jeremy Henderson who resides at 22160 Gibson has concerns with the view being constricted. He feels that the structure is big and is blocking the view and reduce the resale value of their property.

Jesse Terpstra wanted confirmation that the roof line will match the existing structure. Erin Besch, Planner confirms that it will.

Steve Pelkman indicated that he had a look at the property and from his perspective this structure will allow the ability for owners to keep the property clean and free of mess.

Moved By Steve Pelkman and Jesse Terpstra

THAT: Application A14/19 that the application for relief from Section 4.2(2) of the Zoning By-law to permit a cumulative maximum permitted floor area of accessory building and structures of 160.3 m² (1,725 ft²) to facilitate the construction of a 44.6 m² (480 ft²) addition to an existing detached accessory structure be approved subject to the following condition:

- 1. THAT: Eaves and trough be installed on the proposed addition to manage stormwater 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. The Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

4.4. A15-19 – 22096 Gibson Rd – Michael Smith

Request: Permission to seek relief from Section 4.2 (2) and Section 9.5 (1)(b)(vi) of the Strathroy-Caradoc Zoning By-law to permit a cumulative floor area of all accessory structures of 137 m² (1,483 ft²) whereas 101 m² (1,093 ft²) is permitted given the size of the main floor of the existing dwelling, and to permit a total lot coverage of 23.3 % whereas 20% is permitted.

Present to support: Mike & Sherry Smith

Present to oppose: None

Written comments received:

Erin Besch, Planner, recommended that the minor variance application be conditionally approved.

The application will facilitate the construction of a detached accessory building having a gross floor area of 92.9 m². The applicant has advised that the purpose of the proposed building is for personal storage. The subject land is located on the north side of Gibson Road in Campbellvale and contains a single-detached dwelling with an attached garage. The pool that is shown on the map has also been removed and was located in the general area of the proposed new shed. It was noted that the applicant had obtained a septic permit last year to relocate the weeping bed to the east side of the rear yard to facilitate the construction of the proposed accessory structure.

Moved By Jesse Terpstra and Frank Kennes

THAT: Application A15/19 that the application for relief from Section 4.2(2) of the Zoning By-law to permit a cumulative maximum permitted floor area of accessory building and structures of 137 m² (1,483 ft²) and from Section 9.5(1)(b)(vi) to permit a maximum lot coverage of 24% to facilitate the construction of a 92.9 m² (1,000 ft²) detached accessory structure **be approved subject to the following condition:**

1. THAT: Eves and trough be installed on the proposed new accessory structure to manage stormwater 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. 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. A16/19 – 278 Metcalfe St W – Clinic

Request: Permission to seek relief from Section 12.4(2) to permit an increase of maximum floor area from 186 m² to 979.66 m², Section 12.3(5) to allow for a reduced rear yard depth from 15 m to 9.62 m, Section 12.3(3) to permit an increased front yard setback rear yard width from 3 m to 15 m, and Section 4.15 (2) to allow for less than 3m of planting strips along the lot lines abutting a residential or institutional zone and Section 4.23(46) to permit the minimum parking space requirement of 32 spaces , whereas the by-law requires 33.

Present to support: Tom Tillman, Representative for Applicant

Present to oppose: Mike & Nellie Levitt

Written comments received:

Erin Besch, Planner, recommended that the minor variance application be approved. The variances are being requested in order to facilitate the conversion of the existing building to a medical office and pharmacy, including a 199.28 m² addition. The subject lands are located on the south side of Metcalfe Street West, between Buchanan Street and Milliner Street. The

property contains a vacant building previously known as Strathroy Bowling Lanes. The applicant is seeking permission to renovate the existing structure, including an addition to the exterior of the building, to be used for the purpose of a medical clinic with offices, exam rooms, support spaces and an associated pharmacy. At the time of application, the Country Engineer indicated that a land dedication of up to 15 m from the centreline of road construction will be required at the time of site plan control for future road widening purposes. It was also advised that the applicants will be able to continue to use the existing parking spaces that fall within this dedicated land until such time as road widening takes place.

Mike and Nellie Levitt which reside next to the subject land, had concerns with drainage, snow removal and disrupting activity such as the head lights of parked cars facing their residence. Erin Besch, Planner indicated that these concerns will be addressed during the site plan control process.

Steve Pelkman and Larry Cowan support the neighbouring properties in regards to drainage, and suggests that something be explored to ensure that will not be an issue.

Moved By Larry Cowan and Steve Pelkman

THAT: Application A16/19 to permit a maximum floor area of 970.66 m², a minimum rear yard depth of 9.62 m, a maximum front yard depth of 15 m, a minimum planting strip width of 0.46 m (1.5 ft) for property lines adjacent to institutional, a minimum planting strip width of 1.18 m (3.9 ft) for property lines adjacent to residential and a minimum parking space requirement of 32 spaces **be approved. 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.

4.6. B24/19 – B27/19 – 350 & 370 Ellor Street – Jaslo Properties

Request: Four applications for consent for the property known as 370 Ellor Street to seek permission for;

- 1) Two separate mortgage charges to be placed on the lot, one over the townhouse lands and a separate charge over the apartment lands;
- 2) Two lot addition which will consolidate the lots referred to on the attached plan as Parts 2 and 2 with larger lot at 370 Ellor Street; and
- 3) A reciprocal access easement over the driveway in favor of the property at 350 Ellor Street.

Present to support: Sue Looman, Jaslo Properties

Present to oppose: None

Written comments received:

Tim Williams, Planner, recommended that the consent applications be approved with conditions. The purpose of the consent applications are as follows:

1. To create reciprocal easements for access across the private driveways on 350 Ellor Street and 370 Ellor Street (B24/19 and B25/19 respectively),
2. Lot additions to combine two parcels that are identified as Parts 2 and 3 in the attached Draft Plan #1 (B26/19) with the main parcel on 370 Ellor Street.
3. To allow for two mortgage charges on different portions of the 370 Ellor Street (B27/19).

The applications will facilitate the orderly development of the sites by providing access over the "crescent" driveway, which is located, approximately, half on each of #350 and #370 Ellor Street. It will also address a highly technical matter of consolidating the lots that are within the lands municipally known as 370 Ellor Street. The proposed application (B27/19) allows for the apartment building and townhouse blocks to have separate mortgage charges for each.

Moved By Larry Cowan and Mike McGuire

THAT: B24/19 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's solicitor submits detailed wording for the easement to municipality.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That a draft reference plan, showing the driveway location on the subject lands, be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent B24/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

7. 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 Frank Kennes and Jesse Terpstra

THAT: B25/19 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's solicitor submits detailed wording for the easement to municipality.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That a draft reference plan, showing the driveway location on the subject lands, be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent B25/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. 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 Steve Pelkman and Mike McGuire

THAT: B26/19 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's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
4. 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.
5. That a draft reference plan, showing the lots (Parts 2 and 3 on the Draft Plan included with application) to be added to the main parcel (Parts 1, 4 to 8 on the Draft Plan included with application), be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent B26/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
6. 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 Jesse Terpstra and Steve Pelkman

THAT: B27/19 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's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
4. 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.
5. That a draft reference plan, showing the two separate lands under each mortgage charge, be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent B27/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
6. 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

Erin Besch, Planner updates committee members on the status of the Pannel – Olde Drive Appeal. Legal council has a conflict so the appeal date has been delayed and will be updating members at that time.

6. **Enquiries by Members.** None.

7. **Other Business.** None.

8. Scheduling of Meetings

- Thursday August 1, 2019 @ 5:30 p.m.

9. Adjournment

Moved By Larry Cowan and Frank Kennes

THAT: the meeting adjourn at 7:05 p.m. **Carried.**