

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

**Thursday, May 2, 2019
5:30 p.m.**

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

MINUTES

1. Roll Call

Present: Rick McCracken
Jesse Terpstra
Mike McGuire
Larry Cowan
John Brennan
Frank Kennes

Absent: Steve Pelkman

Also Present: Jennifer Huff (Acting Secretary-Treasurer)
Brianna Hammer-Keidel (Recorder)
Erin Besch, Planner
Ken Tupholme
Joyce Wilcox
Leanne Micheelsen
Jen Adams
Henry Huszar
Kristen Frisa
Jim Needham
Ellen Fisher
Lonnie Adams
Mike Forster
Margaret Cheyne
Mario Slegers

2. Reading and Correction or Approval of Minutes

Moved by Frank Kennes and Mike McGuire

THAT: the minutes of the April 4, 2019 meeting of Committee of Adjustment be adopted as if read. **Carried.**

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. B10/19, B11/19, B12/19 & B13/19 – Ken Tupholme for 2410172 Ontario Ltd. Re: 22661 Troops Road

Request: Permission to sever four parcels from a larger agricultural parcel. The severances will facilitate the creation of four residential lots with the retained lands remaining agricultural. The subject lands are located within the “Rural Residential” designation of the Strathroy-Caradoc Official Plan and within the “General Agriculture (A1) Zone” of the Zoning By-law.

Present to support: Ken Tupholme
Mario Slegers

Present to oppose: Lonnie Adams
Leanne Micheelsen

Written comments received:

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

The Planner explained the application. The purpose of the consent applications is to create four residential building lots along Troops Road. The subject lands are currently in agricultural production and contain a single detached dwelling and two agricultural accessory buildings. The subject lands are privately serviced with well and septic systems. The proposed lands to be severed are currently in agricultural production and do not contain any buildings or structures. The land to be retained would remain in agricultural production and no change in use is proposed.

Since the staff report was prepared and circulated, the applicant has submitted a revised plan altering the sizes of three of the lots to be created to increase the distance from the most southerly lot and the existing farm house and buildings. The applicant has agreed to increase the depth of the lots accordingly. Further, the condition of the berm has been amended such that a maintenance easement will be obtained to ensure the construction of a maintenance berm in perpetuity.

Ken Tupholme feels the proposed lots are in keeping with the other rural residential lots on Troops Road.

Mario Slegers inquired about the previous A5 zoning. Jennifer Huff confirmed that A5 zoning has not existed since amalgamation, and that no lots had been formally created on this property previously.

Lonnie Adams opposed the proposed severances, citing traffic visibility concerns at the Troops Road and Parkhouse Drive intersections. Further there is a concern about the availability of potable water as water pressure is already a concern in this area.

Leanne Micheelsen spoke on behalf of herself and her parents who reside across the road from the proposed lots. The family opposes the proposed severances, citing existing concerns about available water. They are also concerned about traffic visibility, particularly at the Troops Road/Glendon Drive intersection.

Lonnie Adams, Leanne Micheelsen, and Joyce Wilcox requested written notification of the decision.

Moved by Mike McGuire and John Brennan

THAT: revised consent Application B10/19 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 the depth of the severed lands be a minimum of 55 m and the lot area be a minimum of 1,845 m².
5. That the severed lands be appropriately re-zoned.
6. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
7. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B10/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.

9. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
10. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
11. That an easement be established on the retained lands for the purpose of ensuring the construction and maintenance of the safety berm and noise wall, as shown on the sketch submitted by AGM dated March 25, 2019, to the satisfaction of the Municipality.
12. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Director of Engineering and Public Works.
13. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
14. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
15. 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.
16. That one copy of the reference plan be submitted to the satisfaction of the Municipality. **Carried.**

Reasons: The application satisfies the requirements of the Planning Act; it is consistent with the Provincial Policy Statement; it conforms to the Official Plans of both the Municipality of Strathroy-Caradoc and the County of Middlesex; and it represents sound land use planning.

Moved by John Brennan and Frank Kennes

THAT: revised consent Application B11/19 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 the depth of the severed lands be a minimum of 55 m and the lot area be a minimum of 1,845 m².

5. That the severed lands be appropriately re-zoned.
6. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
7. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B11/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
9. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
10. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
11. That an easement be established on the retained lands for the purpose of ensuring the construction and maintenance of the safety berm and noise wall, as shown on the sketch submitted by AGM dated March 25, 2019, to the satisfaction of the Municipality.
12. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
13. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Director of Engineering and Public Works.
14. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
15. 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.
16. That one copy of the reference plan be submitted to the satisfaction of the Municipality. **Carried.**

Reasons: The application satisfies the requirements of the Planning Act; it is consistent with the Provincial Policy Statement; it conforms to the Official Plans of both the Municipality of Strathroy-Caradoc and the County of Middlesex; and it represents sound land use planning.

Moved by Jesse Terpstra and Mike McGuire

THAT: revised consent Application B12/19 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 the depth of the severed lands be a minimum of 55 m and the lot area be a minimum of 1,845 m².
5. That the severed lands be appropriately re-zoned.
6. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
7. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B12/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
9. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
10. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
11. That an easement be established on the retained lands for the purpose of ensuring the construction and maintenance of the safety berm and noise wall, as shown on the sketch submitted by AGM dated March 25, 2019, to the satisfaction of the Municipality.
12. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
13. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Director of Engineering and Public Works.
14. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.

15. 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.
16. That one copy of the reference plan be submitted to the satisfaction of the Municipality. **Carried.**

Reasons: The application satisfies the requirements of the Planning Act; it is consistent with the Provincial Policy Statement; it conforms to the Official Plans of both the Municipality of Strathroy-Caradoc and the County of Middlesex; and it represents sound land use planning.

Moved by Frank Kennes and Larry Cowan

THAT: Application B13/19 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 the severed lands be appropriately re-zoned.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B13/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
8. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That an easement be established on the retained lands for the purpose of ensuring the construction and maintenance of the safety berm and noise

The Planner explained the application. The purpose of the subject application is to permit the creation of one (1) vacant non-farm rural residential building lot approximately 5.26 ha (13 ac) in size along Cooks Road. The proposed lands to be severed contain a large woodlot and includes an area regulated by the Lower Thames Valley Conservation Authority (LTVCA). The proposed lands to be severed are also identified as Significant Woodland through the Middlesex Natural Heritage Study. The proposed lands to be retained contain a single detached residential dwelling. The proposed lands to be retained include an area regulated by the LTCVA and a woodlot identified as Significant Woodland through the Middlesex Natural Heritage Study.

Henrich Huszar spoke in support of the application. The applicants do not believe the land is agricultural in nature, and believe that the severance would be in keeping with other rural residential construction that currently exists along Cooks Road. The property owners have applied for the severance because they are experiencing financial hardship due to the unforeseen renovations required of the home.

Jim Needham opposed the severance application, noting that the property is zoned agricultural, and feels that the residential component of the neighbourhood has not been built up similarly in recent years.

Committee Members noted that the Provincial Policy Statement (PPS), the Middlesex County Official Plan, and the Strathroy-Caradoc Official Plan does not permit the severing of agricultural parcels for the creation of new residential lots. Decisions must be consistent with the PPS and conform to Official Plan policies. The applicants were advised that they can petition the Member of Provincial Parliament regarding the constraints of the PPS.

Moved by Frank Kennes and John Brennan

THAT: Application B14/19 be denied. **Carried.**

Reasons: The Application fails to satisfy the requirements of the Planning Act; it is not consistent with the Provincial Policy Statement; and it does not conform to both the Municipality of Strathroy-Caradoc Official Plan and the County of Middlesex Official Plans.

Next steps were outlined for those who wish to appeal the Committee's decision.

5. Unfinished Business

An appeal has been filed regarding Applications B4/19-B8/19 (Tupholme). It is hopeful the draft agreement can be finalized before the appeal commences. A hearing date has been set regarding Application A219 (Pennell); more information will be circulated to Committee members when available.

6. Enquiries by Members

Larry Cowan confirmed that the conditions of applications B10/19 - B13/19 must be met within one year, including the construction of the berm and the road. There is no requirement for the lots to be developed or sold in that time.

7. Other Business

7.1. Ontario Association of Committees of Adjustment & Consent Authorities (OACA)

OACA membership opportunities were reviewed and information was circulated regarding the 2019 conference scheduled for June 2 – 5, 2019.

8. Scheduling of Meetings

- Thursday, June 6, 2019 @ 5:30 p.m.

9. Adjournment

Moved by Frank Kennes and Jesse Terpstra
THAT: the meeting adjourn at 6:51 p.m. **Carried.**

Original signed by Rick McCracken

Chair

Original signed by Matthew Stephenson

Secretary-Treasurer