

**Municipality of Strathroy-Caradoc
Committee of Adjustment
Thursday, November 7, 2019**

**5:30 p.m.
In the Council Chamber**

52 Frank Street, Strathroy

MINUTES

1. Roll Call

Present: Rick McCracken
John Brennan
Frank Kennes
Mike McGuire
Jesse Terpstra
Steve Pelkman

Absent With Notice: Larry Cowan

Also Present: Eva Baker, Acting Secretary-Treasurer
Brianna Hammer-Keidel (Recorder)
Erin Besch, Planner
Matthew Stephenson, Director of Building & Planning Services
Delia Armas Tony Costa
Don Sutherland Nancy Lloyd
Gary D'Hoine Angela D'Hoine
Maria Le Blanc Herm Vanderheyden
Mike Dwyer John Henderson

2. Reading and Correction or Approval of Minutes

Moved by Steve Pelkman and Jesse Terpstra

THAT: the minutes of the September 26, 2019 Committee of Adjustment meeting be approved. **Carried.**

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. A26/19 – Gary and Angela D’Hoine for 8970 Irish Drive

Request: to seek relief from Section 4.2(2) of the Zoning By-law to permit a maximum gross floor area of accessory buildings and structures of 259 m² (2,784 ft²), whereas a maximum cumulative gross floor area of accessory buildings and structures of 158 m² (1,702 ft²) is permitted. In addition, the application seeks relief from Section 4.2(5) of the Zoning By-law to permit a maximum height of 4.9 m (16 ft) for an accessory structure whereas the maximum height of 4.5 m (14.7 ft) for an accessory structure is permitted. The application also seeks relief from Section 9.3(3) to permit an exterior side yard depth of 11 m (36.1 ft), whereas the Zoning By-law requires an exterior side yard of 15 m (49.2 ft) for lots in the R5 zone. Further, the application seeks relief from Section 4.2(1)(c) of the Zoning By-law which prohibits the location of accessory buildings closer to the exterior side lot line than the main dwelling. Finally, the application seeks relief from Section 9.5(2) to permit a total lot coverage of 12%, whereas the Zoning By-law allows for a maximum lot coverage of 10% in the R5 zone.

Present to Support: Gary & Angela D’Hoine

Present to Oppose: None.

Written comments received:

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

The Planner explained the application, noting that it is intended to facilitate the construction of an 89.2 m² (960 ft²) accessory structure in the exterior side yard of the subject lands. The applicant has advised that the proposed structure is required for vehicular and personal storage.

Moved by Mike McGuire and John Brennan

THAT: Application A26/19 for relief from Section 4.2(2) of the Zoning By-law to permit a cumulative floor area of all accessory structures of 259 m² (2,784 ft²), Section 4.2(5) of the Zoning By-law to permit an accessory structure height of 4.9 m (16 ft), Section 4.2(1)(c) of the Zoning By-law to permit the location of an accessory building in the exterior side yard, Section 9.3(3) of the Zoning By-law to permit an exterior side yard width of 11 m (36.1 ft), and Section 9.3(6) of the Zoning By-law to permit a lot coverage of 12% to facilitate the construction of a 89.2 m² (960 ft²) accessory building be approved subject to the following condition:

1. **THAT:** Eaves and trough be installed on the proposed 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; and 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.

4.2. **A27/19 – Tony Costa for Delia Armas for 137 Metcalfe Street West, Strathroy**

Request: to seek relief from Section 4.2(3)(a) of the Zoning By-law to permit a front yard setback of 5 m (16.4 ft) for the proposed attached garage, whereas a minimum of 6 m (19.7 ft) is required. The application also seeks relief from Section 4.14(1) of the Zoning By-law as it relates to the established building line for residential infill development.

Present to Support: Delia Armas

Present to Oppose: None.

Written Comments Received:

- Erin Besch, Planner, recommended that the application be approved.

The Planner explained the application, noting that the variances will facilitate the construction of a 116.6 m² (1,255 ft²) single detached dwelling.

Steve Pelkman inquired about appropriate driveway width to permit a three-point turn, given the busy-ness of Metcalfe Street West. The Director of Building & Planning Services confirmed the width would be sufficient within the applicant's own property.

Moved by John Brennan and Steve Pelkman

THAT: Application A27/19 for relief from Section 4.2(3)(a) of the Zoning By-law to permit a front yard setback of 5 m (16.4 ft) and from Section 4.14(1) of the Zoning By-law as it relates to the established building line for residential infill development to facilitate the construction of a 116.6 m² (1,255 ft²) single detached dwelling 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.

4.3. **A28-19 & B35-19 & B36-19 – Nancy & Denis Lemieux for 9049 Parkhouse Drive, Mount Brydges**

Request: The purpose of the consent applications is to facilitate the creation of two residential building lots to support the construction of single detached dwellings. The purpose of the minor variance application is to seek relief from Section 9.3(1) to permit a lot area of 0.4 ha (0.99 ac), whereas the Zoning By-law requires a minimum lot area of 1 ha (2.47 ac) for lots within the 'R5' zone.

Present to Support: None.

Present to Oppose: None.

Written Comments Received:

- Erin Besch, Planner, recommended that the applications be deferred.

The Planner explained the applications, noting that the Upper Thames River Conservation Authority recommended deferral until a site visit and/or review of a full 3-season Environmental Impact Study (EIS) can be completed. Planning staff are unable to make a recommendation on the applications until the applicant is able to submit an EIS (also known locally as a Development Assessment Report) to the satisfaction of the UTRCA and Section 4.3.6.4 of the Strathroy-Caradoc Official Plan.

Frank Kennes inquired about the likelihood of the applications leading to approval. The Director of Building & Planning Services indicated that staff are leaning on the Conservation Authority's knowledge, and the Conservation Authority can't make a recommendation until they receive further information via these studies.

Steve Pelkman inquired about lining up the new property lines with those that already exist, which the department can recommend.

Nancy Lloyd requested a map of property to take home.

Moved by Frank Kennes and Steve Pelkman

THAT: Application A28-2019 for 9049 Parkhouse Drive, Mount Brydges be deferred until the applicants have completed an Environmental Impact Assessment and approval has been received from the Upper Thames River Conservation Authority. **Carried.**

Moved by Mike McGuire and Frank Kennes

THAT: Applications B35-2019 and B36-2019 for 9049 Parkhouse Drive, Mount Brydges, be deferred until the applicants have completed an Environmental Impact Assessment and approval has been received from the Upper Thames River Conservation Authority. **Carried.**

4.4. A29-19 – Herm Vanderheyden for Maria Leblanc for 208 Ellor Street, Strathroy

Request: to seek relief from Section 5.3(1) of the Zoning By-law to permit a lot area of 411 m² (4,424 ft²), whereas a minimum lot area of 460 m² (4,951.4 ft²) is required for lots on full municipal services in the R1 zone. The application also seeks relief from Section 5.3(5) of the Zoning By-law to permit a rear yard depth of 5 m, whereas a minimum depth of 8 m is required. The application will satisfy a condition of Consent B3-2019 that conditionally severed a residential lot from an existing property and required that a minor variance be given to recognize the deficient lot area.

Present to Support: Herm Vanderheyden

Present to Oppose: None.

Written comments received:

- Erin Besch, Planner, recommended that the application be approved.

The Planner explained the application, noting that application B3-2019 was heard at the February 7, 2019 Committee of Adjustment meeting, where the application was granted approval with conditions that included the servicing of the newly created lot, as well as a land dedication requirement to the Municipality for the future realignment of Henry Street. The applicants were required to apply for a minor variance to recognize the deficient lot area of the severed lot. Through consultation with staff, the applicants have also applied for a rear yard setback variance as the lot is fairly shallow due to the land dedication requirement. The reduced rear yard depth will provide additional buildable area for the future dwelling and allow more flexibility in design.

Moved by John Brennan and Steve Pelkman

THAT: Application A29/19 for relief from Section 5.3(1) of the Zoning By-law to permit a lot area of 411 m² (4,424 ft²) and from Section 5.3(5) of the Zoning By-law to permit a rear yard depth of 5 m **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; and 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. **A30-19 – Dwyer Homes c/o Michelle Keough for 11 Lindsay Crescent, Strathroy**

Request: to seek relief from Section 5.3(4) of the Zoning By-law to permit a portion of side yard width of 1.07 m (3.5 ft) for the detached dwelling, whereas the Zoning By-law requires a minimum of 1.2 m (3.94 ft) on the subject lands.

Present to Support: Mike Dwyer

Present to Oppose: None.

Written comments received:

- Erin Besch, Planner, recommended that the application be approved.

The Planner explained the application, noting that the application intends to recognize the deficient side yard width due to an incorrectly poured foundation. Staff note that only the front portion of the garage is deficient – the dwelling is angled such that the final setback is 1.5 m at the rear.

Moved by Mike McGuire and Jesse Terpstra

THAT: Application A30/19 for relief from Section 5.3(4) of the Zoning By-law to permit a minimum side yard depth of 1.06 m 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; and 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. B34-19 – John E. Henderson for 8338 Scotchmere Drive

Request: to sever a surplus farm dwelling on a lot with a frontage of 43 m (11 ft) along Scotchmere Drive and an area of approximately 0.58 ha (1.44 ac) from a farm holding with a lot area of approximately 20.2 ha (50 ac).

Present to Support: John Henderson

Present to Oppose: None.

Written comments received:

- Erin Besch, Planner, recommended that the application be approved with conditions.

The Planner explained the report, noting that the application is to permit the severance of a surplus residence from a farm parcel as a result of a farm consolidation. The remnant farm parcel contains agricultural land in crop production, a well and associated pump house, bank barn, silo and a cluster of solar panels. A hydro line runs along the westerly property line, which feeds the solar panels located on the adjacent property.

John Henderson advised that he would like to keep the barn for storage purposes, and confirmed that the barn would be operated with generator power if needed.

Moved by Frank Kennes and Jesse Terpstra

THAT: Application B34/19 be approved with 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 B34/19 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 is wholly contained on the lot to be severed to the satisfaction of the Municipality.
6. That access from the main driveway on the lot to be severed to the retained barn be removed to the satisfaction of the Municipality.
7. That a new field entrance permit be obtained from the Municipality, if deemed necessary.
8. That the applicant confirms that hydro service does not extend from the lands to be severed to the lands to be retained.
9. That, if deemed necessary, a Change of Use Permit be issued which states that the existing barn on the lands to be retained is to be used for storage purposes only.
10. 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.
11. That the applicants' solicitor submits an Acknowledgement and Direction duly signed by the applicants.
12. 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.
13. 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; and constitutes good planning. 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

- An update was provided regarding the Tupholme appeal. The appeal was heard by LPAT regarding payment of future roads needs and the adjudicator sided with the appellant, noting the money already spent servicing the properties. The Director of Building & Planning Services answered questions from the Committee regarding the impact of this decision on future Committee of Adjustment decisions.

8. Scheduling of Meetings

Moved by Frank Kennes and Mike McGuire

THAT: the December Committee of Adjustment meeting be rescheduled to December 5, 2019 from December 12, 2019 due to staff scheduling conflicts. **Carried.**

- Thursday, December 5, 2019 @ 5:30 p.m.

9. Adjournment

Moved by John Brennan and Frank Kennes

THAT: the meeting adjourn at 6:20 p.m. **Carried.**

Chair

Acting Secretary-Treasurer