

**Municipality of Strathroy-Caradoc
Committee of Adjustment
Thursday, August 1, 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)
Brianna Hammer-Keidel (Recorder)
Erin Besch (Planner) Jennifer Huff
Eva Baker Bill Dakin
Tammy Hope Barb Muylert
Ron J. Bozik Carol Skinner
Peter Zwicker Corey Bowring
Robert Manship Wayne Vaughan
Michael Robertson Calvin Dykstra
Anne Pennel David Smith
Skeeter Pallister Bill McIntosh
Diana McIntosh Dave Burgess
George McQueen Linda McQueen
Jeff Fraser Patricia Fraser
Bill McIntosh Chris Bruinink

2. Reading and Correction or Approval of Minutes

Moved by Larry Cowan and Steve Pelkman

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

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. A17/19 – Christopher, Christy, Willem & Janny Bruinink - 8696 Glendon Drive, Mount Brydges

Request: To seek relief from Section 7.3(2) to permit a minimum lot frontage of 3m, whereas the Zoning By-law requires a minimum of 20m. Additionally, the application recognizes the existing frontage onto Regent Street and satisfies a condition for Consent Applications B18-2018 and B19-2018.

Present to Support: None.

Present to Oppose: None.

Written comments received:

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

The Planner explained the application. The property was previously the subject of three consent applications. The first severed the property known municipally as 701 & 703 Regent Street in July 2017 (B14/17) and now contains a semi-detached dwelling. The second and third applications were heard in December 2018 (B18/18 and B19/18), which conditionally severed two additional residential building lots along Regent Street. This fourth consent application (B28/19) proposes a minor lot boundary adjustment with 701/703 Regent Street.

Moved by Frank Kennes and Mike McGuire

THAT: Application A17/19 for relief from Section 7.3(2) of the Zoning By-Law to permit a minimum lot frontage of 3m (9.8 ft) to satisfy condition #6 of applications for consent B18/18 and B19/18 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.

4.2. A18/19 – Robert Manship - 33 Willis Ave., Strathroy

Request: to seek relief from Section 4.34(1)(e) to permit an encroachment of 3.36m into the rear yard, whereas the Zoning By-law permits a maximum of 2.5m to facilitate the construction of an elevated deck on the rear of an existing dwelling.

Present to Support: Robert Manship

Present With Concerns: Jeff Fraser
Rob Bozik
Carol Skinner
Patricia Fraser

Written comments received:

- Erin Besch, Planner, recommended that the application be approved;
- Middlesex Vacant Land Condominium Corporation #767 expressed concerns about the impact on the privacy of the owners and occupants of its units, and about the cedar hedge being compromised to accommodate the construction of the deck;
- Donna Kling (Queensgate Subdivision) requested that the variance be denied due to concerns for the cedar hedge separating the adjacent properties.

Moved by Larry Cowan and Mike McGuire

THAT: all correspondence related to the application for 33 Willis Street be received by the committee for information. **Carried.**

The Planner explained the application, noting that the cantilevered/extended back façade is prompting the request as a means to expand the deck area. At the time of the writing of the report no comments had been received; since that time the two letters had been received regarding feared impact on privacy of lots and the protection of the cedar hedge along the rear of the property. In addition to the sketch of the proposal included with the report, the applicant circulated photos of the property and the deck's proposed proximity to the cedar hedge, and of other similar decks that have been built at neighbouring properties.

Robert Manship spoke in support of the application, noting that neighbouring properties had also received permission to construct elevated decks, and further that he does intend to impact the hedge.

Jeff Fraser indicated that the hedge experienced damage from a previous project and has taken many years to start to re-grow. His concerns relate to sound and privacy due to the proximity of the proposed deck, and concerns about further damage to the hedge row.

Rob Bozik has concerns about the deck abutting the hedge and whose responsibility it would be to replace them if they are killed. Staff confirmed that if the trees are shared between the properties, it would be the property owners who would decide responsibility for removal or care.

Carol Skinner is the former president of the condo corporation and indicated that, at the time of purchase, they had been told the hedge line would be the dividing line and belonged to the condo owners. They just recently discovered that the tree line ownership is shared with the residents on Willis Street. She is concerned about a loss of privacy and the loss of the ambience of the trees, and indicated that several residents of the Queensgate were present at the meeting who wish to preserve what they have.

Patricia Fraser noted that the diagram circulated as part of the public notice shows the deck extending into the hedge line. The Planner clarified that it is an approximate boundary/drawing and is not survey accurate.

The applicant indicated that he has no intention of losing the hedge and would be willing to replant if the shrubs die due to the deck construction. However, the shrub line at his property is already experiencing some distress.

Committee members noted that the applicant had circulated a photo of the back of the property showing elevated 8ft decks at neighbouring properties, and if similarly built, this proposed deck would not encroach into the hedge. Copies of this photo were circulated to those in attendance.

Moved by Frank Kennes and Jesse Terpstra

THAT: Application A18/19 for relief from Section 4.34(1)(e) of the Zoning By-law to permit an encroachment of 3.36 m (11 ft) into the rear yard to facilitate the construction of an elevated deck 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.

4.3. A19/19 – Dave & Pamela Burgess – 209 Queen Street, Strathroy

Request: to seek relief from Section 4.2(2) of the Zoning By-law to permit a cumulative floor area of all accessory structures of 115.6m² (1,244 ft²), whereas 78.5 m² (845 ft²) is permitted given the size of the main floor of the existing dwelling.

Present to Support: Dave Burgess

Present to Oppose: None.

Written comments received:

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

The Planner explained the application.

Committee members noted the importance of the eaves trough placement to avoid flooding concerns. An inquiry was made about the decision to locate the structure in the middle of the property, as it is hoped the entire property will continue to be well-maintained.

Moved by Larry Cowan and Mike McGuire

THAT: Application A19/19 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 115.6 m² (1,244 ft²) to facilitate the construction of a 67 m² (720 ft²) detached accessory structure be approved subject to the following conditions:

- 1. **THAT:** Eaves and trough be installed on the proposed new garage 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 the Committee to make an informed decision.

4.4. B21/19 – Tammy Hope & Skeeter Pallister for Donald & Jenna-Ellen Garner – 21887 Cooks Road

Request: seeking permission to sever a parcel of land from 21887 Cooks Road to be merged with the adjacent property, being 21909 Cooks Road.

Present to Support: Tammy Hope
Skeeter Pallister

Present to Oppose: None.

Written comments received:

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

The Planner explained the application, noting that the intent is to enlarge the property located at 21909 Cooks Road and regularize the lot lines.

Committee members inquired if both property owners were aware of the proposed conditions. The Planner indicated that no contact information had been provided for the subject lands, and they have been dealing directly with the applicants. The applicants confirmed that they were aware of the conditions and that the other property owners would be made aware.

Moved by Mike McGuire and Steve Pelkman

THAT: Application B21/19 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B21/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the lot to be severed be merged in the same name and title as the adjacent lot created by B21/19 and known municipality as 21909 Cooks Road, 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 'retained lands' be subject to a minor variance to recognize the deficient lot area created through the approval of Consent B21/19, if deemed necessary.
6. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
7. 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.
8. 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, and constitutes good planning. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.5. B22/19 & B23/19 – Michael & Wendy Robertson – 653 Peter Street, Melbourne

Request: seeking permission to sever two parcels of land from 653 Peter Street. The severances will facilitate the creation of two additional lots for residential purposes.

Present to Support: Michael Robertson

Present With Concerns: Cory Bowring
Peter Zwicker (Representing Corey Bowring and Jamie Gerison)

Written comments received:

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

The Planner explained the applications proposing the creation of two residential lots in Melbourne. Lot #1 would have a total area of 2,018.1 m² (0.5 ac) with a frontage of 22.99m (75.4 ft). Lot #2 would have a total area of 1,998.9 m² (0.49 ac) with a frontage of 22.95m (75.3 ft). The retained lot would have a total area of 5,383 m² (1.33ac) with a frontage of 17.6m (57.74 ft). Municipal water services are provided to the site by Southwest Middlesex, who have been consulted as part of this application. Peter Street will be required to be extended in accordance with municipal standards. A water main extension will also be required, as the

applicants' water line currently crosses the two lots proposed to be severed. A minor variance will also be required as a condition of consent to recognize the deficient lot frontage.

Peter Zwicker represented Cory Bowring and Jamie Gerison, who live adjacent to the property in question. These neighbours have concerns about flooding and circulated photos to committee members documenting past instances. There are concerns about increasing water run-off if more properties are developed. If the flooding issues are addressed, Mr. Zwicker and his clients have no objection to the severance. If the flooding issues are not addressed, however, they will object due to the fear of future water issues. Mr. Zwicker requested that the submitted photos be accepted and added to the file.

Bill McIntosh lives beside the proposed Lot 1 and shares the water concerns, noting that sub pumps are constantly running.

Committee members shared the concerns regarding stormwater management and road grading.

Staff noted that condition #7 requiring a stormwater management and drainage plan would satisfy the request that drainage issues be reviewed and addressed.

Moved by Larry Cowan and Franke Kennes

THAT: Application B22/19 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 an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
5. That the 'severed' and 'retained' lands be subject to a minor variance to recognize the lot frontage deficiencies created through the approval of Consent B22/19, if deemed necessary.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B22/19 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 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.
9. That Peter Street be extended to the end of Lot 2 consisting of two layers of asphalt with proper ditching and drainage design completed by a professional engineer, further a hammer head will be required to be constructed at the existing furthest easterly property line which can be constructed of gravel/reclaimed asphalt all to the satisfaction of the Director of Engineering and Public Works, with all costs borne by the applicant.

10. That the applicant construct a new waterline from a connection point at the intersection of Peter Street and Archie Street along the extended road allowance of Peter Street, which has been designed by a professional engineer to ensure adequate capacity to service all three lots and to ensure that the system can handle the additional flow, to the satisfaction of the Municipality of Southwest Middlesex, with all costs associated with the project borne by the applicant.
11. That the 'severed lands' of B22/19 be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
12. That the 'retained lands' be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the existing water service line for the 'retained lands' be abandoned and disconnected from the watermain at the intersection of Peter Street and Archie Street, at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
14. That the existing meter pit for the 'retained lands' be removed at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
15. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
16. 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.
17. 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, and constitutes good planning. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

Moved by Mike McGuire and Steve Pelkman

THAT: Application B23/19 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 an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
5. That the 'severed' and 'retained' lands be subject to a minor variance to recognize the lot frontage deficiencies created through the approval of Consent B23/19, if deemed necessary.

6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B23/19 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 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.
9. That Peter Street be extended to the end of Lot 2 consisting of two layers of asphalt with proper ditching and drainage design completed by a professional engineer, further a hammer head will be required to be constructed at the existing furthest easterly property line which can be constructed of gravel/reclaimed asphalt all to the satisfaction of the Director of Engineering and Public Works, with all costs borne by the applicant.
10. That the applicant construct a new waterline from a connection point at the intersection of Peter Street and Archie Street along the extended road allowance of Peter Street, which has been designed by a professional engineer to ensure adequate capacity to service all three lots and to ensure that the system can handle the additional flow, to the satisfaction of the Municipality of Southwest Middlesex, with all costs associated with the project borne by the applicant.
11. That the 'severed lands' of B23/19 be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
12. That the 'retained lands' be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the existing water service line for the 'retained lands' be abandoned and disconnected from the watermain at the intersection of Peter Street and Archie Street, at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
14. That the existing meter pit for the 'retained lands' be removed at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
15. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
16. 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.
17. 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; and constitutes good planning. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.6. B28/19 – Jonathan Barnett for Calvin Dykstra – Part of Lot 8, Concession 9

Request: seeking permission to sever a parcel of land from Part of Lot 8, Concession 9 (geographic Township of Caradoc) to be merged with the adjacent property, being 7477 Calvert Drive.

Present to Support: Calvin Dykstra

Present to Oppose: None.

Written submissions received:

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

The Planner explained the application. The subject lands are approximately 39.3ha (97 ac) in size. The proposed lands to be conveyed are approximately 0.24 ha (0.6 ac) in size, are currently vacant, and are not in agricultural production. The applicant is proposing to merge the conveyed lands with the adjacent lands known municipally as 7477 Calvert Drive to enlarge the parcel, which was previously severed from the subject lands. As part of the application, the applicants will be required to merge the lands on title. Once merged, 7477 Calvert Drive will be approximately 1.14 ha (2.8 ac) in size; the applicants advised that they are currently using this area as part of their property and wish for it to be recognized through a lot addition. Staff recommend that, as a condition of consent, that a minor variance be applied for to recognize the deficient lot size of the proposed lands to be retained. Further, a one square foot reserve is to be deeded to the municipality from the land to be enlarged due to the previous consent approval.

Moved by Jesse Terpstra and Larry Cowan

THAT: Application B28/19 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 owner provide road widening dedications to the County of Middlesex on the lands to be severed and the lands to be retained of up to 18 metres from the centerline of Calvert Drive (County Road 10) to the satisfaction of the County Engineer.
4. That a dedication of a 0.3 m² (1 ft²) parcel of land from the lot to be enlarged, along Calvert Drive, be conveyed to the Municipality free of encumbrances, to the satisfaction of the Municipality. The applicant/owner is responsible for all costs associated with the dedication.
5. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B28/19 and demonstrating the County land dedication requirement; and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

6. That the lot to be severed be merged in the same name and title as the adjacent lot created by B28/19 and known municipally as 7477 Calvert Drive, 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.
7. That the 'retained lands' be subject to a minor variance to recognize the deficient lot area created through the approval of Consent B28/19, if deemed necessary.
8. That the lands to be enlarged be appropriately re-zoned to a site-specific 'Agricultural Small Holdings Zone (A2-#)'.
9. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
10. 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.
11. 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. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.7. B29/19 – Christopher, Christy, Willem & Janny Bruinink – 9696 Glendon Drive, Mount Brydges

Request: seeking permission to sever a parcel of land from 8696 Glendon Drive (County Road 14) to be merged with the adjacent property, being 701 & 703 Regent Street. The proposed severed land is currently being utilized by the owners of 701 & 703 Regent Street. The subject application proposes to recognize this situation.

Present to Support: Chris Bruinink

Present to Oppose: None.

Written submissions received:

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

The Planner explained the application. The proposed lands to be conveyed are approximately 245 m² (2,67 ft²) in size and are currently being utilized by the tenants of 701/703 Regent Street. When 701/703 was originally severed, the applicants built a fence that enclosed the

rear yard; however, the fence encroached onto 8696 Glendon Drive by about 10m. The applicants would like to recognize the full extent of the rear yard of 701/703 Regent Street through a lot boundary adjustment between the two properties. As part of the application, the applicants will be required to merge the lands on title.

Moved by Mike McGuire and Jesse Terpstra

THAT: Application B29/19 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B29/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the owner provide road widening dedications to the County of Middlesex of up to 18 metres from the centerline of Glendon Drive (County Road 14) to the satisfaction of the County Engineer.
5. That a dedication of a 0.3 m² (1 ft²) parcel of land from the lot to be enlarged, created by B29/19 along Regent Street, be conveyed to the Municipality free of encumbrances, to the satisfaction of the Municipality. The applicant/owner is responsible for all costs associated with the dedication.
6. That the lot to be severed be merged in the same name and title as the adjacent lot created by B29/19 and known municipally as 701/703 Regent 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.
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 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; and constitutes good planning. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.8. B30/19 – Linda Trbizan – 22018 Troops Road, Mount Brydges

Request: seeking permission to sever a parcel of land from 22018 Troops Road in Mount Brydges to be merged with the adjacent property, being 21618 Adelaide Road. The severance will add an existing Bell tower to 21618 Adelaide Road.

Present to Support: None.

Present to Oppose: None.

Written submissions received:

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

The Planner explained the application. The subject lands are approximately 5.6 a (13.86 ac) in size and contain a single detached dwelling, a Bell cell tower, and a ham radio tower that is not in use. The proposed lands to be conveyed are approximately 1,250 m² (0.3 ac) in size, and contain a Bell cellular tower. The applicants are proposing to merge the conveyed lands with the adjacent lands known municipally as 21618 Adelaide Road as the tower is currently access from this property by way of an easement.

Moved by Larry Cowan and Steve Pelkman

THAT: Application B30/19 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B30/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the lot to be severed be merged in the same name and title as the adjacent lot created by B30/19 and known municipally as 21618 Adelaide Road (County Road 81) 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 'retained lands' be subject to a minor variance to recognize the deficient lot area created through the approval of Consent B30/19, if deemed necessary.
6. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
7. 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.
8. 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 and constitutes good planning. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.9. B31/19 – David Smith for 2503770 Ontario Ltd. – 21332 Wilson Street, Delaware West

Request: seeking permission to sever a parcel of land with a frontage of 40m (131 ft) and an area of approximately 2,000 m² (0.49 ac) to facilitate the creation of one additional residential building lot.

Present to Support: David Smith

Present to Oppose: None.

Written submissions received:

- Erin Besch, Planner, recommended that the consent be approved subject to conditions.

The Planner explained the application. A similar proposal had been brought forward to the Committee for consideration in February 2016, when it was approved subject to a number of conditions. The ownership of the lands changed and the severance lapsed before all of the conditions were completed. The new owners applied for the severance a second time in April 2018. The committee conditionally approved the second consent application, however, the conditions were not satisfied within the one-year time frame and the second consent approval has lapsed. This is the third application submission.

David Smith noted that other ongoing development in this area led to some confusion, in addition to a communication error between the surveyor and the lawyer. The applicant requested not to be charged again for cash-in-lieu of parkland, nor for the application fee. Staff confirmed that anything satisfied on the previous consents will not be charged again (such as the cash-in-lieu of parkland). Consideration regarding application fees would be a Council matter.

Moved by Frank Kennes and Jesse Terpstra

THAT: Application B31/19 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 owner provide road widening dedications to the County of Middlesex of up to 18 metres from the centerline of County Road 2 (Longwoods Road) to the satisfaction of the County Engineer.
5. That the owner convey to the County of Middlesex a “1-foot reserve” along the lot line adjacent to County Road 2 (Longwoods Road), to the satisfaction of the County Engineer.

6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B31/19, and that identifies the land dedication requirement and “1-foot reserve” along County Road 2, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That confirmation is obtained, ensuring that the sewage disposal facility and water supply connection is wholly contained on the ‘lot to be retained’ to the satisfaction of the Municipality.
8. That a geotechnical report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the proposed building lot to accommodate a residential building foundation.
9. That the entrance to the ‘severed’ land be, designed to the satisfaction of the Strathroy-Caradoc Roads Manager.
10. That the subject lands be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
11. That all matters pertaining to an on-site subsurface sewage disposal system on the ‘lot to be severed’ are addressed to the satisfaction of the Municipality and in accordance with provincial regulations, including the installation of nitrate reducing technology.
12. That the owner of the lands enter into an agreement with the Municipality regarding the long term maintenance of the tertiary sewage disposal system to the satisfaction of the Municipality.
13. That a lot grading and drainage plan be submitted to the satisfaction of the Municipality.
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: 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 the Committee to make an informed decision.

5. Unfinished Business. None.

6. Enquiries by Members. None.

7. Other Business

Eva Baker was introduced as the newly hired Development Services Co-ordinator for the Municipality’s Building & Planning department.

8. Scheduling of Meetings

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

9. Adjournment

Moved by Larry Cowan and Frank Kennes

THAT: the meeting be adjourned at 7:36 p.m. **Carried.**

Signed by Rick McCracken

Chair

Signed by Matthew Stephenson

Secretary-Treasurer