

Committee of Adjustment
Meeting Minutes

Thursday, July 6, 2023

5:30 pm

Hybrid Meeting (Virtual and In-Person)

- Present: Councillor Brian Derbyshire
Councillor Frank Kennes, Vice Chair
Deputy Mayor Mike McGuire
Councillor Steve Pelkman
Member Randeep Kumar
- Absent with Notice: Member Jesse Terpstra, Chair
Member Dale Viaene
- Also Present: Jennifer Huff, Director of Building & Planning
Eva Baker, Acting Secretary-Treasurer
Erin Besch, Planner
Melonie Carson, Administrative Assistant (Recorder)
- Others Present: Heather Bradley
Stan Grizzle
Rick McCracken
Matt Vegso
Tim & Michelle Kettler
Tim Maylaert
Emily Bunney
Sue Looman
Stephanie Marentette
Ashley Podolinsky

1. Reading and Correction or Approval of Minutes

Moved By Deputy Mayor McGuire

Seconded By Councillor Pelkman

THAT: the minutes be approved as written.

Carried

1.1 Committee of Adjustment Meeting Minutes - June 1, 2023

2. Declaration of Pecuniary Interest

None.

3. Submissions for Consideration

As Chair Jesse Terpstra was absent, Councillor Frank Kennes assumed the Chair.

3.1 Application for Minor Variance (A17-2023) - 7404 Calvert Drive (County Road 10) - BBP-2023-76

Owners: Matthew & Lila Vegso

Request: to seek relief from Section 18.3 of the Strathroy-Caradoc Zoning By-law to permit a side yard width of 9 m (29.5 ft), whereas a minimum of 15 m (50 ft) is required in the 'A1' zone

Interested parties present:

- Matthew Vegso

Erin Besch, Planner, presented the report noting that the subject property is located on the north side of Calvert Drive (County Road 10), east of Glen Oak Road. The applicant is proposing to construct a 356.7 m² detached pole barn to be used as a personal workshop and garage within the northern corner of the rear yard. The setback reductions are requested to ensure the least amount of tree removal on the site, as well as ensuring all three garage bays would be accessible from the driveway without being blocked by trees and requiring removal. Staff note that the property does not contain any 'significant woodlands' as defined in the Middlesex Natural Heritage Systems Study (2014). The planner noted that no concerns or comments have been received from the public and is recommending approval with no conditions.

Moved By Councillor Pelkman

Seconded By Deputy Mayor McGuire

THAT: Application A17-2023 for minor variance be approved.

Carried

3.2 Application for Minor Variance (A33-2022) - 6733 Andrews Drive - BBP-2023-80

Owner: Emily Bunney

Request: to seek relief from Section 4.29(2) of the Strathroy-Caradoc Zoning By-law to establish a dog kennel use on the subject property with a minimum separation of 29 m (95 ft) from a separate lot on which a residential use is permitted, whereas the Zoning By-law requires a minimum setback of 250 m (820.2 ft).

Interested parties present:

- Emily Bunney
- Stephanie Marentette (Legal Counsel)
- Rick McCracken

Erin Besch, Planner, presented the report noting that the subject property is located at the end of Andrews Drive, east of Melbourne Road. The property is approximately 1 ac in area with approximately 65 m of frontage along Andrews Drive and contains an existing single detached dwelling, a metal barn used for personal storage and a detached garage that has been converted to a dog kennel. Staff note that the applicant's five personal dogs exceed the maximum permitted in the stated by-law, and with the boarding business aside, the applicant would require a kennel license to accommodate the additional two family dogs. Staff note that there are no existing residences within the 250 m buffer surrounding the kennel, with the nearest dwelling being located approximately 433 metres from the kennel structure itself. The Planner noted that the minor variance is requesting to reduce the setback to 29 m from a separate lot on which a residential use is permitted, whereas the Zoning By-law requires a minimum setback of 250 m. This is the most restrictive or reduced setback; however, the kennel would be closer to two other vacant properties (to the north) and this proposal would provide setbacks of 70 m and 97.5 m to those lots. Staff note that if the minor variance is approved, the applicant would be required to retain a kennel license and enter into a site plan agreement with the Municipality. Further, the building department has advised that if a building permit is required in the future, legal access to Melbourne Road will be required through the establishment of an easement registered on title of all properties. No comments have been received from the public on the application at the time of preparing this report and the planner is in support of approval with two conditions.

Rick McCracken was present to speak in support of this application.

Moved By Councillor Derbyshire

Seconded By Member Kumar

THAT: the committee accept the added correspondence regarding application A33-2022 6733 Andrews Drive, Melbourne.

Carried

Moved By Deputy Mayor McGuire

Seconded By Councillor Derbyshire

THAT: Application A33-2023 for minor variance be approved subject to the following conditions:

1. THAT: a maximum number of 25 dogs be permitted on-site at one time, including the landowner's personal dogs.
2. THAT: the landowner enter into a site plan agreement with the Municipality.

Carried

3.3 Application for Consent (B4-2023) – 7620 Walkers Drive - BBP-2023-77

Owner: Jaslo Farms Ltd.

Request: to sever a surplus farm dwelling from a larger farm parcel as a result of farm consolidation.

Interested parties present:

- Sue Looman

Erin Besch, Planner, presented the report noting that the subject property as a whole is located on the north side of Walkers Drive, east of Sutherland Road, and is approximately 51.15 ac in size. The proposed residential lands to be severed are approximately 1.3 ac in size and contain a single detached dwelling that is privately serviced, with an attached garage and a garden shed. The applicant has advised that the septic system and well are wholly located on the severed lot, and that the dwelling is in good and habitable condition. The proposed lands to be

retained are approximately 49.84 ac in size and contain a driveshed that is to be used for farm implement storage. It is noted that hydro service to the driveshed is wholly contained on the proposed lands to be retained. The remainder of the land is in agricultural production. The planner noted that no concerns or comments have been received from the public and is recommending approval subject to conditions.

Moved By Deputy Mayor McGuire

Seconded By Member Kumar

THAT: Application B4-2022 for consent 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 two years of the date of the notice of the decision and the consent certificate fee be paid to the Municipality.
2. That any outstanding property taxes be paid in full.
3. That the subject lands be appropriately rezoned.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B4-2023 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 private services are located wholly within the lot to be retained, to the satisfaction of the Municipality.
6. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be severed', to the satisfaction of the Municipality. If any of the services cross the new lot boundary, they are to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
7. That the lands to be severed retain the municipal 911 property address of 7620 Walkers Drive and the owner ensures the posted municipal 911 property address sign is in the correct location and visible and unobstructed for emergency services to easily identify.
8. That the lands to be retained have a proposed municipal 911 property address that is sequential in numbering on Walkers Drive and it be submitted to the satisfaction of the Municipality of

Strathroy- Caradoc in consultation with the County of Middlesex for approval. If the address is approved, that it be posted at the main entrance to the retained lands as per municipal standards and that the posted sign be maintained by the property owner so it remains visible and unobstructed for emergency services to easily identify.

9. 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.
10. That a new access be provided for the lands to be retained if one does not already exist, to the satisfaction of the Municipality.
11. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
12. That the applicant's solicitor submit an undertaking in a form satisfactory to the Secretary-Treasurer to register an electronic transfer of title consistent with the Acknowledgement and Direction and the decision of the Committee of Adjustment.
13. That one copy of the reference plan be submitted to the satisfaction of the Municipality.

Carried

3.4 Application for Consent (B8-2023) - 17 Hull Road - BBP-2023-78

Owner: Melissa O'Quinn

Request: to convey a portion of the subject lands (17 Hull Road) for the purposes of merging it with the adjacent lands, being 79 Hull Road, through a consent for lot addition.

Interested parties present:

- Ashley Podolinsky (Agent)
- Stan Grizzle
- Bradley Heather

Erin Besch, Planner, presented the report noting that the subject lands as a whole are approximately 1.69 ac in size and contain a single detached dwelling, detached garage and garden shed. The proposed lands to be conveyed are approximately 1.3 ac and are currently vacant of buildings and structures. A portion of the lands to be conveyed have been identified as 'significant woodlands' within the Middlesex Natural Heritage Systems Study and are completely regulated by the St. Clair Region Conservation Authority. Staff note that the retained lands meet the provisions of the 'R1' zone, except for the minimum front yard setback of 5 m. However, the dwelling was legally constructed prior to the establishment of the current by-law; therefore, it is deemed to be a legal non-conforming structure and the deficient front yard setback does not need to be recognized through a minor variance. The planner added that no concerns or comments have been received from the public and staff are recommending approval subject to conditions.

Moved By Councillor Pelkman

Seconded By Councillor Derbyshire

THAT: Application B8-2023 for consent 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 two years of the date of the notice of the decision and the consent certificate fee be paid to the Municipality.
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 B8-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the owner dedicate lands to the Municipality of up to 10 metres from the centreline of road construction for the purposes for future road widening. This is required across the frontage of the conveyed parcel only.
5. That Part 2 be merged in the same name and title as the adjacent lot, known municipally as 79 Hull 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.

6. That the location of the municipal water service be confirmed for the 'lands to be retained', to the satisfaction of the Municipality. If the service crosses the adjusted lot boundary, it is to be relocated to be wholly contained on the 'lands to be retained' at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
7. That the location of the municipal sanitary service be confirmed for the 'lands to be retained', to the satisfaction of the Municipality. If the service crosses the adjusted lot boundary, it is to be relocated to be wholly contained on the 'lands to be retained' at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
8. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained', to the satisfaction of the Municipality. If any of the services cross the adjusted lot boundary, they are to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
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

3.5 Applications for Consent (B10/B11-2023 and Minor Variance (A16-2023) - 785 Wright Street - BBP-2023-79

Owner: 2323377 Ontario Inc. O/A Wild Bills RV and Powersports

Request: to sever a portion of land from 785 Wright Street to create a new industrial lot. To facilitate the severance, Consent Application B11-2023 requests to establish an access and maintenance easement over a

shared storm pipe between the lands to be severed and retained, as well as the adjacent land owner to the west; and further

To seek relief from Section 15.3(6) of the Strathroy-Caradoc Zoning By-law to permit a lot depth of 69 m (230 ft), whereas a minimum lot depth of 75 m (246 ft) is required in the 'M2-9' zone.

Interested parties present:

- N/A

Erin Besch, Planner, presented the report noting that the subject property is located on the south side of Wright Street in the north end of the Molnar Industrial Park in Strathroy. The subject lands as a whole are approximately 2.22 ac in size. The lands contain an existing building that operates as the sales office for Wild Bill's RV and Powersports, with the remainder of the site used for the outdoor storage and display of recreational vehicles and trailers. There is an underground storm pipe crossing the southern half of the subject lands which facilitates stormwater management for 785 Wright Street, as well as the vacant lands to the west (775 Wright Street). As part of the consent application, the Municipality is requiring the landowner to establish an easement over this existing infrastructure, in favour of the each of the three parcels of land (new lot, 785 Wright and 775 Wright). The applicant is proposing to sever the existing lot in half, with the severed and retained lots each approximately 1.11 ac in size. The existing access will be kept with the lands to be retained, which will continue to operate as a sales establishment. The lands proposed to be severed will also continue to operate as outdoor storage for the business, until such time as the lot is created. The planner added that no concerns or comments have been received from the public and is recommending approval subject to conditions.

Deputy Mayor McGuire has concerns with the size of the severed lots and asks if there are any other industrial lots in the Molnar Industrial Park that would be around 1 acre lots. Jennifer Huff, Director of Building & Planning advised that this is a unique size property in this location, as generally the industrial lots in the Molnar Park are larger, however, staff receive a number of inquiries for smaller/contractor type uses that maybe don't need the size of lots that currently have available, so does seem to be a need for some smaller lots to service the smaller types of industrial uses that would be ideally suited in industrial park but don't necessarily need the 3 or 10 acres that are available.

Moved By Councillor Derbyshire
Seconded By Councillor Pelkman

THAT: Application A16-2023 for minor variance be approved.

Carried

Moved By Deputy Mayor McGuire
Seconded By Member Kumar

THAT: Application B10-2023 for consent 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 two years of the date of the notice of the decision and the consent certificate fee be paid to the Municipality.
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 B10-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
5. That the owner establish an easement over both the severed and retained parcels for the storm sewer which acts as the outlet for the property known municipally as 775 Wright Street, to the satisfaction of the Municipality.
6. That a development agreement be registered on title for the lands to be severed, which requires the future owner of the lands to connect to municipal water and sanitary services at time of development, provides notice of the requirement to entered a shared service agreement for stormwater management and to contribute costs based on flows, to the satisfaction of the Municipality.
7. That confirmation is received that the existing municipal water and sanitary connections are wholly contained on the retained lands, and do not cross the new property line. If either of the service lines

cross this boundary, they are to be relocated and reconnected at the owner's expense, to the satisfaction of the Municipality.

8. That confirmation is received that the existing utility services (i.e. gas, telephone, hydro) do not cross the new property line. If any of the service lines cross this boundary, they are to be relocated and reconnected at the owner's expense, to the satisfaction of the Municipality.
9. That the owner apply for and receive approval for a Planning Act application to address lot depth requirements.
10. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
11. 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.

Carried

Moved By Councillor Pelkman

Seconded By Councillor Derbyshire

THAT: Application for Consent B11-2023 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 two years of the date of the notice of the decision.
2. That any outstanding property taxes be paid in full.
3. That the easement be registered on title of the severed and retained lands.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B11-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.

6. 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.
7. That one copy of the reference plan be submitted to the satisfaction of the Municipality.

Carried

4. Unfinished Business

Jennifer Huff, Director of Building & Planning, wanted to address the question that was raised at the last meeting about applications seen recently in regards to accessory structures in the front yard and the administrative process to avoid the need for minor variance for those types of structures. The Director also wanted to provide some feedback how in the zoning by-law right now, allows for agricultural buildings to be located in an agricultural property in the front yard and the prohibition for accessory structures being in the front yard is only in respect to the rural residential lots or town lots. Director Huff adds that there are also safety concerns as well as access concerns, but primarily in the agricultural area. Director Huff notes the 80% rule and how there are a variety of sizes of rural residential lots, so a lot comply and are less than 1 hectare, and would have the 80% rule limiting the size of accessory structures, but also a number of large rural residential lots that are greater than 1 hectare and could have very large accessory structures on them, so without prohibition, can have an accessory structure 3 times the size of a house in front of the house. She adds that the zoning rules are there for staff to review situations, where in cases there are constraints in the rear yard that limit the ability for them to locate those structures and then staff look at applications and evaluate whether or not an exemption should be provided to a minor variance. There is no administrative work around, as this is in the Zoning By-law and there is no way to avoid that.

Director Huff also noted that the municipality is going through RFP process to substantially update the Zoning By-law and hoping to start the process by September and there are two ways to have the committee participate. One is through resolution by the committee, you'd make recommendations that would be directed to the consultant, there will be a large public consultation process so the committee as a whole could participate as well as individual members of the committee could just participate and provide feedback through the public consultation process based on experience sitting as a committee member. Chair Kennes wonders if it's possible for the committee to have a session to meet with

the consultant. Director Huff adds that yes, the committee would be considered a key stakeholder in the process.

Member Derbyshire has noticed many sheds going up on rural properties and thinks there is the potential for them to be used for something other than personal use and would like to know if there is any protection in making sure not setting up small commercial businesses. Erin Besch, Planner, notes that it is a concern, and that is why the 80% rule applies in the agricultural area for A2 because there is a huge demand and generally supportive of those types of uses on agricultural parcel that have an agricultural use already established and treat them under "on farm diversified use" and that's restricted to a certain size and required to go through a zoning amendment as well as site plan. The planner adds that the ones that show up "under the radar" are addressed through By-law Enforcement.

5. Enquiries by Members

None.

6. Other Business

None.

7. Schedule of Meetings

- Thursday, August 3 @ 5:30 p.m.
- Thursday, September 7 @ 5:30 p.m.
- Thursday, October 5 @ 5:30 p.m.

8. Adjournment

Moved By Member Kumar

Seconded By Councillor Pelkman

THAT: the meeting adjourn at 6:31 p.m.

Carried

Chair

Secretary Treasurer

