

**Committee of Adjustment
Meeting Minutes**

Thursday, June 1, 2023

5:30 pm

Hybrid Meeting (Virtual and In-Person)

Present: Councillor Brian Derbyshire
Councillor Frank Kennes, Vice Chair
Member Randeep Kumar
Deputy Mayor Mike McGuire
Member Dale Viaene

Absent with Notice: Member Jesse Terpstra, Chair
Councillor Steve Pelkman

Also Present: Jennifer Huff, Director of Building & Planning
Eva Baker, Acting Secretary-Treasurer
Erin Besch, Planner
Tim Williams, Senior Middlesex County Planner
Brianna Hammer-Keidel, Deputy Clerk (Recorder)

Others Present: Denton Hackney
Tina Hackney
Justine Nigro
Scott McDowell
Steve Versteegen
Kerry Hollingsworth
Joseph Hentz
Courtney Sinclair
Gary Smits
Christina Loyens
Nick Dyjach
Jim Pedden Sr.
Jim Pedden Jr.
Darryl Charlton
Brian Linker
Ken Peters
Tonia Head
Tina McKeen

1. Reading and Correction or Approval of Minutes

1.1 Committee of Adjustment Meeting Minutes - May 4, 2023

Moved By Deputy Mayor McGuire
Seconded By Councillor Derbyshire

THAT: the meeting minutes be approved as written.

Carried

1.2 Committee of Adjustment Meeting Minutes - May 11, 2023

Moved By Member Viaene
Seconded By Member Kumar

THAT: the meeting minutes be approved as written.

Carried

2. Declaration of Pecuniary Interest

Deputy Mayor McGuire declared an indirect pecuniary interest related to Item 3.6 - Applications for Consent B1-2023; B2-2023; and B3-2023 for 100 Second Street as an immediate family member works for the applicant's business.

3. Submissions for Consideration

3.1 Application for Minor Variance (A9-2023) – 288 Dominion Street

Owners: Denton and Tina Hackney

Request: to seek relief from Section 4.2(2) of the Strathroy-Caradoc Zoning By-law to permit a cumulative floor area of all accessory structures of 172.5 m² (1,857ft²), whereas a maximum of 141.8 m² (1,526.4 ft²) is permitted given the ground floor area of the existing dwelling; and further,

To seek relief from Section 4.2(5) of the Zoning By-law to permit an accessory building height of 4.88 m (16 ft), whereas a maximum height of 4.5 m (14.8 ft) is permitted in the 'R1' zone.

Interested parties present:

- Denton & Tina Hackney

Erin Besch, Planner, presented the report noting the application would support the construction of a detached garage behind the dwelling. The Planner further noted that an addition is under construction which includes the conversion of a portion of the existing garage into livable space. The additional square footage was used as a basis for analysis of the application. No comments had been received from the public from the public regarding the application and staff recommended approval of the application subject to one condition.

Moved By Deputy Mayor McGuire

Seconded By Councillor Derbyshire

THAT: Application A9-2023 for minor variance be approved subject to the following condition:

1. **THAT:** Stormwater be dealt with on-site without negative effects on adjacent properties to the satisfaction of the Municipality.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee

considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

3.2 Application for Minor Variance (A11-2023) - 7895 Irish Drive

Owners: Christopher and Cynthia Weyler

Agent: Justine Nigro, The Hive Design Co.

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 143.43 m² (1,543.9 ft²), whereas a total of 89.18 m² (959.9 ft²) is permitted given the size of the main floor of the existing dwelling.

Interested parties present:

- Justine Nigro (Agent)

The Planner presented the report noting the application would facilitate the construction of an addition onto the existing detached garage. While the height of the existing structure is higher than what is permitted in the Zoning By-law, the structure was legally constructed as per the provisions of a previous zoning by-law, thereby making it legal non-conforming. The new structure is not as tall, so no additional variance was required as part of the application.

No comments had been received from the public on the application and staff recommended approval.

Moved By Councillor Derbyshire

Seconded By Member Kumar

THAT: Application A11-2023 for minor variance be approved.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

3.3 Application for Minor Variance (A13-2023) - 7476 Glendon Drive

Owner: Steve Versteegen

Request: to seek relief from Section 4.2(6)(a) of the Zoning Bylaw to permit an accessory building in the front yard of a rural residential property, whereas accessory structures are limited to locating in the side or rear yard only.

Interested parties present:

- Scott McDowell, Chisel Design and Construction (Agent)
- Steve Versteegen (Owner)

Erin Besch, Planner, presented the report noting the application would support the construction of a detached accessory structure. No comments had been received from the public regarding the report and staff recommended approval of the application subject to one condition.

Councillor Derbyshire inquired about the 105 m setback as presented on the applicant's plan and inquired if a lesser distance requirement would be more helpful. The Applicant indicated a few meters (+/-) would provide some flexibility. Staff were supportive of providing such flexibility by modifying the distance.

Moved By Deputy Mayor McGuire

Seconded By Councillor Derbyshire

THAT: Application A13-2023 for minor variance be approved subject to the following condition:

1. **THAT:** The proposed accessory building be setback a minimum of 100 m (328 ft) from the front lot line and in the location provided on the site plan submitted by the applicant, to the satisfaction of the Municipality.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

3.4 Application for Minor Variance (A14-2023) – 24931 Amiens Road

Owners: Kerry and May Hollingsworth

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 170 m² (1,830 ft²), whereas a total of 100.8 m² (1,085.6 ft²) is permitted given the size of the main floor of the existing dwelling; and further

to seek relief from Section 4.2(5) to permit a height of 5.8m (19 ft), whereas a maximum height of 4.5 m (14.8 ft) is permitted for residential accessory structures.

Interested parties present:

- Kerry Hollingsworth

The Planner presented the report, noting the application would facilitate the construction of a detached garage in the side yard of the rural residential property. The larger size is being requested to accommodate a transport truck. The unique, triangular shape of the lot was referenced, as well as the longer frontage on Amiens Road. The Planner further explained that an additional variance had been circulated, but was later determined to be unnecessary and was removed from consideration. No comments had been received from the public regarding the application and staff recommended approval subject to one condition.

Councillor Derbyshire confirmed with the applicant that the proposal would accommodate the trailer.

Moved By Member Kumar

Seconded By Deputy Mayor McGuire

THAT: Application A14-2023 for minor variance be approved subject to the following condition:

1. **THAT:** The proposed accessory building be setback a minimum of 20 m (65.6 ft) from the front lot line and in the location provided on the site plan submitted by the applicant, to the satisfaction of the Municipality.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

3.5 Deferred Application for Consent (B7-2023) - Part of Lot 22, Concession 2 (Troops Road)

Owners: Christina Loyens, Martin Smits, and Gary Smits

Agent: Joseph M. Hentz, Lerner's LLP

Request: to sever one residential lot from the larger agricultural parcel along Troops Road.

Interested parties present:

- Joseph Hentz (Agent)
- Courtney Sinclair (Agent)
- Gary Smits (Applicant)
- Christina Loyens (Applicant)

The Planner presented the report, noting that a consent application regarding this property had been considered by the Committee previously. This particular application had been deferred pending a Development Assessment Report, which has now be completed. Further, the Conservation Authority has also signed off in agreement that the property does not contain significant woodland. The Planner noted the comments received from the Ministry of Transportation, particularly requirements related to the relocation of driveway, and municipal and MTO-issued permits. Staff recommended approval of the application subject to conditions.

Moved By Deputy Mayor McGuire

Seconded By Member Viaene

THAT: Application B7-2022 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 applicable consent certificate fee be paid to the Municipality.
2. That any outstanding property taxes be paid in full.

3. That the applicant provide \$1000 cash-in-lieu of parkland dedication to the Municipality.
4. That land dedication be provided to the Municipality of Strathroy-Caradoc for frontage of the severed land along Troops Road to match up with the front lot line of 22530, 22510 and 22488 Troops Road, which shall be approximately 10 metres from the centerline of road construction.
5. That the access to the lands to be retained be removed and relocated from Glendon Drive to further south on Parkhouse Drive, to the satisfaction of the Municipality and the Ministry of Transportation.
6. That confirmation from MTO be received that a MTO issued Building and Land Use Permit has been obtained for the removal of the access on Glendon Drive.
7. That the applicant initiates and assumes, all engineering costs associated with the preparation of a revised assessment schedule for the municipal drain 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.
8. That the applicant rezones the severed lot to a site-specific 'Rural Residential (R5) Zone' that recognizes the lot area deficiency created through Consent B7-2022.
9. That the severed lot be assigned a Troops Road municipal 9-1-1 address and that it be to the satisfaction of the Municipality in consultation with the County of Middlesex.
10. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B7/22 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
11. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
12. 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.

13. 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.
14. 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 conventional sanitary waste disposal system in accordance with the provincial regulations.
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.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

3.6 Applications for Consent (B1-2023, B2-2023 & B3-2023) - 100 Second St.

Deputy Mayor McGuire noted his earlier declaration of interest and did not participate in discussion related to these applications.

Owner: Max Kemmerling Dentistry Professional Corporation

Request: to sever the existing parcel of land to create one new lot, with the retained parcel containing future commercial uses and the conveyed parcel to contain a future residential use; and further

to establish easements for the storm sewer use, access and maintenance as well as reciprocal easements for driveway/road access and maintenance for future users of the severed and retained parcels.

Interested parties present:

- Nick Dyjach (Agent)
- Jim Pedden Sr.

- Jim Pedden Jr.

Tim Williams, Senior Planner, presented the report, noting that a comprehensive approach was used in reviewing the three applications and the current and future functionality of the parcels. In particular, the easements have been proposed to ensure that the uses on the site will continue to function as they would have without the severance. A maintenance agreement was requested; staff also requested that the easements be registered in addition to the severance. No concerns or comments had been received from the public regarding the report and staff recommended approval of all three applications subject to conditions.

Nick Dyjach spoke in support of the application and indicated there were no issues with the conditions recommended by staff.

Jim Pedden Sr. expressed concerns about increasing traffic on Second Street, as it is already a very busy street that he believes sees 100 to 200 tractor trailers every day. He expressed a preference to see traffic re-directed to Head Street in consideration of the schools and businesses located in this neighbourhood. The Senior Planner confirmed that traffic counts are underway and improvements to these streets will be considered over time. The Senior Planner further highlighted the importance of maintaining a second access, particularly for emergency services.

Councillor Derbyshire inquired if Head Street could be made a construction access as part of the consideration of the site plan approval process.

Moved By Member Viaene

Seconded By Councillor Derbyshire

THAT: Application B1-2023 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 applicable consent certificate fee be paid to the Municipality prior to the consent certificate being signed.
2. That any outstanding property taxes be paid in full.
3. The applicant obtain Municipal 9-1-1 Addresses for the retained and conveyed parcels to the satisfaction of the Municipality and the County of Middlesex.

4. That the applicant provide a cash-in-lieu of parkland dedication payment to the Municipality in the amount of 5% of the value of the conveyed plans.
5. That a land dedication to the County of Middlesex for the purposes of road widening to a distance of 18.0 m from the centerline of construction of County Road 33 (Second Street) is required if the right of way is not already to that width.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B1-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That confirmation be received that the 'lands to be retained' is connected to sanitary service, and the location of the service is confirmed, to the satisfaction of the municipality. If the services run through the proposed severed lot, they will have to be relocated 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' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through severed lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
9. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
10. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
11. That a municipal 9-1-1 address be assigned to the 'lands to be retained', to the satisfaction of the Municipality and the County of Middlesex.
12. The owner or applicant's solicitor submit and undertaking that the easements in B2-2023 and B3-2023 be registered when or immediately after the severed lot has been created.
13. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.

14. 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.
15. That one copy of the reference plan be submitted to the satisfaction of the Municipality.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

Moved By Member Kumar
Seconded By Member Viaene

THAT: Application B2-2023 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B2-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the owner enter into an access and maintenance agreement for the storm and road access easements.
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.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

Moved By Councillor Derbyshire

Seconded By Member Kumar

THAT: Application B3-2023 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B3-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the owner enter into an access and maintenance agreement for the storm and road access easements.
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.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee

considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

3.7 Applications for Consent (B9-2023) and Minor Variance (A15-2023) - 24513 Adelaide Road

Owner: Strathroy Bethel Baptist Church

Agent: Brian Linker

Request: to convey a portion of land from 24513 Adelaide Road (County Road 81), to be merged with the adjacent agricultural parcel at 170 Carroll Street West (County Road 10) in Strathroy; and further,

to seek relief from Section 18.3(1) of the Strathroy-Caradoc Zoning By-law to permit an approximate lot area of 11.45 hectares (28.3 acres), whereas the minimum lot area is 40 hectares (98.84 acres) in the 'A1' zone.

Interested parties present:

- Darryl Charlton (Applicant)
- Brian Linker (Agent)
- Tonia Head
- Ken Peters

Erin Besch, Planner, presented the report, noting the unique "L" shape of parcel which contains a farm house with three outbuildings, soccer fields, and lands in agricultural production. The parcel to be conveyed is outside of the official Strathroy settlement boundary while the parcel to be retained is within the settlement boundary. These lands are proposed to remain in agricultural production with no proposed changes. The boundary of the retained parcel would follow the natural watercourse. Staff also requested that the lot to be severed be merged with the adjacent lot.

Tonia Head inquired about future plans for the lands; the Planner confirmed that no development is proposed.

Moved By Deputy Mayor McGuire

Seconded By Member Kumar

THAT: Application A15-2023 for minor variance be approved.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

Moved By Deputy Mayor McGuire

Seconded By Member Viaene

THAT: Application for Consent B9-2023 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 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 B9-2023 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 apply and receive approval for a Planning Act application to address lot area requirements of the retained parcel.
6. That the owner dedicate lands up to 18 metres from the centerline of construction of County Road 81 (Adelaide Road) and 15 metres from the centreline of construction of County Road 10 (Carroll Street West) across the retained parcel to the County of Middlesex for the purposes of road widening if the right of ways are not already to that width.
7. That the lot to be severed be merged in the same name and title as the adjacent lot created by B9-2023 and known municipally as 170 Carroll Street West, 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.

8. 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.
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.

Reasons: Satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; and conforms to the Official Plans of both the Municipality and the County of Middlesex. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee make an informed decision.

Carried

4. Unfinished Business

4.1 Committee of Adjustment Refund Policy (BBP-2023-67)

The Director of Building & Planning presented the draft Refund Policy and indicated staff are open to feedback based on direction that may be given at the meeting.

A general discussion took place regarding the appropriateness of recommendations from staff as the basis for adjudication. Members felt that in instances of appeals, background reports would be preferred for information only without recommendations.

The Director will revise the draft policy based on feedback received and will bring it back to committee for review and approval.

Moved By Councillor Derbyshire

Seconded By Deputy Mayor McGuire

THAT: Committee direct staff to amend the Committee of Adjustment Refund Policy as recommended.

Carried

4.2 Proposed New Draft Provincial Planning Statement and the Planning Act (BBP-2023-68)

The Director of Building & Planning presented the report and answered inquiries from members.

Moved By Deputy Mayor McGuire
Seconded By Councillor Derbyshire

THAT: Committee receive report BBP-2023-68 for information.

Carried

5. Enquiries by Members

Deputy Mayor McGuire inquired about the possibility of an administrative policy regarding the requirement for a secondary structure to be set back from a primary structure. The Director of Building & Planning will review this matter and provide feedback to Committee.

6. Other Business

6.1 OACA Committee Member Training Information (BBP-2023-58)

The Director of Building & Planning presented the report and noted the inclusion of updated training materials as circulated by staff. The Director noted that such training assists members with their duties and obligations to provide fair hearings without the perception of bias, and further assists with expectations from members of the public.

Moved By Member Viaene
Seconded By Member Kumar

THAT: Committee receive Report BBP-2023-58; and further,

THAT: Committee members commit to following training protocols published by the Ontario Association of Committees of Adjustment.

Carried

7. Schedule of Meetings

- Thursday, July 6 @ 5:30 p.m.
- 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 Deputy Mayor McGuire

Seconded By Member Viaene

THAT: the meeting adjourn at 7:15 p.m.

Carried

Chair

Secretary Treasurer