

**Committee of Adjustment
Meeting Minutes**

Thursday, November 2, 2023

5:30 pm

Hybrid Meeting (Virtual and In-Person)

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

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

Others Present: Travis Sherman (Agent)
 Gord Tugwell (Applicant)

1. Roll Call

The Acting Secretary Treasurer confirmed attendance.

2. Approval of Agenda

Moved By Councillor Kennes

Seconded By Councillor Derbyshire

THAT: the November 2, 2023 Committee of Adjustment agenda be approved as circulated.

Carried

3. Declaration of Pecuniary Interest

None.

4. Reading and Correction or Approval of Minutes

4.1 Committee of Adjustment Meeting Minutes - October 5, 2023

Moved By Councillor Derbyshire

Seconded By Deputy Mayor McGuire

THAT: the Committee of Adjustment meeting minutes of October 5, 2023 be approved as written.

Carried

5. Submissions for Consideration

5.1 Application for Minor Variance A25-2023 - 2584 Lucas Ave., Mount Brydges (Report BBP-2023-128)

Owners: Matthew and Sarah Melanson

Agent: Travis Sherman, Forest City Pool & Patio Inc.

Request: to seek relief from Section 4.2.6(a) of the Zoning Bylaw to permit a 15 m² (161.5 ft²) shed in the exterior side yard of a residential property, whereas the Zoning By-law prohibits accessory structures from locating closer to the exterior side lot line than the main dwelling.

Interested Parties Present:

- Travis Sherman (Agent)

Erin Besch, Planner, presented the report, noting that the applicant had recently completed an in-ground pool in the rear yard of the subject lands; it was at the time of final inspection for the pool permit that the garden shed was identified by staff. While the structure does not require a permit due to its size, accessory structures in the 'R1' zone are required to be located in the interior side yard or rear yard of a property, and no closer to the exterior lot line than the main dwelling. No comments had been received from the public regarding the application and staff recommended approval subject to one condition.

Member Derbyshire clarified the requirement prohibiting a shed of any size from being located in the exterior side yard.

Moved By Councillor Kennes

Seconded By Councillor Pelkman

THAT: minor variance application A25-2023 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

5.2 Application for Minor Variance A27-2023 – 8148 Olde Drive (Report BBP-2023-129)

Owners: Brett and Deborah Cracknell

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 146 m² (1,571.5 ft²), whereas a total of 82 m² (882.6 ft²) is permitted given the size of the main floor of the existing dwelling.

Interested Parties Present:

- None

Erin Besch, Planner, presented the report, noting the application would recognize the construction of an addition onto the rear of an existing shed. The addition had been recently constructed without a building permit and has been deemed to require a minor variance to recognize its size.

One comment was received from the St. Clair Region Conservation Authority indicating the development will require further written permission from the organization as the subject lands are almost entirely regulated by the Conservation Authority. No comments or concerns had been received from the public.

Moved By Councillor Pelkman

Seconded By Member Viaene

THAT: application for minor variance A27-2023 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

5.3 Application for Consent B17-2023 - B19-2023 and Application for Minor Variance A26-2023 - 267 & 269 Queen Street (Report BBP-2023-130)

Owner: Deb Tugwell

Agent: Edward (Gord) Tugwell

Request: to sever one lot from a larger residential parcel to facilitate the separation of two linked dwellings (B17-2023); to establish easements on either side of the new property line created through B17-2023 to permit reciprocal legal access between the linked dwellings (B18-2023 & B19-2023); and to request relief from Section 4.2(2) of the Strathroy-Caradoc Zoning By-law to permit a cumulative floor area of all accessory structures of 154.2 m² (1,660ft²), whereas 83.7 m² (901 ft²) is permitted given the size of the main floor of the existing dwelling (A26-2023).

Interested Parties Present:

- Gord Tugwell (Owner)

Erin Besch, Planner, presented the report, noting that the property contains two linked dwellings that had previously been used for rental purposes. The applicant is now requesting to sever the northernmost dwelling, driveway, shed, and amenity area from the larger parcel for ease of sale. Staff recommended approval of the applications with conditions specific to each.

The Agent noted that a few of the conditions have already been met and they did not have any further concerns.

Members generally discussed the merits of proposed Condition #6 for Application B17-2023 regarding acknowledgment that the detached accessory structure building on the lands to be retained is for residential purposes only. Members also clarified the requirement for cash-in-lieu of parkland for a severance for urban areas only.

Moved By Councillor Pelkman

Seconded By Deputy Mayor McGuire

THAT: application for minor variance A26-2023 be approved subject to the following condition:

1. THAT: the driveway width for 269 Queen Street be reduced to 6 m at the front lot line and constructed to municipal standards 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 Kennes
Seconded By Member Kumar

THAT: application for consent B17-2023 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That legal access easements be established on the lands to be retained and the lands to be severed in favour of the opposite property from the front lot line to the furthest rear wall of the linked dwellings, and the easements be registered on both properties, to the satisfaction of the Municipality.
5. That the driveway width for 269 Queen Street be reduced to 6 m at the front lot line and constructed to municipal standards, to the satisfaction of the Municipality.
6. That the applicant submit an undertaking advising that they acknowledge the detached accessory building on the lands to be retained is for residential purposes and will only be used in this capacity, to the satisfaction of the Municipality.

7. 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 new 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 municipal water service be confirmed for the 'lands to be severed', to the satisfaction of the Municipality. If the service crosses the new 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.
9. 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 new 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.
10. That the location of the municipal sanitary service be confirmed for the 'lands to be severed, to the satisfaction of the Municipality. If the service crosses the new 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.
11. 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 new lot boundary, they are to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
12. 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.
13. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consents B17-B19-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
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.

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 Councillor Pelkman

THAT: application for consent B18-2023 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 the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
3. That a legal access easement be established on the lands to be retained in favour of the lands to be severed from the front lot line to the furthest rear wall of the linked dwellings, and the easements be registered on both properties, to the satisfaction of the Municipality.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B18-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. 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 Pelkman

Seconded By Councillor Kennes

THAT: application for consent B19-2023 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 the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
3. That a legal access easement be established on the lands to be severed in favour of the lands to be retained from the front lot line to the furthest rear wall of the linked dwellings, and the easements be registered on both properties, to the satisfaction of the Municipality.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B19-2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. 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

6. Unfinished Business

None.

7. Enquiries by Members

None.

8. Other Business

8.1 Revised Code of Conduct for Members of Council and Local Boards

The Revised Code of Conduct for Members of Council and Local Boards was provided for information.

9. Schedule of Meetings

- Thursday, December 7, 2023 @ 5:30 p.m.

10. Adjournment

Moved By Member Kumar

Seconded By Deputy Mayor McGuire

THAT: the meeting adjourn at 6:06 p.m.

Carried

Chair

Secretary Treasurer