

**Committee of Adjustment  
Meeting Minutes**

**Thursday, March 7, 2024**

**5:30 pm**

**Hybrid Meeting (Virtual and In-Person)**

Present: Member Jesse Terpstra, Chair  
Councillor Brian Derbyshire  
Councillor Steve Pelkman  
Member Dale Viaene  
Member Randeep Kumar

Absent with Notice: Councillor Frank Kennes, Vice Chair  
Deputy Mayor Mike McGuire

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

Others Present: Jennifer Huff, Director of Building and Planning  
Al and Marlene Melo, Agent  
Humberto Melo  
Michelle Dwyer, Applicant  
Penny McKittrick  
Christine and Kevin Crookshank  
Tim MacDonald, Applicant  
Teresa DeSantis, Applicant

**1. Roll Call**

**Moved By** Member Kumar

**Seconded By** Councillor Derbyshire

**THAT:** the board accept the correspondence relating to Item 5.3 - Allen Road

**Carried**

**2. Approval of Agenda**

**Moved By** Councillor Pelkman  
**Seconded By** Member Viaene

**THAT:** the March 7, 2024 Committee of Adjustment agenda be approved as amended.

**Carried**

**3. Declaration of Pecuniary Interest**

Member Dale Viane declares a conflict to item 5.3 - Application for Consent (Allen Road)

**4. Reading and Correction or Approval of Minutes**

**4.1 Committee of Adjustment Meeting Minutes of February 1, 2024**

**Moved By** Councillor Pelkman  
**Seconded By** Councillor Derbyshire

**THAT:** the Committee of Adjustment meeting minutes of February 1, 2024 be approved as written.

**Carried**

**5. Submissions for Consideration**

**5.1 Application for Minor Variance (A2-2024) - 940 Wright Street, Strathroy (Report: BBP-2024-16)**

Erin Besch, County Planner, presented a report, noting the minor variance application is to seek relief from Section 14.5(1)(c) of the Strathroy-Caradoc Zoning By-law to permit an outside display and sales area in the front yard and exterior side yard, whereas the by-law restricts these areas to the rear yard only. The application would facilitate the expansion of the trailer business. The subject property is located on the north side of Wright Street, just west of Adair Boulevard within the Molnar Industrial Park in Strathroy.

**Moved By** Councillor Pelkman  
**Seconded By** Member Viaene

**THAT:** Application for Minor Variance A2-2024 be approved subject to the following conditions:

1. That the outside storage and display and sales areas be limited to those identified on the submitted site plan prepared by Development Engineering and dated December 20, 2023.
2. That the items stored in the front and exterior side yards be limited to trailers that are operational and in good working order. No other outside storage will be permitted.

**Carried**

**5.2 Applications for Consent (B1-2024) and Minor Variance (A3-2024) - 22566 Adelaide Road (County Road 81), Mount Brydges (Report: BBP-2024-17)**

Erin Besch, County Planner, presented her report, noting the consent application is to facilitate the severance of a new residential lot within the Settlement Area of Mount Brydges for the purpose of constructing a new single detached dwelling. The purpose of the application is to request relief from Section 5.3(2) of the Strathroy-Caradoc Zoning By-law to permit the proposed lot frontages of 13 m (42.7 ft) and 14.9 m (48.9 ft), whereas 15 m (49.2 ft) is required in the Low Density Residential (R1) Zone. No comments had been received from the public and staff recommend approval of the application.

**Moved By** Councillor Derbyshire

**Seconded By** Member Kumar

**THAT:** Application for Minor Variance A3-2024 be approved.

**Carried**

**Moved By** Member Viaene

**Seconded By** Member Kumar

**THAT:** Application for Consent B1-2024 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 is paid to the Municipality.

2. That any outstanding property taxes be paid in full.
3. That the severed property be assigned an Adelaide Road Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
4. That the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
5. That the brick patio and trellis on the proposed lands to be severed be removed.
6. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B1-2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
8. That the owner dedicate lands up to 15 m from the centerline of construction of County Road 81 (Adelaide Road) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
9. That confirmation be received that the 'lands to be retained' are connected to municipal water supply, and the location of the services are 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.
10. That confirmation be received that the 'lands to be retained' are connected to municipal sewer facilities, and the location of the services are 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.
11. 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.

12. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant.
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.

**Carried**

**5.3 Applications for Consent (B14-B16-2023) and Application for Minor Variance (A4-2024) - Part of Lots 19 & 20, Concession 1; and Part 2 of RP 33R14095 (Allen Road) (Report: BBP-2024-18)**

Erin Besch, County Planner, presented her report, noting the consent application is to create three new building lots from a larger rural residential property along Allen Road for the purpose of residential development. The subject property is located on the south side of Allen Road, east of Mill Road, just outside Mount Brydges (see Location Map). The lands are approximately 3.4 ha (8.4 ac) in area with approximately 153.3 m (503 ft) of frontage along Allen Road. The property is largely vacant, except for two existing barns which are to be removed. The applicant is proposing to divide the subject lands into four residential lots, three severed and one retained for the purpose of single detached dwelling development on municipal water service and private septic systems. The lots would have individual accesses off Allen Road. Comments and concerns were received after the report was published which included drainage, tree cutting, and sand point well.

Christine Crookshank expressed concerns with the drainage and feels that privacy is an issue.

Kevin Crookshank is concerned with the tile drains, as they have been

plugged up previously. He adds that the development of the foundations of these lots will add to the drainage issues.

Penny McKittrick also has concerns with the grading regarding drainage.

Councillor Pelkman wonders if the specifics will be included in the grading plan and suggests that berms be included to help with the water issues.

Councillor Derbyshire wonders if an engineer could conduct a drainage assessment to ensure proper drainage and suggests that it be made a condition. He also comments on the fencing request for 22303 Allen Road and suggests that the fence is established as a condition at the cost of the applicant. He also requests that a condition be added to add the wood fence along the back and sides of 22303 Allen Road that meets the Municipality's Fence By-law Standards.

**Moved By** Councillor Pelkman

**Seconded By** Councillor Derbyshire

**THAT:** Application for Minor Variance A4-2024 be approved.

**Carried**

**Moved By** Councillor Derbyshire

**Seconded By** Councillor Pelkman

**THAT:** Application for Consent B14-2023 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 is 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B14-2023 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.

6. That the barns on the 'retained lands' be demolished and all debris removed from site to the satisfaction of the Municipality.
7. That the 'severed lands' be assigned an Allen Road Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
8. That the 'retained lands' be assigned an Allen Road Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate a conventional on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That the following warning clause be registered on title of the severed and retained lot: "Warning: There is an existing industrial use directly adjacent or in close proximity to the subject lands that generates noise on a frequent basis that may be audible. This industrial use may be altered or expanded upon in the future."
11. That the owner dedicate lands up to 10 m from the centerline of construction of Allen Road across the severed and retained parcels to the Municipality for the purposes of road widening if the right of way is not already to that width.
12. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the 'retained lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
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.

That a wooden fence be erected on the rear and side lot lines of 22303 Allen Road at the full cost of the applicant. This fence must comply with the Strathroy-Caradoc Fence By-law.

That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lots to be severed' and 'lot to be retained'. The grading plan is to be implemented through the building permits for each lot.

**Carried**

**Moved By** Councillor Pelkman

**Seconded By** Councillor Derbyshire

**THAT:** Application for Consent B15-2023 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 is 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B15-2023 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.
6. That the barns on the 'retained lands' be demolished and all debris removed from site to the satisfaction of the Municipality.
7. That the 'severed lands' be assigned an Allen Road Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
8. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands



to accommodate a conventional on-site sanitary waste disposal system in accordance with the provincial regulations.

9. That the following warning clause be registered on title of the severed and retained lot: "Warning: There is an existing industrial use directly adjacent or in close proximity to the subject lands that generates noise on a frequent basis that may be audible. This industrial use may be altered or expanded upon in the future."
10. That the owner dedicate lands up to 10 m from the centerline of construction of Allen Road across the severed and retained parcels to the Municipality for the purposes of road widening if the right of way is not already to that width.
11. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
12. That the 'retained lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
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.

That a wooden fence be erected on the rear and side lot lines of 22303 Allen Road at the full cost of the applicant. This fence must comply with the Strathroy-Caradoc Fence By-law.

That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lots to be severed' and 'lot to be retained'. The grading plan is to be implemented through the building permits for each lot.

**Carried**

**Moved By** Councillor Pelkman

**Seconded By** Councillor Derbyshire

**THAT:** Application for Consent B16-2023 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 is 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B16-2023 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.
6. That the barns on the 'retained lands' be demolished and all debris removed from site to the satisfaction of the Municipality.
7. That the 'severed lands' be assigned an Allen Road Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
8. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate a conventional on-site sanitary waste disposal system in accordance with the provincial regulations.
9. That the following warning clause be registered on title of the severed and retained lot: "Warning: There is an existing industrial use directly adjacent or in close proximity to the subject lands that generates noise on a frequent basis that may be audible. This industrial use may be altered or expanded upon in the future."
10. That the owner dedicate lands up to 10 m from the centerline of construction of Allen Road across the severed and retained parcels to the Municipality for the purposes of road widening if the right of way is not already to that width.

11. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
12. That the 'retained lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
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.

That a wooden fence be erected on the rear and side lot lines of 22303 Allen Road at the full cost of the applicant. This fence must comply with the Strathroy-Caradoc Fence By-law.

That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lots to be severed' and 'lot to be retained'. The grading plan is to be implemented through the building permits for each lot.

**Carried**

#### **5.4 Application for Consent (B2-2024) – 585 & 589 Victoria Street (County Road 81), Strathroy (Report: BBP-2024-19)**

Erin Besch, County Planner, presented her report, noting that the consent application is to create one residential building lot with a frontage of approximately 21.64 metres (71 feet), depth of 40.52 metres (132.9 feet), and an area of approximately 863.07 m<sup>2</sup> (9,290 ft<sup>2</sup>). The subject property is located on the east side of Victoria Street, lying between Hull Road and Pannell Lane (see location map). The subject lands are approximately 3.3 hectares (8.2 acres) in area with approximately 55.28 metres (181.4 feet) of frontage along Victoria Street. Victoria Street is classified as a 'Four Lane Arterial Road' under the jurisdiction of the County of Middlesex.

Tim MacDonald presents to the board and requests that conditions 7 and 8 be removed.

Councillor Pelkman agrees that nothing is changing to the property and there is no need to tear up the road at this point. He wonders if Middlesex County would support that.

Jennifer Huff, Director of Building and Planning suggests that an agreement be registered on title that just advises that the property is privately serviced and if and when Victoria Street is reconstructed or development is proposed on the sight then that would be the time that servicing would be required for sanitary.

**Moved By** Member Terpstra

**Seconded By** Member Viaene

**THAT:** Application for Consent B2-2024 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 preliminary survey showing the lot proposed to be severed with the location of the existing single dwelling unit, the % lot coverage, and the setbacks from the interior side lot line, exterior side lot line, front lot line, and rear lot line be submitted to the Municipality for review and that a Minor Variance application be obtained if necessary, to the satisfaction of the municipality.
4. That a land dedication to the County of Middlesex for the purposes of road widening to a distance of 15.0 m from the centerline of construction of County Road 44 (Victoria Street) is required if the right of way is not already to that width.
5. That confirmation be received that the 'lands to be severed' are connected to municipal water supply and sanitary service, and the location of the services are confirmed, to the satisfaction of the municipality. If the services run through another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
6. That confirmation be received that the 'lands to be retained' are connected to municipal water supply and the location of the service is confirmed, to the satisfaction of the municipality. If the service

runs through another lot, it will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.

7. 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 another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
8. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B2-2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
9. That one copy of the reference plan be submitted to the satisfaction of the Municipality.
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.
12. That the applicant enter into a servicing agreement with the Municipality that would require the retained lands to connect to municipal sanitary services if and when Victoria Street is reconstructed, or further development of the retained lands is undertaken and that this agreement be registered on title of the retained lands.

**Carried**

**6. Enquiries by Members**

None.

**7. Schedule of Meetings**

**8. Adjournment**

**Moved By** Councillor Pelkman  
**Seconded By** Member Viaene

**THAT:** the March 7, 2024 Committee of Adjustment meeting adjourn at 6:42 p.m.

**Carried**

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Chair

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Secretary Treasurer