

Meeting Date: May 6, 2024
Department: Building, By-law & Planning
Report No.: BBP-2024-43
Prepared by: Jake DeRidder, Senior Development Coordinator
Submitted by: Jennifer Huff, Director of Building & Planning
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: 22566 Adelaide Road Servicing Exemption Request

RECOMMENDATION: THAT: Council receive report BBP-2024-43 titled “22566 Adelaide Road Servicing Exemption Request” for information, and further;

THAT: Council choose Option ____ in regards to the request for an exemption to the servicing standards and by-laws.

BACKGROUND:

On March 7th, 2024 the Strathroy-Caradoc Committee of Adjustment conditionally approved a consent to sever (B1-2024) and minor variance (A3-2024) at the property known as 22566 Adelaide Road in Mount Brydges. The consent proposes to make an additional building lot fronting onto Adelaide Road, to the north of the existing dwelling. As part of the conditional approval of the severance, the applicant is required to install municipal services (water & sanitary) individually to both the severed and the retained lot.

The existing house is currently serviced with a municipal water connection and a private septic system; however, there is an existing municipal sanitary connection available at the property line that is not being used. This existing sanitary service is connected to the Adelaide Road sanitary sewer. The original proposal from the applicant was to utilize this existing sanitary connection for the severed lot (new lot) and install a new sanitary connection to the existing house in order to satisfy the conditions of consent. A new water connection would also have to be installed for the severed lot.

Staff supported this application for a number of reasons, including that it will add a new housing unit on full services to the Municipality on otherwise underutilized land within the Mt. Brydges settlement boundary.

Once the applicant received conditional approval, the Owners began working through the list of conditions to be satisfied. Upon reaching out to several Contractors to complete the servicing works, the Applicant has advised staff that the cost of the work was quoted to be higher than expected due to the potential challenges with the job related to the potential for groundwater in the area and associated dewatering requirements.

Given the potentially higher cost of installing a new sanitary service, the Owner has proposed to utilize the existing sanitary connection for both the severed and retained lots. This would be achieved through the installation of a wye (“Y”) connection, meaning the existing pipe is separated into two individual pipes that then leads into each dwelling. However, the pipe within the road allowance remains as a single pipe and the two lots would share this portion of pipe. This solution is contrary to the Municipal’s Sewer System Use By-law (details below), the Municipality’s servicing standards and also not consistent with the conditions of consent approval.

On the April 15th 2024 Council meeting, the applicants made a delegation to Council, requesting that Council consider a deviation from the Municipal’s Sewer System Use By-law to approve the proposed wye (“Y”) connection. During this Council meeting, Council directed staff to bring forward a report to provide additional information and recommendations for the servicing of 22566 Adelaide Road, Mount Brydges.

It is noted that a similar request was recently brought forward to Council on November 20th, 2023 as report number EPW-2023-73 for 540 Albert Street in Strathroy. Council supported the Municipality’s Servicing Standards and bylaws and decided not to provide the exemption for this request. Another similar request was made on April 2nd, 2024 as report number BBP-2024-31 for 22608 Adelaide Road, in which Council decided to allow the exemption for this request.

REGULATORY FRAMEWORK:

Section 4.28(2) of the Strathroy-Caradoc Zoning By-law and section 2.1.6 of the Strathroy-Caradoc Official Plan states that for development in fully serviced settlement areas, no land shall be used or built upon unless all municipal services are available and adequate. This means that the severed and retained lots must be developed on full municipal services and that the existing septic system for the existing dwelling cannot be utilized.

Section 2.17 of by-law 64-14 being the Sewer System Use by-law, states that *“In situations where a shared sewer lateral would result from a division of land the shared sewer lateral shall be eliminated and a separate sewer lateral from each lot to the sanitary sewer shall be installed at the Owner’s expense.”*

Use of a wye connection would be in contravention Section 2.17 of By-law 64-14 given it is a division of land and the “*sewer lateral*” referenced in the by-law refers to the portion of the sanitary connection on the right of way, which would be shared with a wye connection. Section 2.17 also states, “*where separate sewer laterals for each lot is impractical, the Owner shall create reciprocal easements for maintenance purposes over each lot.*” In this case, the proper installation does not appear to be impractical but rather more costly than putting in a wye connection.

Section 2.11 of the Sewer System Use by-law also indicates that “*All sanitary sewer pipes and sewer laterals located within Municipal property shall be constructed according to the Municipal standards.*” The Servicing Standards indicate that the location for both water and sanitary service should be at the front of the property, which would not be achieved by servicing the lots with a wye connection.

TECHNICAL COMMENTS ON THE USE OF A WYE “Y” SEWER CONNECTION

In regards to the technicalities of a “Y” connection, staff offer the following information:

- A common issue with “Y” connections is clogging within the “Y” itself as it creates an area of low flow and conflicting flows.
- If the “Y” is located on municipal road allowance, the clogging could become a matter involving the municipality.
- If the “Y” is on private lands, the clogging tends to lead to conflicts between property owners as it is very hard to determine who or what caused a clog and who is responsible for paying to have the clog removed. Typically, the home with the lower basement ends up dealing with the sewage back up.
- When new Owners purchase properties relying on a “Y” connection, they may not be aware of the “Y” connection arrangement before purchasing which potentially further increases the conflict.
- The Municipality is aware of conflicts arising from historic wye connections, which is one of the reasons they are no longer permitted in Strathroy-Caradoc and several municipalities in the area.
- While reciprocal permanent easements would be required to be registered on title associated with any “Y” connections on private lands, homeowners may not appreciate the implications of a “Y” connection until an issue arises.
- In regards to the suggestion that the applicants could be required to enter an agreement that obliges them to create the separate sanitary connections in the future when Adelaide Road is dug up and services are replaced - the existing sanitary sewers were installed in 2010 and have an expected lifespan of 70-100 years. Purely based on lifespan, it is reasonable to assume that replacement of the sewers on Adelaide Road will not take place for at least another 50-60 years. It would be a challenge for staff to track future servicing obligations this far out.
- Much of Mount Brydges appears to sit over a high groundwater table. This means that dewatering costs associated with the installation of sanitary services are normal servicing related costs associated with the area and are anticipated for many other developments

(including other provisionally approved or future severances and subdivisions). If Council approves this “Y” connection request, staff anticipated other applicants who have a provisional severance approval or intend to make a severance application will come forward requesting a similar exemption in order to reduce servicing costs.

- Anecdotally, lots in Mount Brydges tend to sell higher than those in other parts of the Municipality.
- Should Council permit servicing exemptions for the use of a “Y” sanitary connection, staff anticipate future applications coming forward with similar requests. There are always solutions/options that are cheaper and easier initially than those requirement found in a Municipality’s standards. However, they typically create issues for all parties such as neighborly disputes, conflicts, limitations and increased costs in the future, including unforeseen financial burdens on the Owners or the Municipality.
- The reason that the Municipality has Servicing Standards and Bylaws; it calls for consistent and fair application of the standards to everyone and not have a negative impact on our sanitary system and our servicing strategy.
- It becomes challenging for staff to advise applicants on servicing expectations, or review and approve works when a precedence of exemptions becomes the normal.

NEXT STEPS

As the alternative servicing solution is contrary to the Sewer System Use by-law and Strathroy-Caradoc Municipal Engineering Standards, as approved by Council, the authority to approve the alternative servicing solution rests with Council. It would be inappropriate for the Committee of Adjustment to approve a servicing solution that is contrary to Council’s standards. Therefore, the first step in this request is for Council to determine whether they approve the applicant’s request to use the “Y” connection. If Council does not approve the “Y” connection, the applicants can choose whether to proceed with the costs of individually servicing the lands or not.

If Council does recommend the “Y” connection, the applications would be required to go back to the Committee of Adjustment to request an amendment to the conditions of approval to reflect the non-standard servicing solution. The request for an amendment to conditions of approval to the Committee of Adjustment will be evaluated independently by the Committee and a decision of Council is not to be perceived as a directive to the Committee on whether or not to approve the request to amend the conditions of approval.

The amendments to the approval could include:

- Amending the current conditions requiring “both the severed and retained lands be individual connected to municipal services” such that it requires only that the “severed and retained lands be connected to municipal services”.
- Staff would recommend that reciprocal easements be created (by way of an additional consent) and registered on title of the lands. To be clear, the creation of permanent reciprocal easements would require another consent application and fee to be submitted by the proponent.

- Decommissioning of the existing septic system on the retained lands
- Any additional associated amendments as may be required.
- The “Y” is to be installed on private property.

OPTIONS

Option 1: No exemption

Staff recommends Option 1. Council upholds its Servicing Standards and the Sewer System Use By-Law and does not approve the exemption request. The Owner could then explore other potential servicing options or install individual services as originally intended.

Option 2: Permit exemption

Permit the exemption to the Municipality’s Servicing Standards and the Sewer System Use By-Law. The applications would then be required to go back to the Committee of Adjustment to request an amendment to the conditions of approval to reflect the non-standard servicing solution. The request for an amendment to conditions of approval to the Committee of Adjustment will be evaluated independently by the Committee and a decision of Council is not to be perceived as a directive to the Committee on whether or not to approve the request to amend the conditions of approval.

It is staff’s recommendation that Option 1 be applied to the servicing exemption request for the reasons noted above, including the precedent that would be set within the Municipality, the technical concerns with the “y” connection, and, the potential impacts it might have on the Municipality as well as current and future landowners.

CONSULTATION:

- Manager of Environmental Services

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- Growth Management: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

FINANCIAL IMPLICATIONS:

None at this time. Future costs for the Municipality and Owners.

ATTACHMENTS:

None.