

Committee of Adjustment

Meeting Minutes

Thursday, May 2, 2024

5:30 pm

Hybrid Meeting (Virtual and In-Person)

Council Chamber

Strathroy-Caradoc Municipal Office

52 Frank Street, Strathroy, Ontario

- Present:** Member Jesse Terpstra, Chair
Councillor Brian Derbyshire
Councillor Frank Kennes, Vice Chair
Deputy Mayor Mike McGuire
Councillor Steve Pelkman
Member Dale Viaene
Member Randeep Kumar
- Also Present:** Jennifer Huff, Director of Building & Planning
Eva Baker, Acting Secretary-Treasurer
Erin Besch, Planner
Jennifer Pereira, Deputy Clerk (Recorder)
- Others Present:** William Forbes
Jim Harris
Janice Forbes
Jodie Harris
Brad Thody, Agent
Carey Thody
Simon ad Joanne DeGroot, Applicants
Matt Campbell, Agent
Aliyah Richards, Agent
John Wiebe, Applicant

- 1. Roll Call**
- 2. Approval of Agenda**

Moved By Councillor Pelkman
Seconded By Councillor Kennes

THAT: the agenda be amended to include an attachment to item 5.1; and
THAT: the agenda be amended to include correspondence to item 5.2 and 5.4;
and
THAT: the May 02, 2024 Committee of Adjustment agenda be approved as amended.

Carried

3. Declaration of Pecuniary Interest

None.

4. Reading and Correction or Approval of Minutes

4.1 Committee of Adjustment Meeting Minutes of April 4, 2024

Moved By Member Viaene
Seconded By Councillor Kennes

THAT: the Committee of Adjustment meeting minutes of April 4, 2024 be approved as written.

Carried

5. Submissions for Consideration

5.1 2601 Queen Street, Mount Brydges Fee Waiver Request - BBP-2024-44

Jennifer Huff, Director of Building and Planning presents a report on 2601 Queen Street, Mount Brydges Fee Waiver Request. This request is for the fee to be waived due to the lengthy process of the severance due to many factors.

Councillor Kennes wonders if this will involve a lot of staff time in order to process the application again. Jennifer Huff, Director indicates that assuming most of the conditions have been completed, staff would require to bring a staff report forward to the committee for approval.

Moved By Councillor Pelkman
Seconded By Councillor Kennes

THAT: Committee of Adjustment receive report BBP-2024-44 for information; and

THAT: The Committee of Adjustment approve fee waiver request.

Carried

5.2 Application for Minor Variance (A6-2024) 75 Doune Street, Strathroy (Report: BBP-2024-39)

Erin Besch, Planner presents a report on the application for Minor Variance at 75 Doune Street, Strathroy. The subject property is located on the north side of Doune Street, west of Head Street South, in Strathroy. The purpose of the minor variance application is to seek relief from Section 6.3(2) of the Strathroy-Caradoc Zoning By-law to permit a lot frontage of 7.3 m (23.95 ft) per townhouse unit, whereas the Zoning By-law requires a minimum of 8 m (26.25 ft) in the 'R2' zone. The application would facilitate the construction of four townhouse units. The property is currently vacant and located at the terminus of Doune Street, which is classified as a 'local road' under the jurisdiction of Strathroy-Caradoc. The applicant is proposing to construct four street-oriented townhouse rental units, which are accessed via two shared driveways. The structures are proposed to include an attached one-car garage for each unit. The subject property is zoned 'Medium Density Residential (R2) Zone', which permits a range of single and multi-unit dwellings and provides specific lot provisions for each type of structure. For townhouses, the 'R2' zone requires a frontage of 8 m (26.25 ft) per unit, which, in this case, would result in a minimum frontage of 32 m (105 ft) for four townhouse units. As the existing lot only has a frontage of 29.26 m (96 ft), a variance is required. In summary, it is staff's opinion that the application meets the four tests of the *Planning Act* required in order to grant a minor variance.

There were concerns received the resident at 55 Doune Street in regards to a couple big trees on the lot line. Erin Besch, Planner indicates that the applicant had reached out to the neighbour and had a discussion.

Moved By Councillor Kennes

Seconded By Deputy Mayor McGuire

THAT: Application for Minor Variance A6-2024 be approved.

Carried

5.3 Application for Minor Variance (A7-2024) 1940 Elizabeth St., Melbourne (Report: BBP-2024-40)

Erin Besch, Planner presents a report on the application for Minor Variance for 1940 Elizabeth Street, Melbourne. The subject property is located on the east side of Elizabeth Street, north of Longwoods Road (County Road 2) in Melbourne (see Location Map). Elizabeth Street is classified as a 'local road' under the jurisdiction of the municipality of Strathroy-Caradoc. The purpose of the application is to provide relief from Section 4.6(5)(a) of the Zoning By-law to permit a secondary suite that is 101 m² (1,087 ft²) in size (77% of the gross floor area of the primary dwelling unit), whereas the by-law restricts secondary suites to 80% of the gross floor area of the primary dwelling unit, to a maximum of 75 m² (807.3 ft²). The application is intended to permit a secondary suite in the lower level of an existing single detached dwelling. No expansion to the current footprint of the dwelling is proposed. The subject lands are approximately 989 m² (10,645.5 ft²) in size and contain a single detached dwelling with attached garage, which was constructed in 2023. The dwelling's primary level has a gross floor area of approximately 131.5 m² (1,415 ft²) and the garage is approximately 41.1 m² (442 ft²) in size. The dwelling is connected to municipal water service provided by Southwest Middlesex, and a private on-site septic system. The septic was designed to accommodate the additional kitchen, laundry, and bathroom in the basement of the dwelling, and building staff have confirmed the existing system is likely sufficient to handle the additional unit. A full review of the septic capacity will be completed at the building permit stage.

The secondary suite is proposed to be approximately 101 m² (1,087 ft²) in size and contains two bedrooms, a kitchen, living room, laundry room and a single bathroom. The property can accommodate two cars within the attached garage, as well as two cars on the driveway itself. The secondary suite would be accessed from a staircase in the garage, whereas the primary unit is accessible via the front door of the dwelling. Currently, the basement unit is also accessible via the front door; however, the applicant has proposed to block the stairwell and direct all basement access to the garage.

In summary, it is staff's opinion that the application meets the four tests of the Planning Act required in order to grant a minor variance.

Moved By Councillor Pelkman

Seconded By Councillor Derbyshire

THAT: Application for Minor Variance A7-2024 be approved.

Carried

5.4 Application for Minor Variance (A8-2024) 294 Saulsbury Street, Strathroy (Report: BBP-2024-41)

Erin Besch, Planner presents a report on the application for Minor Variance for 294 Saulsbury Street. The subject property is located on the south side of Saulsbury Street, between Carrie Street and Victoria Street (County Road 44) in Strathroy. The purpose of the minor variance application is to seek relief from Section 4.23(1)(20a) of the Zoning By-law to permit a residential parking rate of 1 parking space per dwelling unit, whereas the By-law requires 1.25 parking spaces per apartment dwelling unit. The application also seeks relief from Section 4.23(13)(b) to permit 2 visitor parking spaces, whereas 7 are required for properties containing more than 10 residential dwelling units. The application would facilitate the construction of two additional units within an existing apartment building, for a total of 42 units. The property is approximately 5,823.5 m² (1.44 ac) in area with approximately 33.6 m (110.2 ft) of frontage along Saulsbury Street. The lands contain a 3-storey, 40-unit apartment building with landscaped areas and surface parking with 44 vehicular parking spaces. The lands are connected to full municipal water and sanitary services, and access to the site is provided via an existing driveway off Saulsbury Street, which is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. In summary, it is staff's opinion that the application meets the four tests of the *Planning Act* required in order to grant a minor variance.

Erin Besch, Planner indicates that two comments were received with concerns in regard to the parking deficiency.

Jody Harris, resident has concerns with parking as each unit has 2 vehicles.

Moved By Councillor Kennes

Seconded By Deputy Mayor McGuire

THAT: Application for Minor Variance A8-2024 be approved.

Carried

5.5 Recommended Conditions of Approval - Consent (B3-2024) and Minor Variance (A5-2024) 245 Second Street, Strathroy (Report: BBP-2024-45)

Erin Besch, Planner presents a report on the recommended conditions of approval regarding the Consent and Minor Variance for the property at 245 Second Street. The subject property is located on the north side of Second Street, with frontage on the south side of Wright Street, within the Molnar Industrial Park in Strathroy. The purpose of the consent application is to facilitate the severance of an existing dwelling from a larger industrially designated parcel of land. The landowners have submitted a minor variance application to permit a revised lot area and frontage for the lands to be retained, being the remnant industrial property. Staff are of the opinion that a full rezoning is appropriate for the severed lands to recognize a residential use, hence the variance is specific to the retained only.

At the April 4th hearing, the Committee discussed concerns related to separation of the residential use from future industrial development on the retained lands. Staff note that industrial proposals will require site plan approval at which stage noise/odor/dust mitigation would be evaluated based on the proposed use. Planning staff are supportive of a visual barrier or buffer as a condition of the subject approval; however, the implementation of a berm or other noise mitigation requirements are premature as staff cannot presuppose the use that will be located on the retained lands in the future. Further, staff are not able to make the determination that a berm or similar would be sufficient to mitigate future nuisance at this location; therefore, it is recommended that only a visual barrier be provided at this time.

Moved By Councillor Kennes
Seconded By Member Viaene

THAT: the Application for Consent B3-2024 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 draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B3-2024 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 any livestock be removed from the retained lands and the agricultural buildings be decommissioned for livestock use, to the satisfaction of the Municipality.
6. That the manure pit be decommissioned, to the satisfaction of the Municipality.
7. That the owner establish an easement over the hydro service from the severed lands to the retained lands, to the satisfaction of the Municipality.
8. That confirmation is received that the existing municipal water and sanitary connections are wholly contained on the severed 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.
9. 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.
10. That the owner apply for and receive approval for a Planning Act application to address lot area and lot depth requirements on the retained lands.
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 the owner dedicate lands up to 15 m from the centerline of construction of Second Street 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.

14. That the severed property be assigned a Second Street Municipal 9-1-1 Address, to the satisfaction of the Municipality in consultation with the County of Middlesex.
15. That is retained lands be appropriately rezoned, to the satisfaction of the municipality.

Carried

Moved By Deputy Mayor McGuire
Seconded By Councillor Kennes

THAT: the committee add three additional conditions and exclude condition 5 and 9.

Carried

6. Enquiries by Members

Councillor Kennes wonders when a secondary suite is added, if that is a permanent change or does it change when the house is sold. Erin Besch, Planner indicates it is permanent and will stay that way until the change is initiated.

7. Schedule of Meetings

8. Adjournment

Moved By Councillor Pelkman
Seconded By Deputy Mayor McGuire

THAT: the May 02, 2024 Committee of Adjustment meeting adjourn at 6:27 p.m.

Carried

Chair

Secretary Treasurer

