

Meeting Date: April 2, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-31
Submitted by: Jennifer Huff, Director, Building & Planning
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: April 2 Report Adelaide Road Servicing.docx

RECOMMENDATION: THAT: Council receive report BBP-2024-31 for information; and **THAT:** Council require the applicants to work on providing a servicing solution that complies with the existing standards and bylaws in coordination with Municipal Staff.

BACKGROUND:

On March 4, 2024, Council heard a deputation from Lisa and Jake Friesen requesting an exemption from the Municipal Development Servicing Standards to permit two sanitary connections on one lot, being 22608 Adelaide Road in Mt. Brydges to accommodate the creation of a new residential lot with frontage on Emerson Drive. In response to the deputation, Council directed staff to complete a report on the request.

This request began with an inquiry to the Building and Planning Department about the potential severance located at 22608 Adelaide Road in Mount Brydges. The existing lot has frontage on both Adelaide Road and Emerson Street with the existing house having access from Adelaide Road. The proposed severance would create a new buildable lot fronting onto Emerson Street (“severed lot”) and the existing house & lot would remain fronting onto Adelaide Road (“retained lot”).

The existing house is serviced via water and wastewater connections to Adelaide Road. There is currently only a watermain located on Emerson Street, no wastewater services are available. 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 lot fronting onto Emerson Street must be developed on full municipal services, however because no wastewater services exist on Emerson Street, this is currently not possible without an extension of services.

The owner is proposing to construct a wastewater service from Adelaide Road that would cross through the retained lot and service the new house on Emerson Street from the rear. This is proposed to be achieved through an easement or flag shape lot (would have a small strip of land fronting onto Adelaide Road that the wastewater service runs through). Staff raised concern with this proposal to the applicant during the pre-consultation process as only one service connection per lot is permitted as per the Municipality's Servicing Standards and the Sewer System Use By-Law.

COMMENTS:

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 decided not to provide the exemption for this request.

Section 2.17 of by-law 64-14 being the Sewer System Use by-law, indicates that "*Only one sewer lateral per lot shall be permitted to connect to the sanitary sewer*". Since the service connection for the severed lot would be connected to Adelaide Road through the retained lot, this would result in having two sewer laterals on the lot and therefore being in contravention to the Sewer System Use by-law.

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 also 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 severed lot from Adelaide Road.

Option 1: No exemption

One option that council may consider is to not permit the exemption to the Municipality's Servicing Standards and the Sewer System Use By-Law. The owner could then explore other potential servicing options such as extending the sanitary services or waiting until municipal wastewater services become available on Emerson Street.

Option 2: Permit exemption

The second option is to permit the exemption to the Municipality's Servicing Standards and the Sewer System Use By-Law. This would allow the severed lot to be serviced by a connection to the Adelaide Road sewers. This exemption could be contingent on an appropriate easement being available as detailed below.

If Council permits the exemption from the municipality's by-laws and servicing standards, it is recommended that an easement be established over the wastewater connection to Adelaide Road in order to provide the severed lot access to the wastewater connection for maintenance and repairs. The easement would be a recommended condition of the severance to be approved through the

Committee of Adjustment. It would also be recommended that the owner enter into a servicing agreement with the municipality that requires a connection to the sewers on Emerson Street when those services become available, this responsibility and cost would become whomever is the owner of the retained lot at the time. This would also be a recommended condition of the severance to be approved through the Committee of Adjustment.

The width of the easement is currently unknown as the width is dependent on the depth of the wastewater connection, the deeper the depth means the wider the easement that is required. The easement would potentially limit the use of both the severed and retained lots as the area would need to be kept free and clear at all times (i.e. no pools, structures, hard landscaping would be permitted within the easement). This would allow unimpeded access to the wastewater connection as well as protecting the connection from damage.

Should Council permit exemptions from of more than one sanitary connection, staff anticipate future applications coming forward with similar requests. These types of substandard servicing solutions are not typically an immediate problem or burden on the municipality and landowners, however it is possible that in the future they could create issues for all parties such as: neighborly disputes, conflicts or limitations when designing and installing services on Emerson Street, unforeseen financial burdens on the landowners or municipality, etc.

The reason that the Municipality has Servicing Standards and Bylaws is that they call for consistent and fair application of the standards to everyone and not have a negative impact on our sanitary system and our servicing strategy.

CONSULTATION:

- Senior Development Coordinator

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 maintenance costs may increase.

ATTACHMENTS:

None.