

**Committee of Adjustment  
Meeting Minutes**

**Thursday, August 1, 2024**

**5:30 pm**

**Hybrid Meeting (Council Chamber and Virtual)**

**Strathroy-Caradoc Municipal Office**

**52 Frank Street, Strathroy, Ontario**

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

Absent with Notice: Councillor Brian Derbyshire

Also Present: Jennifer Huff, Director of Building & Planning  
Eva Baker, Acting Secretary-Treasurer  
Erin Besch, Planner  
Melonie Carson, Deputy Clerk/Records Management  
Coordinator (Recorder)

Others Present: Robin Fennell, Applicant  
Michael Ferrell, Agent  
Jo-Anne Beye, Applicant  
Julia Coley Phillips  
Kylie Westgate  
MahMoud El Madhoun, Agent  
Don Sutherland, Applicant  
Brian Campbell  
Dan Matthys  
Pat Meersseman  
Emil Pattyn  
Janet Graham  
Greg Graham  
Marshal Schcank  
Ashley Esdaile  
Richard Morphy  
Tony Kustermans

**1. Roll Call**

Eva Baker, Acting Secretary-Treasurer, confirmed committee attendance adding that Councillor Brian Derbyshire was absent with notice.

**2. Approval of Agenda**

**Moved By** Councillor Kennes  
**Seconded By** Member Viaene

**THAT:** the Committee accept the added correspondence.

**Carried**

**Moved By** Member Kumar  
**Seconded By** Councillor Pelkman

**THAT:** the August 1, 2024 Committee of Adjustment agenda be approved as amended to add a New Business item after Submissions for Consideration to provide the Committee with an update on the Zoning By-law Update Project.

**Carried**

**3. Declaration of Pecuniary Interest**

None.

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

**4.1 Committee of Adjustment Meeting Minutes of July 4, 2024**

**Moved By** Councillor Kennes  
**Seconded By** Member Viaene

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

**Carried**

**5. Submissions for Consideration**

**5.1 27 Metcalfe St, Refund Request - (Report: BBP-2024-84)**

Eva Baker, Acting Secretary-Treasurer, was present to speak to the report.

**Moved By** Councillor Pelkman  
**Seconded By** Councillor Kennes

**THAT:** Committee of Adjustment receive report BBP-2024-84 for information, and further;

**THAT:** The Committee of Adjustment provide direction to staff to provide a 100% refund.

**Carried**

**5.2 Application for Consent (B7-2024) – 7008 Glendon Drive (County Rd 14) (Report: BBP-2024-90)**

**Owners:** Carla Dodorico & Patrick Meersseman

**Request:** to sever a surplus farm dwelling from a larger farm parcel as a result of farm consolidation.

**Interested parties present:** Carla Dodorico & Patrick Meersseman

Erin Besch, Planner, presented the report adding that the subject property is located on the western corner of Glendon Drive (County Road 14) and Glen Oak Road. The lands are approximately 20 ha in size, with

approximately 246 m of frontage along Glendon Drive (County Road 14) and 603 m along Glen Oak Road. The proposed lands to be severed are approximately 0.6 ha in size, with approximately 100 m of frontage along Glendon Drive. The lands contain a single detached dwelling that is privately serviced, a garden shed, and a barn. The applicant has advised that the septic system and well are wholly located on the severed lot. The existing dwelling was constructed around 1870. Staff are satisfied that the severed parcel size is appropriate to include all well and septic services on site. As the residential parcel will be smaller than 1 ha, it will continue to be subject to the accessory structure size requirement regulations for 'A2' parcels. It is recommended that the application for consent under Section 53 of the *Planning Act* be approved subject to conditions.

Councillor Pelkman advised that when looking at drawing and sees there is a drain or some kind of flood area covered by the forest, and the portion being severed doesn't quite cover all the space and wonders if that piece is big enough to farm and if not why wouldn't we have increased the property lines to match the buildable lot size so you don't run into issues with a tiny piece of land that has to be maintained by another property owner. The Councillor thinks the property should have been a little bigger and wants to know if there is a reason why it's not. Erin Besch, Planner, added that it is completely surrounded by significant woodland, so the green hatching is identifying the woodlot itself and it was primarily a computer model that created the polygons, so the property is surrounded by trees. The Planner noted that if it is the appetite of the committee, a condition could be added to expand it, but it was intended to make residential lot as small as possible and reserve the trees for the larger farm piece.

**Moved By** Deputy Mayor McGuire

**Seconded By** Member Viaene

**THAT:** Application for Consent B7-2024 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 the subject lands be appropriately rezoned.
4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B7-2024 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 owner will be required to dedicate lands up to 18 m from the centreline of construction of County Road 14 (Glendon Drive) 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.
7. That confirmation is obtained, ensuring that the private services are located wholly within the lot to be retained, to the satisfaction of the Municipality.
8. That a municipal 9-1-1 address be assigned to the 'lands to be retained', to the satisfaction of the Municipality and the County of Middlesex.
9. That the applicants initiate and assume if necessary, all engineering costs associated with the preparation of revised assessment schedules for the applicable municipal drain(s) in accordance with the Drainage Act, R.S.O. 1990 as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a copy of the transfer as noted below.
10. That a new access be provided for the lands to be retained if one does not already exist, to the satisfaction of the Municipality.
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.

**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 Applications for Consent (B8-2024) - 16 Walnut Court, Strathroy (Report: BBP-2024-91)**

**Owners:** Ashley Esdaile & Marshal Schrenk

**Request:** to seek permission to sever one additional residential parcel from an existing lot for the purpose of constructing one new single-detached dwelling. The application proposes to sever a lot with an area of 489.6 m<sup>2</sup> (5,270 ft<sup>2</sup>) and a lot frontage of 20.65 m (67.8 ft) along Parkview Drive.

**Interested parties present:** Ashley Esdaile & Marshal Schrenk

Erin Besch, Planner, presented the report adding that the subject property is a through lot, located at the terminus of Walnut Court, with rear frontage on Parkview Drive, in Strathroy. The lands are 1,365.7 m<sup>2</sup> in size, with approximately 18 m of frontage along Walnut Court and 39.5 m of frontage along Parkview Drive. The property is regulated by the St. Clair Region Conservation Authority. The applicant is proposing to sever a new residential lot that would be 489.6 m<sup>2</sup> in size, with 20.65 m along Parkview Drive. The lands contain a 16 m<sup>2</sup> garden shed and is largely used as amenity space. The lands to be retained are proposed to be 876.1 m<sup>2</sup> in size with 18 m of frontage on Walnut Court and 18.863 m of frontage along Parkview Drive. The lands contain an existing single detached dwelling on full municipal services, and access onto Walnut Court. It is the opinion of staff that the consent proposal represents desirable intensification in keeping with surrounding land uses and the policies of the PPS and the Middlesex County and Strathroy-Caradoc Official Plan.

**Moved By** Councillor Kennes

**Seconded By** Councillor Pelkman

**THAT:** Application for Consent B8-2024 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 applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the properties be assigned appropriate Parkview Drive Municipal 9-1-1 Addresses, to the satisfaction of the Municipality in consultation with the County of Middlesex.
5. That a draft reference plan, showing the severed and retained lands be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B8-2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
6. That one copy of the reference plan be submitted 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 severed', to the satisfaction of the Municipality. If the services run through the new lot boundary, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
8. That the 'severed lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant. The service is to be wholly contained on the severed lands.
9. That the 'severed lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and charges, borne by the applicant. The service is to be wholly contained on the severed lands.
10. That the 'retained lands' be individually connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant. The service is to be wholly contained on the retained lands.
11. That the 'retained lands' be individually connected to the municipal sewer facilities with all costs, including applicable fees and

charges, borne by the applicant. The service is to be wholly contained on the retained lands.

12. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.

13. That the applicant's solicitor submits 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.

**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**

#### **5.4 Application for Minor Variance (A17-2024) - 8028 Walkers Drive (Report: BBP-2024-86)**

**Owner:** Anne Collins

**Request:** to seek relief from Section 19.3(3) of the Zoning By-law to permit a front yard depth of 7.3 m (24 ft), whereas the Zoning By-law requires a minimum setback of 20 m (65.6 ft) in the site-specific 'A2-36' zone. The application would facilitate the construction of an 8.8 m<sup>2</sup> (94.6 ft<sup>2</sup>) uncovered porch on the front of an existing dwelling.

**Interested parties present:** Anne Collins

Erin Besch, Planner, presented the report adding that the subject property is located on the north corner of Walkers Drive and Saxton Road, just south of Strathroy. The property is 0.77 ha in size with 90 m of frontage along Walkers Drive, and 86 m of frontage along Saxton Road. Both are classified as 'local roads' under the jurisdiction of the Municipality of Strathroy-Caradoc. The lands contain a single detached dwelling that is privately serviced and a shed, which are accessed via two existing driveways on Walkers Drive. A large portion of the property is regulated by the St. Clair Region Conservation Authority. Surrounding land uses are predominantly agricultural to the west, south and east, with Caradoc

Sands Golf Club abutting the property to the north and the Strathroy settlement boundary just beyond that. Staff note the existing dwelling is setback from the front lot line by 10.4 m, whereas the Zoning By-law requires a minimum setback of 20 m.

Councillor Pelkman asked if there is anything preventing the owner from making the porch wider along the side of the house. Anne Collins, advised she is satisfied with the size proposed.

**Moved By** Deputy Mayor McGuire  
**Seconded By** Councillor Pelkman

**THAT:** Application for Minor Variance A17-2024 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**

**5.5 Application for Minor Variance (A18-2024) - 8120 Irish Drive (Report: BBP-2024-87)**

**Owner:** Dany Matthys

**Request:** to seek relief from Section 19.3(34) of the Strathroy-Caradoc Zoning By-law to permit a rear yard depth of 1.8 m (5.9 ft), whereas a minimum of 10 m (32.8 ft) is required in the 'A2-34' zone. The application would facilitate the construction of a 151.6 m<sup>2</sup> (1,632 ft<sup>2</sup>) shed on the foundation of a previous barn in the rear yard of the subject lands.

**Interested parties present:** Dany Matthys

Erin Besch, Planner, presented the report adding that the subject property is located on the north side of Irish Drive, just west of Christina Road. The property was recently created through a surplus farm dwelling severance and is approximately 1.1 ha in size with approximately 90 m of frontage along Irish Drive, which is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. The lands are privately serviced

and contain an existing single detached dwelling with access onto Irish Drive. The applicant has recently removed a barn that is shown on the location map, although the foundation remains. The foundation is located 1.8 m from the rear lot line. The previous structure was permitted at this setback, as it was deemed a residential accessory building, which is permitted to be a minimum of 0.6 m from rear lot lines. The new shed proposed by the applicant exceeds the residential accessory building height of 4.5 m but has been defined by Building staff as an agricultural building, which is subject to the agricultural rear yard setback of 10 m. It is staff's opinion that the application meets the four tests of the Planning Act required in order to grant a minor variance.

Deputy Mayor McGuire wanted to know what the purpose of the building was as it has been deemed agriculture. Dany Matthys, added that it is for storage.

**Moved By** Councillor Kennes

**Seconded By** Deputy Mayor McGuire

**THAT:** Application for Minor Variance A18-2024 be approved with 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**

**5.6 Application for Minor Variance (A19-2024) - 22703 Adelaide Road (County Road 81), Mount Brydges (Report: BBP-2024-88)**

**Owner:** Mike Kennedy

**Agent:** Emil Pattyn

**Request:** to request relief from Section 4.30(1)(d) of the Strathroy-Caradoc Zoning By-law to remove the requirement for a sight visibility triangle, whereas the Zoning By-law requires a 15 m (49.2 ft) sight visibility

triangle at all intersections containing a County Road.

**Interested parties present:** Emil Pattyn

Erin Besch, Planner, presented the report adding that the subject property is located on the south side of Adelaide Road (County Road 81), just north of Wood's Edge Road in Mount Brydges. The subject lands are 466.6 m<sup>2</sup> in area with 16.14 m of frontage along Adelaide Road. The lands are connected to municipal water and sanitary services but is currently vacant. Access to the lot will be from Adelaide Road (County Road 81), which is considered an 'arterial road' under the jurisdiction of the County of Middlesex. The applicant is proposing to construct a single detached dwelling; however, as the property is located adjacent to an intersection with a County Road, the lot requires a sight visibility triangle which is measured at 15 m along each frontage and then connected to form a triangle. Staff note that the Zoning By-law does not discern between public and private roads, so even though the road to the east is a private road into a condominium development, the provision still applies. No buildings (including footings and eaves), structures, fences or signs are permitted within the area of the sight triangle. The applicant has advised that this requirement would sterilize a large portion of the lot and given the additional setback requirements of the 'R2-16' zone, would result in a buildable area that is quite small and unusually shaped. The triangle would also make it challenging to accommodate the required parking spaces on the lot. It is staff's opinion that the application meets the four tests of the Planning Act required in order to grant a minor variance.

Emil Pattyn, Agent, added that through the subdivision, it was addressed with a road widening, but due to the fact this is an old by-law, maybe old by-laws need to be updated because it has already been dealt with.

Councillor Pelkman asked if there is any requirement for unique shape building, you are able to build a standard house and the lot is deep enough that the house would still follow the building lines of the condo units, so the corner house isn't sticking out.

**Moved By** Deputy Mayor McGuire

**Seconded By** Councillor Pelkman

**THAT:** Application for Minor Variance A19-2024 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**

**5.7 Application for Minor Variance (A20-2024) – 64 Scott Street W, Strathroy (Report: BBP-2024-89)**

**Owner:** Jeffrey Kustermans

**Agent:** Tony Kustermans

**Request:** to seek relief from Section 5.3(5) of the Zoning By-law to permit a rear yard depth of 3.4 m (11 ft), whereas a minimum of 8 m (26.3 ft) is required for lots on full municipal services in the 'R1' zone. The application will facilitate the construction of a 15.6 m<sup>2</sup> (51.2 ft<sup>2</sup>) addition onto an existing single detached dwelling.

**Interested parties present:** Jeffrey Kustermans & Tony Kustermans

Erin Besch, Planner, presented the report adding that the subject property is located on the southwest corner of Scott Street West and Princess Street, in Strathroy. The property is approximately 471.8 m<sup>2</sup> in size with 19.88 m of frontage along Scott Street West, and 23.2 m of frontage along Princess Street, both of which are classified as 'local roads' under the jurisdiction of the Municipality of Strathroy-Caradoc. The subject lands contain a 93.6 m<sup>2</sup> single detached dwelling that is accessed via a driveway off Scott Street West, and a 11.25 m<sup>2</sup> garden shed. The lands are municipally serviced with water and sanitary. Scott Street West is considered the front lot line, as it is the shortest property line facing a public road. Therefore, the opposite lot line is considered the rear lot line, with a required setback of 8 m in the 'R1' zone. The existing dwelling is setback approximately 7 m from the rear lot line, which is already 1 m less than what is required. The applicant is proposing to remove a small porch addition off the rear of the existing dwelling and replace it with a larger 15.6 m<sup>2</sup> addition. The addition would further decrease the rear yard depth by 3.66 m for a total setback 3.4 m. 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** Deputy Mayor McGuire  
**Seconded By** Councillor Pelkman

**THAT:** Application for Minor Variance A20-2024 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**

**6. New Business**

**6.1 Zoning By-law Update Project**

Jennifer Huff, Director of Building & Planning, was present to speak to the Zoning By-law Update Project, adding that it is currently in the consultation process with the public and have reached out to committee members with a survey that staff would appreciate participation for. Please take time to do the survey and provide comments and feedback.

**7. Enquiries by Members**

None.

**8. Schedule of Meetings**

- Thursday, September 5, 2024 @ 5:30 p.m.
- Thursday, October 3, 2024 @ 5:30 p.m.
- Thursday, November 7, 2024 @ 5:30 p.m.

**9. Adjournment**

**Moved By** Councillor Kennes  
**Seconded By** Member Kumar

**THAT:** the August 1, 2024 Committee of Adjustment meeting adjourn at 6:15 p.m.

**Carried**

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Chair

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Secretary Treasurer