

**Committee of Adjustment
Meeting Minutes**

**Thursday, March 4, 2021
5:30 pm
Electronic Meeting - Zoom**

Present: Rick McCracken, Chair
Jesse Terpstra
Frank Kennes
Steve Pelkman
John Brennan
Mike McGuire

Absent with Notice: Larry Cowan

Also Present: Jennifer Huff, Manager of Building & Planning
Tim Williams, Senior Planner
Brianna Hammer-Keidel, Deputy Clerk (Recorder)
Nicole Bolton, Acting Secretary-Treasurer
Colin Herrewynen, Planner
Olga Alchits, Acting Development Services Co-ordinator

Others Present: Laverne Kirkness, Kirkness Consulting
Rob Walker, Walmart Canada
Chris and Sarah Bongers
Cheryl Waters

1. Reading and Correction or Approval of Minutes

1.1 Committee of Adjustment Meeting Minutes - February 4, 2021

Moved By John Brennan
Seconded By Mike McGuire

THAT: the meeting minutes be approved as written.

Carried

2. Declaration of Pecuniary Interest

Chair Rick McCracken noted a conflict of interest with Agenda Item 3.3 (Application for Consent B2-2021 for 6623 Parkhouse Drive) and noted his intention to leave the call when the item would be discussed.

3. Submissions for Consideration

3.1 Applications for Consent for Easement (B13-2020 to B19-2020) 96 Carroll Street East and 24605 Saxton Road - 2102603 Ontario Inc.

Request: to establish easements located over proposed and/or existing roads within the Strathroy Crossing shopping complex to provide connectivity and accessibility by vehicles and pedestrians as well as access for maintenance of water, sanitary, and stormwater services in favour of the other properties within the shopping complex.

Applications B13-2020 to B19-2020 represent seven easements on the subject property. Consent B20-2020 has been filed by Walmart Canada to convey another parcel as part of this easement process. Applications B13-2020 to B19-2020 were reviewed in conjunction with Application for Consent for Easement B20-2020 made by Walmart Canada Corp. (Agenda Item 3.2).

Interested parties present:

- Laverne Kirkness (Consultant)
- Rob Walker (Walmart Canada)
- Chris & Sarah Bongers
- Cheryl Waters

Laverne Kirkness, Consultant, represented Strathroy Crossing Development for the applications under agenda item 3.1, noting that the network of private roads must be addressed before further development can proceed. Rob Walker spoke in support of the application(s).

Tim Williams, Senior Planner, noted that no concerns or comments had been received from the public regarding the applications. Staff recommended approval of the applications, subject to conditions.

Sarah Bongers (117 Carroll St.) indicated concerns about snow removal, noting that residents are already experiencing difficulty with snow removal and traffic. The Bongers also inquired about potential future requests to

establish another access to the development from Carroll Street, and raised additional concerns about commercial lighting and signage.

The Senior Planner clarified that the applications did not request changes to the configuration of parking areas; rather, they are meant to address the easement adjacent to Saxton Road. The applicant's consultant reassured residents that the applicant did not intend to request additional access points from Carroll Street, and confirmed these applications were necessary for the existing shared road access to continue.

Chair McCracken confirmed the various numbers on the Location Map each referenced an application for consent.

Member Brennan inquired if traffic patterns had been studied for these internal roads, particularly traffic impacts on adjoining roads. The Senior Planner confirmed that traffic had been considered at various stages of the project.

Member Kennes confirmed standards for private roads with the Senior Planner.

Moved By John Brennan

Seconded By Mike McGuire

THAT: consent application B13-2020 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 one year of the date of the notice of the decision.
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 B13/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By Frank Kennes

Seconded By Jesse Terpstra

THAT: consent application B14-2020 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 one year of the date of the notice of the decision.
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 B14/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By Frank Kennes

Seconded By Steve Pelkman

THAT: consent application B15-2020 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 one year of the date of the notice of the decision.
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 B15/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By Jesse Terpstra

Seconded By Frank Kennes

THAT: consent application B16-2020 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 one year of the date of the notice of the decision.
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 B16/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.

5. 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.

6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By Steve Pelkman

Seconded By Jesse Terpstra

THAT: consent application B17-2020 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 one year of the date of the notice of the decision.

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 B17/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

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

5. 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.

6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By John Brennan
Seconded By Frank Kennes

THAT: consent application B18-2020 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 one year of the date of the notice of the decision.
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 B18/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
5. 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.
6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

Moved By Frank Kennes
Seconded By Mike McGuire

THAT: consent application B19-2020 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 one year of the date of the notice of the decision.
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 B19/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

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

5. 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.

6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

3.2 Application for Consent for Easement (B20-2020) 150 Carroll Street East - Walmart Canada Corp.

Application B20-2020 was reviewed in conjunction with Applications B13-2020 to B19-2020. No concerns or comments had been received from the public and staff recommended approval of the application subject to conditions.

Moved By Mike McGuire

Seconded By Jesse Terpstra

THAT: consent application B20-2020 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 one year of the date of the notice of the decision.

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 B20/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

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

5. 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.

6. That one copy of the reference plan be submitted 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

3.3 Application for Consent (B2-2021) 6623 Parkhouse Drive - David & Sharon Peters

Chair Rick McCracken, having declared pecuniary interest in relation to this application, excused himself from the Zoom call and was removed to the virtual waiting room. Vice Chair Jesse Terpstra assumed the role of Chair.

Request: to sever a surplus residence from a farm parcel as a result of farm consolidation.

Interested parties present:

- None

Colin Herrewynen, Planner, presented the report. No objections have been received from local agencies or the public regarding the application; one phone call was received from a neighbour. Staff recommended approval of the application subject to conditions.

Moved By John Brennan

Seconded By Frank Kennes

THAT: consent application B2-2021 be approved subject to the following conditions:

1. That any outstanding property taxes be paid in full.
2. That the subject lands be appropriately re-zoned.
3. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.

4. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B02/21 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That a new field entrance permit be obtained from the County, if deemed necessary.
6. That confirmation is obtained, ensuring that the septic system is located wholly within the lot to be retained to the satisfaction of the Municipality.
7. 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.
8. That the applicants' solicitor submits an Acknowledgement and Direction duly signed by the applicants.
9. That the applicants' 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.
10. That one copy of the reference plan be provided 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 the application, the effect of which helped the Committee to make an informed decision.

Carried

4. Unfinished Business

None.

5. Enquiries by Members

None.

6. Other Business

None.

7. Schedule of Meetings

- Thursday, April 1, 2021 @ 5:30 p.m. - Electronic Meeting (Zoom)
- Thursday, May 6, 2021 @ 5:30 p.m. - Electronic Meeting (Zoom)

8. Adjournment

Moved By John Brennan

Seconded By Frank Kennes

THAT: the meeting adjourn at 6:20 p.m.

Carried

Chair

Secretary Treasurer