

# **Committee of Adjustment**

## **Meeting Minutes**

**Thursday, October 7, 2021**

**5:30 pm**

**Electronic Meeting - Zoom**

**Present:** Rick McCracken, Chair  
Jesse Terpstra  
Frank Kennes  
Steve Pelkman  
Mike McGuire  
Eva Baker, Development Services Coordinator/  
Acting Secretary-Treasurer

**Absent:** John Brennan  
Larry Cowan

**Also Present:** Jennifer Huff, Director of Building & Planning  
Tim Williams, Senior Planner  
Brianna Hammer-Keidel, Deputy Clerk (Recorder)  
Olga Alchits, Development Services Co-ordinator

**Others Present:** George Vereyken, Spriet Associates  
Jamie Gerrison  
Corey Bowering  
Trudy Young  
Andrew Benge  
Dave Couto  
Ken Tupholme

### **1. Reading and Correction or Approval of Minutes**

**Moved By** Frank Kennes

**Seconded By** Steve Pelkman

**THAT:** the meeting minutes be approved as written.

**Carried**

### **1.1 Committee of Adjustment Meeting Minutes - August 5, 2021**

## **2. Declaration of Pecuniary Interest**

None.

## **3. Submissions for Consideration**

**Moved By** Jesse Terpstra

**Seconded By** Steve Pelkman

**THAT:** Applications for Consent B13-2021 and B14-2021 be moved from agenda item 3.5 to be considered first as agenda item 3.1.

**Carried**

### **3.1 Applications for Consent (B13-B14-2021) - 653 Peter Street Owners – Michael Vernon Robertson & Wendy Viola Robertson**

**Request:** To create two residential building lots in the designated Hamlet of Melbourne to facilitate the construction of two single detached dwellings. The lots to be severed are approximately 1,998.9 m<sup>2</sup> (0.2 ha) and 2,018.1 m<sup>2</sup> (0.2 ha) in area, with approximately 22.9m of frontage for each each long a proposed Peter Street extension.

#### **Interested parties present:**

- Jamie Garrison
- Corey Bowering

Tim Williams, Senior Planner, presented the report, noting that the previous conditional approval of the application had lapsed. The Senior Planner indicated that the current application was virtually the same, but with progress made in addressing the conditions. An Engineer's Report report regarding the required drain has already been accepted by Strathroy-Caradoc Council. Staff recommended approval subject to conditions.

Member Kennes confirmed that communication/photos had been received by committee members from Jamie Garrison and Corey Bowering documenting drainage concerns.

George Vereyken, Drainage Engineer (Spriet Associates), explained the Engineer's Report for the proposed Caradoc Campbell Drain (south branch), noting the proposed drain would solve the reported drainage

issues. The Drainage Engineer indicated that the interested parties present were approached to contribute to the drain to further increase the capacity, but they elected not to. The applicant has now elected to take on all costs in order to meet approval conditions in a timely manner. The Drainage Engineer noted that no significant ponding is expected with the proposed drain.

Member Pelkman inquired if the planned storm sewer pipe capacity is suitable for taking on water from the municipal drain. The Drainage Engineer confirmed this would be the case and the Municipal Manager of Public Works supported this opinion.

Corey Bowering and Jamie Bowering expressed concerns with the pipe sizing and relief valves. They described their proximity to the planned properties and expressed concerns that their property is already receiving water from neighbouring properties. They believe this will continue even with the installation of the drain and do not feel they should be responsible for drainage mitigation for neighbouring properties.

The Chair noted that a process has already been approved by Strathroy-Caradoc Council to address the drainage concerns with the construction of the new drain. The Drainage Engineer confirmed that the approved project will incorporate a new drain with 6x greater capacity expected. The old, smaller drain is to be abandoned when the new, larger drain is to be constructed. Jamie Gerrison and Corey Bowering indicated that they had not received information about the project plans. The Manager of Public Works confirmed the plans had been public as part of the Council approval process; further, the Drainage Engineer noted meetings had taken place between Spriet Associates and Jamie Gerrison and Corey Bowering. The Director of Building & Planning committed to circulating the project plan documents directly with Jamie and Corey.

Member McGuire moved to defer a decision; this motion failed to receive support.

**Moved By** Frank Kennes

**Seconded By** Steve Pelkman

**THAT:** Application B13-2021 for consent be approved with 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That a drainage petition be initiated and the resulting Stormwater Management / Municipal Drain proposal be approved by Council and given third and final reading.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That the 'severed' and 'retained' lands be subject to a minor variance to recognize the lot frontage deficiencies created through the approval of Consent B13-2021, if deemed necessary.
7. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B13-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That Peter Street be extended to the end of Lot 2 consisting of two layers of asphalt with proper ditching and drainage design completed by a professional engineer, further a hammer head will be required to be constructed at the existing furthest easterly property line which can be constructed of gravel/reclaimed asphalt all to the satisfaction of the Director of Engineering and Public Works, with all costs borne by the applicant.
11. That the applicant construct a new waterline from a connection point at the intersection of Peter Street and Archie Street along the extended road allowance of Peter Street, which has been designed by a professional engineer to ensure adequate capacity to service all three lots and to ensure that the system can handle the additional flow, to

the satisfaction of the Municipality of Southwest Middlesex, with all costs associated with the project borne by the applicant.

12. That the 'severed lands' of B22/19 be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the 'retained lands' be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
14. That the existing water service line for the 'retained lands' be abandoned and disconnected from the watermain at the intersection of Peter Street and Archie Street, at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
15. That the existing meter pit for the 'retained lands' be removed at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
16. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
17. 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.
18. 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 make an informed decision.

**Carried**

**Moved By** Frank Kennes

**Seconded By** Steve Pelkman

**THAT:** Application B14-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That a drainage petition be initiated and the resulting Stormwater Management / Municipal Drain proposal be approved by Council and given third and final reading.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That the 'severed' and 'retained' lands be subject to a minor variance to recognize the lot frontage deficiencies created through the approval of Consent B14-2021, if deemed necessary.
7. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B14-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That Peter Street be extended to the end of Lot 2 consisting of two layers of asphalt with proper ditching and drainage design completed by a professional engineer, further a hammer head will be required to be constructed at the existing furthest easterly property line which can be constructed of gravel/reclaimed asphalt all to the satisfaction of the Director of Engineering and Public Works, with all costs borne by the applicant.

11. That the applicant construct a new waterline from a connection point at the intersection of Peter Street and Archie Street along the extended road allowance of Peter Street, which has been designed by a professional engineer to ensure adequate capacity to service all three lots and to ensure that the system can handle the additional flow, to the satisfaction of the Municipality of Southwest Middlesex, with all costs associated with the project borne by the applicant.
12. That the 'severed lands' of B22/19 be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
13. That the 'retained lands' be connected to the municipal water supply with all costs, including applicable fees and charges, borne by the applicant.
14. That the existing water service line for the 'retained lands' be abandoned and disconnected from the watermain at the intersection of Peter Street and Archie Street, at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
15. That the existing meter pit for the 'retained lands' be removed at the cost of the applicant, to the satisfaction of the Municipality of Southwest Middlesex.
16. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
17. 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 the application, the effect of which helped the Committee make an informed decision.

**Carried**

**3.2 Application for Minor Variance (A15-2021) – 569 Woodward Drive, Mt. Brydges**  
**Owners – Trudy Young & Andrew Bengé**

**Request:** to facilitate the construction of an attached garage approximately 81 m<sup>2</sup> (870 ft<sup>2</sup>) in size. The property also has an existing 18m<sup>2</sup> (193.8 ft<sup>2</sup>) accessory building. The combined total floor area of all accessory building and the garages is 99 m<sup>2</sup> (1,066 ft<sup>2</sup>), where the zoning by-law permits a maximum cumulative floor area for all garage and accessory buildings of 88 m<sup>2</sup> (947.2 ft<sup>2</sup>).

**Interested parties present:**

- Trudy Young (Applicant)
- Andrew Benge (Applicant)

Tim Williams, Senior Planner, presented the report, noting that the application would facilitate the construction of an attached garage that accommodating two parking spaces. No comments or concerns have been received from the public and staff recommended approval of the minor variance with conditions.

**Moved By** Mike McGuire

**Seconded By** Jesse Terpstra

**THAT:** Application A15-2021 for minor variance approved subject to the following condition:

1. **THAT:** Eaves and troughs are to be installed on the buildings to direct stormwater away from the lot lines 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 make an informed decision.

**Carried**

**3.3 Application for Minor Variance (A16-2021 -97 Front Street West, Strathroy Owner – 2423200 Ontario Ltd. (David Couto)**

**Request:** to seek relief from Section 6.3(6) of the Zoning By-law to permit a lot coverage of 42% to facilitate the construction of a building addition to the rear of the existing semi-detached dwelling, whereas the Zoning By-law permits a maximum lot coverage of 42%.



**Interested parties present:**

- Dave Couto (Applicant)

Tim Williams, Senior Planner, presented the report, noting that the application would facilitate an addition containing a bedroom, dining room, kitchen, bathroom, and laundry facilities, and would be considered a secondary suite in accordance with the Zoning By-law. No comments or concerns have been received from the public and staff recommended approval of the minor variance.

**Moved By** Mike McGuire

**Seconded By** Steve Pelkman

**THAT:** Application A16-2021 for minor variance 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 the application, the effect of which helped the Committee make an informed decision.

**Carried**

**3.4 Application for Consent (B22-2020) – 7870 Falconbridge Drive,  
Owner – Strathroy Turf Farms Ltd. (James Glover)  
Applicant – Andrew Hentz, Lerner's LLP**

**Request:** to create a rural residential lot containing a surplus farm dwelling, and to facilitate a farm consolidation of the remaining lands. The new residential lot is proposed to have a frontage of 36.161 metres (118.6 feet), depth of 130.236 metres (427 feet), and area of approximately 4,709 m<sup>2</sup> (0.47 ha).

**Interested parties present:**

- None

Tim Williams, Senior Planner, presented the report, noting that the existing single detached dwelling and private well/septic are to remain on the lot to be served, and a new gravel laneway is proposed to provide access to the dwelling on the new lot. No comments have been received from the public, and staff recommended approval with conditions.

Member Kennes confirmed that the surplus farm dwelling is the land to be severed, rather than land to be retained.

**Moved By** Frank Kennes

**Seconded By** Jesse Terpstra

**THAT:** Application B22-2020 for consent be approved with 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 the applicant submit an application for a Zoning By-law Amendment, in order to re-zone the severed land to 'A2-#' to limit the use of the lands to residential uses only and the severed lands to 'A3'.
4. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B22-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
5. That a new entrance permit be obtained from the Manager of Public Works, 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 applicant relocate the hydro line and electrical connections to the dwelling to be wholly within the severed lands and separately establish a new connection to the agricultural buildings located wholly on the retained lands.
8. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
9. 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.
10. 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 make an informed decision.

**Carried**

**3.5 Application for Consent (B11-2021) – 22706 and 22710 Adelaide Road, Mount Brydges**

**Owners – Paul Milliken, Doug Milliken and David Milliken**

**Request:** to sever an existing semi-detached dwelling through the creation of a new residential lot.

**Interested parties present:**

- None

Tim Williams, Senior Planner, presented the report. The Senior Planner noted a typographic error in report as the property lot frontage is actually closer to 30m. The lot to be severed is approximately 422.6 m<sup>2</sup> (4,548.8 ft<sup>2</sup>) with approximately 30m (corrected) of frontage onto Adelaide Road. The lot to be retained is approximately 8,163.3 (87,869 ft<sup>2</sup>) in area with approximately 176.57 m (579 ft) of frontage onto Adelaide Road and is proposed to contain one-half of the existing semi-detached dwelling as well as existing accessory buildings on the property. The Senior Planner indicated that to proceed with servicing, the semi-detached homes must be on separate lots. No comments have been received from the public and staff recommended approval with conditions.

**Moved By** Frank Kennes

**Seconded By** Jesse Terpstra

**THAT:** Application B11-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.

4. That a land dedication to the County of Middlesex for the purposes of road widening to a distance of 15.0 m from the centerline of construction of County Road 81 (Adelaide Road) is required if the right of way is not already to that width.
5. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
6. That a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B11-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That the 'retained lands' and 'severed lands' be individually connected to the municipal water supply and municipal sewer facilities with all costs, including the sanitary PDC's to the lot line, being \$12,400.00 + HST and administration fees as well as applicable fees and charges to connect both sanitary and water to the dwellings, borne by the applicant.
8. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
9. 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.
10. 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 make an informed decision.

**Carried**

### **3.6 Applications for Consent (B05-B06-B07-B08-2021) - 22661 Troops Road**

**Owner – 2410172 Ontario Ltd.**

**Request:** to create four residential building lots along Troops Road ranging in size from 2,439 m<sup>2</sup> (0.2439 ha) to 2,044 m<sup>2</sup> (0.2044 ha) with lot frontages ranging from 33.545 (110 ft) to 42.693 m (140 ft) along Troops Road.

#### **Interested parties present:**

- Ken Tupholme (Applicant's Agent)

Tim Williams, Senior Planner, presented the report, noting that similar applications had been heard previously by the Committee of Adjustment. As the conditions had not not fulfilled within the year, the applications had to return to the Committee. These applications have been modified slightly in that there are shorter frontages but greater depths to allow for the creation of larger lots. However, this also places one lot closer to the CNR rail line than previously planned. Correspondence has been received from CN regarding a required safety berm/noise wall. Fencing has also been requested for safety/noise/visibility of the train track. Additional zoning is required.

The Planner noted that comments have been received from the public regarding concerns about increased traffic, similar to concerns raised with the original applications. Staff recommended approval of the applications, with conditions.

Member Pelkman confirmed that the berm would be located the land between the CNR track and its closest parcel, and that the property line would meet distance requirements. Member Pelkman also confirmed that access to the farmland would be maintained via an access to the south.

Member Kennes inquired if any more lots could be expected for this area, such as the creation of a subdivision. Staff confirmed that this would be the last of the lots permitted as the zoning is the legacy of former Caradoc Township zoning allowing a rural residential designation along this side of Troops Road only. The zoning does not incorporate the entire parcel; further, a previous designation permitting more development has already been removed.

**Moved By** Mike McGuire

**Seconded By** Steve Pelkman

**THAT:** Application B05-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the lot to be severed be appropriately re-zoned.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That a 1.2 m chain link fence be constructed along the side and rear yards to the satisfaction of the Municipality.
7. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B05-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
8. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
9. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
10. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate a conventional on-site sanitary waste disposal system in accordance with the provincial regulations.
11. That a safety berm and 2.44 m high noise attenuation wall be constructed on the retained lands, as shown on the C.N.R. Safety Berm and Noise Wall by AGM plot date August 19, 2021, to the satisfaction of the Municipality.

12. That an agreement be registered on title for the retained lands for the purpose of ensuring maintenance of the safety berm and noise wall in perpetuity, as shown on the 'C.N.R. Safety Berm and Noise Wall' plan by AGM, plot date August 19, 2021, to the satisfaction of the Municipality.
13. That the owner or their legal representative will sign an undertaking that they will include the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit: *"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*
14. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Manager of Public Works.
15. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
16. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
17. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
18. 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.

19. 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 make an informed decision.

**Carried**

**Moved By** Jesse Terpstra

**Seconded By** Frank Kennes

**THAT:** Application B06-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the lot to be severed be appropriately re-zoned.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B06-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
8. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.



9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That a safety berm and 2.44 m high noise attenuation wall be constructed on the retained lands, as shown on the C.N.R. Safety Berm and Noise Wall by AGM plot date August 19, 2021, to the satisfaction of the Municipality.
11. That an agreement be registered on title for the retained lands for the purpose of ensuring maintenance of the safety berm and noise wall in perpetuity, as shown on the 'C.N.R. Safety Berm and Noise Wall' plan by AGM, plot date August 19, 2021, to the satisfaction of the Municipality.
12. That the owner or their legal representative will sign an undertaking that they will include the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit: *"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*
13. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Manager of Public Works.
14. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
15. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through another

lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.

16. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
17. 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.
18. 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 make an informed decision.

**Carried**

**Moved By** Steve Pelkman

**Seconded By** Mike McGuire

**THAT:** Application B07-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the lot to be severed be appropriately re-zoned.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B07-2021

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

7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
8. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That a safety berm and 2.44 m high noise attenuation wall be constructed on the retained lands, as shown on the C.N.R. Safety Berm and Noise Wall by AGM plot date August 19, 2021, to the satisfaction of the Municipality.
11. That an agreement be registered on title for the retained lands for the purpose of ensuring maintenance of the safety berm and noise wall in perpetuity, as shown on the 'C.N.R. Safety Berm and Noise Wall' plan by AGM, plot date August 19, 2021, to the satisfaction of the Municipality.
12. That the owner or their legal representative will sign an undertaking that they will include the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit: *"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*

13. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Manager of Public Works.
14. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
15. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
16. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
17. 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.
18. 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 make an informed decision.

**Carried**

**Moved By** Frank Kennes

**Seconded By** Steve Pelkman

**THAT:** Application B08-2021 for consent 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 the applicant provide \$1,000 cash-in-lieu of parkland dedication to the Municipality.
4. That the lot to be severed be appropriately re-zoned.
5. That an entrance permit be obtained from the Strathroy-Caradoc Roads Department with all costs, including applicable fees and charges, borne by the applicant.
6. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B08-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
7. That a lot grading, stormwater management and drainage plan, prepared by a professional engineer to the satisfaction of the Municipality, be submitted for the 'lot to be severed' in accordance to the Municipality's Building By-law.
8. That the applicant provide evidence from a licensed well driller of both quantity and quality potable water on site to the satisfaction of the Municipality.
9. That a soils report, prepared to the satisfaction of the Municipality, be submitted which demonstrates the suitability of the subject lands to accommodate an on-site sanitary waste disposal system in accordance with the provincial regulations.
10. That a safety berm and 2.44 m high noise attenuation wall be constructed on the retained lands, as shown on the C.N.R. Safety Berm and Noise Wall by AGM plot date August 19, 2021, to the satisfaction of the Municipality.
11. That an agreement be registered on title for the retained lands for the purpose of ensuring maintenance of the safety berm and noise wall in perpetuity, as shown on the 'C.N.R. Safety Berm and Noise Wall' plan by AGM, plot date August 19, 2021, to the satisfaction of the Municipality.
12. That the owner or their legal representative will sign an undertaking that they will include the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit: *"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof."*

*There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

13. That Troops Road be extended from the south end of Lot 2 to the north end of Lot 1 with a turnaround and proper ditching and drainage, to the satisfaction of the Manager of Public Works.
14. That the applicant petition for a 3 way stop at the intersection of Troops Road and Troops Road, and supply the signage at their cost, if required.
15. That the location of the utility services (gas, hydro, telephone) be confirmed for the 'lands to be retained' and 'lands to be conveyed', to the satisfaction of the municipality. If the services run through another lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the municipality.
16. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
17. 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.
18. 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 make an informed decision.

**Carried**

#### **4. Unfinished Business**

None.

**5. Enquiries by Members**

None.

**6. Other Business**

The Director of Building & Planning welcomed Eva Baker back to the team after her maternity leave.

The Director made committee members aware of upcoming changes to the Planning Act which have received Royal Assent but are not yet in effect. Examples of changes include giving applicants two years to finalize conditions, and an application process to break a consent.

The Director also made committee members aware of a mandatory vaccination policy for members of public and committee members wishing to use corporate spaces. Members will be updated if there are any further provisions.

**7. Schedule of Meetings**

- Thursday, November 4, 2021 @ 5:30 p.m.
- Thursday, December 2, 2021 @ 5:30 p.m.

**8. Adjournment**

**Moved By** Frank Kennes

**Seconded By** Mike McGuire

**THAT:** the meeting adjourn at 7:12 p.m.

**Carried**

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Chair

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Secretary Treasurer