

Committee of Adjustment Meeting Minutes

**Thursday, December 2, 2021
5:30 pm
Electronic Meeting - Zoom**

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

Absent with Notice: Frank Kennes
Larry Cowan

Also Present: Jennifer Huff, Director of Building & Planning
Eva Baker, Development Services Co-ordinator / Acting
Secretary-Treasurer
Erin Besch, Planner
Brianna Hammer-Keidel, Deputy Clerk (Recorder)

Others Present: Jon Barnett (Agent)
Casey Kulchycki (Agent)

1. Reading and Correction or Approval of Minutes

Moved By John Brennan
Seconded By Mike McGuire

THAT: the meeting minutes be approved as written.

Carried

1.1 Committee of Adjustment Meeting Minutes - November 4, 2021

2. Declaration of Pecuniary Interest

None.

3. Submissions for Consideration

3.1 Application for Minor Variance (A20-2021) 24 McNeil Street – Aldo & Tracey Cifaldi

Request: to provide relief from Section 4.34(1)(e) of the Zoning By-law to permit an encroachment of a deck approximately 3 m (9.8 ft) into the rear yard, whereas a maximum encroachment of 2.5 m (8.2 ft) is permitted in the by-law, and further;

To recognize and existing uncovered rear deck on the rear of the dwelling.

Interested parties present:

- None.

Erin Besch, Planner, presented the report. The Planner noted that construction had begun on the deck due to delays in the permitting process due to the pandemic. Once planning staff had received a complete application for the deck permit, the need for a minor variance was recognized. Through the review process, staff identified two further variances that were not included on the original public notice circulation.

Staff recommended deferral to the January 2022 meeting to allow for proper notice circulation regarding the additional minor variances. No comments or concerns were received regarding the public circulation that was issued.

Moved By Mike McGuire

Seconded By Jesse Terpstra

THAT: the application for minor variance be deferred until public notification of all variances has been circulated.

Carried

3.2 Applications for Consent (B16-2021 & B17-2021) 9388 Scotchmere Drive Integral Farms Inc.

Request: to permit a severance of a parcel of land with an area of 38.6 ha (95.4 ac) from an existing farm parcel with a total area of 77.6 ha (191.8 ac).

Interested parties present:

- Jon Barnett (Agent)

Erin Besch, Planner, presented the report, noting that the application would permit the severance of a surplus residence from a farm parcel, as a result of farm consolidation. The separation would result in two properties that would be slightly undersized in accordance with zoning by-law. Staff recommended deferral until all comments have been received, particularly from the St. Clair Region Conservation Authority, in order to better discuss what is proposed.

Jon Barnett, Agent, indicated that the Conservation Authority would like to make some comments on the application and also requested deferral until the January 2022 meeting.

Moved By John Brennan

Seconded By Jesse Terpstra

THAT: applications for Consent B16-2021 and B17-2021 be deferred until the agent or applicant provides additional information in regards to the surplus farm dwelling consent, and comments are received by the St. Clair Region Conservation Authority on both applications.

Carried

3.3 Application for Consent (B18-2021) 94 Laura Lane - 814027 Ontario Inc.

Request: to sever a portion of the subject lands (94 Laura Lane) for the purposes of merging it with the adjacent lands, being 92 Laura Lane, through a consent for lot addition.

Interested parties present:

- Jon Barnett (Agent)

The Agent explained the rationale for the lot addition, which is to provide additional land for a driveway at 92 Laura Lane.

Erin Besch, Planner, presented the report, noting that both lots would meet all zoning by-law requirements once the process is complete. Staff noted that both properties are under the same ownership, as the owner of 92 Laura Lane is the principle of the numbered company listed as owner of 94 Laura Lane. No comments have been received from the public and staff recommended approval subject to conditions.

Moved By Steve Pelkman

Seconded By Mike McGuire

THAT: the application 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 a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B18/21 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That, if the Municipality deems it to be required, a dedication of a 0.3 m² (1 ft²) parcel from the land to be severed, created by B18/21 along Laura Lane, be conveyed to the Municipality free of encumbrances, to the satisfaction of the Municipality, The applicant/owner is responsible for all costs associated with the dedication.
5. That Part 2 to be merged in the same name and title as the adjacent lot created by B18/21 and known municipally as 92 Laura Lane, to the satisfaction of the Municipality; that the two holdings' PINs be consolidated, that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
6. 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 the severed lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
7. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
8. 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.
9. 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

3.4 Application for Consent (B19-2021) – 430 Carroll Street E, Strathroy

Request: to sever a portion of the subject property that falls within the settlement boundary of Strathroy for future residential development.

Interested parties present:

- Casey Kulchycki (Agent)

Erin Besch, Planner, presented the report, noting that the lands to be severed are in the process of being re-designated from "Urban Reserve" to "Residential" as part of the municipally-led Official Plan Amendment 13. The amendment has been approved by Strathroy-Caradoc and Middlesex County councils, but is still in the appeal period.

The property is approximately 46.5 ha (115 ac) in size. The lot to be severed is approximately 7.8 ha (19.3 ac) and is currently in agricultural production. The lot to be retained is approximately 38.74 ha (95.8 ac) in area and contains a residence and a nursery business. The Planner noted that while both parcels are under the required 40 ha within the A1 zone, the zoning by-law also clarifies that zone lines are to be deemed as lot lines.

No comments have been received from the public and staff recommended approval with conditions.

The Agent confirmed that there are temporary green house tents on the property line that are not permanent and will be relocated in Spring 2022 to the retained lands in an effort to preserve the plants.

Moved By Mike McGuire

Seconded By Steve Pelkman

THAT: the application 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 a draft reference plan, showing the 'severed lands' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B19-2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the owner dedicate lands up to 18 m from the centreline of construction of County Road 10 (Carroll Street E) across both 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.
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 the severed lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
6. That confirmation be received that the 'land to be retained' is connected to sanitary service, and the location of the service is confirmed, to the satisfaction of the Municipality. If the services run through the proposed severed lot, they will have to be relocated at the cost of the owner and then reconnected, to the satisfaction of the Municipality.
7. That any structures, either temporary or permanent, which straddle the new property lines, be removed or relocated so that they are wholly contained on the 'lands to be retained', and that they meet all setback requirements in the 'A1' zone; or a minor variance to permit the structures be approved and in full force and effect.
8. That the owner obtain a 911 municipal address for the 'lands to be conveyed', and the proposed address be submitted to the County Emergency Services Department for approval.
9. That the existing 911 municipal address for the 'lands to be retained' be submitted to the County Emergency Services Department for review to ensure the address is not affected by the severance and confirmation be received.

10. That the applicant's solicitor submits an Acknowledgement and Direction duly signed by the applicant.
11. 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.
12. 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

Chair McCracken inquired about the possibility of returning to in-person meetings. Member Brennan indicated that an in-person process is still to be determined across the municipality, as it will impact other committee meetings.

6. Other Business

None.

7. Schedule of Meetings

- Thursday, January 13, 2022 @ 5:30 p.m.

8. Adjournment

Moved By Jesse Terpstra

Seconded By Steve Pelkman

THAT: the meeting adjourn at 6:10 p.m.

Carried

Chair

Secretary Treasurer