

**Municipality of Strathroy-Caradoc
Committee of Adjustment
Thursday, September 5, 2019**

**5:30 p.m.
In the Council Chamber**

52 Frank Street, Strathroy

MINUTES

1. Roll Call

Present: Rick McCracken
Mike McGuire
Jesse Terpstra
John Brennan
Frank Kennes

Absent With Notice: Steve Pelkman
Larry Cowan

Also Present: Matthew Stephenson (Acting Secretary-Treasurer)
Brianna Hammer-Keidel (Recorder)
Erin Besch (Planner) Jennifer Huff
Eva Baker Dave Jansseune
Bob Kerr Fred Kilgore
Mary Lyn DeBoer Matthew Latif
David Shewan Libby McLachlan
Don Wellington Craig Buren
Derek Buren

2. Reading and Correction or Approval of Minutes

Moved by Mike McGuire and Frank Kennes

THAT: the minutes of the August 1, 2019 Committee of Adjustment meeting be approved.

Carried.

3. Declaration of Pecuniary Interest. None.

4. Submissions for Consideration

4.1. A20/19 – David Jansseune & Iryna Koval for 905 Clark Street

Request: to seek relief from Sections 4.2(5), 4.2(6)(a), 4.29(3) and 9.5(1)(b)(iii) of the Strathroy-Caradoc Zoning By-law to permit an accessory building height of 5 m (16.4 ft), whereas a maximum height of 4.5 m (14.76 ft) is allowed; to permit an exterior side yard depth of 2 m (6.6 ft), whereas an exterior side yard of 10 m (32.8 ft) is required; to permit a setback to a County road of 18 m (59.1 ft), whereas a setback of 38 m (124.7 ft) is required; and to permit the location of an accessory structure in the exterior side yard, whereas the by-law prohibits this. The effect of the application is to permit the construction of a detached accessory structure in the exterior side yard of the subject lands.

Present to Support: Dave Jansseune

Present to Oppose: None

Written comments received:

- Erin Besch, Planner, recommended that the application be conditionally approved.

The Planner explained the application, noting that the portion of the report dealing with the maximum width of the structure should read north-south instead of east-west.

Moved by Frank Kennes and John Brennan

THAT: Application A20/19 seeking relief from Section 4.2(1) of the Zoning By-law to permit the construction of an accessory building in the exterior side yard of the subject property, Section 4.2(5) to allow for a height of an accessory building or structure of 5 m (16.4 ft), Section 9.5(1)(b)(iii) to permit an exterior side yard width of 2 m (6.6 ft) and Section 4.29(3) to permit a setback to a County road of 18 m (59.1 ft) to facilitate the construction of a 67 m² (720 ft²) detached accessory structure **be approved** subject to the following conditions:

1. **THAT:** Eaves and trough be installed on the proposed structure to manage stormwater to the satisfaction of the Municipality; and
2. **THAT:** The maximum width of the building is capped at 20'. **Carried.**

Reasons: The intent of the Official Plan is maintained; the intent of the Zoning By-law is maintained; the variance is considered minor given the circumstances; the variance is desirable for the appropriate use and development of the subject lands. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.2. A21/19 – 1525195 Ontario Inc. c/o Al Linker for 332 Ellor Street, Strathroy

Request: to seek relief from Section 4.2(2) of the Zoning By-law to permit a cumulative floor area of all accessory structures of 226.7 m² (2,440 ft²), whereas 122.6 m² (1,320 ft²) is permitted given the proposed size of the main floor of the existing dwelling. The effect of the application is to permit the construction of a two-storey dwelling with attached garage, as well as a detached accessory structure in the rear yard of the subject lands.

Present to Support: Al Linker
Don Wellington

Present to Oppose: None

Written Comments Received:

- Erin Besch, Planner, recommended that the application be denied.

Al Linker spoke in support of the application, stating that the proposed attached garage is an access-way and not a true garage, and further that the proposed accessory structure is appropriate given the size of the property and the unique mix of family homes and industrial properties in the neighbourhood.

Don Wellington spoke in support of the application, noting that he would like to see the property developed with another beautiful home in keeping with the mixed use of the area, and that he does not have any concerns as a neighbour.

The Planner presented the report, noting that the size of the proposed accessory structure and three-bay garage is 85% greater than what is permitted in the Zoning By-law, and further, that it was staff's opinion that the application does not meet the four tests of the Planning Act required in order to grant a minor variance.

Committee members spoke in support of the application, indicating that the large property is conducive to the proposed size of the accessory structure, and that the proposed accessory structure is in keeping with the neighbourhood.

Moved by Mike McGuire and Frank Kennes

THAT: Application A21/19 for relief from Section 4.2(2) of the Zoning By-law to permit a cumulative maximum permitted floor area of accessory building and structures of 226.7m² (2,440ft²) to facilitate the construction of a 153.3m² (1,650ft²) dwelling with an 87.3m² (940ft²) attached garage and a 139.4m² (1,500ft²) detached garage **be approved** subject to the following conditions:

1. **THAT:** eaves and trough be installed on the proposed new structure to manage stormwater to the satisfaction of the Municipality. **Carried.**

Reasons: The intent of the Official Plan is maintained; the intent of the Zoning By-law is maintained; the metric used is proportionate to the exceptionally large size of the lot and therefore the variance is considered minor in nature; and it is an appropriate use of the land given the size of lot. The Committee considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

4.3. B32/19 & B33/19 – Derek Buren & Craig Buren for 294 Burns Street

Request: to seek permission to sever two parcels of land to create two additional building lots. The application proposes the removal of the attached garage on the existing dwelling to facilitate the severances. Lot 1 will have a frontage of 18.4 m (60.4 ft) and an area of 512.5 m² (5,516.5 ft²). Lot 2 will have a frontage of 15.24 m (50 ft) and an area of 602 m² (6,480 ft²).

The retained lot will include the existing dwelling and have a frontage of 25.7 m (84.3 ft) and an area of 785.4 m² (8,454 ft²).

Present to Support: Craig Buren
Derek Buren

Present With Questions: Matthew Latif
Mary Lyn DeBoer
Libby McLachlan
David Shewan

Written comments received:

- Erin Besch, Planner, recommended that the applications be deferred;
- Matthew Latif submitted a letter requesting the criteria the committee uses for determining if applications will be accepted or denied; and
- Correspondence from Bell Canada was received at the meeting regarding the location of Bell facilities at 294 Burns Street, Strathroy

Moved by John Brennan and Frank Kennes

THAT: all correspondence received regarding application B32/19 and B33/19 be received for information. **Carried.**

The Planner presented the report. The severance is proposed to facilitate two building lots to construct two single detached dwellings. The applicants have already removed the attached garage from the existing structure. Bell Canada has notified that a buried line may be in place on the property which may require an easement that would affect the applications. An updated survey is required. The Planner recommended the applications be deferred until the matter with Bell Canada is addressed.

Craig Buren and Derek Buren noted that Bell Canada indicated it would be willing to move the line as close to the property line as possible and that an engineer would be in touch within a week to move forward. The applicants requested that the applications be approved with a condition related to the Bell line to expedite the sale of the original dwelling.

Matthew Latif believes the creation of three lots creates more intensification than already present in the neighbourhood, and further, objects to the severances as the setbacks would not line up with the setbacks of neighbouring houses. He would prefer to see sidewalks installed.

Mary Lyn De Boer inquired about how residents receive application notices. She expressed concern about the increasing busyness of the area due to neighbouring schools and feels that a new corner lot will decrease visibility. There are additional concerns about sidewalks.

The Planner confirmed that the notice requirements under the Planning Act are 60 metres and that signs are installed at properties under consideration. The Planner also confirmed that sidewalks are planned to be installed along Oak Avenue and the applicants have been made aware. Further, the municipal Director of Engineering & Public Works has requested a cost-sharing contribution from the applicants. However, a full evaluation has not taken place due to the recommendation for deferral.

Libby McLachlan inquired about where the driveways will be placed. The applicants confirmed that the existing home will see a new driveway shifted to the far side; the new home will utilize the current driveway; the third driveway will exit onto Oak Ave.

David Shewan purchased his lot for its size and mature trees, and believes that one beautiful lot will be divided to create “postage-stamp” sized lots that do not fit in with the rest of the neighbourhood.

The Planner confirmed that the lots meet the minimum requirements for the area, and that there are similar, if not smaller, properties in the neighbourhood.

Moved by John Brennan and Frank Kennes

THAT: the application be deferred until the applicants determine the exact location of the buried cable on Lot 2, the location of the proposed easement, and demonstrate that there is sufficient buildable area on Lot 2. **Carried.**

5. Unfinished Business. None.

6. Enquiries by Members. None.

7. Other Business

Moved by Mike McGuire and Frank Kennes

THAT: Eva Baker be appointed as Acting Secretary-Treasurer to the Committee of Adjustment. **Carried.**

Moved by Jesse Terpstra and John Brennan

THAT: the October Committee of Adjustment meeting be rescheduled to September 26, 2019, from October 3, 2019, due to staff scheduling conflicts. **Carried.**

8. Scheduling of Meetings

- Thursday, September 26, 2019 @ 5:30 p.m.

9. Adjournment

Moved by Mike McGuire and Frank Kennes

THAT: the meeting adjourn at 6:42 p.m. **Carried.**

Chair

Acting Secretary-Treasurer