

# CONSENT DECISION

## APPLICATION B-9-2024, B-12-2024, B-13-2024

We, the undersigned members of the Committee of Adjustment for the Municipality of Middlesex Centre, do hereby certify that the following is a decision reached by us at a meeting at the Municipality of Middlesex Centre – Ilderton Community Centre in Ilderton, Ontario, on July 17, 2024. The said decision was reached on Consent Application B-09-2024, B-12-2024, B-13-2024, filed by Robert Jonkhans and Tracy Jonkhans in order to sever three residential lots from a 5, 041 m<sup>2</sup> (1.25 ac) residential property, in order to facilitate the construction of a single-detached dwelling on each severed lot, where the first severed lot will have a frontage of approximately 21.3 m (70 ft) on Queen Street and an area of approximately 878 m<sup>2</sup> (9, 451 ft<sup>2</sup>), the second severed lot will have a frontage of approximately 16.8 m (55 ft) on Queen Street and an area of approximately 689 m<sup>2</sup> (7, 416 ft<sup>2</sup>), and the third severed lot will have a frontage of approximately 16.8 m (55 ft) on Queen Street and an area of approximately 689 m<sup>2</sup> (7, 416 ft<sup>2</sup>), and the retained having a frontage of approximately 51 m (167 feet) on Simcoe Avenue and an area of approximately 2, 802 m<sup>2</sup> (0.69 ac), from a property legally described as Block 15 Lot 2 to 6 on Plan 109, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 144 Simcoe Avenue.

**DECISION:**

**GRANTED**

**DATE:**

**July 17, 2024**

With Conditions:   X  

Without Conditions:       

**Members concurring in the decision:**

Debbie Heffernan



Hugh Aerts



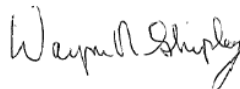
Sue Cates



Frank Berze



Wayne Shipley



## **Conditions**

Consent B-9-2024 is 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. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fees for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-9/2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-9/2024 be paid in full.
7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.
8. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, which addresses among other matters, entrance locations and construction, lot grading and drainage, building envelopes, fire hydrant location, connections to the Municipal water supply and sanitary sewer systems, a financial contribution to the future upgrading of Queen Street to a full urban standard, and a security deposit for 100% of the cost of the works as well as any road reconstruction associated with the development, all to the satisfaction of the Municipality. The Development Agreement shall require the developer to provide a certification from the engineer of record confirming that all works within the road right-of-way, stormwater controls and lot grading have been completed in conformance with municipal standards and in general conformance with the approved design.
9. That upon Condition 8 of Consent B-9/2024 being satisfied, the Owner shall install separate water, stormwater and wastewater service connections to the retained and severed parcels of Consent B-9/2024 and that these connections be installed to the satisfaction of the Municipality's Public Works and Engineering Department.
10. That the Owner submits a Storm Water Management Report to the satisfaction of the Municipality. The Storm Water Management Report must demonstrate that post development runoff from the proposed lots will not exceed the existing conditions. Any infiltration measures or other stormwater controls required shall

be installed by the developer to the satisfaction of the Municipality's Public Works and Engineering Department.

11. That the Owner submits a lot grading plan for the severed and retained lands, depicting the suitable building locations, footing/foundation elevations as well as surface grades and swale flow routes, to the satisfaction of the Municipality. The lot grading design shall ensure adjacent lots will not receive increased runoff.
12. That the Owner pay to the Municipality \$1,500 cash-in-lieu of parkland dedication for the severed parcel of Consent B-9/2024.
13. That the Owner, in consultation with CN Railway, register a noise easement against the title of the severed parcel of Consent B-9/2024, and that the said easement be to the satisfaction of the CN Railway.
14. That the Owner will be required to dedicate lands up to 10 m from the centerline of construction of Simcoe Avenue and Queen Street across the severed and retained parcels to the Municipality of Middlesex Centre for the purposes of road widening if the right-of-way is not already to that width.
15. That the Owner obtains approval of a Minor Variance to address the lot area and frontage deficiencies of the severed lot of Consents B-9/2024.
16. That the Owner pay to the Municipality a total of \$47,697.82 for the purposes of funding 50% of the future road reconstruction costs of Queen Street to an urban standard along the frontage of the retained and severed lots of Consent B-9/2024, inclusive of curbs, sidewalks and road re-construction, unless the total amount has been paid to fulfill a condition of Consent B-12/2024 or B-13/2024.

Consent B-12-2024 is 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. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fees for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-12/2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lot of Consent B-12/2024 be paid in full.
7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.
8. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, which addresses among other matters, entrance locations and construction, lot grading and drainage, building envelopes, fire hydrant location, connections to the

Municipal water supply and sanitary sewer systems, a financial contribution to the future upgrading of Queen Street to a full urban standard, and a security deposit for 100% of the cost of the works as well as any road reconstruction associated with the development, all to the satisfaction of the Municipality. The Development Agreement shall require the developer to provide a certification from the engineer of record confirming that all works within the road right-of-way, stormwater controls and lot grading have been completed in conformance with municipal standards and in general conformance with the approved design.

9. That upon Condition 8 of Consent B-12/2024 being satisfied, the Owner shall install separate water, stormwater and wastewater service connections to the retained and severed parcels of Consent B-12/2024 and that these connections be installed to the satisfaction of the Municipality's Public Works and Engineering Department.
10. That the Owner submits a Storm Water Management Report to the satisfaction of the Municipality. The Storm Water Management Report must demonstrate that post development runoff from the proposed lots will not exceed the existing conditions. Any infiltration measures or other stormwater controls required shall be installed by the developer to the satisfaction of the Municipality's Public Works and Engineering Department.
11. That the Owner submits a lot grading plan for the severed and retained lands, depicting the suitable building locations, footing/foundation elevations as well as surface grades and swale flow routes, to the satisfaction of the Municipality. The lot grading design shall ensure adjacent lots will not receive increased runoff.
12. That the Owner pay to the Municipality \$1,500 cash-in-lieu of parkland dedication for the severed parcel of Consent B-12/2024.
13. That the Owner, in consultation with CN Railway, register a noise easement against the title of the severed parcel of Consent B-12/2024, and that the said easement be to the satisfaction of the CN Railway.
14. That the Owner will be required to dedicate lands up to 10 m from the centerline of construction of Simcoe Avenue and Queen Street across the severed and retained parcels to the Municipality of Middlesex Centre for the purposes of road widening if the right-of-way is not already to that width.
15. That the Owner obtains approval of a Minor Variance to address the lot area and frontage deficiencies of the severed lot of Consent B-12/2024.
16. That the Owner pay to the Municipality a total of \$47,697.82 for the purposes of funding 50% of the future road reconstruction costs of Queen Street to an urban standard along the frontage of the retained and severed lots of Consent B-12/2024, inclusive of curbs, sidewalks and road re-construction, unless the total amount has been paid to fulfill a condition of Consent B-9/2024 or B-13/2024.

Consent B-13-2024 is 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. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fees for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.

3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-13/2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lot of Consent B-13/2024 be paid in full.
7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.
8. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, which addresses among other matters, entrance locations and construction, lot grading and drainage, building envelopes, fire hydrant location, connections to the Municipal water supply and sanitary sewer systems, a financial contribution to the future upgrading of Queen Street to a full urban standard, and a security deposit for 100% of the cost of the works as well as any road reconstruction associated with the development, all to the satisfaction of the Municipality. The Development Agreement shall require the developer to provide a certification from the engineer of record confirming that all works within the road right-of-way, stormwater controls and lot grading have been completed in conformance with municipal standards and in general conformance with the approved design.
9. That upon Condition 8 of Consent B-13/2024 being satisfied, the Owner shall install separate water, stormwater and wastewater service connections to the retained and severed parcels of Consent B-13/2024 and that these connections be installed to the satisfaction of the Municipality's Public Works and Engineering Department.
10. That the Owner submits a Storm Water Management Report to the satisfaction of the Municipality. The Storm Water Management Report must demonstrate that post development runoff from the proposed lots will not exceed the existing conditions. Any infiltration measures or other stormwater controls required shall be installed by the developer to the satisfaction of the Municipality's Public Works and Engineering Department.
11. That the Owner submits a lot grading plan for the severed and retained lands, depicting the suitable building locations, footing/foundation elevations as well as surface grades and swale flow routes, to the satisfaction of the Municipality. The lot grading design shall ensure adjacent lots will not receive increased runoff.
12. That the Owner pay to the Municipality \$1,500 cash-in-lieu of parkland dedication for the severed parcel of Consent B-13/2024.
13. That the Owner, in consultation with CN Railway, register a noise easement against the title of the severed parcel of Consent B-13/2024, and that the said easement be to the satisfaction of the CN Railway.
14. That the Owner will be required to dedicate lands up to 10 m from the centerline of construction of Simcoe Avenue and Queen Street across the severed and

retained parcels to the Municipality of Middlesex Centre for the purposes of road widening if the right-of-way is not already to that width.

15. That the Owner obtains approval of a Minor Variance to address the lot area and frontage deficiencies of the severed lot of Consent B-13/2024.
16. That the Owner pay to the Municipality a total of \$47,697.82 for the purposes of funding 50% of the future road reconstruction costs of Queen Street to an urban standard along the frontage of the retained and severed lots of Consent B-13/2024, inclusive of curbs, sidewalks and road re-construction, unless the total amount has been paid to fulfill a condition of Consent B-12/2024 or B-9/2024.

AND FURTHER THAT the reasons for granting Consent Applications B-09-2024, B-12-2024, B-13-2024 include:

- The proposal is consistent with the Provincial Policy Statement, 2020;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the conditions, the proposal complies with the Middlesex Centre Comprehensive Zoning By-law.