

Pemic Komoka Development Corp

#301 - 100 Wellington Street
London, ON N6B 2K6

January 20, 2025

Municipality of Middlesex Centre
10227 Ilderton Road
Ilderton, ON
N0M 2A0

ATTN: James Hutson, Municipal Clerk, Middlesex Centre

Re: ZBA-12-2024, 108 Caverhill Crescent

Pemic Komoka Development Corp (PKDC) was the proponent of the subdivision which created Lot 16, 33M-715 that is now the subject of a rezoning application to facilitate a 10-unit townhome development.

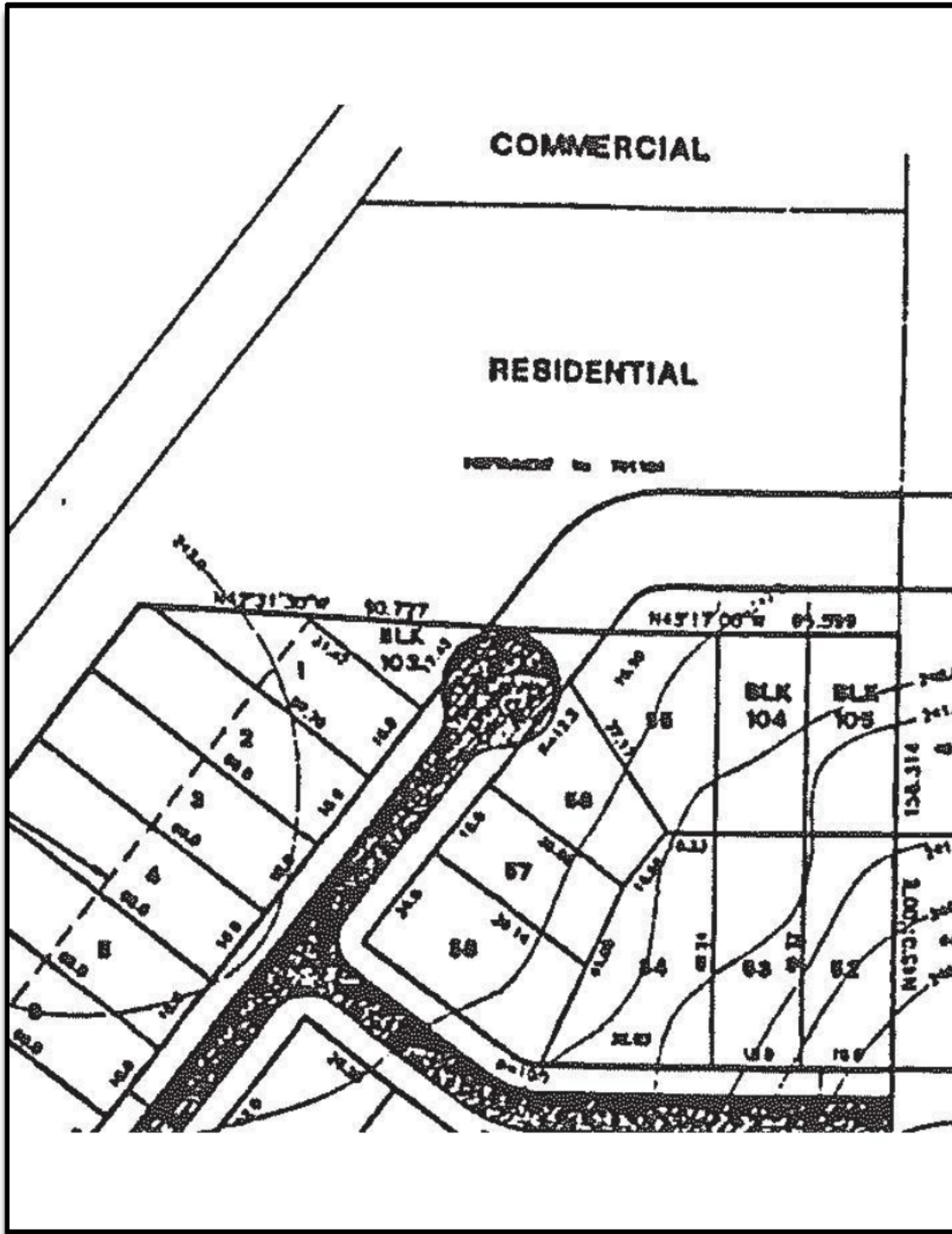
Restrictive Covenants registered on title (instrument ER1097473) of the subject lands, combined with the existing zoning effectively prohibit the construction of anything other than a single-family dwelling and accessory structures. All lots in our subdivision were subject to the same restrictions which set the expectations of how all of the single family lots would be developed. Furthermore, the Restrictive Covenants require that all house plans be preliminarily approved by PKDC prior to construction and then a final approval is provided after it has been shown what was built indeed is what was previously approved. In this case, we would not grant either the preliminary or final approval.

Lot 16 is unusually large for a single-family lot in this day and age; however, this did not result out of accident or bad planning. This lot was configured in this manner so as to allow further subdivision into a total of three lots when the lands to the east develop and facilitate the connection of Caverhill Crescent and Arthur Streets in the manner shown in the figure below. The two additional lots would each be 18 metres in width, matching that of the lots sharing the rear property line that front onto Princess Street.

I make note of the width of the future lots because it relates to the current Zoning By-Law applicable to this lot, being UR1-19. This special provision stipulates a building setback of 38 metres from the southerly property line. This ensures that nothing (other than small accessory structures not requiring a building permit) would be constructed in that area that would possibly preclude the above noted creation of two additional lots, each 18 metres in width (leaving an additional two metres to serve as a future side yard setback from Lot 16). This would allow the frontage of Caverhill Crescent and Arthur Streets to be completed in a manner that is consistent with the surrounding development.



Note the *above* figure is from the final approved draft plan for the entirety of Caverhill Crescent and the lot numbers do not correspond with that of the registered M-Plan. Lot 56 as shown above is Lot 16 33M-572. It is also noted that Lot 56 was not shown to have two future blocks to facilitate lot creation, as the blocks would not have frontage onto a public road. *Below* is a screen capture of the original submitted draft plan proposing the two blocks (Blocks 104 and 105) to form part of two lots fronting Arthur Street, and which created the 38-metre building setback from the southerly property line.



In 2016 – 2017, PKDC had willing purchaser of Lot 16 who wanted to build a single-family home and retain the large (approximately 60 feet long and 30 feet wide) metal clad shed which was in excellent condition to serve as a storage building for a family car collection and to facilitate other indoor recreational activities (basketball court for example) for their family. This shed was a remnant of the former agricultural use of the subdivision and was located approximately 10 metres from the southerly property line. No abutting residents objected to retention of the shed.

The prospective purchaser was even willing to allow a notice to be registered on title to the Lot which stipulated that when Caverhill is extended to join Arthur in the manner depicted on the final Draft Plan, that the shed would be removed, and a severance completed to create the two additional lots. The prospective purchaser also acknowledged that no business-related activities could be conducted in the shed, alleviating concerns staff had with unlawful uses.

When I asked municipal planning staff at the time about the proposal to retain the shed, I was told that in no uncertain terms that we would not be able to retain the shed. We would not be able to obtain a building permit on Lot 16 until the shed was removed. ***It was made explicitly clear to me that the presence of the shed was in violation of the 38-metre building setback put in place at the time of Draft Plan Approval so as to preserve the previously noted intention of further subdividing this lot.***

The lot was ultimately sold to a builder in our subdivision who had an agreement with a client to construct a single-family home on the lot, all in accordance with the zoning parameters. Unfortunately, the title of the lot was transferred to the builder's client who then pursued other options.

Fast forward to today, and we see Lot 16 being proposed to be developed into a 10-unit townhome development, with eight of the units within the 38-metre building setback from the southerly property line. This flies completely in the face of the previous discussions with Planning Staff (none of whom are currently working for Middlesex Centre, or Middlesex County). Had PKDC been permitted to retain the shed with the protections in place to ultimately allow for the Caverhill/Arthur street scape to be developed in a manner in which was intended, we would not be in this situation now.

Aside from the above noted historical and legal perspectives, I do see challenges with the proposed site plan itself. Firstly, I note there is one parking space per unit (the driveway), and it is noted there are garages in these units presumably accounting for a second parking space. Garages are unlikely to be utilized for parking a vehicle, so there is effectively one space per unit. This fact combined with the two proposed visitor parking spaces leads me to respectfully suggest there is a deficit in parking.

Should this site plan proceed and Caverhill joins Arthur in the intended manner two obvious issues arise. Firstly, you will have three units back lotted onto Arthur. Turning your back onto a local street is generally considered poor planning.

The second issue is that there will be a strip of land west of Arthur and east of the townhomes which is approximately five metres wide. This strip of land will effectively be sterilized from development. Will the townhome condo buy it? Will Middlesex Centre buy it? Or will the owners of 22685 Komoka Road be forced to own it (and pay property tax) in perpetuity?

I fully realize that there is no immediate desire of the owners of 22685 Komoka Road to develop their property and that a planning application must be evaluated on the existing constraints and opportunities. This does not; however, change the past wherein PKDC was rebuffed by municipal staff when we tried to entertain even the thought of retaining an existing shed with protections it would be removed in the future to allow lot creation.

I respectfully suggest that this lot not be turned into a site plan and that the lot continue to be limited to a single-family home as was always intended. When 22685 Komoka Road is ultimately developed, a

more fulsome plan to realize the development of that parcel in conjunction with the rear 36 metres of Lot 16 can be formulated, as it has always been intended.

Sincerely,

Craig Linton

Craig Linton
Pemic Komoka Development Corp

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