



APRIL 1, 2015 MUNICIPALITY OF NORTH MIDDLESEX 7:01 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday April 1, 2015 in the Council Chambers, Parkhill to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway

Deputy Mayor Brian Ropp

Councillor Ward One – Doreen McLinchey

Councillor Ward Two – Joan Nichol

Councillor Ward Three – Gord Moir

Councillor Ward Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

CAO Marsha Paley

Clerk Jackie Tiedeman

Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

HEARING

7:00 P.M. - Application No. B14/2014 and No. ZBA 14/2014 – 1451 Elm Tree Drive

Planner Barbara Rosser advised that the above noted applications had been received and circulated according to the Planning Act.

Description of Land: Part Lot 15, Con 10 (former West Williams Twp) 1452 Elm Tree Dr.

Applicant: Frederick Boere

Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of land from an existing 38.6 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .703994 hectares in size and would contain the existing single detached dwelling and drive shed. The applicant would retain approximately 37.94303 hectares comprising the farmland portion. An amendment to the zoning by-law will be required to prohibit future residential use of the retained (farmland) parcel in accordance with the policy of the North Middlesex Official Plan relative to surplus farm dwelling severances and to rezone the severed (residential) parcel for residential use.

The subject land is also the subject of an application under the Planning Act for an amendment to North Middlesex Zoning By-law No. 35 of 2004, as amended (Application ZBA#14/2014).

Ms. Rosser then reviewed the agency comments and her planning report dated March 26, 2015.

No public comments were received.

MOTION #92/2015

CORNELISSEN/MOIR: That Application No. B14/2014 be granted subject to the following conditions:

- a) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel to the Agricultural Small Holding (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use and permissive of the retained parcel area and lot frontage;
- b) That the Applicant provide a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being retained for agricultural purposes will be used as part of the existing farming operation;
- c) That, unless replaced, the existing septic tank and weeping bed system on the severed parcel be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
- d) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- e) That the Applicant's Solicitor submits an undertaking in a form satisfactory to the Secretary of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the acknowledgement and direction executed by the applicants and the decision of the Committee of Adjustment;

f) Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, R.S.O. 1990, c.P.13.

If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for 2 years from the date of decision.

CARRIED

A twenty day appeal period applies from the date of notice of decision.

The Planner also recommended that the three readings of the draft zoning by-law proceed during the regular meeting.

7:15 P.M. - Application No. MV 2/2015 – 33923 Grand Bend Road

Planner Barbara Rosser advised that the above noted application had been received and circulated according to the Planning Act.

Description of Land: Part Lot 10, Con 22 (former McGillivray Twp) 33923 Grand Bend Road.

Applicant: Nicholas Lee and Sharon Carabott

The purpose of this application is to request permission to vary Section 7.2.4 Kennels of North Middlesex Zoning By-law no. 35 of 2004, as amended, which applies to areas zoned as General Agricultural (A1). Permitted uses within the A1 zone include Kennels under Section 7.1 i) subject to Section 7.2.4 which indicates that kennels are subject to the Municipality's Kennel Licensing By-law. In particular, relief is sought from Section 7.2.4 a) and b) which stipulate that kennels shall not be erected or used closer than 60.0 metres from a lot line whereas 54.17 metres is proposed and 150.0 metres from a dwelling located on a separate lot whereas 130.11 metres is proposed. Proposed variances are therefore 5.83 metres and 19.89 metres respectively.

Ms. Rosser then reviewed the agency comments and her planning report dated March 26, 2015.

No public comments were received.

MOTION #93/2015

MOIR/MCLINCHEY: That Application No. MV#4/2014 for Minor Variance to the North Middlesex Committee of Adjustment be GRANTED on the basis that the variances proposed would:

- a) Maintain the spirit and intent of the North Middlesex Official Plan;
- b) Maintain the spirit and intent of North Middlesex Zoning By-law No. 35 of 2004, as amended;
- c) Be desirable for the appropriate development of the property;
- d) Be minor

Relief Granted: Section 7.2.4.a) 5.83 metres (setback will be 54.17 metres)

b) 19.89 metres (setback will be 130.11 metres)

Additional conditional: That development proceed in accordance with the site plan submitted.

CARRIED

A twenty day appeal period will apply from the date of notice of decision.

7:25 P.M. - Application No. B5/2015 and No. ZBA 15/2015 – 9554 Townsend Line

Planner Barbara Rosser advised that the above noted applications had been received and circulated according to the Planning Act.

Description of Land: Part Lot 14, Con 7 (former West Williams Twp)9554 Townsend Line

Applicant: Charles Franklin Herrington

Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of land from an existing 40.97 hectare farm parcel as a surplus farm dwelling severance. The application is on the basis of an executed offer to purchase from two corporations who stipulate that the surplus farm dwelling farm consolidation criteria would be met. The Applicant would retain .6798 hectares containing the existing single detached dwelling and an accessory building. The land to be severed would be approximately 40.29 hectares in size and currently contains a frame shed and three steel grain bins. An amendment to the zoning by-law will be required to rezone the retained (residential) parcel for residential use. The policy of the North Middlesex Official Plan relative to

surplus farm dwelling severances requires rezoning of the severed (farmland) parcel to prohibit residential use.

Ms. Rosser then reviewed her planning report dated March 26, 2015 along with the agency comments. Ms. Rosser advised of her discussions with the agent and the proposed owners of the farm land pertaining to the location of the accessory building and grain bins on the severed parcel and the fact that they would not comply with the A1 regulations. Also, it was noted for the committee that the preliminary survey indicates one grain bin and in fact there are three. Ms. Rosser noted, it is her preference that the existing buildings and structures located on the severed (farmland) parcel which would not comply with the A1 zone regulations be removed as opposed to being subject to minor variance. Their utility in conjunction with the large scale cash crop farming operations is questionable. In addition, it should be noted that the public process of a minor variance application under the Planning Act carries some uncertainty which, in turn, could jeopardize the provisional consent.

Mr. Walden and Mr. Masschelen then provided pictures of the accessory building and grain bins. Mr. Walden indicated that these structures were in good shape and the proposed owner would prefer that they stay and that they would have utility to their operation. The applicant and agent then indicated a preference for explore options for this matter.

After careful consideration the following motion was then brought forward:

MOTION #93A

CORNELISSEN/HEMMING: That Applications B05/2015 and ZBA 5/2015 – Charles Herrington, 9554 Townsend Line be deferred at the request of the applicant to explore options for the existing grain bins and buildings and structures located on the severed (farmland) which would not comply with the A1Zone regulations.

CARRIED

Being no further applications the following motion was then made:

MOTION #94/2015

ROPP/CORNELISSEN: That the COA meeting adjourn and return to regular meeting at 7:45 p.m.

CARRIED

CHAIRMAN

SECRETARY