



April 5, 2017

**MUNICIPALITY OF NORTH MIDDLESEX
COMMITTEE OF ADJUSTMENT
MINUTES**

7:01 P.M

A Public Meeting was held on Wednesday April 5, 2017 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 (Absent)

Councillor Ward Two – Joan Nichol

Councillor Ward Three – Gord Moir

Councillor Ward Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

Director of Finance and Administrative Services/Treasurer, Nandini Syed

Director of Infrastructure and Operations, Jonathon Graham

Clerk Jackie Tiedeman

Planners Christie Basalle and Jennifer Huff

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

CORNELISSEN/MOIR: That the following minutes be hereby approved as presented:

September 7, October 5, November 2, December 7, 2016 and January 11, 2017

CARRIED

7:00 p.m. HEARING – Applications B03/2017 for Consent to Sever Land – Best of Beef Inc.

Planner Christie Basalle advised that the above noted applications had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Part of Lot 8 Con 13 and Lot 8 Con 14
27373 Coldstream Road
former Township of East Williams
Applicant: Best of Beef Inc.
Agent: Jonathon Barnett, Quinlan, Hemeryck & Barnett

The purpose and effect of this application is to sever a parcel of land consisting of approximately 40.4 ha (99.8ac) of land from an existing farm parcel comprising 80.7 ha (199.5 ac) of land. The proposed land severance would correct an accidental merger of parcels.

The proposed lands to be severed contain a residential dwelling, barn, drive shed, woodshed, accessory agricultural structures and agricultural land in crop production. The severed parcel is proposed to have approximately 505 m (1656 ft) of frontage along Coldstream Road and is known municipally as 27373 Coldstream Road.

The proposed lands to be retained do not contain any buildings or structures. The vacant agricultural land is currently in crop production. The retained parcel is proposed to be approximately 40.3 ha (99.6 ac) with an approximate frontage of 505m (1656 ft) along Bornish Road

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no comments received
- County of Middlesex: no concerns
- Public Works: Septic system pump out and inspection should be a condition of both severances. If required, new entrance will require approval from Public Works Dept at owners expense.
- Public Input: one inquiry from a resident regarding the proposal. The resident requested clarification on the location of the existing westerly property line of the lands proposed to be severed. Staff responded to the question of the resident and advised that the lot line in question would not be impacted by the proposed severance.
- Oral Submissions: The agent advised that the house has been demolished and therefore requesting the condition for septic inspection be removed.

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, it is recommended that the applications for consent under Section 53 of the Planning Act be approved subject to conditions of the applications: satisfy the requirements of the Planning Act; are consistent with the Provincial Policy Statement; conforms to the Municipality of North Middlesex Committee of Adjustment
April 5, 2017

Official Plans of both the Municipality of North Middlesex and the County of Middlesex; is capable of satisfying the requirements of the North Middlesex Zoning By-law; and, represents sound land use planning.

HEMMING/NICHOL: That B3-2017 (27373 Coldstream Road) be approved subject to the following conditions:

- a) 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 decision.
- b) If required, any new entrances will require approval from Public Works Department at owner's expense. A road allowance work permit application fee is \$100.00 and a deposit may be required.
- c) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- d) 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.
- e) 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 two years from the date of decision.

CARRIED

A 20 day appeal period will apply from the date of notice of decision.

7:10 P.M. HEARING: MV#1/2017 Application for Minor Variance-Kyle Baltessen

Planner Christie Basalle advised that the above noted applications had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Lot 1 and Part Lot 2, Registered Plan 324

197 Bethany Street

former Town of Parkhill

Applicant: Kyle Baltessen

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35 of 2004, as amended in order to recognize the location of a deck that has been constructed in the front yard of the subject property.

Section 10.2 c) of the Zoning By-law requires a minimum front yard setback of 6.0 m (19.7ft) in the Residential Density One (R1) Zone. Section 6.48 f ii) of the Zoning By-law permits an open balcony or porch (deck) to encroach 1.8 m (5.9ft) into the required front yard. The deck with stairs has been constructed 2.02m (6.6 ft) from the front lot line is required. The applicant is requesting relief in the amount of 2.18m (7.15 ft) in order to accommodate the existing structure.

WRITTEN AND ORAL SUBMISSIONS

- Public Works: no concerns
- Public Input: None
- Oral Submissions: None

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, Minor Variance Application MV-1-2017 appears to satisfy the requirements for a minor variance as set out in the Planning Act as follows:

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

MOIR/ROPP: That Application MV-1-2017 for Minor Variance be granted:
Relief Granted: 2.18 metres from Section 10c) Front Yard Setback.

CARRIED

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

ROPP/NICHOL: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:15 p.m.

CARRIED

CHAIRMAN

Municipality of North Middlesex
Committee of Adjustment
April 5, 2017

SECRETARY