



April 6, 2016 MUNICIPALITY OF NORTH MIDDLESEX 7:08 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday April 6, 2016 in the Council Chambers, Parkhill to consider a planning application 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

MINUTES

CORNELISSEN/HEMMING: That the following minutes be hereby accepted as presented: November 4, December 16, 2015
January 20 and March 2, 2016

CARRIED

Request to Change conditions for Consent Application B#06/2015 (Robert Spruytte)

Mr. Spruytte was present to request a change in conditions to his consent application that was granted by the Committee of Adjustment on June 17, 2015. The request was to remove Condition a) "That, unless replaced, the existing septic tank and weeping bed
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system on the retained parcel be inspected by a licensed septage hauler and the inspection report be provided to the North Middlesex Chief Building Official for determination as to any replacement or remedial works that may be required to be completed to the satisfaction of the Chief Building Official.”

He outlined the following criteria as basis for his request:

- 1) The recent inspection completed by licensed septage hauler, Hodgins Septic Service, dated June 26, 2015 deemed the system complete and in full working order;
- 2) The house requires several intrusive renovations and a five year timeline will allow for investigation of all options, cost estimates and clear consideration for tear down;
- 3) Considering the above, if reasonable restorations can be made within five years an updated septic system will be included as demanded by the municipality.

Planner Barbara Rosser then provided her report and recommendation which was in consultation with North Middlesex Chief Building Official, Vic Stellingwerff. She advised that the Applicants’ correspondence indicates that within five years options will be considered relative to the existing dwelling which would include renovation, removal or replacement. It is acknowledged that replacement and renovation requiring a building permit would allow the CBO to require full septic system replacement as a condition of the permit while removal would obviously entail decommissioning of the existing system. However, there is no enforcement available to the Municipality to ensure that any of these options takes place within a particular timeframe and there is also the possibility that nothing will be done regarding the existing dwelling and its system particularly in the event that the severance becomes final and the property changes ownership.

It was understood that the Registry Office will not accept a legally binding agreement for registration on title to postpone the septic system upgrade for a specific period of time.

On the basis of the foregoing, it is her recommendation that the request for a change of conditions be denied for the following reasons:

- The North Middlesex staff report was based on input from the Chief Building Official who has Part 8 authority under the Ontario Building Code;
- The Municipality and the current owner are aware of the age of the existing septic system and the potential for failure which carries responsibility to both parties;

- The Municipality's standard practice is to require inspection and upgrade of septic systems as a condition of provisional consents and waiving of this condition could set a precedent for future consent applications;
- There is no legally binding measure to enforce a postponement of the system upgrade beyond the provisional consent;
- The timeframe set out by the Applicant assumes continued ownership by the Applicant of the parcel containing the dwelling which is beyond the Committee's control.

MOIR/NICHOLS: That the Committee approve the recommendation of the Planner to deny the request to change a condition based upon the reasons outlined in her report dated January 15, 2016.

CARRIED

HEARING 7:20 P.M. – APPLICATION FOR CONSENT (B#01/2016) – John Sutherland (deferred from January 20, 2016)

The secretary advised that a request was received by the applicant to have this application deferred at this time.

Being no further applications for consideration the following motion was introduced:

HEMMING/ROPP: That the Committee of Adjustment Meeting adjourn at 8:00 p.m. and return to Regular Meeting.

CARRIED

CHAIRMAN

SECRETARY