

AUGUST 13, 2014 MUNICIPALITY OF NORTH MIDDLESEX 7:00 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday August 13, 2014 in the Council Chambers, Parkhill to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway
Deputy Mayor Chuck Hall
Councillor Ward One – Doreen McLinchey
Councillor Ward Two – Brian Ropp
Councillor Ward Three – Gord Moir - Absent
Councillor Ward Four – Andrew Hemming
Councillor Ward Five – Adrian Cornelissen
CAO Linda Creaghe
Clerk Jackie Tiedeman
Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

HALL/CORNELISSEN: That the minutes dated July 2, 2014 be accepted as presented.
CARRIED

HEARINGS

7:00 P.M. – Application B09/2014 for Consent to Sever Land, Application ZBA#7/2014 for Zoning Amendment and Application MV#6/2014 for Minor Variance – Curtis Ansems, 2069 Elginfield Road

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

Description of Land: Part Lot 6, Con 18; Lots 10 & 11, Part Lots 8 & 9 Plan 236 (former West Williams Twsp) 2069 Elginfield Road

Applicant: Curtis Ansems
Agent: Robert G. Waters

The purpose of this application is to sever a parcel of property from an existing 10.3 hectare farm parcel as a surplus farm dwelling severance. The application is on the

basis of an executed offer to purchase from an individual who stipulates that he would meet the surplus farm dwelling criteria. The applicant would retain 1.074 hectares containing the existing single detached dwelling and an accessory building. The land to be severed would be approximately 9.154 hectares in size.

The purpose and effect of the proposed By-law is to retain its (H)M2 zoning except for that area immediately east of the retained parcel which would be zoned as Urban Reserve (A3). The By-law would normally require rezoning of the severed (farmland) parcel to prohibit residential use. However, in this case the zoning that applies to the subject property currently is Employment H (M2) which exceeds the area designated in the North Middlesex Official Plan as Employment Area on Schedule "A1" Land Use.

The purpose of the minor variance application is to request permission to vary Section 7 A.2 i) Minimum distance to a lot line for an accessory building 3.0 metres of North Middlesex Zoning By-Law No. 35 of 2004, as amended, which applied to the Agricultural Small Lot (AG1) Zone. The variance would permit a rear yard setback of 1.08 metres for the accessory building entailing a variance of 1.92 metres from the by-law.

Planner Barbara Rosser then reviewed her planning report dated August 7, 2014 which contained agency comments received.

CORNELISSEN/HALL: That Application No. B09/2014 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 retained parcel to the Agricultural Small Lot (AG1) Zone and the severed parcel to a combination of Employment Area (H)M2 and Urban Reserve (A3);
- b) That a minor variance under Section 45 of the Planning Act, R.S.O. 1990, c.P.13 be obtained relative to the rear yard setback of the existing garage located on the retained parcel;
- c) That the existing bank barn be demolished and fully removed from the severed and retained parcels;
- d) That the lands being conveyed for agricultural purposes (the severed parcel) be transferred in the same name and title as David Michael Denys to the satisfaction of the Municipality of North Middlesex;
- e) That David Michael Denys provide a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being conveyed for agricultural purposes will be used as part of his existing farming operation;
- f) 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;
- g) That the O'Neill Drain be reassessed under the Drainage Act, R.S.O. 1990, c.D.17 at the expense of the Owner;

- h) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- i) 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;
- j) 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

ROPP/MCLINCHEY: That the draft by-law (Application ZBA #7/2014) be given three readings and finally passed during the regular meeting of council.

CARRIED

HEMMING/CORNELISSEN: That Application No. MV#6/2014 for Minor Variance to the North Middlesex Committee of Adjustment be granted on the basis that the variance proposed would:

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

The following condition should apply to the Committee's decision

- i) That the minor variance applies to the existing building only

CARRIED

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

7:20 p.m. – Application for Minor Variance (MV #7/14)– Russell & Janice Martin

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

Description of Land: Part Lots 2,3 Plan 562 Part 1 RP33R10463 (former Town of Parkhill)

Applicant: Russell & Janice Martin

The purpose of the application is to request permission to vary Section 6.3.2 Location Requirements for Accessory Buildings, subsection a) of North Middlesex Zoning By-law No. 35 of 2004, as amended, which stipulates that accessory buildings shall be erected only in a side or rear yard in a Residential Zone. The property which is the subject of this application is zoned as Residential Density One (R1). The variance is related to the Applicant's proposal to erect an accessory building within the front yard of the existing single detached dwelling.

Ms. Rosser then reviewed her planning report dated August 6, 2014 which includes comments received from agencies.

MCLINCHEY/HALL: That Application No. MV#7/2014 for Minor Variance to the North Middlesex Committee of Adjustment be granted on the basis that the variance proposed would:

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

The following condition should apply to the Committee's decision

- i) That development proceeds in accordance with the site plan submitted

CARRIED

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

Hearing 7:30 p.m. – Application B10/2014 for Consent to Sever Land and Application ZBA #8/14 for Zoning Amendment – Robert & Carolyn Grace – 35008 Cassidy Road

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

Description of Land: Lot 12 Concession 12, 35008 Cassidy Road (former McGillivray Twsp)

Applicant: Robert & Carolyn Grace
Agent: Archibald, Gray & McKay

The purpose and effect of this application would be to sever a parcel of land from an existing 40.25 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .5 hectares in size with 50 metres frontage on Cassidy Road and would contain the existing single detached dwelling and two accessory buildings. The Applicants would retain approximately 39.75 hectares comprising the farmland portion. An amendment to the zoning by-law will be required to prohibit future residential use the retained parcel in accordance with the policy of the North Middlesex Official Plan relative to surplus farm dwelling severances to rezone the severed (residential) parcel for residential use.

Ms. Rosser then reviewed her planning report dated August 7, 2014 which includes comments received by agencies.

ROPP/HEMMING: That Application No. B10/2014 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 Lot (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use ;
- b) That the Applicants 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 their 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 the existing wooden accessory building/shed situated adjacent to the northerly lot line and the concrete floor in the area of the rear lot line be fully removed from the severed parcel;
- e) That the propane tanks be moved to a location in compliance with the AG1 Zone setbacks;
- f) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- g) 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;

- h) 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

HALL/CORNELISSEN: That the draft by-law be given three readings and finally passed during the regular council meeting.

CARRIED

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

MCLINCHEY/ROPP: That Committee of Adjustment adjourn at 8:00 p.m.

CARRIED

CHAIRMAN

SECRETARY