



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

A Meeting was held on Wednesday August 15, 2018 at 7:01 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider two 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 – Absent
Councillor Ward Five – Adrian Cornelissen
CAO/Director of Finance (Treasurer), Nandini Syed
Deputy CAO/Director of Operations, Jonathon Graham
Director of Economic Development and Community Services, Justin Dias
Director of Emergency Services/Fire Chief, William Davidson
Clerk Jackie Tiedeman
Planner Stephanie Poirier
Infrastructure Supervisor, Jonathan Lampman
Chief Building Official, Vic Stellingwerff

DISCLOSURE OF PECUNIARY INTEREST

None

ADOPTION OF PAST MINUTES

COA MOTION/2018

MOIR/CORNELISSEN: That the minutes from July 18, 2018 be approved as presented.

CARRIED

7:00 p.m. Application for Consent B07/2018 – 31163 Sylvan Road

Planner Stephanie Poirier advised that the above noted application was deemed complete on July 10, 2018.

Description of Land: Lots 2 & 3 Concession 21
(geographic Twsp of West Williams)
31163 Sylvan Road
Applicant: Jacobus and Theadora Leyton.

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 40.5 ha (100ac) of land from an existing farm parcel consisting of 80.9 ha (200 ac) of land.

The lands proposed to be retained contain a single detached residential dwelling, three barns that are used as drive sheds that do not contain livestock, a drive shed, a silo and four grain storage bins. The retained parcel is proposed to be approximately 40.5 ha (100ac) with an approximate frontage of 408m (1,338 ft) on Sylvan Road

The lands proposed to be severed contain agricultural lands in crop production and a silo. The severed parcel is proposed to have approximately 408m (1,338 ft) of frontage along Sylvan Road.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: septic system pump out and inspection; system to be wholly contained on severed parcel
- Public Written Comments: None received
- Oral Submissions at meeting: None

ANALYSIS

The Provincial Policy Statement (PPS), County Official Plan and North Middlesex Official Plan generally permits lot creation in agricultural areas for agricultural purposes where the lots are of a size sufficiently large to maintain productive and viable farm units. The minimum lot size requirement as outlined in the North Middlesex Zoning By-law is 39 hectares.

The size of both the lands proposed to be severed and the lands proposed to be retained appear to meet the criteria of the Official Plan. The proposed lots sizes are also consistent with the requirements of the Zoning By-law. Staff are satisfied that the

size and configuration of the proposed lots will not negatively impact the ability to farm the lands and the flexibility to adapt to future farming practices will not be compromised.

Staff do not anticipate negative impacts to the existing woodlands or hazard areas as a result of the proposed severance.

As the lands proposed to be severed represent a full township lot, the applicant may be requesting that the requirement for a plan of survey be waived through an exemption request to the Land Registry Office. Staff support this request and have recommended a condition that a survey be provided only if deemed required.

CONCLUSION

In summary, the severance proposed by Application for Consent B07/2018 appears capable of satisfying the policy requirements associated with the creation of new lots for agricultural uses as per the Provincial Policy Statement and the County and North Middlesex Official Plans. Further, the proposed lots resulting from the severance appear capable of meeting the zoning requirements of the A1 zone within the North Middlesex Zoning By-law, and as such, a zone change is not required.

COA MOTION/2018

CORNELISSEN/NICHOL: Be it resolved that Application for Consent B07 /2018 submitted under Section 53 of the Planning Act be GRANTED subject to conditions as the application satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; conforms to the 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.

Approval of the subject application is conditional upon the following:

- 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. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.
- b. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- c. That verification of the septic location being wholly contained within the proposed severed lands be submitted to the municipality;
- d. That a pump out, inspection and evaluation of the septic system be completed to the satisfaction of the Chief Building Official;

- e. That the Owner's Solicitor submits an undertaking in a form satisfactory to the Secretary Treasurer 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.

CARRIED

7:10 p.m. Application for Minor Variance MV-5-2018 – 26469 Bear Creek Road

Planner Stephanie Poirier advised that the above noted application was deemed complete on July 25, 2018.

Description of Land: Part Lot 18 Concession 4
(geographic Twsp of East Williams)
26469 Bear Creek Road
Applicant: Jim and Karen Dorman

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35 of 2004 in order to permit the construction of an accessory building 1,120 sq ft (28ft x 40 ft) with a 320 sq ft (8 ft x 40ft) covered porch in the rear of a residential property. Specifically, the applicant is seeking relief from Section 9.3.2. i) of the Zoning By-law to permit the construction of an accessory building that has an interior side yard setback of 3m (10ft) and a rear yard setback of 1.8m (6ft), whereas the minimum distance to a lot line for an accessory structure is 4m (13ft).

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: not regulated, no concerns
- Municipal Operations: no concerns
- Public Written Comments:

Dorothy Fetterly – felt 0.99 ac parcel has ample space without the need for reduction in side and rear lot line, rain/snow runoff from roof creating water/drainage issue on neighbouring properties, potential for tree damage on her property due to construction.

Keith Nordemann- felt the 1 acre parcel has ample space without the need for reduction in lot lines, concern with damage to healthy trees due to construction, drainage/water issues from the structure on neighbouring properties.

- Oral Submissions at meeting:

Dorothy Fetterly reiterated her written submission, Jon Barnett, Solicitor for D. Fetterly – does not agree that the application meets the “minor” test under the Planning Act, should also consider the need or hardship when it comes to placement of structure.

In response, Planner Stephanie Poirier, advised the Committee that she had consulted with the County Forrester and was advised that the trees are on private property and therefore outside of the jurisdiction of the municipality for imposing any conditions. She also noted that the applicants are proposing a low-angled roof, covered with shingles preventing water/snow run off onto the abutting properties.

ANALYSIS

Section 45 of the Planning Act allows a municipality to grant a minor variance to a zoning by-law based on four tests, and according to Evaluation Report dated August 15, 2018 all four tests are considered to be met.

Staff are satisfied that the decreased setback being requested is appropriate and so not anticipate negative impacts on surrounding properties given the size of the parcel and the proposed location of the accessory building.

CONCLUSION

At the time of writing the subject report, the municipality has received verbal concerns from an abutting property owner in regards to the proposed structure being located in close proximity to their lot line, and concerns in detail was subsequently received as documented in the minutes. Staff are of the opinion that based upon the analysis the proposed minor variance application meets the four tests required under the Planning Act.

The Committee members had the following inquiries:

Deputy Mayor Ropp – tree study would be outside of the municipal realm?

Planner – Correct

Cr. McLinchey – Is there any tree removal planned?

Applicant – No, we would preserve what is there

COA/2018

MOIR/ROPP: Decision: That Application for Minor Variance MV-5-2018, filed by Karen and Jim Dorman for relief from Section 9.3.2. (i) of the Zoning By-law to facilitate the construction of a 1,120 sq ft (28 ft x 40 ft) accessory building with a 320 sq ft (8ft x 40ft) covered porch that is to be located a minimum distance of 3 metres (10ft) from the interior side yard and a minimum distance of 1.8 m (6ft) from the rear yard, in the southeast corner of the property outlined in the key map attached to File No. MV-5-2018 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 North Middlesex Zoning By-law No.35 of 2004, as amended;
- c. Be desirable for the appropriate development of the property;
- d. Be minor

CARRIED

COA MOTION/2018

MOIR/NICHOL: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:30 p.m.

CARRIED

CHAIRMAN

SECRETARY