



August 9, 2017

MUNICIPALITY OF NORTH MIDDLESEX

7:10 PM

**COMMITTEE OF ADJUSTMENT
MINUTES**

A Public Meeting was held on Wednesday August 9, 2017 in the Council Chambers, Shared Services Building, 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 (Absent)
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
Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

CORNELISSEN/NICHOL: That the minutes dated April 5 and June 7, 2017 be accepted as presented. _____CARRIED

7:10 p.m. HEARING – Application MV#3/2017 for Minor Variance – Terry Jarvis – 32299 Sylvan Road

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

Description of Land: Part of Lot 17 Concession 21
Part 1 RP33R1802 and RP33R10373
32299 Sylvan Road former Township of West Williams
Applicant: Terry Jarvis

The purpose and effect of this application is to seek relief from the Zoning By-law in order to permit the construction of an addition to an existing accessory building. Specifically, the applicant is seeking relief from Section 13.2 (i) of the Zoning By-law to permit the height of the accessory building in the Hamlet Residential (RH) Zone is 5.5m (18ft)

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: portion of the property contains an area that has been designated as significant under the Middlesex Heritage Study. Further, the subject property has been identified as a life science Areas of Natural and Scientific Interest (ANSI) and a portion of the property have been identified as being adjacent to a provincially significant wetland. A permit under O. Reg 147/06 will be required
- Public Works: no comment
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

Section 45 of the Planning Act allows a municipality to grant a minor variance to a zoning by-law based on four tests and the Planner has concluded as follows:

1. Is the variance considered minor in nature – Yes
2. Are the variances an appropriate use of the land - Yes
3. Does the variance maintain the intent of the Official Plan – Yes
4. Does the variance maintain the intent of the Zoning By-law – Yes

Mr. Jarvis inquired into the need for a permit from the Conservation Authority and the Planner explained that it is required do to certain designations on the applicant's property.

CORNELISSEN/HEMMING: That Application for Minor Variance MV-3-2017, filed by Terry Jarvis for relief from the Section 13.2 (i) of the Zoning By-law to permit the height of an accessory building to be a maximum of 6.7m (22ft) be GRANTED ____CARRIED

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

7:20 p.m. Application for Consent (B07/2017) and Zoning Amendment (ZBA 08/2017) – Gysbers Farm Ltd-4810 West Corner Drive

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

Description of Land: Lot 28 Concession 7 ECR
4810 West Corner Drive former Township of West Williams
Applicant: Gysbers Farms Ltd
Agent: Barbara Rosser, RPP, Planning Consultant

The purpose and effect of the consent application is to permit the severance of a residence from a farm parcel, facilitating the creation of a new lot to dispose of a residence surplus to a farming operation as a result of consolidation. The purpose of the zoning amendment is to appropriately rezone the lands to be severed and lands to be retained resulting from the application for consent.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Hydro One – no comment
- Public Works: well water testing is recommended; new entrance to West Corner Dr will be required (road permit and deposit at owners expense); reassessment of schedule for the Morton-Heaman Drain 1975
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

The Planners recommendation is that Application for Consent B07/2017 submitted under Section 53 of the Planning Act be granted 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.

The agent and applicant both concurred with the municipal planners proposed conditions being applied to the consent.

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ROPP/MCLINCHEY: That Application for Consent B07/2017 be 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. 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 Zoning By-law Amendment that appropriately rezones the severed lot and the retained lot of Consent B07-2017 be in full force and effect;
- c) That the Owner obtain the necessary permits and install a new farm entrance in order to provide access to the retained lot of Consent B07-2017;
- d) That the assessment schedule for the Morton-Heaman Drain 1975 be reassessed under the Drainage Act, R.S.O. 1990, c.17 at the expense of the owner (s) in the format recommended by the Drainage Superintendent;
- e) That confirmation of adequate and potable water supply be provided to the satisfaction of the Municipality;
- 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.

And further that Zoning By-law Amendment Application ZBA08/2017 for the severed and retained lots of Consent B07-2017 in order to implement the severance of a surplus farm residence be APPROVED. _____CARRIED

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

7:30 p.m. Application for Minor Variance – Judith Dunlop and Thomas Howitt - 30732 Watson Road

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

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Description of Land: Part Lot 20 Concession 9
Part 1 RP33R1415
30732 Watson Road former Township of West Williams
Applicant: Judith Dunlop and Thomas Howitt

The purpose and effect of the minor variance application is to seek relief from the Zoning By-law in order to permit the construction of a single detached residential dwelling on an existing lot of record. Specifically, the applicants are seeking relief from Section 8.3.2. of the Zoning By-law to permit a front yard setback of 14.79 m(48.52ft) whereas the minimum front yard setback in the Restricted Agricultural (A2) Zone is 15.0m (49.21ft).

WRITTEN AND ORAL SUBMISSIONS

- ABCA – pre-consultation was undertaken with respect to the proposed development and that a permit (#2017-03) has been issued by the CA.
- North Middlesex Public Works – no comments
- Public Comments or Submissions – none
- Oral Submissions at meeting – none

CONCLUSION

Section 45 of the Planning Act, allows a municipality to grant a minor variance to a zoning by-law based on four tests, as follows:

1. Is the variance considered minor in nature – Yes
2. Is the variance an appropriate use of the land – Yes
3. Does the variance maintain the intent of the Official Plan – Yes
4. Does the variance maintain the intent of the Zoning By-law – Yes

HEMMING/MCLINCHEY: That Application for Minor Variance MV-4-2017, filed by Judith Dunlop and Thomas Howitt for relief from Section 8.3.2 of the Zoning By-law to permit a front yard setback of 14.79m (48.52 ft) Be GRANTED _____CARRIED

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

HEMMING/MCLINCHEY: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:38 pm _____CARRIED

CHAIRMAN

SECRETARY

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