



December 6, 2017 MUNICIPALITY OF NORTH MIDDLESEX 7:10 PM
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday December 6, 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
Councillor Ward Four – Andrew Hemming
Councillor Ward Five – Adrian Cornelissen
CAO/Director of Finance (Treasurer), Nandini Syed
Deputy CAO/Director of Operations, Jonathon Graham
Clerk Jackie Tiedeman
Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

None

7:05 p.m. HEARING – Application B09/2017 for Consent to Sever Land – Louise & Kenneth Needham, Larry & Kelly Miles 169-171 Parkhill King Street

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 3 Plan 169 and Part of Lot 42, Plan 562 (169 Parkhill King Street) and Part of Lot 3 Plan 169 (171 Parkhill King Street)

Applicant: Louise & Kenneth Needham, Larry & Kelly Miles

Agent: Polishuk, Camman and Steele

The purpose and effect of this application is to sever a parcel of land from an existing parcel. The proposed land severance would correct an accidental merger of the parcels

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Public Works: noted that a mutual shared use agreement recognizing the surface drainage and subsurface collection system(s) between the two properties is strongly encouraged. The department noted that water flows from that land known municipally as 171 Parkhill King Street enter the lands known municipally as 19 Parkhill King Street
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

It is recommended that Application for Consent B09/2017, 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

MCLINCHEY/NICHOL: That B09-2017 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. 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 minor variance recognizing the deficient lot sizes of the severed lot and the retained lot of Consent B09-2017 be in full force and effect.
- 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 twenty day appeal period will apply from the date of notice of decision.

7:10 p.m. HEARING – Application MV-7-2017 for Minor Variance – Christopher & Daphne Vanderzanden – 20 West St, Carlisle

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

Description of Land: Lot 4 Plan 172

20 West St, Carlisle, former East Williams

Applicant: Christopher and Daphne Vanderzanden

The purpose and effect of this application is to request permission to seek relief from North Middlesex Zoning By-law No. 35 of 2004, as amended, in order to permit an existing accessory building (gazebo) with a deficient setback from the main building.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Public Works: no comment
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

This application was evaluated under Section 45 of the Planning Act. Based upon the analysis, Application for Minor Variance MV-7-2017 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

HEMMING/ROPP: That Application No. MV-7-2017, filed by Christopher and Daphne Vanderzanden, for relief from Section 13.2.1. i) of the Zoning By-law in order to permit the existing accessory building with a setback of 1.2m (3.9ft) from the wall of the main building, 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

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

7:15 p.m. HEARING – Application MV-8-2017 for Minor Variance – Shari-Lyn Phillips – 136 George Street, Ailsa Craig

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

Description of Land: Lot 74 Plan 204

136 George Street, Ailsa Craig

Applicant: Shari-Lyn Phillips

The purpose and effect of this application is to request permission to seek relief from North Middlesex Zoning By-law No. 35 of 2004, as amended, in order to permit an existing accessory building (shed) within the required interior side yard setback.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Public Works: no comment
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

This application was evaluated under Section 45 of the Planning Act. Based upon the analysis, Application for Minor Variance MV-8-2017 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

NICHOL/MOIR: That Application No. MV-8-2017, filed by Shari-Lyn Phillips for relief from Section 10.2.1. iii) of the Zoning By-law in order to permit the existing accessory building with an interior side yard setback of 0.60 m (1.9ft) 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

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

MCLINCHEY/CORNELISSEN: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:23 p.m. _____CARRIED

CHAIRMAN

SECRETARY