



December 7, 2016

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

7:05 P.M

A Public Meeting was held on Wednesday December 7, 2016 in the Council Chambers, 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 Marsha Paley
Planner Barbara Rosser
Clerk Jackie Tiedeman

DISCLOSURE OF PECUNIARY INTEREST

None

7:00 p.m. HEARING – Applications B14/2016 and ZBA#13/2016 for Consent to Sever Land – AMM Agro Products Inc.

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

Description of Land: Part Lot 11 Concession 18
former Township of East Williams
Applicant: AMM Agro Products Inc
Agent: Matthew J. Wilson, Lerner's LLP

The purpose and effect of these applications would be to sever a parcel of land consisting of approximately 10.80629 hectares from an existing 41.80629 hectare

parcel of land, having 265.170 metres frontage on Fort Rose Road and 404.217 metres frontage on New Ontario Road. The Applicant would retain approximately 31 hectares having frontage on Fort Rose Road of approximately 759 metres with no development proposed. The property which is the subject of this application contains a number of buildings and structures used for the purposes of a commercial grain handling and elevation business including a former dwelling which has been converted to office space, all of which would be included within the severed parcel along with some area that is currently cultivated. The purpose of the proposed severance is to separate the commercial operation from the majority of the area which is cultivated as well as to provide area for future expansion of the commercial use. If consent is granted, an amendment to the zoning by-law will be required in order to zone the severed parcel for commercial use and to permit the 31 hectare area of the retained parcel.

Ms. Rosser then reviewed her planning report dated November 30, 2016. The initial area of the proposed severed lands was substantial and contained a significant amount of land under cultivation and larger than is typically the case for this type of use considering its current extent of development and subsequently raised concerns as to consistency with the PPS. After the circulation of the applications, further discussions ensued with the agent and the planner to address the concerns raised in relation to the PPS. As a result of those discussions, a revised sketch Dated December 5, 2016 was submitted and was satisfactory to all parties.

WRITTEN AND ORAL SUBMISSIONS

- Hydro One: No concerns;
- Ausable Bayfield Conservation Authority: no report received;
- County of Middlesex: noted concerns with lot area proposed for the commercial use and recommends reduction while allowing for some area for future expansion – does not abut county road therefore no recommendations or conditions required
- Public Works: No objection, drainage re-assessment condition applied to consent;
- Public Input: None received;
- Oral Submissions: None

CONCLUSION

Ms. Rosser concluded that based upon the reduction of lot size as provided by revised sketch of Dec.5/16 that was mutually agreed upon and the foregoing analysis, it is her conclusion that the severance proposed by Application No. B14/2016 would now be consistent with the PPS, and in conformity with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

The following motion was then introduced:

HEMMING/CORNELISSEN: That Application No.B14/2016 be granted subject to the following conditions:

- a) That the frontage and area of the severed parcel be decreased to 274.217 metres and 7.35321 ha respectively in accordance with the revised severance sketch (AGM Plan No. 5-Z-7699, Plot Date Dec 5, 2016);
- b) The North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel as revised to the Rural Industrial (M3) Zone with the retained parcel being subject to an amended site specific General Agricultural Exception with provisions relating to permitted lot frontage and lot area;
- 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 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;
- d) That the Godts Drain and the Walker Drain 2011 be reassessed under the Drainage Act, R.S.O. 1990, c.D. 17 at the expense of the Owner in the format recommended by the Drainage Superintendent;
- e) That separate laneway access is required to the retained (farmland) parcel from either New Ontario Road or Fort Rose Road and the applicant is required to obtain an entrance permit issued by the Municipality of North Middlesex prior to the construction of any access;
- f) That the Applicant's solicitor is to provide its undertaking to delete the Site Plan Agreement dated the 27th day of April 2006 from title to the remnant lands as soon as is reasonably possible after registration of a transfer to which the Municipality's Consent Certificate is attached, it being noted that the Municipality hereby consents to deletion of the Site Plan Agreement from title to the remnant lands and agrees to execute such further assurances as are reasonable required by the Applicant's solicitor to delete the Site Plan Agreement from title to the remnant lands;
- g) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- h) 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;

- i) 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.

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

Zoning By-law Amendment Application No. ZBA #13/2016

Planner Barbara Rosser also recommended the by-law for the above noted application be given three readings and finally passed during the regular meeting of council.

MOIR/NICHOLS: That Committee of Adjustment meeting adjourn to Regular Meeting at 7:25 p.m.

CARRIED

CHAIRMAN

SECRETARY