

**COMMITTEE OF ADJUSTMENT  
MINUTES**

A Public Meeting was held on Wednesday February 12, 2014 (rescheduled from February 5 due to the inclement weather) 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  
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/MCLINCHEY: That the minutes of January 15, 2014 be hereby accepted as presented.

CARRIED

**7:00 p.m. Application for Consent B02/2014 – 1510457 Ontario Inc.**

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

Description of Land: Part Lot 10 Concession 1  
35173 Richmond Street (former Twsp of McGillivray)

Applicant: 1514057 Ontario Inc. c/o Gerritt Peters  
Agent: Keith McLean

The purpose and effect of this application would be to sever a parcel of land from an existing 19.8 hectare farm parcel as a surplus farm dwelling severance. The land to be

severed would be approximately .23029 hectares in size with 49.352 metres total frontage and would contain the existing single detached dwelling and accessory building. The Applicants would retain approximately 19.6 hectares comprising the farmland portion. An amendment to the zoning by-law will be required to prohibit future residential use of the retained (farmland) parcel in accordance with the policy of the North Middlesex Official Plan relative to surplus farm dwelling severances and to recognize the reduced lot area as well as to rezone the severed (residential) parcel for residential use.

Ms. Rosser then reviewed the agency comments received as a result of this circulation. Her report dated January 29, 2014 took into account this input, in particular, from the Ministry of Transportation. She advised that while Section 6.38 of the zoning by-law is meant to recognize situations where legally conveyable lots are reduced as a result of public acquisition, ie: road widenings, she indicated concern about the area of the severed parcel being proposed. Other residential lots in the immediate vicinity range in size from 0.25 hectares 0.57 hectares and, as stated, the minimum in the AG1 zone is .4 hectares. The minimum is meant to allow for contingency areas for septic system replacement and overall compatibility of lot size in rural areas. While some variation in lot area proposals for surplus farm dwelling severance is expect, the MTO condition will result in a lot area almost half of the minimum area required. The reduction in front yard setback may also be a concern when the result will be 4.87 metres as opposed to the 20 metres required in the A1 Zone and 15 metres required in the AG1 zone.

It was suggested that the applicant give consideration to revising the severance proposal to increase the lot area and in more flexibility should the existing dwelling be replaced at some point. While it would encompass some land currently cultivated, the simplest option would be to increase the depth of the severed parcel.

Ms. Rosser also provided draft conditions should the committee wish to consider the application as presented.

Mr. Peters was present on behalf of his application. After some discussion with the Committee, the following motion was then introduced:

**HALL/MOIR: That based upon the foregoing analysis within the Planning Report dated January 29, 2014, Application No. B02/2014 be deferred for 30 days to allow the Applicant to consider possible revision of the severance to increase the lot area and implications of the MTO Road widening requirement.**

**CARRIED**

### **7:15 p.m. Application for Consent B03/2014 – Lynda & Douglas Mawson**

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

Description of Land: Part Lot 15, Concession 17  
34707 Lieury Road

Applicant: Lynda & Douglas Mawson  
Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of land approximately 6875.3 square metres in size with frontage on both McGillivray Drive (62.437 metres) and Lieury Road (110.033 metres) which would contain an existing single detached dwelling and two agricultural buildings. The Applicant would retain approximately 6.769 hectares fronting on Lieury Road and Ausable Drive containing no buildings or structures. Current uses of both parcels for residential and agricultural use respectively would continue.

Ms. Rosser then reviewed her planning report dated January 29, 2014 which takes into account agency comments received as a result of the circulation. Two outstanding concerns with the requested severance are the matter of the two accessory buildings currently utilized for storage purposes which would become non-complying if consent is granted. Two available options are: 1) the Committee could require their demolition and removal as a condition of severance. 2) the Committee could require that the applicants obtain a change of use permit for each of the buildings stipulating storage purposes only (no livestock) and the granting of a minor variance to permit their location in the front yard as conditions of severance. Such a variance would apply to the existing buildings only and would be a compromise option. There is also concern with the depth of the severed parcel which exceeds the depth of the abutting lot to the west by approximately 3.353 metres. It was noted that the dwelling on the lot as proposed would meet the 9 metre rear yard regulation of the by-law, the rationale for the depth proposed at 9.69 /9.86 metres relates to landscaping features which is not valid justification. It is her view that the lot depth should be reduced to coincide with the lot to the west as a condition of severance and that a minor variance be required to address the impact upon the rear yard setback.

Mr. & Mrs. Mawson as well as their agent Mr. Walden were present on behalf of their application. Several committee members had made a site visit or were familiar with the property. Mrs. Mawson emphasized the fact that she did not wish to change her landscaping and that they wished the application to be considered as presented with respect to the rear lot line depth.

After some discussion on the applications the following motion was then introduced:

**MOIR/HEMMING: That Application No. B03/2014 be granted subject to the following conditions:**

1. That a minor variance from North Middlesex Zoning By-law No. 35 of 2004, as amended, be obtained relative to the location of the accessory buildings situated on the severed parcel and that such minor variance be in full force and effect;
2. That change of use permits under the Ontario Building Code be obtained for the two accessory buildings located on the severed parcel stipulating storage use only;
3. That, unless replaced, the existing septic tank and weeping bed system be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
4. That separate laneway access is required to the retained parcel and, if laneway access does not already exist, the Owners are required to obtain permission from the Municipality of North Middlesex prior to the construction of any access;
5. That the Mawson-Erskine Drainage Works 1969 be reassessed under the Drainage Act, R.S.O. 1990, c.D.17 at the expense of the Owner;
6. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
7. 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;
8. 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

**7:25 p.m. Deferred – Application for Consent B11/2013 and Zoning By-law Amendment ZBA #6/2013 – Tapecc Farms Ltd.**

Mr. Walden was acting as agent for the above noted applications which were deferred for the second time at a hearing on November 4, 2013. Since that time, discussions have ensued between the applicants, agent and Planning Consultant which resulted in draft conditions as outlined in the planners report dated January 29, 2014.

**MOIR/CORNELISSEN: That Consent Application No. B11/2013 be granted subject to the following conditions:**

1. That the dimensions of the severed parcel be revised as depicted on the FKS Plan of Survey 2014 (File No. 12-335) drawing;
2. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel, as revised in accordance with condition a), to the Agricultural Small Lot (AG1) Zone and the retained parcel, as similarly revised, to a General Agricultural (A1) Zone Exception prohibitive of residential use;
3. That a minor variance be obtained under Section 45 of the Planning Act relative to the proposed 8.03 metre southerly side yard for the metal clad Quonset hut building with the variance to be in full force and effect;
4. That the Applicant provides 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 its existing farming operation;
5. That, unless replaced, the existing septic tank and weeping bed system be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
6. That separate hydro electric service be provided and fully contained on the severed parcel and on the retained parcel;
7. That all buildings currently located on the retained parcel be fully removed with the exception of the metal clad Quonset hut building located immediately north of the dwelling;
8. That the existing south facing door to the metal clad Quonset hut building be fully closed up and that new equipment doors be installed on the north end of the building to the satisfaction of the North Middlesex Chief Building Official;
9. That separate laneway access is required to the metal clad Quonset hut building from Maguire Road and the Owners are required to obtain permission from the North Middlesex Public Works Department prior to the construction of any access;
10. That those portions of the existing gravel driveway located on the retained parcel be fully removed to the satisfaction of the Municipality;
11. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;

12. 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;

13. 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

It was also recommended that the draft zoning by-law amendment be given three readings and finally passed during the regular meeting.

HALL/ROPP: That the COA meeting adjourn and return to regular meeting at 7:55 p.m.

CARRIED

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CHAIRMAN

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SECRETARY