

**COMMITTEE OF ADJUSTMENT
MINUTES**

A Public Meeting was held on Wednesday, February 20, 2013 in the Council Chambers to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway
Deputy Mayor Chuck Hall
Councillor Ward One – Doreen McLinchey-Absent
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

Staff Present: Engineer Jason Johnson, Public Works Manager Brad Davies,
Water/Sewer Manager Glen Bullock

A few members of the public were present

DISCLOSURE OF PECUNIARY INTEREST

None

APPLICATION B06, B07,B08/2013 – WALDEN NICHOLSON INC.

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

Description of Land Part of Park Lot 4 e/s Union Street, Plan 261 (c) Lot 9 Con
7 ECR geographic Tow of Parkhill

Owner – Nicholson Walden Inc
Agent: Philip Walden

The purpose of the three consent applications for land severance is for the creation of a total of four lots located on the south side of William Street West of Station Street and East of Union Street in Parkhill currently zoned as Residential Density One (R1). First, Consent B06/2013 proposes the severance of approximately 2194.06 square metres with 69.83 metres frontage on William Street. The retained portion would consist of approximately 8315.356 square metres with frontage on Union Street of 119.05 metres. Second, application B07/2013 proposes the severance of approximately 507.433 square metres with 16.15 metres frontage on William Street (Part 2). There would be two retained parcels approximately 507.433 square metres with 16.15 frontage on William Street to the east of the severed parcel (Part 1) and approximately 1179.1926 square metres with 37.53 metres frontage on William Street to the west of the severed parcel. Third, application B08/2013 proposes the creation of a severed parcel consisting of approximately 589.4392 square metres with 18.76 metres frontage on William Street and depth of 31.42 metres along Union Street (Part 4). The retained parcel would consist of approximately 507.433 square metres with 16.15 metres frontage on William Street (Part 3). With the exception of the retained parcel currently zoned as FD, the proposed use of the lots would be for single detached residential development. Part 5 on the severance sketch

consists of an 81.822 square metre area (2.60 m x 31.47 m) proposed for conveyance to the Municipality for widening of Union Street
In support of the applications, preliminary servicing proposals from R. Dobbin Engineering Inc. were submitted to demonstrate servicing options for the proposed residential lots. Although the preliminary servicing plans reflect four lots on the north side of William Street, it should be clear that there is no development proposal for those lots currently. The level of detail provided is appropriate at this point in the process but more detailed design will be required for review by the Municipality's engineering consultant as a condition of the required severance agreement.

Agency comments were received from the County of Middlesex, ABCA, Public Works Department and Municipal Engineer. Other correspondence was received from Ron Pollock and Shirley McLellan, Brian Gunness and Maureen Flynn.

Planner Barbara Rosser then reviewed her planning report dated February 14, 2013 with the Committee. No further comments were received from the applicant or agent.

Mr. Gunness expressed concern regarding the development and the impact it would have on his property pertaining to storm drainage. Also, concern was expressed due to the sloping of the land and whether fill would be brought in.

Mr. Walden replied that storm drainage has been taken into account in the servicing drawings.

Ms. Flynn presented her written report, verbally, which indicated concerns for wildlife and the impact potential development would have them.

Mr. Pollock indicated his concerns with respect to the private drain running along the back of his property and that he wanted assurances this development would not impact his property.

Ms. Rosser indicated that recommendations contained with her report are still appropriate taking into account the public concerns. Mr. Johnson indicated that lot grading plans would be required as part of this development to ensure there is no impact on neighbouring properties.

Based upon the foregoing information, the planners has concluded that a plan of subdivision is not necessary and the severances proposed by Consent Application No. B06/2013, B07/2013 and B08/2013 would conform with the North Middlesex Official Plan subject to appropriate conditions. Given that the lands are already designated and zoned as residential, no archaeological investigation is considered to be necessary.

HEMMING/MOIR: That Consent Application No. B06/2013, B07/2013 and B08/2013 be granted subject to the following conditions:

1. That this approval applies to Applications for Consent No. B06/2013, B07/2013 and B08/2013 by Nicholson Walden Inc. proposing the creation of a total of four lots by land severance (Parts 1,2,3 and 4) plus the retained parcel and Part 5 as depicted on the FKS Land Surveyors Severance Sketch 2012 (File No. 12-460-1)
2. That the lots (Parts 1,2,3 and 4) be addressed to the satisfaction of the Municipality in consultation with the County of Middlesex;
3. That the Owner provide a cash-in-lieu of parkland dedication to the Municipality pursuant to Section 53(25), 51(25) and 51.1 of the Planning Act equal to 5% of the value of the land;
4. That the Owner and the Municipality enter into a Severance Agreement pursuant to Section 53(12) and Section 51 (26) of the Planning Act to be registered on the title of the land to which it applies prior to the severances being registered. Further, the Severance Agreement shall include provisions that will also be registered against the land to which it applies once the severances have been registered;
5. That the Severance Agreement between the owner and the Municipality shall satisfy all requirements of the Municipality related to financial , legal, planning and engineering

- matters including but not limited to the provision of a detailed grading plan which depicts proposed surface elevations, drainage plans and suitable locations for building envelopes; the provision and installation of municipal water and sewer services to service the subject development; and the installation of underground utilities and other matters of the Municipality respecting the development of this land including the payment of development charges in accordance with the Municipality's Development Charges By-law;
6. That the Severance Agreement between the Owner and the Municipality shall ensure that at the time the land is transferred after the severances the persons who first purchase the lots are informed at the time of all of the development charges related to the development pursuant to Section 59(4) of the Development Charges Act;
 7. That any easements as may be required for utility, servicing or drainage purposes shall be granted to the appropriate authority;
 8. That prior to registration, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required by the development of the subject land and that the said relocations be undertaken at the expense of the Owner;
 9. That prior to registration, the Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication/telecommunication utility services for these lands to enable, at a minimum, the effective delivery of communication/telecommunication services for 911 Emergency Services.
 10. That the Owner dedicate Part 5 as depicted on the FKS Land Surveyors Severance Sketch 2012 (File No. 12 -460-1) to the Municipality of North Middlesex free of charge and clear of all encumbrances for the purpose of road widening;
 11. That the owner dedicate a 0.3 metre reserve to the Municipality of North Middlesex within Part 4 along the westerly side lot line free of charge and clear of all encumbrances;
 12. That the owner submit a stormwater management and grading plan to the Municipality of North Middlesex for review and approval;
 13. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality for each consent application ;
 14. That the Applicant's Solicitor submits an undertaking for each consent 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;
 15. 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. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.

CARRIED

APPLICATION B09/2013 – 509788 ONTARIO LIMITED

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

Description of Land: Part Lots 2,3 and 4 east of Union Street, RP No. 261 (c) lots 12,13,14,15,19,20,21 & Brick Yard Lot 1& Bethany Street (closed by by-law 973) RP No. 342 (c) and Lot 8,9,11 Registered Compiled Plan No. 562 (c) and Part Lots 60, west of Union Street, Registered Compiled Plan No. 333 (c) geographic Town of Parkhill

Owner: 509788 Ontario Limited

Agent: Philip Walden

The purpose and effect of this application is to sever a parcel of land from a property now consisting of approximately 47,519 square metres and located at the northwest corner of William and Station Streets in Parkhill. The land to be severed would be approximately 17,063 square metres in area with frontage on both William and Union Streets. The retained parcel would be approximately 30,455 square metres in size with frontage on Station Street. Both parcels are vacant of buildings and structures. The lands to be severed would be within the Residential Low Density One (R1) Zone.

Agency comments were received from the County of Middlesex, ABCA, Public Works and the municipal Engineer as well as from Ron Pollock & Shirley McLellan, Brian Gunness and Maureen Flynn.

The Public Works report indicates that the Cameron Gillies Drain 2012 should be re-assessed as a condition of severance and that servicing should be addressed

through the plan of subdivision process and in accordance with the North Middlesex Infrastructure Design Guidelines and Construction Standards. A road widening dedication for William Street is recommended as a condition of severance.

Ms. Rosser then reviewed her planning report dated February 14, 2013. Based upon the foregoing analysis, it is her conclusion that a plan of subdivision is not necessary and the severance proposed by consent application B09/2013 would conform with the North Middlesex Official Plan subject to appropriate conditions.

Engineer Jason Johnson commented that future development on this land should proceed by way of draft plan of subdivision. This will provide a comprehensive plan in regards to all future servicing and avoid potential issues that “piece meal” development can cause. Any potential lots being serviced from the north side of William Street (4 potential) need to be addressed as part of the severance conditions for lands to the south. Also, it shall be a requirement that these municipal service connections are installed to each of the lots at the same time as the connections for the south to avoid excavating the roadway twice. It is important to note that the municipalities infrastructure design guidelines and construction standards are to be utilized and followed and followed during the design process as these documents represent the standard for development with the Municipality.

HALL/CORNELISSEN: That Consent Application No. B09/2013 be granted subject to the following conditions:

1. That the Owner dedicate lands along the Union Street frontage of the severed parcel to the Municipality of North Middlesex free of charge and clear of all encumbrances for the purpose of road widening;
2. That the Cameron –Gillies Municipal Drain be reassessed under the Drainage Act, R.S.O 1990, c.D.17 at the expense of the Owner;
3. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality for each consent application;
4. That the Applicant’s Solicitor submits an undertaking for each consent 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;
5. 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. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.

CARRIED

Clerk Jackie Tiedeman advised that these applications are subject to a 20 day appeal period from the date of notice of decision. Anyone who has requested notice will be provided this information.

HALL/CORNELISSEN: That the Committee of Adjustment meeting adjourn and return to regular meeting at 7:50 p.m.

CARRIED

CHAIRMAN

SECRETARY