



January 11, 2017

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

7:01 P.M

A Public Meeting was held on Wednesday January 11, 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
Clerk Jackie Tiedeman
Planners Christie Basalle and Jennifer Huff

DISCLOSURE OF PECUNIARY INTEREST

None

7:00 p.m. HEARING – Applications B01/2017 and B02/2017 for Consent to Sever Land – VanOsch Farms Limited

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

Description of Land: Part of Lots 4 and 5, Con 18 and Part of Lot 5 Con 17
35626 Salem Road and 35539 Lieury Road
former Township of McGillivray
Applicant: Van Osch Farms Limited
Agent: Keith Ian McLean

The purpose and effect of the two applications is to sever two parcels of land from an 81.78 ha (202 ac) farm parcel, both as surplus farm dwelling severances.

The first application (B01/2017) proposes to sever a parcel of land consisting of approximately 0.46 ha (1.1 ac) of land from an existing farm parcel comprising 81.78 (202 ac) of land. The lands proposed to be severed by application B01/2017 contains an existing two-storey house (circa 1918) and vacant agricultural land in crop production. The severed parcel is proposed to have approximately 50 m (164 ft) of frontage along Salem Road and is known municipally as 35626 Salem Road.

The second application (B02/2017) proposes to sever a parcel of land consisting of approximately 0.82 ha (2.02 ac) of land from an existing farm parcel comprising 81.32 ha (201 ac) of land. The lands proposed to be severed by application B02/2017 also contains an existing two storey house (circa 1890) and vacant agricultural land in crop production. This severed parcel is proposed to have 61.55m (202 ft) frontage along Lieury Road and is known municipally as 35539 Lieury Road.

In the event both severances are approved, the land proposed to be retained would have an area of approximately 80.5 ha (198.9ac), a frontage of approximately 141.4 (463.9 ft) along Lieury Road, frontage of approximately 469.85m (1541.5 ft) along Salem Road and frontage of approximately 2025 m (6,643 ft) along Adare Drive. An existing watermain easement crosses the lands to be retained.

No change to the subject lands is proposed. The subject lands are currently located within the “Agricultural Area” Land Use Designation of the North Middlesex Official Plan and within the “General Agricultural Zone (A1) and Hazard Lands of the Municipality of North Middlesex Zoning By-law. If the consents are granted, an amendment to the zoning By-law will be required in order to rezone the severed parcels for residential use. The policy of the North Middlesex Official Plan relative to surplus farm dwelling severances requires rezoning of the retained farmland parcel to prohibit residential use.

WRITTEN AND ORAL SUBMISSIONS

- Hydro One: n/a
- Ausable Bayfield Conservation Authority: Jan 5/17 – no comments or concerns
- County of Middlesex: no concerns
- Public Works: Dec 8/16 – no servicing concerns. Septic system pump out and inspection should be a condition of both severances. A permit from public works will be required for new field access along Salem Road. Drainage reassessments will be required relative to B2-2017
- Ministry of Natural Resources and Forestry (MNRF): Jan 5/17email - no concerns

- Public Input: one phone from a resident regarding the proposal. The resident requested clarification on the types of uses that would be permitted on the severed lot along Salem Road and if new residential development would be permitted on the remnant farm parcel. Staff responded to the questions and concerns of the resident.
- Oral Submissions: C. Lindsay commented that she lived directly across the road from the Salem Road residence. She asked if the tenant was the potential purchaser. She also requested clarification of the small holding zoning.

Planner Jennifer Huff reviewed the permitted uses on the severed land which would be residential use only and that the remnant farmland would have a special zoning to prohibit residential use.

Mr. Van Osch had no further comments.

Councillor Hemming requested confirmation that no livestock would be permitted on the severed residential land and this was verified by the Planner.

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, it is recommended that the applications for consent under Section 53 of the Planning Act be approved subject to conditions as the applications: satisfy the requirements of the Planning Act; are 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.

MOIR/HEMMING: That B1-2017 (35626 Salem Road) be approved subject to the following conditions:

- a) That the North Middlesex Zoning By-law NO. 35 of 2004, as amended, be amended to rezone the 'lands to be severed' to a site specific 'Agricultural Small Holding (AG1) Zone' to permit a minimum distance separation between the dwelling and the closest livestock facility of 177m and to rezone the 'lands to be retained' to a site specific 'General Agricultural (A1-#) Zone' to prohibit new residential dwellings.
- b) The dwelling unit be deemed to be habitable by the Chief Building Official.
- c) That the shed and silo on the 'lands to be retained' be demolished to the satisfaction of the Chief Building Official.

- d) A new entrance off of Salem Road to provide access to the remnant farm parcel is required and will require approval from Public Works Department at the owner's expense. A Road Allowance Work Permit Application fee is \$100.00 and a deposit may be required.
- e) That unless replaced, the existing septic tank and weeping bed system is to 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.
- f) That the Certificate of Consent under Section 53(42) of the Planning Act relating to B2-2017 be given prior to the Certificate of Consent under Section 53(42) of the Planning Act relating to B1-2017.
- 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.

CARRIED

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

ROPP/NICHOL: That Application B2-2017 (35539 Lieury Road) be approved subject to the following conditions:

- a) That the North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the 'lands to be severed' to an 'Agricultural Small Holding Zone (AG1) Zone' and to rezone the 'lands to be retained' to a site specific 'General Agricultural (A1-#) Zone' to prohibit new residential dwellings.
- b) The dwelling unit be deemed to be habitable by the Chief Building Official.
- c) That unless replaced, the existing septic tank and weeping bed system is to 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) If required, any new entrances will require approval from Public Works Department at owner's expense. A road allowance work permit application fee is \$100.00 and a deposit may be required.
- e) Due to severance, the Assessment Schedule for the Arnold McCann Drain 1973, the Arnold McCann Drain Extension and the Clark Hodgins Drain 190 are required to 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.
- 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.

CARRIED

A 20 day appeal period will apply from the date of notice of decision.

MCLINCHEY/NICHOL: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:15 p.m.

CARRIED

CHAIRMAN

SECRETARY