

**JANUARY 14, 2015      MUNICIPALITY OF NORTH MIDDLESEX      7:00 P.M**  
**COMMITTEE OF ADJUSTMENT**  
**MINUTES**

A Public Meeting was held on Wednesday January 14, 2015 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 Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

CAO Marsha Paley

Clerk Jackie Tiedeman

Planner Barbara Rosser

Absent: Councillor Gord Moir

**DISCLOSURE OF PECUNIARY INTEREST**

None

**MINUTES**

ROPP/HEMMING: That the minutes from November 4, 2014 be accepted as presented.

CARRIED

**HEARING**

**7:00 P.M. - Application No. B1/2015 for Consent and Application No. ZBA 1/2015 for proposed rezoning – Bartom Enterprises Ltd., 3645 McGillivray Drive**

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

Description of Land: Part Lot 16 Concession 14, 3645 McGillivray Drive

Applicant: Bartom Enterprises Limited

The purpose and effect of this application would be to sever a parcel of land from an existing 35.4 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .9570 hectares in size and would contain the existing single detached dwelling and drive shed. The applicant would retain 35.9 hectares

comprising the farmland portion and all existing buildings and structures are to be removed. 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 rezone the severed (residential) parcel for residential use.

The subject land is also the subject of an application under the Planning Act (ZBA 1/2015).

Ms. Rosser then reviewed the agency comments and her planning report dated January 8, 2015. Ms. Rosser noted that a condition was omitted from her report that should apply to this consent although it was noted on page 5 of her report. She contacted the applicant to advise them of this oversight and they had no objection to this being included.

No public comments were received.

CORNELISSEN/HEMMING: The Committee of Adjustment GRANTED the above application with the following conditions:

- a) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel to the Agricultural Small Lot (AG1) Zone Exception permissive of the severed parcel lot frontage and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use and permissive of the retained parcel area;
- b) That the Applicants provide 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 their existing farming operation;
- c) That, unless replaced, the existing septic tank and weeping bed systems on the severed parcel be inspected by a licensed septic hauler and the inspection provided to the North Middlesex Chief Building Official;
- d) That the McInroy Drain 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 those buildings and structures located on the retained parcel indicated as "to be demolished" be demolished and removed to the satisfaction of the Municipality;
- f) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- 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 twenty day appeal period applies from the date of notice of decision.

The Planner also recommended that the three readings of the draft zoning by-law proceed during the regular meeting.

**7:15 P.M. - Deferred Applications from November 5, 2014. Application No. B13/2014 for Consent and Application No. ZBA# 10/2014 for proposed rezoning – Ross & Stuart McLachlan – 26049 Nairn Road**

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

Description of Land: Part Lot 15 Concession 2, 26049 Nairn Road  
Applicant: Ross James McLachlan, Stuart Donald McLachlan

The purpose and effect of this application would be to sever a parcel of land from an existing 20.5 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately 1.06 hectares in size with 140.931 metres frontage on Nairn Road and would contain the existing single detached dwelling and one accessory building. The Applicants would retain approximately 19.42 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 to rezone the severed (residential) parcel for residential use.

The subject land is also the subject of an application under the Planning Act (ZBA 10/2014).

Ms. Rosser advised that the above noted applications were originally reviewed by the COA on November 5<sup>th</sup> through her report dated October 31, 2014. The deferral was recommended in order to allow the Applicants the opportunity for consultation with the ABCA with regard to its concerns relative to the proposed severance and zoning amendment. An on site meeting was attended by the CBO and Planner along with ABCA staff. The conclusion received from the ABCA was that there are no natural  
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hazard or natural heritage concerns with the proposed severance although the majority of the property is regulated and, therefore, approval will be required for any future development. She then provided a subsequent report dated January 8, 2015.

No public comments were received.

HEMMING/ROPP: The Committee of Adjustment GRANTED the above application with the following conditions:

- a) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel to the Agricultural Small Lot (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use and permissive of the retained parcel area;
- b) That the Applicants provide 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 their existing farming operation;
- c) That, unless replaced, the existing septic tank and weeping bed systems on the severed parcel be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
- d) That installation of a connection to the municipal water is necessary according to the requirements of the Municipality of North Middlesex prior to finalization of consent and that the connection to the dwelling from the existing well located on the retained parcel be decommissioned to the satisfaction of the Municipality;
- e) That laneway access is required to the retained parcel and the Owner is required to obtain an entrance permit issued by the County of Middlesex or the Municipality of North Middlesex prior to the construction of any access;
- f) That the storage containers currently located on the severed parcel be fully removed;
- g) That the Municipality is to be provided with information necessary to demonstrate that the dwelling has been converted to constitute a single detached dwelling subject to inspection in accordance with North Middlesex Zoning By-law No. 35 of 2004, as amended;
- h) The Owner dedicate lands up to 18 metres from the centreline of construction of Middlesex County Road No. 17 (Nairn Road) along the frontage of the severed parcel to the County of Middlesex if the right-of-way is not already to that width.
- i) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- j) 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;

- k) 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.

The Planner also recommended that the three readings of the draft zoning by-law proceed during the regular meeting

**7:15 p.m. Hearing for Application for Minor Variance MV1/2015 – Kenvalley Farms Ltd, 29027 Coldstream Road**

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

Description of Land: Lot 11 Concession 14, 29027 Coldstream Road  
Applicant: Kenvalley Farms Ltd c/o Albert Kennes

The application is for minor variance under Section 45(1 ) of the Planning Act, R.S.O. 1990 c.P.13. The purpose of this application is to request permission to vary Section 6.26.1 Minimum Distance Separation 1 of North Middlesex Zoning By-law No. 35 of 2004, as amended, as it applies to the property for which the variance is being sought. The variance is related to the Applicant's proposal for the development of a single detached dwelling as permitted under the General Agricultural (A1) zone. The application would permit a separation distance of 295.8 metres from the nearest livestock building instead of the required 523 metres entailing a variance of 227.2 metres from the by-law.

Ms. Rosser then reviewed the agency comments and planner's report dated January 8, 2015. The ABCA response was received after the planning report was finalized. The ABCA indicated that there is no objection to the approval of the requested variance however the Applicant should be aware that the authority may have design requirements for the proposed house and the laneway access used to access it. Ms. Rosser then advised the Committee that in light of the input the ABCA will have on the siting of new development she recommended that her condition to the minor variance be removed.

No public comments were received.

CORNELISSEN/MCLINCHEY: That Application No. MV#1/2015 for Minor Variance to the North Middlesex Committee of Adjustment 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.

**7:30 p.m. Hearing for Application for Consent to Sever Land B2/2015 and Zoning Amendment ZBA 2/2015 – Triple A Acres Ltd. 10405 Argyle Street**

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

Description of Land: Part Lot 10 Concession 2, 10405 Argyle Street

Applicant: Triple A Acres Limited c/o John VanDeuren

The purpose and effect of this application would be to sever a parcel of land from an existing 30.3 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .584 hectares in size and would contain the existing single detached dwelling and drive shed. The Applicant would retain 29.7019 hectares comprising the farmland portion which contains no buildings or structures. 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 rezone the severed residential parcel for residential use.

The subject land is also the subject of an application under the Planning Act for an amendment (ZBA 2/2015)

Ms. Rosser then reviewed the agency comments and her planning report dated January 8, 2015.

No public comments were received.

HEMMING/CORNELISSEN: The Committee of Adjustment GRANTED the above application with the following conditions:

- a) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel to the Agricultural Small Lot (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use and permissive of the retained parcel area;
- b) That the Applicants provide 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 their existing farming operation;
- c) That, unless replaced, the existing septic tank and weeping bed systems on the severed parcel be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
- d) That a certified laboratory test confirming the availability of a potable well water supply be provided;
- e) That the Campbell-Payne Drain and the Moore Drain 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;
- f) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- 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

Ms. Rosser then recommended the enclosed draft zoning by-law be given three readings and finally passed during the regular council meeting.

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

**7:45 p.m. Hearing for Application for Consent to Sever Land B3/2015 149,151  
Geroge Street, Ailsa Craig**

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 Registered Plan 204 ( c) 149,151 George Street

Applicant: Campbell McKenzie

The purpose and effect of this application would be to sever a parcel of land approximately 458 square metres in size with frontage of 9.257 metres on George Street (Part 1) from a parcel located at the Southeasterly intersection of George Street and Craig Street in Ailsa Craig. The severed parcel would contain one existing semi-detached dwelling unit. The retained parcel would consist of 383 square metres with 9.0 metres on George Street (Part 2) and would contain the other semi-detached dwelling unit. The lands are zoned as Residential Density One (R1) which is permissive of semi-detached dwellings. No new development is proposed.

Ms. Rosser then reviewed the agency comments and her planning report dated January 9, 2015.

No public comments were received.

NICHOL/ROPP: The Committee of Adjustment GRANTED the above application with the following conditions:

- a) That the Owner pay the semi-detached residential unit development charge owing under North Middlesex Development Charges By-law No. 8 of 2013, as amended;
- b) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- c) 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;
- d) 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

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



CORNELISSEN/HEMMING: That the Committee of Adjustment Meeting adjourn and return to regular meeting at 7:47 p.m.

CARRIED

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CHAIRMAN

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SECRETARY