

**COMMITTEE OF ADJUSTMENT
MINUTES**

A Public Meeting was held on Wednesday January 15, 2014 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 was present

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

MOIR/CORNELISSEN: That the minutes of December 2, 2013 be hereby accepted as presented.

CARRIED

7:00 p.m. Application for Consent B#24/2013 and B#25/2013, Zoning Amendment ZBA#11/2013 and Official Plan Amendment OPA #2/2013 –Madelyn Stewart c/o Brian Stewart

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

Description of Land: Lot 9 Concession 4 (former East Williams Twsp)
10293, 10309, 10321 Petty Street, RR#1 Ailsa Craig

Applicant: Madelyn Cora Stewart c/o Brian Stewart
Agent: George Balango, Zelinka Priamo

The purpose and effect of the OPA is to amend the policies of the North Middlesex Official Plan to permit the severance of two existing dwellings located on a parcel of land currently containing three dwellings through site specific policy. One of the dwellings is located on a lot that was previously separate but which has merged with the remainder of the subject property by virtue of its common title and ownership

The purpose and effect of application B24/ 2013 would be to sever a parcel of land from an existing 40.5 hectare farm parcel currently containing three single detached dwellings. The land to be severed would be approximately 0.3332 hectares in size with a 35.52 metres frontage and would contain the middle of the dwellings (Part 2 on the severance sketch). The Applicant would retain approximately 40.1 hectares comprising the farmland portion with two single detached dwellings. An amendment to the zoning by-law will be required to rezone the severed parcel for residential use.

The purpose and effect of application B25/2013 would be sever a parcel of land from an existing 40.5 hectare farm parcel currently containing three single detached dwellings. The land to be severed would be approximately 0.5325 hectares in size with 57.66 metres frontage and would contain the most northerly of the dwellings (Part 3 on the severance sketch). The Applicant would retain approximately 39.58 hectares comprising the farmland portion with one single detached dwelling and accessory buildings (assuming the granting of Consent Application No. B24/2013 for severance of the middle of the dwellings). An amendment to the zoning by-law will be required to rezone the severed (residential) parcel for residential use.

Submitted concurrently with the above applications is a proposal to sever approximately 0.332 hectares and 0.5325 hectares respectively from the property and retain approximately 39.58 hectares for farming purposes. The two severed parcels would contain existing single dwellings. The retained parcel would also contain a single detached dwelling and accessory buildings formerly located on a separate lot which has now legally merged with the farmland portion of the subject property. The purpose of the proposed zoning by-law amendment is to amend North Middlesex Zoning By-law No. 35 of 2004, as amended, to rezone the severed parcels to Agricultural Small Holding (AG1) Zone permissive of single detached residential development. The retained parcel would retain its current General Agricultural (A1) Zone zoning.

Planner Barbara Rosser then reviewed her planning report dated January 9, 2014. The report takes into account comments received from the following agencies: County of Middlesex, ABCA and Public Works.

Following her report, George Balango, agent for the applicant presented some alternative wording changes to the conditions as outlined on correspondence dated

January 15, 2014. There was concurrence from our Planner Ms. Rosser with small changes to Condition 6 & 7 contained within the Municipal Planners Report. However, with respect to the other modifications, staff recommended no change to the other conditions.

After some discussion on the applications the following recommendations were brought forth:

HALL/HEMMING: That the draft Amendment No. 8 to the North Middlesex Official Plan be adopted by Council and submitted to the County of Middlesex for approval;

That consent Application No.s B24/2013 and B25/2013 be granted subject to the following conditions:

1. That this approval applies to Application for Consent No. B24/2013 and B25/2013 by Madelyn Cora Stewart proposing the creation of a total of two lots by land severance (Parts 2 and 3) plus the retained parcel (Part 1) as depicted on the Zelinka Priamo/FKS Land Surveyors Proposed Severance August 2013 (FKS File No. 07-113);
2. That Amendment No. 8 to the North Middlesex Official Plan be adopted by the Municipality of North Middlesex and approved by the County of Middlesex and be in full force and effect;
3. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcels to the Agricultural Small Lot (AG1) Zone;
4. That, unless replaced, the existing septic tank and weeping bed systems servicing the retained parcel (Part 1) and the Part 3 severed parcel be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
5. That the Part 2 severed parcel be serviced by a private sewage treatment system that is fully located on the parcel to the satisfaction of the North Middlesex Chief Building Official;
6. That a certified laboratory test confirming the availability of a potable well water supply to the retained parcel (Part 1) and to Part 3 (severed parcel) be provided;
7. That the severed parcel (Part 2) be separately serviced with domestic water supply to the satisfaction of the Municipality;

8. That the laneway and parking area serving the Part 3 severed parcel be modified such that it is wholly contained on Part 3 to the satisfaction of the Municipality;
9. That all outstanding expenses due to the Municipality related to these consents be fully reimbursed prior to the certification of any document for the transfer of the lands;
10. The owner dedicate lands along the frontage of the severed parcels and the retained parcel to the County of Middlesex according to the requirements of the County of Middlesex, if required;
11. 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;
12. 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;
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. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.

Zoning By-law Amendment Application No. ZBA#11/2013

I recommend to Council that the enclosed draft zoning by-law amendment be given first, second and third reading and finally passed subject to the approval by the County of Middlesex of Official Plan Amendment No. 8.

CARRIED

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

Passage of the two By-laws will be done during the regular meeting.

7:20 P.M. – Application for Consent B#26/2013 and ZBA #12/2013 Scott Root

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

Description of Land: Part lots 28 & 29, Con 3 Part Lot 29 Con 4 Parts 1 to 3
RP33R14313 Part 1 RP33R18658

Applicant: Scott Root

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 32,850.74 square metres (3.3 hectares) from an existing 6.6 hectare parcel of land as a lot addition in order to enlarge the area of an abutting property. It is proposed that the severed parcel be joined with the abutting parcel at 33634 Maguire Road (north part Lot 29, Concession 4 geographic McGillivray township) now consisting of approximately 27.5 hectares which contains a single detached dwelling and farm buildings and structures. The enlarged parcel would consist of approximately 30.8 hectares. The Applicant would retain approximately 32,960.58 sq metres (3.3 hectares) with no development proposed. The property which is the subject of this application is vacant of buildings and structures and is comprised of lands forming a former railway right of way which was abandoned several years ago. If consent is granted, an amendment to the zoning by-law will be required in order to permit the lot area of the retained parcel and of the severed parcel in conjunction with the parcel to which it is to be added.

The purpose of the proposed zoning by-law amendment is to amend North Middlesex Zoning By-law No. 35 of 2004, as amended, to rezone the severed parcel and the abutting parcel to which it is to be added to a site specific General Agricultural Zone Exception to permit the 30.8 hectare resulting lot area. The retained parcel would also be rezoned to a site specific General Agricultural Zone Exception to permit the reduced lot area of the retained parcel at 3.3 hectares.

Planner Barbara Rosser then reviewed her planning reported dated January 10, 2014 which contains agency comments from ABCA, Public Works, County of Middlesex and Hydro One.

After some discussion the following motion was then brought forth:

MOIR/MCLINCHEY: That Application No B26/2013 be granted subject to the following conditions:

1. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel and the adjoining lot to which it is to be added to a General Agricultural (A1) Zone Exception to permit the lot areas resulting from the severance;
2. That the Dorman Drain be reassessed under the Drainage Act, R.S.O. 1990, c.D.17 at the expense of the Owner;
3. That the severed parcel be registered in exactly the same name and title as the parcel to which it is to be added;
4. That Section 50(3) or (5) of the Planning Act, R.S.O. 1990, c.P.13 apply to any subsequent transaction or conveyance of the severed parcel;

5. That a plan of survey prepared by an Ontario land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
6. 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;
7. 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 and RSO 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

Zoning By-law Amendment Application No. ZBA#12/2013

It is recommended that the by-law be given three readings and finally passed during the regular meeting portion of the agenda.

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

HALL/MCLINCHEY: That the COA meeting adjourn and return to regular meeting at

8:05 p.m.

CARRIED

CHAIRMAN

SECRETARY