



January 20, 2016 MUNICIPALITY OF NORTH MIDDLESEX 7:03 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday January 20, 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 (Absent)

Councillor Ward Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

CAO Marsha Paley

Clerk Jackie Tiedeman

Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

**HEARING – Application for Consent B#02/2016 and Application for Re-Zoning
ZBA#1/2016- 11910 Fernhill 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 26 Con 1
11910 Fernhill Drive (former East Williams Twsp)

Applicant: Sharlene Phillips

Agent: Andrew Phillips

The Planner advised that the applications were received and circulated according to the Planning Act.

Municipality of North Middlesex
Committee of Adjustment
January 20, 2016

The purpose and effect of this application would be to sever a parcel of property from an existing 37.3 hectare farm parcel as a surplus farm dwelling severance. The application is on the basis of an executed offer to purchase from a corporation which stipulates that the surplus farm dwelling farm consolidation criteria would be met. The Applicant would retain .8869 hectares containing the existing single detached dwelling. The land to be severed would be approximately 36.4 hectares in size and is vacant of buildings and structures. An amendment to the zoning by-law will be required to rezone the retained (residential) parcel for residential use. The policy of the North Middlesex Official Plan relative to surplus farm dwelling severances requires rezoning of the severed (farmland) parcel to prohibit residential use.

The subject property is also currently the subject of an application for zoning by-law amendment (ZBA#1/2016) under the Planning Act.

The purpose of the proposed zoning amendment is to amend North Middlesex Zoning By-law No. 35 of 2004, as amended, to rezone the severed (farmland) parcel to a special General Agricultural (A1) Zone prohibitive of residential use as required by the North Middlesex Official Plan. The retained (residential) parcel would be rezoned to the Agricultural Small Holding (AG1) Zone permissive of single detached residential development.

Ms. Rosser then reviewed her planning report dated January 15, 2016 which contains agency comments received to date. She concluded that based upon all information received the severance proposed by Application No. B#02/2016 would be consistent with the PPS and would conform with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions should the committee approve the application.

Public Comments were then received. Mr. Steve Twynstra then voiced his opposition to the application. He indicated that in his opinion this was not a surplus farm dwelling severance; this is not a farm consolidation; the Planning Report contradicts policy for the retained and severed land and the laneway access should be from New Ontario Road. He then indicated there would be potential drainage issues with the new owner; potential MDS conflict with future livestock operations and there was a previous severance of 10 acres on the subject land.

Ms. Rosser replied the Committee is aware of policy. The proposed severance is not surplus to the current owner however this application is based upon a legal executed offer to purchase and there is application would qualify under these surplus farm dwelling policies. There is supplementary information which accompanies the application to prove the criteria was met, however, this is not part of the public application. Ms. Rosser then advised the Committee that some of Mr. Twynstra's

comments would have been appropriate at the time of creating the policies in the North Middlesex Official Plan which occurred in 2011. There is an existing laneway now and no safety concerns were expressed prior to this application. There is no change proposed to the drainage and the house water is appropriate to be directed to the Hughes Drain.

Another member of the audience then expressed his concern with drainage and potential for flooding onto his property (which abuts the farmland) due to tiling by the farmer. As well he indicated concerns over the existing laneway access used by agricultural vehicles and that an alternate access should be considered.

The Drainage Superintendent advised that the proposed drainage condition only applies to re-assessment of the current drain report. The Drainage Act has a different process to address drainage concerns or cleanouts.

Several other questions were asked and responded to by the applicable staff.

Ms. Phillips then spoke to her application and proposed conditions and she indicated that she did not feel it was necessary to obtain new laneway access for the farmland. There is an existing one there now and she has not been made aware of any safety concerns. It has been there for many years. She then indicated that trees could be cut back to assist with sight lines.

Ms. Rosser then concluded that taking into consideration the public comments that she recommends the proposed conditions are still appropriate with the exception of the separate laneway access should the Committee decide it is not necessary based upon the verbal information this evening from the applicant.

After careful consideration the following motion was then introduced:

CORNELISSEN/NICHOL: That Application No. B02/2016 be **granted** subject to the following conditions:

- a) That North Middlesex Zoning By-law No.35 of 2004, as amended, be amended to rezone the retained parcel to the Agricultural Small Holding (AG1) Zone and the severed parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use;
- b) That the lands being conveyed for agricultural purposes (the severed parcel) be transferred in the same name and title as Gerard Cornelis Farms Limited to the satisfaction of the Municipality of North Middlesex;
- c) That Gerard Cornelis Farms Limited provide a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being conveyed for agricultural purposes will be used as part of its existing farming operations;

- d) That, unless replaced the existing septic tank and weeping bed system on the retained parcel 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;
- e) That a certified laboratory test confirming the availability of a potable well water supply be provided;
- f) That the Follen-Hughes 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;
- g) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- 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 applications 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.

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

HEARING – Application for Lot addition #B01/2016 – 1570 Elmtree Drive

Ms. Tiedeman advised that the application has been deferred at the request of the Applicant.

HEARING – Request for Change of Conditions for Application B06/2015 – Robert Spruyttee

Ms. Tiedeman advised that the request has been deferred at the applicant's request.

Being no further applications the following motion was introduced.

ROPP/NICHOL: That the Committee of Adjustment Meeting adjourn at 7:55 p.m.
CARRIED

CHAIRMAN

SECRETARY