



July 13, 2016

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

7:00 P.M

A Public Meeting was held on Wednesday July 13, 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  
Planner Barbara Rosser  
Clerk Jackie Tiedeman

**DISCLOSURE OF PECUNIARY INTEREST**

None

**HEARING – Applications B07/2016 and ZBA 6/2016 for Lot Addition – MCR FARMS LTD – 1924 Elginfield Road**

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

Description of Land: Part Lot 7 and Lot 8 Con 17, 1924 Elginfield Road  
Applicant: MCR Farms Ltd

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 5.8 hectares from an existing 51.8 hectare parcel of land as a lot addition in order to enlarge the area of an abutting property to the east. It is proposed that the severed parcel be joined with the abutting parcel at 2002 Elginfield Road (Part

Lot 7 con 17, geographic West Williams Township) now consisting of approximately 26.0 hectares which contains a single detached dwelling, a frame barn and an accessory building. The enlarged parcel would consist of approximately 31.8 hectares. The applicant would retain approximately 46 hectares with no development proposed. The area comprising the severed parcel is currently inaccessible to the owners other than over private property. The property which is the subject of this application is vacant of buildings and structures. If consent is granted, an amendment to the zoning by-law will be required in order to permit the lot area resulting from the addition of the severed parcel to the parcel to which it is to be added.

Ms. Rosser then reviewed her planning report dated July 8, 2016.

### **WRITTEN AND ORAL SUBMISSIONS**

- Ausable Bayfield Conservation Authority: no natural heritage or natural hazard concerns;
- County of Middlesex: no concerns;
- Public Input: None received;
- Oral Submissions: None

### **CONCLUSION**

Ms. Rosser concluded that based upon the foregoing analysis, it is her conclusion that the severance proposed by Application No. B#07/2016 would be consistent with the PPS, and in conformity with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

The following motion was then introduced:

**CORNELISSEN/MOIR:** That the Committee of Adjustment GRANT 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 and the adjoining lot to which it is to be added to General Agricultural (A1) Zone and Urban Reserve Area (A3) Zone Exceptions to permit the lot area resulting from the severance;
- b) That the severed parcel be registered in exactly the same name and title as the parcel to which it is to be added;
- c) 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;
- d) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable

for registration be submitted to the Municipality;

e) 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;

f) 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.

**Zoning By-law Amendment Application No. ZBA#6/2016**

Planner Barbara Rosser also recommended the by-law for the above noted application be given three readings and finally passed during the regular meeting of council.

**HEARING: Application B08/2016 and Application ZBA7/2016 for Lot addition for Peter and Julie DeGouw – 2614 Bornish Drive**

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

Description of Land: Part Lot 11 Con East of Centre Road, 2614 Bornish Drive

Applicant: Peter and Julie DeGouw

Agent: Harm Bakker

Solicitor George Sinker was in attendance on behalf of applicant and agent.

The purpose and effect of this application would be to sever a parcel of land consisting of approximately .403 hectares from an existing 39.8 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 2614 Bornish Drive (Part Lot 11, Concession East of Centre Road, geographic East Williams Township) now consisting of approximately .1375 hectares which contains a building utilized for commercial purposes. The enlarged parcel would consist of approximately .5405 hectares. The applicant would retain 39.4 hectares with no development proposed. The property which is the subject of this application is vacant of buildings and structures. If consent is granted, an amendment to the zoning by-law will be required in order to permit

commercial use of the severed parcel in conjunction with the parcel to which it is to be added.

Ms. Rosser then reviewed her planning report dated July 8, 2016. She also provided an amended list of proposed conditions separate from her report as it was discovered that a condition required by the County of Middlesex was not included within her original report.

### **WRITTEN AND ORAL SUBMISSIONS**

- Ausable Bayfield Conservation Authority: no natural heritage or natural hazard concerns;
- County of Middlesex: two conditions requested (see conditions d&e)
- North Middlesex Public Works: one condition requested regarding drainage
- Public Input: none received;
- Oral Submissions: none

### **CONCLUSION**

Ms. Rosser concluded that based upon the foregoing analysis, it was her recommendation that the severance proposed by Application No. B08/2016 would be generally consistent with the PPS and can be considered to conform with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

**HEMMING/MCLINCHEY:** That the Committee of Adjustment grant the above noted application subject to the following conditions:

- a) That the Van Massenhoven Drain Improvement, Branch B 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;
- b) 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 Rural Industrial (M3) Zone Exception to permit the proposed use;
- c) That site plan control applies to the severed parcel and the lot to which it is to be added at 2614 Bornish Drive and that a site plan agreement under Section 41 of the Planning Act, R.S.O. 1990, c.P.13 be executed to the satisfaction of the Municipality with respect to the proposed industrial use of the enlarged property between the Owner of said property and the Municipality with such agreement to be registered on the title to the property;

- d) The Owner dedicate lands up to 18 metres from the centreline of construction of Middlesex County Road No. 81 (Centre Road) along the frontage of the severed parcel to the County of Middlesex if the right-of-way is not already to that width;
- e) That the existing access to Middlesex County Road No. 81 (Centre Road) be fully removed to the satisfaction of the County of Middlesex;
- f) That the severed parcel be registered in exactly the same name and title as the parcel to which it is to be added;
- g) 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;
- h) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- i) 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;
- j) 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.

**Zoning By-law Amendment #ZBA7/2016**

Planner Barbara Rosser also recommended the by-law for the above noted application be given three readings and finally passed during the regular meeting of council. Being no further applications the following motion was introduced.

**CORNELISSEN/NICHOL:** That Committee of Adjustment adjourn to Closed Meeting at 7:35 p.m.

CARRIED

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CHAIRMAN

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SECRETARY