



JULY 15, 2015 MUNICIPALITY OF NORTH MIDDLESEX 7:15 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday July 15, 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 Three – Gord Moir

Councillor Ward Four – Andrew Hemming (Absent)

Councillor Ward Five – Adrian Cornelissen

CAO Marsha Paley

Clerk Jackie Tiedeman

Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

CORNELISSEN / MOIR: That the COA minutes dated June 3, 2015 be hereby
accepted as presented.

CARRIED

HEARING

**7:15 P.M. – Hearing for Application (ZBA#6/2015) for a Proposed Temporary use
at 26345 Bear Creek Road:**

This application was deferred at the request of the applicant.

7:15 P.M. - Consent Application No. B07/2015 for Land Severance, Zoning By-law Amendment No. ZBA#7/2015 for 35463 Richmond 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 6, Concession 1, 35463 Richmond Street (former Township of McGillivray).

Applicant: Carla Revington

Ms. Rosser reminded the Committee of her report dated July 13, 2015 of which stated this application was for Consent under Section 53 of the Planning Act R.S.O. 1990 c.P.13. The purpose and effect of this application is to sever a parcel of property from an existing 20.16 hectare farm parcel as a surplus farm dwelling severance. The application is on the basis of an executed offer to purchase from an individual and a corporation who stipulate that the surplus farm dwelling farm consolidation criteria would be met. The Applicant would retain .41 hectares containing the existing single detached dwelling. The land to be severed would be approximately 19.75 hectares in size and is vacant of buildings and structures. An amendment to the zoning bylaw 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 land is also currently the subject of an application for zoning by-law amendment (Application No. ZBA#7/2015) under the Planning Act.

Ms. Rosser then reviewed the agency comments and her planning report dated July 13, 2015. She advised the Committee that the severance proposed by Application No. B07/2015, 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.

Based upon the foregoing analysis, it was Ms. Rosser's conclusion that the severance proposed by Application No. B07/2015 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.

No public comments received.

After considerable discussion and careful consideration the following motion was then introduced:

MOIR / NICHOL: That Application B07/2015 be granted subject 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 buildings and structures;
- b) That the lands being conveyed for agricultural purposes (the severed parcel) be transferred in the same name and title as Cameron Knip and Cliff Knip Farms Ltd. jointly to the satisfaction of the Municipality of North Middlesex;
- c) That Cameron Knip and Cliff Knip Farms Ltd. provide a signed affidavit jointly stipulating to the satisfaction of the Municipality of North Middlesex that the lands being conveyed for agricultural purposes will be used as part of their existing farming operations;
- d) That a certified laboratory test confirming the availability of a potable well water supply to the retained parcel be provided;
- e) That separate laneway access is required to the severed (farmland) parcel from Richmond Street (Highway No. 4) and the Owner is required to obtain entrance permission from the Ministry of Transportation (MTO) prior to the construction of any access;
- f) That a new entrance permit is required from the Ministry of Transportation (MTO) for the existing laneway to service the retained (residential) parcel;
- 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 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.

That the zoning By-law Amendment Application No. ZBA#7/2015 enclosed draft by-law be given three readings and finally passed.

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7:30 PM - Minor Variance Application No. MV5/2015 for 31692 Centre 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 12, Concession ABCR, geographic Township of East Williams. (31692 Centre Road)

Applicant: Flat Acres Limited c/o Andy Kustermans

Ms. Rosser then reminded the Committee of her report dated July 15, 2015 of which stated this 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 6.26.2 Minimum Distance Separation II (MDS-II) 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 which is zoned as General Agricultural (A1). The two variances sought are related to the Applicant's proposal for the expansion of the existing intensive livestock operation as permitted under the General Agricultural (A1) Zone. The application would permit a separation distance of 345 metres from the dwelling located to the north of the livestock barn and 308.9 metres from the dwelling located to the northwest of the livestock barn instead of the required 388 metres under MDS II entailing variances of 43 metres and 79.1 metres from the by-law.

Based upon the foregoing analysis, it was Ms. Rosser's conclusion that the variances would be desirable for the appropriate development or use of the subject property compatible with its overall agricultural use and that there is unlikely to be negative impact upon neighbouring properties and, specifically, the dwellings for which the variances are sought.

Public Comments: A neighbour, Jodi Laporte then stated he was opposed to the Minor Variance MV#5/2015. He was concerned with the impact on the Nutrient Management Plan and with the recent sale of land by Flat Acres. He was also concerned with property values and the negative impact it would have on the future sale of his property. Mr. Laporte also inquired to planting trees on the south lot line to help with the reduction of noise. Mr. Kustermans replied that he had met with Mr. Laporte and would be agreeable to having some trees planted.

After careful consideration the following motion was then introduced:

HEMMING / ROPP: That Application No. MV#5/2015 for Minor Variance to the North Middlesex Committee of Adjustment be granted on the basis that the variance proposed would:

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- 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

The following conditions should apply to the Committee's decision:

- 1) That the DeGouw Drain 1979 be redesigned by an engineer under the Drainage Act at the Applicant's expense prior to the issuance of a building permit and that such measures required by the redesign be in place prior to the commencement of construction. Any requirements of the Nutrient Management Act are to form a condition of the building permit.
- 2) That the extent of variance is based on a required Minimum Distance Separation (MDS) II setback of 373 metres.

CARRIED

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

Being no further applications the following motion was then made:

MCLINCHEY/HEMMING: That the COA meeting adjourn and return to Public Meeting for Draft Fees and Charges By-law at 7:35 p.m.

CARRIED

CHAIRMAN

SECRETARY