

JULY 2, 2014 MUNICIPALITY OF NORTH MIDDLESEX 7:00 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday July 2, 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

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

ROPP/HALL: That the minutes dated May 7 and June 18 be accepted as presented.
CARRIED

7:00 p.m. – Application for Minor Variance – MV#5/14 for Tapecc Farms

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

Description of Land: Part Lot 17 Con 9 former McGillivray Twsp
34629 Maguire Road

Applicant: Tapecc Farms Limited
Agent: Philip Walden

The purpose of the application is to request permission to vary section 7.3.1 e) Minimum interior side yard setback of North Middlesex Zoning By-law No. 35 of 2004, as amended, which applies to the General Agricultural (A1) zone whereas the existing accessory building located on the lands which are subject of a recent land severance

granted by the North Middlesex COA would be located at a setback of 8.03 metres from the new northerly side lot line of the severed parcel entailing a proposed variance of 6.97 metres. A minor variance pertaining to this matter is one of the conditions of severance.

Ms. Rosser then reviewed her report which takes into account agency comments received to date.

MOIR/HALL: That Application No. MV#5/2014 for Minor Variance to the North Middlesex Committee of Adjustment be granted relief of 6.97 metres from Section 7.3.1 e) on the basis that the variance proposed would:

- a) Maintain the spirit and intent of the NM Official Plan;
- b) Maintain the spirit and intent of NM 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.

7:10 P.M. – Application for Consent B05/2014, ZBA# 2/2014 and MV#4/2014 – Vanderhoek Farms

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

Description of Land: Lot 8 Con 4
35320 Maguire Road, former McGillivray Township

Applicant: Vanderhoek Farms Inc.
Agent: Cheryl A. Masson

Application for Consent # B05/2014 – The purpose and effect of this application would be to sever a parcel of land from an existing 40.5 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .55 hectares in size and would contain the existing single detached dwelling and drive shed. The Applicant would retain 39.95 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.

Application ZBA #2/2014 – The purpose of this amendment to the North Middlesex Zoning By-law is to rezone the severed parcel to Agricultural Small Holding (AG1) Zone permissive of single detached residential development. The retained parcel would be

rezoned to a special General Agricultural (A1) Zone prohibitive of residential use required by the North Middlesex Official Plan.

Application MV#4/2014 – The purpose of this application is to request permission to vary Section 7.3.1. c) Minimum Front Yard Setback of 20.0 metres. The variance is related to the applicant's proposal for a surplus dwelling severance from the subject property. The application would permit a front yard setback of 9.3 and 9.9 metres for the existing barn (dry storage) entailing a variance of 10.7 and 10.1 metres from the by-law.

The Planner then reviewed her report which contains the agency comments received to date. She noted that the written submission received from Tapecc Farms opposing the applications was also taken into consideration during preparation of her report. The main concern with the opposition relates to the separation distance between the beef feedlot operated by Tapecc Farms Inc. which has a capacity of 250 beef and is located 184.3 metres at its closest point from the dwelling on the severed parcel. She indicated that although she appreciates the concerns expressed, the dwelling to be severed is existing so the potential for nuisance complaints already exists and the zoning which will apply to the retained farmland parcel will preclude any new residential use in the future.

Mr. Walden, agent for Tapecc Farms spoke to his client's opposition as well.

Mr. Vanderhoek, applicant/owner then spoke to his applications and made the comment that good farming practices should not lead to any negative issues.

Ms. Rosser then added that OMAFRA would not support the Municipality not approving the applications based on this argument.

There was no further public input.

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

1. That the frontage and area of the severed parcel be increased to 87.7 metres and .63 hectares respectively in accordance with the revised severance sketch (AGM File 13-293) of 17 June 2014.
2. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel (as revised in accordance with condition a) to the Agricultural Small Holding (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use
3. 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;
4. That, unless replaced, the existing septic tank and weeping bed system on the severed parcel be inspected by a licensed septic hauler and the inspection provided to the North Middlesex Chief Building Official;

5. That separate electrical service to the retained and severed parcels be provided in accordance with Hydro One Electric Layout of 22 May 2014 to the satisfaction of the Municipality and Hydro One;
6. That laneway access is required to the retained parcel from Maguire Road in accordance with the revised AGM Severance sketch and the Owner is required to obtain permission from the North Middlesex Public Works Department prior to the construction of any access;
7. That the northerly of the two existing laneway accesses to the severed parcel as well as the graveled area east of the dwelling are to be fully removed and replaced with grass (seeded);
8. That a change of use permit under the Ontario Building Code be obtained for the bank barn located on the remnant parcel stipulating storage use only and the three existing silos are to be demolished and fully removed;
9. That the Dixon-Conlin Drainage Works be reassessed under the Drainage Act, R.S.O 1990, c.d.17 at the expense of the Owner;
10. 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;
11. 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;
12. 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

HALL/MCLINCHEY: That the draft zoning by-law be given three readings and finally passed during the regular meeting of council.

CARRIED

CORNELISSEN/HEMMING: That Application No. MV#4/2014 for Minor Variance be GRANTED Relief from Section 7.3.1 c) of 10.7 metres from the north and 10.1 metres from the south lot lines and that the Minor Variance applies to the existing building only.

CARRIED

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

A staff report was then presented to the Committee as requested at the last meeting further to Mr. Brian Stewart's inquiry on a financial condition imposed on his consent application. The Planner and Clerk recounted the events pertaining to these applications from the consultation meetings that had occurred over the years, completeness review process and the decision of the Committee which included the conditions to be imposed and the appeal process under the planning act.

CORNELISSEN/ROPP: That the expense incurred by the Municipality was a direct benefit to the Applicant and that Condition 9 of Application B24/25 of 2013 is appropriate and should not be changed.

CARRIED

MOIR/ROPP: That Committee of Adjustment adjourn and return to regular meeting at 8:00 p.m.

CARRIED

CHAIRMAN

SECRETARY