

JUNE 18, 2014 MUNICIPALITY OF NORTH MIDDLESEX 7:00 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday June 18, 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

Application for Consent B01/2014 and Zoning Amendment ZBA 1/2014 – Kenneth Aiken

It was noted for the Committee that the Application for Consent B01/2014 and Zoning Amendment ZBA #1/2014 – Kenneth Aiken (originally circulated to be heard May 7/14 is being held in abeyance at the request of the applicant's agent. Staff will advise the applicant that it be will held for 60 days.

7:00 p.m. – Application for Zoning Amendment (ZBA #6/2014) Municipally initiated

The purpose and effect of the By-law is to change the definition of "kennel" to delete the requirement for registration by the Canadian Kennel Club relative to a dog kennel. This requirement is inconsistent with the municipality's dog by-law which does not reference registration with the Canadian Kennel Club and it has been determined that such registration is not an assurance of the health and safety of dogs.

Councillor Ropp asked what impact the removal would have on the kennel licencing process. Planner Barbara Rosser replied that although this is outside of her expertise it was her understanding that the registration is a paper exercise only with the kennel club. The distinction between boarding and grooming facilities would be more appropriately defined in dog by-law.

Carol Lindsay verbally presented her concerns with the proposed deletion of reference to being registered with the kennel club. She indicated that by removal of this registration it will lead to cross breeding and ultimately health issues for the animals. She provided her input as to how the municipality should proceed with processing of kennel licences and suggested special wording for each type of facility related to being a kennel in the municipality. She indicated that in order to keep purebred status that registration to the kennel association should remain in the zoning by-law. She also questioned why these kennels are not classed as commercial and pay appropriate taxes based on this.

Councillor Ropp indicated that a staff report should be prepared on the process for issuing kennel licences.

No other public comments were received.

The planner then proceeded to review the draft by-law with recommendation that it be given all three readings.

CORNELISSEN/MOIR: That the by-law be approved during the regular agenda.
CARRIED

7:20 P.M. – APPLICATION FOR ZONING AMENDMENT ZBA #5/2014 – BEN WRIGHT

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

Description of Land: Part Lot 26 Concession 5 ECR (former Township of McGillivray and former Village of Ailsa Craig)

Applicant: Benjamin Wright
Agent: Philip Walden

The property which is the subject of this application was also the subject of a recent application for consent to the North Middlesex Committee of Adjustment (Application B04/2014) to sever approximately 1.8888 hectares from the property and retain approximately 23.6 hectares. The purpose of the proposed zoning by-law amendment is to amend By-law No. 35 of 2004, as amended, to rezone two parts of the severed parcel (+/- .04 and .02 hectares) from Environmental Protection (EP) to Future Development (FD) and one part of the retain parcel (+/- .26 hectares from Future Development FD) to Environmental Protection (EP). The rezoning would ensure that the severed parcel is zoned as Future Development in its entirety and that the area of Future Development zoning currently outside of the severed parcel is zoned as Environmental Protection consistent with the zoning that applies in this area.

Agency and Planning Comments were then reviewed along with a recommendation.

MOIR/ROPP: That the by-law be approved during the regular agenda.

CARRIED

7:30 P.M. Application for Minor Variance (MV#4/2014) – Ailsa Craig & Area Food Bank

This application was deferred from the March 5, 2014 meeting at the request of the applicant and as a result a revised proposal to the application was submitted May 26, 2014 for consideration.

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

Description of Land: Lots 78 & 79, Part Lot 77, Registered Plan No. 174 (c) former Village of Ailsa Craig – 125 Ailsa Craig Main Street

Applicant: Ailsa Craig & Area Food Bank and Thrift Store

The purpose of this application is to request permission to vary the following sections of North Middlesex Zoning By-law No. 35 of 2004, as amended:

1. Section 6.22 d) Landscaping and Buffer Requirements: minimum 1.8 metres landscaped strip required around parking areas situated in a rear and/or side yard in a Commercial or Industrial Zone, whereas 0.6 metres was proposed on the east side entailing variance of 1.2 metres. The revised application requires the same extent of variance on the west side at 0.6 metres entailing variance of 1.2 metres;
2. Section 6.34 Parking Lot and Driveway Standards: initially 25 parking spaces required, 10 parking spaces proposed entailing proposed variance of 15 parking spaces. It was subsequently determined that 23 parking spaces are required with 10 parking spaces proposed entailing a reduced proposed variance of 13 parking spaces;
3. Section 16.2 Central Commercial (C1) zone Requirements g) Minimum rear yard setback to a residential zone 6.0 metres required, 3.0 metres initially proposed entailing proposed variance of 3.0 metres. The revised application proposes a 2.0 metre rear yard entailing proposed increased variance of 4.0 metres.

Agency and Planning Comments along with a recommendation was then reviewed.

ROPP/MCLINCHEY: That the application for minor variance be granted the following relief:

1. Section 6.22 d) Landscaping and Buffer Requirements: minimum 1.8 metre landscaped strip required around parking areas situated in a rear and/or side yard in a Commercial or Industrial zone, whereas 0.6 metres is proposed on the west side entailing variance of 1.2 metres or 66% from the by-law;
2. Section 6.34 Parking Lot and Driveway Standards: 23 parking spaces required with 10 parking spaces proposed entailing a variance of 13 parking spaces or 56% from the by-law;
3. Section 16.2 Central Commercial (C1) Zone Requirements g) Minimum rear yard setback to a Residential Zone: 6.0 metres required with a 2.0 metre rear yard proposed entailing variance of 4.0 metres or 66% from the by-law.

And subject to the following condition:

That development proceeds in accordance with the revised site plan submitted and that site plan control under Section 41 of the Planning Act, R.S.O., c.P.13 applies.

CARRIED

7:45 p.m. – Consent Applications B24/2013 and B25/2014 – Brian Stewart request to change conditions imposed on above noted consents.

A request was received from Mr. Stewart to attend the Committee Meeting to seek change to Conditions #5, #7, #8 and #9 which was imposed by the Committee of Adjustment on January 15, 2014.

Mr. Stewart relayed to the Committee that he was able to fulfill Conditions 5,7,8 however he was unsure why Condition #9 was imposed and that he had no knowledge of this matter.

HEMMING/MOIR: That staff prepare a report on the background to this condition.

CARRIED

CHAIRMAN

SECRETARY