



JUNE 3, 2015 MUNICIPALITY OF NORTH MIDDLESEX 7:10 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday June 3, 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/HEMMING: That the COA minutes dated May 6, 2015 be hereby accepted as presented.

CARRIED

HEARING

7:10 P.M. - Application No. MV3/2015 for a proposed minor variance. Also under consideration are deferred Applications from April 1st (B5/2015) for Consent and ZBA 5/2015 for proposed zoning amendment – 9554 Townsend Line.

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

Description of Land: Part Lot 14 Con.7, 9554 Townsend Line (former West Williams Twp).

Applicant: Charles Franklin Herrington

Agent: Philip Walden

Application MV3/2015 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 7.3.1 e) Minimum Interior Side Yard Setback - 15.0 metres of North Middlesex Zoning By-law No. 35 of 2004, as amended. The variance is related to the Applicant's proposal for a surplus farm dwelling severance from the subject property. The application would permit westerly interior side yard setbacks of 5.1 metres for the closest of the three existing steel grain bins and 5.86 metres for the existing frame storage shed relative to the easterly lot line for the severance proposal entailing variances of 9.9 and 9.14 metres respectively from the by-law.

The subject property is currently the subject of applications for land severance (Application No. B05/2015) and for Zoning By-law Amendment (Application No. ZBA#5/2015) under the Planning Act.

Ms. Rosser then reviewed the agency comments and her planning report dated May 29, 2015. She advised the Committee that she had conducted a site visit on May 26th as well as conferring with the Municipality's Chief Building Official who visited the site on May 27th. The following factors were taken in account:

- a) The grain bins and accessory building are not of recent construction and were probably built 40-50 years ago;
- b) The concrete, structural foundations of the grain bins are damaged in places and there is rust evident at the base of the bins. They are not currently in use for grain storage and are used for storage of other items. Moreover, the doors on the grain bins face south so unloading and loading of grain would have to occur in relative proximity to the residential lot and turning of equipment required would have to occur within a constrained (5.1 metre) area which might be difficult with large machinery and equipment. Moving of grain bins of this size is feasible but would require new concrete bases;
- c) The shed is of wooden, board and batten siding on three sides with steel on the north side and on the roof. It is questionable whether the size and height of the building at 50 square metres (+/-) and 2 2.5 metres respectively would be sufficient for the storage of modern farm equipment and crop inputs. It is

currently in use for firewood and small, non-farm equipment storage but there are no doors;

- d) Given the scale of the intended purchasers' farming operation at approximately 320 hectares owned (360 hectares including the farmland parcel to be acquired) it is doubtful that retention of the grain bins and the accessory building would have sufficient utility to be justified.

It was Ms. Rosser's opinion that the variances have the potential to have negative impact upon the current and future residential use of the dwelling located on the parcel to be retained by the Applicant. Moreover, I do not view the variances as necessary for the use of the farmland parcel for agricultural purposes. It is her opinion that the variances would not be desirable for the appropriate development or use of the subject property. She then indicated the extent of the variances at 61% and 66% is not within the normal range of a minor variance.

Based upon the foregoing analysis, it is her conclusion that the variances proposed by Application No. MV#3/2015 does not meet the tests of Section 45(1) of the Planning Act. The variances would not maintain the spirit and intent of the North Middlesex Official Plan and Zoning By-law No. 35 of 2004, as amended, would not be desirable for the appropriate development of use of the property and would not be minor and therefore recommended for denial.

Mr. Walden and the potential purchasers of the farmland parcel provided pictures to the Committee of the grain bins and the accessory building. It was their opinion that the existing grain bins have merit in remaining on the lands as they can be utilized for seed bean storage as part of their farming operation. The three bins could hold approximately 7,000 bushels of seed beans. The bins can be filled by a blower and therefore would not impact the residential lot. Mr. Walden advised that his clients would not have an objection to removing the accessory building on the farmland parcel but would like consideration of retaining the three existing grain bins.

No public comments received.

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

CORNELISSEN/HEMMING: That Application MV3/2015 be granted the following variance:

Westerly interior side yard setback of 5.1 metres for the closest of the three grain bins:

And subject to the following condition:

That the relief applies to the existing grain bins and the existing frame storage shed shall be removed as a condition of severance.

CARRIED

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

Consent Application No. B05/2015 for Land Severance, Zoning By-law Amendment No. ZBA#5/2015:

Ms. Rosser then reminded the Committee of her report dated March 26, 2015 of which contained a recommendation that the severance be granted subject to conditions. In addition to her report she was in receipt of a letter from the Solicitor for the applicant, which was received by herself and the municipal office shortly before 5:00 p.m. today, regarding two matters. The first is that the condition in planning report recommendation for the septic tank refers to the severed parcel and it should be the *retained* parcel. Ms. Rosser concurred with this revision to her recommendation. The second item is that the applicant has indicated that the existing equipment doors on the “south” side of the accessory building are adequate for his purposes. Her suggestion is that the condition regarding this matter should remain as outlined in her recommendation with the exception of the reference being changed from west side to “south” side doors.

No Public Comments received.

After careful consideration the following motion was then introduced:

ROPP/CORNELISSEN: That Application No. B5/2015 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 Brisher Farms Limited and Centre Road Farms Inc. jointly to the satisfaction of the Municipality of North Middlesex;

- c) That Brisher Farms Limited and Centre Road Farms Inc 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 the existing farming operation;
- 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 to the retained parcel be provided;
- f) That the Thomson 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 the existing accessory building currently located on the severed parcel be demolished and fully removed to the satisfaction of the Municipality;
- h) That the existing east facing door to the accessory building located on the retained parcel be fully closed up and that, unless adequate equipment doors already exist on the south side, new equipment doors are to be installed on the south side of the building to the satisfaction of the North Middlesex Chief Building Official;
- i) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- j) 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;
- k) 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 2 years from the date of decision.

CARRIED

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

The Planner also recommended that the three readings of the draft zoning by-law proceed during the regular meeting.

Being no further applications the following motion was then made:

MCLINCHEY/HEMMING: That the COA meeting adjourn and return to regular meeting at 7:50 p.m.

CARRIED

CHAIRMAN

SECRETARY