



MUNICIPALITY OF NORTH MIDDLESEX

COMMITTEE OF ADJUSTMENT

MINUTES

A Meeting was held on Wednesday June 6, 2018 at 7:00 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider deferred 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/Director of Finance (Treasurer), Nandini Syed
Deputy CAO/Director of Operations, Jonathon Graham
Director of Emergency and Safety Services, Will Davidson
Director of Economic Development and Community Services
Clerk Jackie Tiedeman
Planner Stephanie Poirier

DISCLOSURE OF PECUNIARY INTEREST

None

7:00 p.m. Application for Consent B03/2018 and Application for Rezoning ZBA 2/2018 – 4149 Mount Carmel Drive

Planner Stephanie Poirier advised that the above noted application was deferred by the applicant on two occasions March 7, 2018 and May 9, 2018.

Description of Land: Part Lots 14 & 15 Concession NB, southside of County Road 45
(geographic Twsp of McGillivray)

Applicant: Mark and Annette Stephan

The purpose and effect of this application for consent is to sever a surplus farm residence on a lot with a frontage of approximately 59 m (194 ft) and an area of approximately 0.7 ha (1.8 ac) from a farm parcel with a total area of approximately 50 ha (123.5 ac).

A concurrent zoning by-law amendment application has been filed in order to rezone the severed (residential) lands to permit the residential use. The rezoning application also proposes to rezone the retained farmland parcel to prohibit residential use as required by the North Middlesex Official Plan

WRITTEN AND ORAL SUBMISSIONS

- Hydro One: no comments or concerns
- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: Re-assessment schedule for the Ryan Municipal Drain 1984 is required; septic system pump out, inspection, evaluation and as a result a new system be installed, change of use permit and demolition of bank barn/silo be completed as a conditions of approval.
- County Engineer: road dedication along frontage of severed lot up to 15 m if not at that width already.
- Public Written Comments: None received
- Oral Submissions at meeting: None

ANALYSIS

The Provincial Policy Statement (PPS), County Official Plan and North Middlesex Official Plan generally permit lot creation in agricultural areas to dispose of a dwelling surplus to a farming operation as a result of farm consolidation subject to evaluation criteria. Planning staff are satisfied that the criteria for the severance of a surplus farm residence on the lands have been met or can be appropriately addressed via conditions of consent.

CONCLUSION

After consultations with staff, the applicant was in agreement with the proposed conditions therefore the following motion was brought forward:

COA MOTION/2018

MOIR/NICHEL: That Application for Consent B03/2018 submitted under Section 53 of the Planning Act be GRANTED as the application: satisfies the requirements of the Planning Act, is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Municipality of North Middlesex and the County of Middlesex; is capable of satisfying sound land use planning;

And further that the above noted application be subject to the following conditions:

- a. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.
- b. That a zoning By-Law Amendment that appropriately rezones the severed lot and the retained lot of Consent B03/2018 be in full force and effect.
- c. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- d. That the agricultural building (bank barn) and agricultural storage (silo) located on the lands proposed to be retained be removed to the satisfaction of the Chief Building Official;
- e. That a new septic system be installed to the satisfaction of the municipality;
- f. That verification of the septic location being wholly contained within the proposed severed lands be submitted to the municipality;
- g. That a pump out, inspection and evaluation of the septic system be completed to the satisfaction of the Chief Building Official;
- h. That the applicant apply for and obtain a change of use permit for the retained farm outbuilding in order to prevent any future livestock use to the satisfaction of the Chief Building Official;
- i. That the assessment schedule for the Ryan Municipal Drain is required to be reassessed under the drainage act at the expense of the owner in the format

recommended by the drainage superintendent;

- j. That the owner be required to dedicate lands along the frontage of the severed lot up to 15m from the centerline of construction of Mount Carmel Drive to the County of Middlesex for the purposes of road widening if the right of way is not already to that width;
- k. That the Owner's Solicitor submits an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title exactly consistent with the Consent decision.

CARRIED

The applicant was advised that a Notice of Decision will be provided in the next few days that would contain the twenty day appeal period date.

HEMMING/MCLINCHEY: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:10 p.m. at which time the Zoning By-law Amendment would be considered.

CARRIED

CHAIRMAN

SECRETARY