



March 2, 2016 MUNICIPALITY OF NORTH MIDDLESEX 7:05 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday March 2, 2016 in the Council Chambers, Parkhill to consider a planning application 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 Marsha Paley
Clerk Jackie Tiedeman
Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

HEARING – Application for Minor Variance MV#1/2016 – 26654 McCubbin Road

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

Description of Land: Lot 2 Part Lots 1 and 3 Broken Front Con 5
26654 McCubbin Road (former East Williams Twsp)

Applicant: Dave and Tara VanMoorsel

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

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) and Environmental Protection (EP) with Hazard Lands. The variance sought is related to the Applicants' proposal for the establishment of an intensive livestock operation as permitted under the General Agricultural (A1) Zone. The application would permit a separation distance of 228.8 metres from the dwelling located to the west of the proposed livestock barn instead the required 503 metres under MDS II entailing of variance of 274.2 metres from the by-law.

The subject property is not currently the subject of any other application under the Planning Act.

Ms. Rosser then reviewed her planning report dated February 25, 2016 which contains agency comments received which included written submissions by the County of Middlesex, Ausable Bayfield Conservation Authority (ABCA) and North Middlesex Public Works which all indicated no concerns. Ms. Rosser noted that the extent of the proposed variance is outside the usual range of a minor variance, however, taking into account the site-specific circumstances of the subject property the proposed variance is considered minor in her opinion.

Ms. Rosser advised the Committee that in addition to her report that any oral submissions given at the public meeting should be given due consideration.

ORAL SUBMISSIONS

Mr. Ken McGregor (neighbour) stated his objections to the application as follows: Not opposed to the building however with the proposed location which is on a hill; the proximity to the Stewart Drain as no distance was listed; woodlot would not mitigate odour as it has recently been cleared out and there was no Nutrient Management Plan information available and the Committee should examine that in his opinion.

Deputy Mayor Ropp requested clarification regarding the Stewart Drain.

Ms. Rosser advised that there are drains in the vicinity although none are located on the subject property according to the drainage maps provided by the Drainage Superintendent. Also, the Nutrient Management Plan does not come to Council or the Committee as this document is approved by OMAFRA and not Council. The Nutrient Management Plan includes reference to the MDS setback as well as consideration of land requirements for the disposal of manure.

Mr. McGregor stated that he does not agree with the drainage maps as he insists a drain runs through this land.

The applicant, Mr. VanMoorsel, indicated that no drainage or benefit is assessed to this land. He also responded that the subject land is relatively flat land where he is proposing to construct the livestock barn.

Mr. McGregor was advised that if he wished to receive notice of the decision he is required to make a request in writing to the Clerk.

After careful consideration the following motion was brought forward.

CORNELISSEN/HEMMING: That Application No. MV#1/2016 for Minor Variance to the North Middlesex Committee of Adjustment be GRANTED on the basis that the variance proposed would:

- 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

Relief Granted:

- a. Nearest Neighbour's Dwelling (West) MDS II Setback of 228.8 metres

That any requirements of the Nutrient Management Act are to form a condition of the building permit.

CARRIED

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

Being no further applications the following motion was introduced.

ROPP/MOIR: That the Committee of Adjustment Meeting adjourn at 7:25 p.m.

CARRIED

CHAIRMAN

SECRETARY