



MAY 3, 2017

**MUNICIPALITY OF NORTH MIDDLESEX
COMMITTEE OF ADJUSTMENT
MINUTES**

7:30 P.M

A Public Meeting was held on Wednesday May 3, 2017 in the Council Chambers, Parkhill to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway (Absent)

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 (Absent)

Director of Finance and Administrative Services/Treasurer, Nandini Syed

Director of Infrastructure and Operations, Jonathon Graham

Clerk Jackie Tiedeman

Planner Christie Basalle

DISCLOSURE OF PECUNIARY INTEREST

None

**7:30 p.m. HEARING – Applications B04/2017 for Consent to Sever Land and
Application ZBA 1/2017 – Gysbers Brothers Inc. 4708 West Corner Drive**

Planner Christie Basalle advised that the above noted applications had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Pt. Lot 27& Pt Lot 29, Con 7;

Pt. Lot 27, Pt. Lot 30, Lot 28 and 29 Con 8

4708 West Corner Drive

former Township of McGillivray

Applicant: Gysbers Brothers Inc.

Agent: Barbara Rosser, Planning Consultant

Municipality of North Middlesex

Committee of Adjustment

May 3, 2017

The purpose and effect of this application is to sever a parcel of land from an existing 247.24 ha (610.9 ac) farm parcel as a surplus farm dwelling severance.

The land to be severed would be approximately 0.6747 ha(1.66ac)in size and contains an existing single detached dwelling and two detached accessory structures. The land to be retained would be approximately 246.57 ha (609.2 ac) and contains agricultural land in crop production and a solar panel.

A concurrent zoning by-law amendment application (File No. ZBA 1-2017) has been filed in order to rezone the severed (residential) lands to permit the residential use and a lot frontage of 41.45m (136ft). 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

- Ausable Bayfield Conservation Authority: no natural hazard or natural heritage concerns
- County of Middlesex: no concerns
- Ministry of Natural Resources- no comments received
- Hydro One – no concerns
- Public Works: Septic system pump out and inspection should be a condition of both severances; If required, new entrance will require approval from Public Works Dept at owners expense; assessment schedule for the Morton-Heaman Drain 1975 to be reassessed.
- Public Comments – None received

- Oral Submissions: None

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, it is recommended that the applications for consent under Section 53 of the Planning Act be approved subject to conditions of the applications: satisfy the requirements of the Planning Act; are 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 the requirements of the North Middlesex Zoning By-law; and, represents sound land use planning.

MOIR/NICHOL: That B04-2017 (4708 West Corner Drive) be approved subject to the following conditions:

- a) That the North Middlesex Zoning By-law No. 25 of 2004, as amended, be amended to rezone the lands to be severed to an Agricultural Small Holding Exemption 20 (AG1-20) Zone to permit a reduced frontage of 41.45m (136 ft) and to rezone the lands to be retained to General Agricultural Exemption (1-63) Zone to prohibit new residential dwellings;
- b) That the dwelling unit be deemed habitable by the Chief Building Official;
- c) That the electrical servicing providing connection to the existing solar panel located on the lands to be retained be relocated to the wholly contained within the boundaries of the lands to be retained to the satisfaction of the Municipality;
- d) That unless replaced, the existing septic tank and weeping bed system is to 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, if required, any new entrances will require approval from Public Works Department at owner's expense. A road allowance work permit application fee is \$100.00 and a deposit may be required;
- f) That the assessment schedule for the Morton-Heaman Drain 1975 be reassessed under the Drainage Act, R.S.O. 1990, c.17 at the expense of the owner (s) in the format recommended by the Drainage Superintendent;
- g) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- h) 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.
- i) 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 two years from the date of decision.

CARRIED

The Planners Report also contained a recommendation that Zoning By-law Amendment Application ZBA01-2017 for the severed and retained lots of Consent B04-2017 in order to implement the severance of a surplus farm residence be considered by Council for all three readings during the regular meeting.

A 20 day appeal period will apply from the date of notice of decision.

7:40 p.m. Hearing for Application B05/2017 for Consent to Sever Land and Application ZBA 2/2017 for Amendment to Zoning By-law

Planner Christie Basalle advised that the above noted applications had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Part of Lots 21 Con 1
5473 Clandeboye Drive
former Township of McGillivray
Applicant: Gysbers Farms Ltd
Agent: Barbara Rosser, Planning Consultant

The purpose and effect of this application is to sever a parcel of land from an existing 56.06 ha(138 ac) farm parcel as a surplus farm dwelling severance.

The land to be severed would be approximately 0.3437 ha(0.849ac) in size and contains an existing single detached dwelling and a detached accessory structure (steel drive shed). The land to be retained would be approximately 55.72 ha (137 ac) and contains agricultural land in crop production, a steel Quonset hut and a solar panel.

A concurrent zoning by-law amendment application (File No: ZBA 2-2017) has been filed in order to rezone the severed (residential) lands to permit the residential use, the proposed 0.3437 ha (.849 ac) lot area, and the location of an accessory structure 0.91m (2.98ft) from the side lot line. 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

- ABCA: no natural hazard or natural heritage concerns
- Hydro One: No comments or concerns
- Public Works: shall relocate and decommission the private water services to the existing well identified within Part 1 of the subject application. Furthermore, the

applicant shall be responsible for installing a new private water service from the applicant's water valve with a new water meter to the dwelling unit. The applicant shall be responsible for all applicable costs, locates and inspection requirements to the satisfaction of the Municipality. Municipal staff have also indicated that a standard septic system pump out and inspection is required as a condition of consent. A permit from the public works dept will be required for any new road accesses, if required. The assessment schedule for the Hill Drain extension is required to be reassessed at the expense of the owners (s) in the format recommended by the Drainage Superintendent.

- Public Input: None
- Oral Submissions: None

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, it is recommended that the applications for consent under Section 53 of the Planning Act be approved subject to conditions of the applications: satisfy the requirements of the Planning Act; are 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 the requirements of the North Middlesex Zoning By-law; and, represents sound land use planning.

MCLINCHEY/NICHOL: That Application for Consent B05-2017 be approved subject to the following conditions:

- a. That the North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the lands to be severed to a Restricted Agricultural (A2) Zone to Agricultural Small Holding Exception 21 (AG1-21) Zone to recognize a deficient lot area of approximately 0.3437 ha (0.849ac) and a reduced distance between an accessory building and a lot line of 0.91m (2.98 ft). The Zoning By-law be further amended to rezone a portion of the lands proposed to be retained from Restricted Agricultural (A2) Zone to Restricted Agricultural Exception 3 (A2-3) Zone to prohibit new residential dwelling from being established on the lands and to rezone the remaining portion of the lands proposed to be retained from General Agricultural (A1) Zone to General Agricultural Exemption 64 (A1-64) Zone to prohibit new residential dwellings from being established on the lands;
- b. That the applicant decommission and relocate the private water services to the existing well identified within Part 1 of the subject application. Furthermore, the applicant shall be responsible for installing a new private water service from the applicant's water valve with a new water meter to the dwelling unit. The applicant shall be responsible for all applicable costs, locates and inspection

requirements to the satisfaction of the Municipality of North Middlesex as per the Standards Fees of By-law 54 of 2015;

- c. That the dwelling unit be deemed to be habitable by the Chief Building Official;
- d. That the electrical servicing providing connection to the existing solar panel located on the lands to be retained be relocated to the wholly contained within the boundaries of the lands to be retained to the satisfaction of the Municipality;
- e. That unless replaced, the existing septic tank and weeping bed system is to 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;
- f. That, if required, any new entrances will require approval from Public Works Department at owner's expense. A road allowance work permit application fee is \$100.00 and a deposit may be required;
- g. That the assessment schedule for the Hill Drain Extension be reassessed under the Drainage Act, R.S.O. 1990, c.17 at the expense of the owner (s) in the format recommended by the Drainage Superintendent;
- h. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- i. 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.
- j. 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 two years from the date of decision.

CARRIED

The Planners Report also contained a recommendation that Zoning By-law Amendment Application ZBA02-2017 for the severed and retained lots of Consent B05-2017 in order to implement the severance of a surplus farm residence be considered by Council for all three readings during the regular meeting.

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

7:50 P.M. – Hearing for Application MV2-2017 for Minor Variance – 2437 Glasgow Street

Planner Christie Basalle advised that the above noted application had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Part of Lot 3 Con 9 BF Part 1 RP33R534

2437 Glasgow Street

former Township of West Williams

Applicant: Robert Willemse for Willemse Holding Inc.

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35 of 2004, as amended, in order to permit the construction of one (1) accessory building in the front yard of the subject lands and to permit three (3) employees in relation to a home industry. Specifically the applicant is seeking relief from:

- Section 6.3.2 c) of the Zoning By-law to permit the construction of an accessory building in the front yard where such building is only permitted in the rear or side yard;
- Section 6.20 g) of the Zoning By-law to permit the construction of an accessory building to be used in support of a home industry in the front yard where such building is only permitted in rear yard; and
- Section 6.20e) of the Zoning By-law to permit three (3) employees associated with a home industry where only two (2) are permitted.

The subject lands are currently located within the Agricultural Land Use Designation of the North Middlesex Official Plan and the General Agricultural (A1) Zone of the North Middlesex Zoning By-law.

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

WRITTEN AND ORAL SUBMISSIONS

- ABCA: no natural hazard or natural heritage concerns
- Public Works: A road allowance work permit has been issued for the construction of a second laneway on the subject property.
- Public Input: None
- Oral Submissions: None

CONCLUSION

The Planner provided the following recommendation. Based upon the above analysis, Minor Variance Application MV-2-2017 appears to satisfy the requirements for a minor variance as set out in the Planning Act as follows:

- Maintain the spirit and intent of the North Middlesex Official Plan
- Maintain the spirit and intent of the North Middlesex Zoning By-law No. 35 of 2004, as amended
- Be desirable for the appropriate development of the property;
- Be minor

NICHOL/MOIR: That Application MV-2-2017 for Minor Variance be granted relief from:

Section 6.3.2 c) of the Zoning By-law to permit the construction of an accessory building in the front yard where such a building is only permitted in the rear or side yard;

Section 6.20 g) of the Zoning By-law to permit the construction of an accessory building to be used in support of a home industry in the front yard, where such building is only permitted in the rear yard; and

Section 6.20 e) of the Zoning By-law to permit three (3) employees associated with a home industry where only two (2) are permitted; be GRANTED.

CARRIED

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

MOIR/MCLINCHEY: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:55 p.m.

CARRIED

CHAIRMAN

SECRETARY