



**May 4, 2016**

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

**7:05 P.M**

A Public Meeting was held on Wednesday May 4, 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  
Planner Barbara Rosser  
Staff Judy Gratton

**DISCLOSURE OF PECUNIARY INTEREST**

None

**HEARING – Application for Minor Variance MV#2/2016 – 33446 Godkin Road**

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

Description of Land: Part Lot 5 Con 6 ECR  
33446 Godkin Road (former McGillivray Twsp)

Applicant: Peter and Heather Roelands

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 6.3.2 Location Requirements for Accessory Buildings, subsection c) of North Middlesex Zoning By-law No. 35 of 2004, as amended, which stipulates that in all zones other than a Residential Zone, the setback requirements for the main building shall also apply in the location of an accessory building. The property which is the subject of this application is zoned as General Agricultural (A1) and was the subject of minor variances granted in November 2015 to permit an accessory building within the front yard of the existing single detached dwelling at a setback of 10 metres as opposed to the applicable setback of 15 metres under Section 7.3.2 b) and having a height of 7.92 metres as opposed to 5.5 metres required under Section 7.3.2 h). Construction of the accessory building commenced in late 2015 but it was determined in early 2016 that the front yard setback was 7.75 metres as opposed to 10 metres which had been permitted. Accordingly, a variance application has been submitted to permit a front yard setback of 7.75 metres as opposed to the applicable 15 metres, entailing a variance of 7.25 metres.

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

Ms. Rosser then reviewed her planning report dated April 29, 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 based upon the foregoing analysis, her conclusion is that the variance proposed by Application MV#2/2016 does not meet the tests of Section 45(1) of the Planning Act in the respect that it would not be minor.

Therefore, Ms. Rosser's recommendation be that the Application No. MV#2/2016 for Minor Variance to the North Middlesex Committee of Adjustment be **denied** on the basis that the proposed would not:

- a) Be minor.

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. Pete Oosterhof inquired about the survey and why the Chief Building Official feels he has the right to request a survey at any time. Mr. Stellingwerff stated under the Building Code he has the right to request a survey at any time.

Mr. Mike Roelands asked at what stage Mr. Stellingwerff felt this building was a problem. Mr. Stellingwerff stated that when the pile of dirt had been levelled off he noticed there could be problem and once confirmed issued a stop work order. Once again Mr. Mike Roelands inquired why Mr. Stellingwerff felt this was an issue and why was the survey requested.

Mayor Shipway stated that Mr. Stellingwerff is a building official and not a surveyor, and he has the right to request any information needed including the survey as per the Building Code.

Mr. Pete Roelands wanted to confirm to Council, the planner and the Chief Building Official that all dirt has been placed neatly at the back of the barn.

Deputy Mayor Ropp stated that we need to fix the problem with the survey and we will have a bylaw in place going forward to prevent this from happening in the future.

Councillor Cornelissen stated that he felt this issue was due to the misunderstanding of the survey which will be fixed for the future.

After careful consideration the following motion was brought forward.

MOIR/HEMMING: That Application No. MV#2/2016 for the Minor Variance made to the North Middlesex Committee of Adjustment be GRANTED on the basis that the variance proposed would:

Relief Granted:

- a. Granted relief of 7.25 metres to front yard setback with the following condition:

That development proceeds in full accordance with the application including all supplementary information pertaining to building materials and construction submitted by the Applicants pertaining to the proposed building at the time of Application No. MV#7/2015 which may involve modification of the existing structure to the satisfaction of Municipal staff within the 20 day appeal period.

**CARRIED**

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

Being no further applications the following motion was introduced.

CORNELISSEN/HEMMING: That the Committee of Adjustment Meeting adjourn at  
7:27 p.m.

CARRIED

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CHAIRMAN

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SECRETARY