



MAY 6, 2015 MUNICIPALITY OF NORTH MIDDLESEX 7:05 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday May 6, 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

MCLINCHEY/CORNELISSEN: That the minutes dated January 14, 2015 and April 1, 2015 be accepted as presented.

CARRIED

HEARING

7:05 P.M. - Application No. B4/2015 and No. ZBA 4/2015 – 4562 West Corners Drive

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

Description of Land: Part Lot 25 and 26, Con 7 ECR (former McGillivray Twp) 4562 West Corner Dr.

Applicant: 1926624 Ontario Inc., c/o Carol and David Bond

Agent: Douglas Cassino

The purpose and effect of this application would be to sever a parcel of land from an existing 44 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .85 hectares in size and would contain the existing single detached dwelling. The applicant would retain approximately 43.29 hectares comprising the farmland portion. An amendment to the zoning by-law will be required to prohibit future residential use of the retained (farmland) parcel in accordance with the policy of the North Middlesex Official Plan relative to surplus farm dwelling severances and to rezone the severed (residential) parcel for residential use.

The subject land is also the subject of an application under the Planning Act for an amendment to North Middlesex Zoning By-law No. 35 of 2004, as amended (Application ZBA#4/2015).

Ms. Rosser then reviewed the agency comments and her planning report dated April 30, 2015. She advised that since the preparation of her report two matters have come to her attention in addition to matters already addressed. The first item is that it has been confirmed that the water service connection to the residence is actually on the proposed retained lands. The second item was a result of a staff meeting in which a recommendation was made that the wording for septic system inspections needs to be modified not only for this application but also for future application that may have this condition apply. Ms. Rosser was in touch with the applicant's agent yesterday and provided them an update and proposed solution through amended conditions. The applicant was advised that they could have their application deferred in order to have time to consider the amendments as presented. The applicant and agent advised Ms. Rosser that they were in agreement with this course of action and agreed they would like the applications to still be considered by the Committee as planned

Public Comments were then taken:

Mr. Rees, adjacent property owner of the subject lands, expressed concern with the following matters: retained land being sterilized from future residential use; future homes owners that are attracted to these small residential lots are sometimes opposed to the agricultural smells and dust that is created as part of the farming operations.

Ms. Rosser replied that the policy in the North Middlesex Official Plan is a Provincial requirement for these types of severances and is also contained within the County of Middlesex Official Plan Policy. In 2012 when this policy was established, Council of the day was concerned with the number of houses being demolished and felt it was important to implement policy that may limit the number of houses being removed. She also understands the concern regarding complaints due to agricultural smells. She is aware of other municipalities who have stipulated warning clauses be registered on title with these types of severance however there is no guarantee this would solve the problem. Council reminded Mr. Rees that the approval of these surplus farm dwelling severances does not change the fact that he has a right to farm.

After some discussion, the Chairperson thanked Mr. Rees for his comments.

ROPP/MCLINCHEY: That Application No. B4/2015 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 severed parcel to the Agricultural Small Holding (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use and permissive of the retained parcel area and lot frontage;
- b) That the Applicant provide a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being retained for agricultural purposes will be used as part of the existing farming operation;
- c) That, unless replaced, the existing septic tank and weeping bed system on the severed 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;
- d) That the existing water connection servicing the subject property be decommissioned and a new water connection (entailing the extension of the West Corner Drive water main) be installed according to the requirements of North Middlesex Public Works at the full expense of the Owner;
- e) That the existing barn, silo and frame shed indicated as to be removed, on the severance sketch, be demolished and fully removed from the property;
- f) That the Rees 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 laneway access is required to the severed parcel from West Corner Drive in accordance with the severance sketch and the Owner is required to obtain written

permission from the North Middlesex Public Works Department and the Ausable Bayfield Conservation Authority prior to the construction of any access;

h) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;

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 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:

MOIR/ROPP: That the COA meeting adjourn and return to regular meeting at 7:35 p.m.

CARRIED

CHAIRMAN

SECRETARY