

MAY 7, 2014 MUNICIPALITY OF NORTH MIDDLESEX 7:00 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday May 7, 2014 in the Council Chambers, Parkhill to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway
Deputy Mayor Chuck Hall
Councillor Ward One – Doreen McLinchey
Councillor Ward Two – Brian Ropp
Councillor Ward Three – Gord Moir
Councillor Ward Five – Adrian Cornelissen
CAO Linda Creaghe
Clerk Jackie Tiedeman
Planner Barbara Rosser

Absent: Councillor Andrew Hemming

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

ROPP/CORNELISSEN: That the minutes dated April 9 and March 5, 2014 be accepted as presented.

CARRIED

It was noted for the Committee that the Applications on the agenda for 7:00 p.m. have been removed for further administrative review.

7:15 p.m. – Application for Consent B07/2014 and B08/2014 and ZBA #4/2014 – Marilyn Gingerich

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

Description of Land: Part Lots 24 and 25 Concession 19 and more particularly Parts 9, 10,11,13, 14-15 Plan 33R-5690, former East Williams Twsp – 11714, 11706 Petty Street.

The purpose and effect of Application B07/2014 would be to sever a parcel of land from an existing 20 hectare parcel currently containing two single detached dwellings. The

land to be severed would be approximately 0.27 hectares in size with 26.64 metres frontage and would contain the southerly of the dwellings (Lot B on the severance sketch) The application would retain approximately 19.52 hectares comprising the vacant, farmland portion (assuming the granting of consent application B07/2014 for severance of the northerly of the dwellings Lot A) An amendment to the zoning by-law will be required to rezone the severed (residential) parcel for residential use.

The purpose and effect of Application B08/2014 would be to sever a parcel of land from an existing 22 hectare parcel currently containing two single detached dwellings. The land to be severed would be approximately 0.22 hectares in size with 21.34 metres frontage and would contain the northerly of the two dwellings (Lot A on the severance sketch) The applicant would retain approximately 19.78 hectares comprising the farmland portion with one single detached dwelling. An amendment to the zoning by-law will be required to rezone the severed parcel for residential use.

The purpose of the proposed zoning by-law amendment (ZBA #4/2014) is to amend North Middlesex Zoning By-law No. 35 of 2004, as amended, to rezone the severed parcels to Residential Density One (R1) Zone permissive of single detached residential development. A site specific Urban Reserve (A3) zoning would apply to the remnant parcel permissive of its area.

Agency and Planning Comments were reviewed and are incorporated into the Planning Report. It was noted that it has been verified from the Water Manager that two water connections service this property and therefore are not required as a condition of severance.

Planner Barbara Rosser then reviewed her report and recommendation.

HALL/ROPP: That Consent Application No. B07/2014 and B08/2014 be granted subject to the following conditions:

1. That this approval applies to Application for Consent No. B07/2014 and B08/2014 by Marilyn Gingerich proposing the creation of a total of two lots by land severance plus the retained parcel as depicted on the Archibald, Gray & McKay Limited Ontario Land Surveyors draft plan of survey 2014 (Plan No. 5-Z-7317);
2. That a letter of release be obtained from Craigwood Youth Services (formerly Mennonite Central Committee) pertaining to the private water easement (Part 3 and 4, Plan 33R-5690) for registration on the title to the severed lots;
3. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcels to the Residential Density One (R1) Zone and the retained parcel to an Urban Reserve (A3) Zone Exception permissive of the lot area resulting from the severance prohibitive of residential use;

4. That the owner dedicate lands up to 18 metres from the centerline of County Road 19 (Petty Street) along the frontage of the severed parcels to the County of Middlesex if the right-of-way is not already to that width;
5. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality for each consent application;
6. That the Applicant's Solicitor submits an undertaking for each consent 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;
7. 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. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.

CARRIED

Also, that the draft by-law be given three readings and finally passed during the regular session

A twenty day appeal period will follow from the date of notice of decisions for the above noted applications.

7:30 p.m. – Application for Consent (B04/2014) – Ben Wright

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

Description of Land: Part Lot 26 Concession 5 ECR
(former Village of Ailsa Craig)

Applicant: Benjamin Wright
Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 1.8888 hectares from an existing 25.5 hectare parcel of land. The severed parcel would have 157.216 metres frontage on Queen Street and is vacant currently with the exception of a barn and small shed. The zoning of the severed parcel is Future Development (FD). The Applicant would retain a vacant parcel of land consisting of 23.6 hectares with frontage on Queen Street and zoned as Future Development and Environmental Protection (EP) with Hazard Lands. There is no specific use proposed at the current time for either parcel and it is indicated that the severance is proposed in order to allow for the parcels to be separately conveyed.

Agency and Planning Comments were reviewed. Written submissions from Darryl Slywchuk and Bill Irwin were received and taken into consideration with the planning report.

HALL/MCLINCHEY: That Application No. B04/2014 for land severance be granted subject to the following conditions:

1. That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone those parts of the severed parcel currently zoned as Environmental Protection (EP) to Future Development (FD) and those parts of the retained parcel adjacent to the severed parcel currently zoned as Future Development (FD) to Environmental Protection (EP);
2. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality for each consent application;
3. That the Applicant's Solicitor submits an undertaking for each consent 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;
4. 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. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.

CARRED

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

7:45 p.m. – Application for Minor Variance (MV#3/2014) –Doug & Lynda Mawson

The Planner advised that the above noted application has been received and circulated according to the Planning Act.

Description of Land: Part Lot 15, Con.17 (former Township of McGillivray)
34707 Lieury Road

Applicant: Douglas and Lynda Mawson
Agent: Philip Walden

The purpose of this application is to request permission to vary Section 6.3.2 Location Requirements for Accessory Buildings, subsection a) of North Middlesex Zoning By-law No. 35 of 2004, as amended which stipulates that accessory buildings shall be erected only in a side or rear yard in a Residential Zone. The property which is the subject of this application is zoned as Hamlet Residential (RH). The variance is related to the Applicants' recent severance application which was granted by the North Middlesex Committee of Adjustment (Application B03/2014) for the creation of a new lot at the southwest corner of Lieury Road and McGillivray Drive. The severed lot contains a single detached dwelling and two former livestock building, which as a result of severance, would be located with the front yard (based on the McGillivray Drive

frontage) for the dwelling . A minor variance for the livestock buildings is a condition of severance .

Agency and Planning Comments were then reviewed along with a recommendation.

MOIR/CORNELISSEN: That Application MV#3/2014 be granted as follows:

100% relief from Section 6.3.2 Location Requirements for Accessory Buildings, subsection a) of the General Provisions and Section 13.2.1 Additional Requirements for Accessory Buildings stipulate that accessory buildings are to be erected only in a side or rear yard. Also that RELIEF GRANTED be subject to the following condition: That the minor variance applies to the two existing buildings and structures only.

CARRIED

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

7:55 P.M. – Application for Consent (B05/2014) and Minor Variance MV#4/2014 and ZBA #2/2014 – Vanerhoek Farms Inc.

At the request of the applicant the applications are deferred until a meeting can be held with hydro One.

CORNELISSEN/HALL: That the meeting adjourn and return to regular meeting at 8:15 p.m.

CARRIED

CHAIRMAN

SECRETARY