



MUNICIPALITY OF NORTH MIDDLESEX

COMMITTEE OF ADJUSTMENT

MINUTES

A Public Meeting was held on Wednesday May 9, 2018 at 7:00 p.m. in the Council Chambers, Shared Services Building, 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

Councillor Ward Five – Adrian Cornelissen

CAO/Director of Finance (Treasurer), Nandini Syed

Deputy CAO/Director of Operations, Jonathon Graham

Director of Emergency and Safety Services, Will Davidson (portion of meeting)

Infrastructure Technician, Jonathan Lampman (portion of meeting)

Clerk Jackie Tiedeman

Planner Stephanie Poirier

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

- a. March 7, 2018 COA minutes

ROPP/MCLINCHEY: That the minutes be approved as presented. **CARRIED**

The Secretary Treasurer provided an introduction to the Public Meeting which disclosed the purpose of the meeting, that comments expressed and written material presented are a matter of public record available for full disclosure and that if a member of the public wished to be notified of a decision on applications being heard this evening that a written request must be submitted to the Municipality.

7:00 p.m. HEARING –Application for Consent (B05/2018) 30192 Centre Road

Planner Stephanie Poirier advised that the above noted application had been received, deemed complete and circulated to agencies as well as property owners in accordance to the Planning Act.

Description of Land: Part of Lots 7 & 8 Concession 7

(geographic Twsp of East Williams)

Applicant: Mark and Janine Speirs

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 40.5 ha (100ac) of land from an existing farm parcel consisting of 80.9 ha (200ac) of land. The proposed land severance would correct an unintended merger of parcels.

WRITTEN AND ORAL SUBMISSIONS

- County Engineer – requirement for dedication of lands along the frontage of the severed lot up to 18m from the centreline of construction of County Road 81 (Centre Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: no concerns
- Enbridge Gas: requires notice of all excavations within 30m of an Enbridge pipeline and any proposed facilities crossing the Enbridge right of way requires approval in the form of a standard crossing agreement between Enbridge and the facility owner
- Public Written Comments: None received
- Oral Submissions at meeting: None

ANALYSIS

The severance proposed by this application appears capable of satisfying the policy requirements associated with the creation of new lots for agricultural uses as per the

Provincial Policy Statement and the County and North Middlesex Official Plans. Further, the proposed lots resulting from the severance appear capable of meeting the zoning requirements of the A1 zone within the North Middlesex Zoning By-law, and as such, a zone change is not required.

CONCLUSION

The agent representing the Applicant was in agreement with the proposed conditions therefore the following motion was brought forward:

COA MOTION/2018

HEMMING/ROPP: That Application for Consent B05/2018 submitted under Section 53 of the Planning Act be GRANTED as the application: satisfies the requirements of the Planning Act, is 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 sound land use planning;

And further that the above noted application be subject to the following conditions:

- a. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.
- b. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- c. That a new access be established on the severed lands, to the satisfaction of the County Engineer
- d. That the applicant dedicate lands along the frontage of the severed lot up to 18m from the centerline of construction of County Road 81 (Centre Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer
- e. That if deemed necessary, the Enbridge pipeline easement be reapportioned on title between the lands to be severed and the lands to be retained
- f. That the Owner's Solicitor submits an undertaking in a form satisfactory to the Municipality 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.

- g. 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 certificate is valid for two years from the date of decision.

CARRIED

The applicant was advised that a Notice of Decision will be provided in the next few days that would contain the twenty day appeal period date.

7:05 p.m. HEARING – Application for Minor Variance (MV-4-2018) – 249 Parkhill Main Street

Councillor McLinchey declared a Conflict of Interest at 7:09 p.m. and left the Chambers.

Planner Stephanie Poirier advised that the above noted applications had been received, deemed complete and circulated the agencies as well as land owners in accordance with the Planning Act.

Description of Land: Plan 200 Part Lot 4
(former geographic Town of Parkhill)
249 Parkhill Main Street, Parkhill ON
Applicant: Paul Sampson and Deepak Kumar

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 a residential dwelling unit in the rear of a commercial building that has a larger ground floor area than permitted and decrease the size of the commercial ground floor area. Specifically the applicant is seeking relief from Section 6.11 b) iii of the Zoning By-law to permit a dwelling unit in the rear of a commercial building that occupies 72% of the ground floor area and a commercial space that occupies 28% of the ground floor area, whereas the maximum ground floor area for a residential dwelling unit in a commercial building shall not exceed 50%.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no comment or concern
- Municipal Operations: no concerns
- Public Comments or Submissions: None
- Oral Submissions at meeting: The potential tenant provided a letter of support to the application.

ANALYSIS

The Planner advised that the minor variance appears to satisfy the requirements for a minor variance as set out in the Planning Act.

CONCLUSION

The applicant had no further comments in regards to the application.

COA MOTION/2018

MOIR/CORNELISSEN: That Application No. MV-4-2018, filed by Paul Sampson, for relief from Section 6.11 b)(iii) and Section 16.1.2 b) of the Zoning By-law to permit a dwelling unit in the rear of a commercial building that occupies 72% of the ground floor area and a commercial space that occupies 28% of the ground floor area, whereas the maximum ground floor area for a residential dwelling unit in a commercial building shall not exceed 50% 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

CARRIED

The applicant was advised that a Notice of Decision will be provided in the next few days that would contain the twenty day appeal period date.

Councillor McLinchey then rejoined the meeting.

7:10 p.m. Deferral of Applications for Consent (B03/2018) and ZBA 2/2018 for 4149 Mount Carmel Drive

Staff advised that the above noted applications were deferred again at the request of the applicant.

CORNELISSEN/MOIR: That Committee of Adjustment meeting adjourn and return to Public Meeting to consider a Zoning By-law Amendment Application.

CARRIED

CHAIRMAN

SECRETARY