

**COMMITTEE OF ADJUSTMENT
MINUTES**

The North Middlesex Committee of Adjustment met on Monday, November 19, 2001 in the Council Chambers.

Those present were: Chuck Hall-Chairman, Ian Brebner, Marysia Coutts, Ken Johnston, Lawrence McLachlan, Mike Conlin, Lucy Hendrikx, Secretary Shirley Scott, Planner Barb Rosser

APPLICATION MV-5-2001: DWAIN & CATHERINE JEFFREY

Planner Barb Rosser was present and reviewed her report with the Committee. The purpose of the application is to vary Section 5.10a) of the former Village of Ailsa Craig Zoning By-law entitled Permitted Encroachments in Yards which stipulates a maximum projection of 2.5 metres including eaves and cornices for open, roofed porches not exceeding one storey in height and covered porches. Encroachment for this structure can occur in any yard.

The Committee was advised that earlier this year, the owners added an open, roofed porch to the westerly side of the existing dwelling with an encroachment of approximately 3.2 metres (10.5ft). Therefore, the relief sought is 0.7 metres (2.3 ft.) or 28% from the regulation of Section 5.10a).

The correspondence from the County of Middlesex indicated that they had no objection to the application.

Councillor Hendrikx inquired whether the structure impeded visibility at the corner and the reply was that it did not.

COUTTS-HENDRIKX: BE IT RESOLVED THAT Application No. MV-5-2001 for Minor Variance Lot 87; Registered Plan No.204 (132 Mill Street) former Village of Ailsa Craig for Dwain and Catherine Jeffrey be GRANTED:

Relief Granted: 0.7 metres (2.3 ft)
From Regulation 5.10a) "Permitted Encroachment in Yards"

CARRIED

APPLICATION NO. S-10-2001: PATRICIA LITTLE

Applicant Patricia Little was present for her hearing of Application No. S-10-2001 for Consent to Sever Land – Part of Lot 22, Concession No.7 former West Williams Township.

Planner Barb Rosser proceeded to review her report with the Committee. The purpose of this application is proposing that a parcel be severed through the mid portion of the subject property consisting of approximately 0.805 hectares (1.99 acres) with 33.0 metres (108 ft) frontage. The southerly retained parcel would consist of approximately 1.541 hectares (3.8 acres) with 152.25 metres (499.5 ft) frontage. The northerly retained parcel would consist of approximately 0.607 hectares (1.5 acres), having 50.61 metres (166.0ft.) frontage.

The southerly retained parcel (Parcel C/D) contains a single detached dwelling. The severed parcel (Parcel B) contains an accessory building described as a frame barn and the northerly retained parcel is vacant. It is proposed that the severed parcel and the northerly retained parcel (Parcel A) be developed for single detached residential purposes.

The Committee was advised that the applicant had submitted two previous severance applications to the Committee of Adjustment for the former Township of West Williams in 2000 which would have resulted in three new lots being created from the subject property for a total of 4 lots. The applications were granted in August 2000 subject to conditions. However, the conditions were not fulfilled within the year and the Committee's decision lapsed in accordance with Section 53(41) of the Planning Act. The application currently under consideration differs from those previously considered in that Parcels C and D are combined resulting in the proposed lot area of 1.541 hectares. There is no change proposed to the dimensions of Parcels A and B for a total now of 3 lots.

The matter of the septic system was discussed and questioned whether there was enough room. It was reported that this issue was thoroughly addressed with the A.B.C.A.

Mrs. Little advised that there is enough room for the septic system and also the applications she has submitted changed from the previous ones in 2000 due to the ANSI and that she was unaware of this the previous time. She then questioned the 5% parkland dedication condition imposed. She was advised that this is based on the appraised value of the severed lot. She also indicated that she wished to retain the barn which is currently situated on the proposed severed lot. The Planner advised that this could be considered through a minor variance application. If a minor variance was applied for, it would allow the accessory building to remain for a limited period of time. The main building would have to be established within a year or the accessory building will have to be removed. After some discussion the following motion was introduced:

HENDRIKX-CONLIN: BE IT RESOLVED THAT Application No. S-10-2001 for Consent to Sever Land Part of Lot 22, Concession No.7 (former Township of West Williams) – Applicant: Patricia Little be GRANTED subject to the following conditions:

- i. That a dimensioned sketch/plan be submitted by the proponent to the A.B.C.A. confirming that the septic system (with appropriate setbacks) servicing the residence on the southerly retained parcel is wholly contained within this parcel;
- ii. That should the existing septic system be located closer than 30 metres from the dug well located on the southerly parcel, that the well be decommissioned as per MOE guidelines or new sewage system be approved and constructed on the southerly retained parcel a sufficient distance from the existing well;
- iii. That soil assessment be completed for the severed parcel and the northerly retained parcel concerning the adequacy of the site for private sewage disposal. The report must be completed by a qualified soil consultant. Each site must have adequate area to support a sewage system plus 100% contingency area and consideration must be given to surface water drainage away from the available sewage envelopes;
- iv. That the existing accessory building situated on the severed parcel be demolished and fully removed prior to the certification of any document for the transfer of the subject lands; or a minor variance obtained to have effect for a limited time period pending establishment of a main residential use;
- v. That a fee be paid to the municipality in the amount of 5% of the value of the severed parcel for park or other public recreational purposes as per Section 53(13) of the Planning Act, and as endorsed by Council by resolution #6 passed on August 7, 2001 to be applied when processing a residential application;
- vi. That the Applicant's Solicitor submits a Deed, in the form of an Acknowledgement and Direction prepared for electronic registration purposes, duly signed by the Applicants consistent with the terms of the Decision;

- vii. That the Applicants Solicitor submits an Undertaking in a form satisfactory to the Committee of Adjustment to register an electronic transfer of Title consistent with the said Acknowledgement and Direction and the severance decision;
- viii. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

CARRIED

MINUTES

CONLIN-HENDRIKX: BE IT RESOLVED THAT the Committee of Adjustment meeting minutes dated November 5, 2001 printed and delivered to each member be approved.
CARRIED

HENDRIKX-COUTTS: BE IT RESOLVED THAT the Committee of Adjustment Meeting adjourn at 9:10 p.m.
CARRIED

CHAIRPERSON

SECRETARY