

**COMMITTEE OF ADJUSTMENT
MINUTES**

A Public Meeting was held on Monday November 4, 2013 in the Council Chambers 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 Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

CAO Linda Creaghe

Clerk Jackie Tiedeman

Planner Barbara Rosser was present

DISCLOSURE OF PECUNIARY INTEREST

Councillor Ropp declared a conflict of interest pertaining to the Peter & Jason Hodgins applications and then left the room for this portion of the meeting.

MINUTES

HEMMING/ROPP: That the October 7, 2013 minutes be accepted.

CARRIED

**APPLICATION B20/2013 AND ZONING ZBA#9/2013 FOR CONSENT TO SEVER
LAND – PETER & JASON HODGINS**

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

Description of Land: Lot 29, Concession 1 and Part 7, RP33R12341
5578 Maple Lodge Drive (former Township of McGillivray)

Applicant: Peter Earl Hodgins, Jason Rae Hodgins

Agent: Robert Waters

The purpose and effect of this application would be to sever a parcel of land from Lot 29, Concession 1 in the geographic McGillivray Township which now consists of three separate parcels of land together comprising approximately 41.25 hectares. Lot 29 is dissected by lands comprising the former railway right of way and consisting of approximately 1.3 hectares. The former ROW is not in the Applicants ownership. The parcels to the east and west of the former ROW are owned by the Applicants and consist of approximately 4.5 and 35.6 hectares respectively. The proposed consent is premised upon the merging of the former ROW lands with the remainder of Lot 29 as a condition of severance. The land to be severed would be approximately 206. Hectares in size with 509.3 metres frontage on Maple Lodge Drive and would be vacant. The Applicants would retain 20.652 hectares with 405.7 metres frontage on Denfield Road, containing the existing single detached dwelling and three agricultural accessory buildings. An amendment to the zoning by-law will be required to permit the proposed lot area through a special General Agricultural (A1) Zone. 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 No ZBA #09/2013).

Planner Barbara Rosser then reviewed her planning report dated October 30, 2013. Comments were taken into account from responding agencies as well as a public submission by Greg Hindmarsh opposing the consent .

MOIR/MCLINCHEY: That Application No. B20/2013 for land severance to the North Middlesex Committee of Adjustment be GRANTED subject to the following conditions:

- a) That Part 7, RP 33R12341 (PIN 09692-0028) currently owned by Robert Emmanuel Hodgins be registered in exactly the same name and title as the parcels to which it is to be added being: i) Part Lot 29, Concession 1 located east of Part 7, RP33R12341 and municipally described as 5578 Maple Lodge Drive currently owned by Peter Earl Hodgins and Jason Rae Hodgins ii) the retained parcel located to the west of Part 7 RP 33R12341 being approximately 15.0 hectares;
- b) That Section 50(3) or (5) of the Planning Act, R.S.O. 1990, c.P.13 apply to any subsequent transaction or conveyance of i) Part 7, RP 33R12341; ii) Part Lot 29 Concession 1, located east of Part 7, RP33R12341 and municipally described as 5578 Maple Lodge Drive; and iii) the retained parcel located to the west of Part 7 RP33R12341 being approximately 15.0 hectares;
- c) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel (Parcel "A") and the retained parcel merged as required by condition a) (Parcel "B") to a General Agricultural (A1) Zone Exception permissive of the lot areas proposed;
- d) That the Owners dedicate lands up to 18 metres from the centerline of Middlesex County Road No. 20 (Denfield Road) to the County of Middlesex if it is not already to that width;
- e) That the Hodgins Municipal Drain be reassessed under the Drainage Act, R.S.O., c.D.17 at the expense of the Owner;
- f) That a certified laboratory test confirming the availability of a potable well water supply to the dwelling at 5578 Maple Lodge Drive. If potability is not established, installation of a connection to the municipal water will be required according to the requirements of the Municipality of North Middlesex prior to finalization of consent;
- g) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- h) That the Applicants 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;
- i) 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 two years from the date of decision.

CARRIED

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

It was also recommended that the by-law be given three readings and finally passed during the regular meeting.

Councillor Ropp then joined the meeting.

APPLICATION B22/2013 FOR CONSENT TO SEVER ELIZABETH & CAROLYN LAGERWERF

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

Description of Land: Lots 17 and 18 Concession 6 WCR
1277 West Corner Drive (former township of McGillivray)

Applicant: Elizabeth Anne Lagerwerf, Carolyn Jane Lagerwerf
Agent: Robert Waters

The purpose and effect of this application would be to sever a vacant parcel of land approximately 40.46 hectares in size. The Applicants would retain approximately 40.46 hectares containing a drive shed. Current agricultural use of both parcels would continue.

Ms. Rosser then reviewed her planning report dated October 30, 2013. Comments were taken into account from responding agencies.

HALL/MOIR: That Application B22/2013 be granted subject to the following conditions:

- a) That the Heaman 1996 Municipal Drain be reassessed under the Drainage Act, R.S.O., c.D.17 at the expense of the Owner;
- 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 the Applicants 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;
- d) 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 two years from the date of decision.

CARRIED

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

APPLICATION B17/2013 FOR CONSENT TO SEVER – VANOSH FARMS LIMITED

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

Description of Land: Lot 3 Con 14 and Lot 18 Part Lot 17 NBC
3749 Mount Carmel Drive and 35728 Creamery Road
Former Township of McGillivray

Applicant: Van Osch Farms Limited
Agent: Raymond & McLean

The purpose and effect of this application would be to sever a parcel of land approximately 40 hectares in size fronting on Creamery Road which would contain an existing single detached dwelling and an agricultural drive shed. The Applicant would retain approximately 40 hectares fronting on Mount Carmel Drive containing an existing single detached dwelling and two agricultural drive sheds. Current agricultural use of both parcels would continue.

Ms. Rosser then reviewed her planning report dated October 30, 2013. Comments were taken into account from responding agencies.

HEMMING/CORNELISSEN: That Application B17/2013 be GRANTED with the following conditions:

- a) That the Glavin-Hodgins 1980, Fleming-Morrissey 1974, Mud Creek, Lewis and Regan Municipal Drains be reassessed under the Drainage Act, R.S.O., c.D.17 at the expense of the Owner;
- 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 the Applicants 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;
- d) 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 two years from the date of decision.

CARRIED

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

DEFERRAL – Tapecc Farms Application B11/2013 and ZBA #6/2013

Mr. & Mrs. Conlin, Applicants, along with their solicitor Philip Walden were present to provide the Committee with some alternatives to their original application which they felt responded to the Planners Report dated May 1, 2013. After some discussion, it was suggested that the applicants bring forth an amended survey that clearly outlined the proposed changes which could be duly considered by the Committee.

HALL/MCLINCHEY: That Committee of Adjustment adjourn and return to regular meeting at 7:45 p.m.

CARRIED

MAYOR

CLERK