



**MUNICIPALITY OF NORTH MIDDLESEX  
COMMITTEE OF ADJUSTMENT  
MINUTES**

A Meeting was held on Wednesday November 7, 2018 at 7:23 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider a planning application with a quorum present.

**ROLL CALL**

Present:

Mayor Don Shipway  
Deputy Mayor Brian Ropp  
Councillor Ward One – Doreen McLinchey  
Councillor Ward Two – Joan Nichol ( Absent due to illness)  
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 Economic Development and Community Services, Justin Dias  
Clerk Jackie Tiedeman  
Planner Christie Kent

**DISCLOSURE OF PECUNIARY INTEREST**

None

**ADOPTION OF PAST MINUTES**

**COA MOTION/2018**

**ROPP/HEMMING:** That the minutes from October 3, 2018 be approved as presented.

**CARRIED**

### **7:10 p.m. Application for Consent to Sever Land – 143 West Park Drive, Parkhill**

Planner Christie Kent advised that the above noted application was deemed complete on September 11, 2018.

Description of Land: Part 1 RP 33R1675 and Part 1 RP33R8311; Part Park Lot 7, Plan 305 Part 3 RP33R16750; Part of Park Lot 7 Plan 305  
143 West Park Dr, Parkhill

Applicant: Martin John Kennes

Agent: Deryck Walden, Lawyer

The purpose and effect of this application is to sever a parcel of land consisting of approximately 1226.3 m<sup>2</sup> (0.30ac) of land from an existing parcel comprising an area of 7797.4 m<sup>2</sup> (1.9ac). The proposed land severance would correct a merger of the parcels due to common ownership.

### **WRITTEN AND ORAL SUBMISSIONS**

- Ausable Bayfield Conservation Authority: small portion of the retained parcel is regulated by the ABCA. No natural hazard or natural heritage concerns
- Municipal Operations:  
Lot proposed to be retained is not connected to municipal water. There is a watermain fronting the property but no connection has been made. If connection to the property is requested, the landowner will be subject to fees and levies at the time of connection and will be required to enter into a contract with the Municipality of North Middlesex;  
Access to lot proposed to be severed is from West Park Drive. The lot proposed to be retained does not appear to have an individual access. If access is required, the landowner will be required to file an application to the Municipality of North Middlesex and provide deposit and security to do so in conjunction with the fees and levies established at the time of said request;  
The lot proposed to be severed and retained are accessed to the Cameron Gillies Drain. The nearest outlet for the drain is located along West Park Drive; No sewer mains front the subject property. The nearest outlet for sanitary sewers is located on West Park Drive.
- Public Written Comments: None received

- Oral Submissions at meeting: None

## **ANALYSIS**

The Provincial Policy Statement, County Official Plan and North Middlesex Official Plan generally permit lot creation in settlement areas subject to evaluation criteria.

Staff are satisfied that the requested consent is administrative in nature as the intent of the proposed severance is to correct a merger of individual parcels on title due to common ownership.

Municipal staff have noted that the lot proposed to be retained is not municipally serviced and that the nearest sanitary sewer outlet is located on West Park Drive. The lot proposed to be retained also does not have an individual access. As the lot proposed to be retained is located within the 'Future Development (FD) Zone' planning staff are satisfied that an extension of municipal services, servicing connections and an individual access are not required to facilitate the consent application. To facilitate development on the lot proposed to be retained in the future, additional Planning Act applications would be required. As such, it is the opinion of planning staff that matters pertaining to servicing and access can be deferred until there is a development proposal for the lot proposed to be retained.

Planning staff note that the existing accessory building located on the lot proposed to be severed appears to be located in close proximity to the proposed rear lot line. Section 10.2.1 of the Zoning By-law requires that accessory buildings be setback 1.5 m (4.9 ft) from the rear property line. Planning staff recommend that as a condition of approval, a preliminary survey illustrating the lot being severed and the location of the accessory building and its setback from the proposed rear property line be submitted to the Municipality for review. Should the existing accessory building fail to meet the required setback of 1.5 m (4.9 ft), planning staff recommend that the accessory building be relocated, removed or that the landowner seek relief from the provisions of the Zoning By-law through an application for minor variance.

## **CONCLUSION**

In summary, the severance proposed by Application for Consent B08/2018 appears capable of satisfying the policy requirements associated with the creation of new lots in settlement areas per the Provincial Policy Statement and the County and North Middlesex Official Plan.

The applicant and agent were not in attendance on behalf of this application.

## **COA MOTION/2018**

**MCLINCHEY/HEMMING:** Be it Resolved That Application for Consent B08/2018, submitted under Section 53 of the Planning Act be **GRANTED** subject to conditions 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 the requirements of the North Middlesex Zoning By-law; and, represents sound land use planning:

Approval of the subject application is conditional upon the following:

1. 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 the 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.
2. That a preliminary survey showing the lot proposed to be severed and the location of the existing accessory building and the setback from the rear property line be submitted to the Municipality for review.
3. That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality prior to being deposited at the Land Registry Office.
4. That the existing accessory building located on the lot proposed to be severed be relocated, removed or that an application for minor variance requesting relief from the setback provisions of the Zoning By-law be submitted, if deemed necessary.
5. That the the Assessment Schedule for the Cameron Gillies Drain be reassessed under the Drainage Act R.S.O 1990, c D17 at the expense of the owner in the format recommended by the Drainage Superintendent.
6. That the applicant's solicitor submit an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicant 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, 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.

**COA MOTION/2018**

**ROPP/CORNELISSEN:** That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:30 p.m.

**CARRIED**

  
CHAIRMAN

  
SECRETARY