

OCTOBER 1, 2014 MUNICIPALITY OF NORTH MIDDLESEX 7:00 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday October 1, 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 Four – Andrew Hemming
Councillor Ward Five – Adrian Cornelissen
CAO Marsha Paley
Clerk Jackie Tiedeman
Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

MINUTES

ROPP/CORNELISSEN: That the minutes dated August 13 and September 3, 2014 be accepted as presented.

CARRIED

HEARING

7:00 P.M. - Application No. B11/2014 for Consent to Sever Land – Gail Lamb

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

Description of Land: Part of Lots 22 and 23 Concession 3
34219 Neil Road, former McGillivray Twsp

Applicant: Gail Lamb
Agent: Monteith Brown Planning Consultants

The purpose and effect of this application would be to sever a parcel of land consisting of approximately 10.251 hectares from an existing 22.7 hectare parcel of land as a lot addition in order to enlarge abutting property. The severed parcel would not have frontage on a public road and is of irregular configuration. It is proposed that the

severed parcel be joined with the abutting parcel at 34247 Neil Road now consisting of 40.5 hectares which is vacant of buildings and structures. The enlarged parcel would consist of approximately 50.75 hectares. The Applicant would retain 12.455 hectares containing a single detached dwelling and horse arena, barn, hay barn. If consent is granted, an amendment to the zoning by-law will be required in order to permit the resulting 12.455 hectare area of the retained parcel.

Ms. Rosser then reviewed her planning report dated September 25, 2014. The report takes into account agency and public comments received up to the time of the report. Additional comments were received via fax, email and were read at the public meeting from Allan Cunningham/ Lois Noland and Jose Coelho by the Municipal Planner.

An additional report was received by the agent, Monteith Brown Planning Consultants, in response to the Planners Report that was provided prior to this hearing.

Ms. Rosser concluded her report as follows: "overall, I believe that removal of the farmland portion of the subject property through the lot addition proposal would put the retained parcel out of conformity with the nature of permitted uses of the Agricultural designation. Moreover, it is my view that the Committee's consent to the creation of such an irregularly configured parcel, ie: the retained parcel, would not constitute good planning. Acquisition of the subject property by the adjoining owner would be better agricultural land use planning and conform with the policy guidance of the County and the local Official Plan".

Conclusion and Recommendation: based upon the foregoing analysis and discussion, it is her conclusion the severance proposed by Application No. B11/2014 would not be consistent with the PPS, or conform with the Middlesex County Official Plan or the North Middlesex Official Plan.

Mr. McGuffin, agent for the applicant, then provided his response (letter dated October 1, 2014) to the Planning Report. In summary, his opinion was that the application does meet the intent of the PPS, North Middlesex Official Plan and as the County of Middlesex does not state an objection to the application that general conformity with their Official Plan exists as well. He also pointed out to the committee that the ABCA was consulted on the proposed severance prior to its submission and was in agreement to the proposed lot line and offered no objection.

Some members of the public were in the audience and offered comments that were in support of the application from Ms. Lamb.

Ms. Rosser pointed out for the Committee that the long term effects of the application should be taken into consideration not just the current owners operation.

After considerable discussion on the matter the following motion was brought forth:

HALL/MOIR: That the application be deferred for further information.

DEFEATED

CORNELISSEN/MOIR: That Application No. B11/2014 be denied

CARRIED

The Secretary for the Committee of Adjustment advised that there is a 20 day appeal period from the date of notice of decision.

7:15 P.M. - Application No. B12/2014 for Consent to Sever Land and ZBA #9/14 for amendment to zoning by-law – Carolyn and Robert Grace

Planner Barbara Rosser then advised that the above application was received and circulated according to the Planning Act.

Description of Land: Part Lot 6, Concession 1
9976 Fernhill Drive
(former Township of East Williams)

Applicant: Carolyn and Robert Grace
Agent: Archibald, Gray and McKay

The purpose and effect of this application would be sever a parcel of land from an existing 20.4 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .6816 hectares in size with 96 metres frontage on Fernhill Drive and would contain the existing single detached dwelling and one accessory building. The Applicants would retain approximately 19.7 hectares comprising the farmland portion. An amendment to the zoning by-law will be required to prohibit future residential use of the retained (farmland) parcel in accordance with the policy of the North Middlesex Official Plan relative to surplus farm dwelling severances to rezone the severed (residential) parcel for residential use.

The purpose of the proposed zoning amendment is to amend North Middlesex Zoning By-law No. 35 of 2004, as amended, to rezone the severed parcel to Agricultural Small Lot (AG1) Zone permissive of single detached residential development. The retained parcel would be rezoned to a special General Agricultural (A1) Zone prohibitive of residential use as required by the North Middlesex Official Plan.

Planner Barbara Rosser then reviewed her Planning Report dated September 25, 2014 which took into account comments received to this date.

MCLINCHEY/HEMMING: That Application No. B12/2014 be granted subject to the following conditions:

- a)** That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the severed parcel to the Agricultural Small Lot (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use ;
- b)** That the Applicants provide a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being retained for agricultural purposes will be used as part of their existing farming operation;
- c)** That, unless replaced, the existing septic tank and weeping bed system on the severed parcel be inspected by a licensed septage hauler and the inspection provided to the North Middlesex Chief Building Official;
- d)** That the existing wooden accessory building/shed situated adjacent to the northerly lot line and the concrete floor in the area of the rear lot line be fully removed from the severed parcel;
- e)** That the propane tanks be moved to a location in compliance with the AG1 Zone setbacks;
- f)** That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- g)** That the Applicant's 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;
- h)** 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

The Planner recommended that the draft by-law be given three readings and finally passed during the regular meeting this evening.

The Secretary advised that a 20 day appeal period will apply from the date of notice of decision.

HALL/HEMMING: That the Committee of Adjustment meeting adjourn and return to regular meeting at 8:05 p.m.

CARRIED

CHAIRMAN

SECRETARY