



October 18, 2017 MUNICIPALITY OF NORTH MIDDLESEX 7:10 PM
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday October 18, 2017 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
Clerk Jackie Tiedeman
Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

None

APPROVAL OF MINUTES

CORNELISSEN/HEMMING: That the minutes dated August 9 and September 6, 2017 be hereby accepted as presented. _____ CARRIED

7:10 p.m. HEARING – Application B08/2017 for Consent to Sever Land – Yellow Gold Farms – 1820 Elginfield Road

Planner Christie Kent advised that the above noted application had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Lot 9 & Lot 10 Con 17
1820 Elginfield Road former Township of West Williams
Applicant: Yellow Gold Farms Ltd

The purpose and effect of this application is to sever a parcel of land consisting of approximately 40 ha (99ac) from an existing 79.3 (196 ac) of land. The proposed land severance would correct an accidental merger of the parcels

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Public Works: no comment
- County of Middlesex Engineer: new farm entrance permit required for retained lot to the satisfaction of the county and provision for road widening dedication if not already at the 15m along the severed parcel
- Union Gas – service lines within the area which may or may not be affected by the proposed severance. Any service relocation due to severance would be at the expense of the property owner
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

It is recommended that Application for Consent B08/2017, 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

CORNELISSEN/HEMMING: That B08-2017 be approved 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 the applicant obtain the necessary permits and install a new farm entrance in order to provide access to the retained lot of Consent B08/2017, to the satisfaction of the County of Middlesex.

- c) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required.
- d) The owner will be required to dedicate lands along the frontage of the severed lot up to 15 m from the centerline of construction of County Road 7 (Elginfield Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
- e) 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.
- f) 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.

7:15 p.m. HEARING – Application MV-6-2017 for Minor Variance – James and Sheila Phipps – 35007 Cassidy Road

Planner Christie Kent advised that the above noted application had been received, deemed complete and circulated according to the Planning Act.

Description of Land: Part Lot 12 Con 13
35007 Cassidy Road former McGillivray
Applicant: James and Sheila Phipps

The purpose and effect of this application is to request permission to seek relief from North Middlesex Zoning By-law No. 35 of 2004, as amended, in order to permit the construction of accessory building (shed) in the front yard of the subject property.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Public Works: no comment
- Public Comments or Submissions – None received
- Oral Submissions at meeting: None

CONCLUSION

This application was evaluated under Section 45 of the Planning Act. A site visit was conducted on June 27, 2017 to assess the location of the accessory building. Based upon this visual assessment and the information provided by the applicants, staff do not anticipate negative impacts on surrounding properties resulting from the applicants maintaining the existing accessory building in its current location.

Based upon the analysis, Application for Minor Variance MV-6-2017 appears to satisfy the requirements for a minor variance as set out in the Planning Act.

MOIR/ROPP: That Application No. MV-6-2017, filed by James and Sheila Phipps, for relief from Section 6.3.2. c) of the Zoning By-law to permit the existing accessory building located in the front yard of the subject property with a setback of 15m (49ft) from the front lot line 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

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

ROPP/MOIR: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:20 pm _____ CARRIED

CHAIRMAN

SECRETARY