



October 5, 2016

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

7:01 P.M

A Public Meeting was held on Wednesday October 5, 2016 in the Council Chambers, 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 Marsha Paley  
Planner Barbara Rosser  
Clerk Jackie Tiedeman

**DISCLOSURE OF PECUNIARY INTEREST**

None

**7:00 p.m. HEARING Application for Minor Variance – MV#5/2016 – 2291 Elginfield Road**

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

Description of Land: Lot 4 Con 18, 2291 Elginfield Road  
former Township of West Williams  
Applicant: Rudy and Sherri Van Hooydonk

This application is for minor variance under Section 45 (1) of the Planning Act R.S.O, 1990 c.P. 13. The purpose and effect of these application is to request permission to vary Section 6.3.2 Location Requirements for Accessory Buildings, subsection c) of

North Middlesex Zoning By-law No. 35 of 204, as amended, which stipulates that, in all zones other than a Residential Zone, accessory buildings shall be erected only in a side or rear yard and the setback requirements for the main building shall also apply in the location of an accessory building. The property which is the subject of this application is zoned as Urban Reserve (A3) with hazard lands. The variance is related to the Applicant's proposal to erect an accessory building within the front yard of the proposed single detached dwelling. The existing single detached along with several other existing buildings are proposed for demolition as illustrated on the variance drawing.

The subject property is not currently the subject of any other application under the Planning Act.

Ms. Rosser reviewed her planning report dated September 30/16 which takes into consideration written and oral submissions

### **WRITTEN AND ORAL SUBMISSIONS**

- Hydro One: n/a
- Ausable Bayfield Conservation Authority: email response Sept.21/16 no concerns
- County of Middlesex: Sept.21/16 no concerns
- Public Works: Sept 19/16 no concerns
- Public Input: None
- Oral Submissions: None

### **CONCLUSION AND RECOMMENDATION**

Based upon the foregoing analysis, the variance proposed Application MV#5/16 meets the tests of Section 45(1) of the Planning Act in the respect that the variance would maintain the spirit and intent of the North Middlesex Official Plan and Zoning By-law No. 35 of 2004, as amended, would be desirable for the appropriate development or use of the property and would be minor.

**CORNELISSEN/MOIR:** That Application No. MV#5/2016 for Minor Variance to the North Middlesex Committee of Adjustment be granted on the basis that the variance 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

The following condition should apply to the Committee's decision:

- a) That development proceeds in accordance with the site plan submitted;
- b) That the demolitions on the severance sketch including the concrete silo structures but excepting the existing single detached dwelling be fully completed in advance of the issuance of the building permit for the new single detached dwelling
- c) That the existing single detached dwelling be fully demolished in accordance with North Middlesex By-law #19 of 2013 Schedule E within 90 days of occupancy of the new dwelling.

CARRIED

**7:10 p.m. HEARING for Application for Severance and Re-Zoning – 1990 Parkhill Drive**

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

Description of Land: Part Lots 8 and 9 Con 5 WCR  
1990 Parkhill Drive  
former Township of McGillivray  
Applicant: Marilyn Isabelle Scott  
Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of property from an existing 40.8938 hectare farm parcel as a surplus farm dwelling severance. The application is on the basis of an executed offer to purchase from two individuals who stipulate that the surplus farm dwelling farm consolidation criteria would be met. The Applicant would retain .6038 hectares containing the existing single detached dwelling and small metal shed. The land to be severed would be approximately 40.29 hectares in size and is currently vacant of buildings and structures. An amendment to the zoning by-law will be required to rezone the retained (residential) parcel for residential use. The policy of the North Middlesex Official Plan relative to surplus farm dwelling severances requires rezoning of the severed (farmland) parcel to prohibit residential use.

The subject land is also currently the subject of an application for zoning by-law amendment (ZBA#11/2016) under the Planning Act.

Ms. Rosser reviewed her planning report dated September 30/16 which takes into consideration written and oral submissions

## **WRITTEN AND ORAL SUBMISSIONS**

- Hydro One: n/a
- Ausable Bayfield Conservation Authority: email Sept 21/16 no concerns or comments
- County of Middlesex: Sept 21/16 indicates a concern about the proposed lot area and should be reduced.
- Public Works: no servicing concerns however septic system pump out and inspection is required as a condition of severance
- Public Input: None
- Oral Submissions: None

The Planner advised that the agent for the application has provided a submission/consent from the applicant to reduce the width of the severed parcel on the west side by 10 metres to a frontage of approximately 90 metres which would result in a lot area that would result in a lot area that would be in excess of the 4000m<sup>2</sup> AG1 zone minimum.

## **CONCLUSION AND RECOMMENDATION**

Based upon the foregoing analysis and submission/consent from the Applicant, it was concluded that the severance proposed by Application B B12/2016 would be consistent with the PPS and would conform with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

**ROPP/MCLINCHEY:** That Application No. B12/2016 be granted subject to the following conditions:

- a) That the frontage of the retained (residential) parcel be reduced by ten metres at its westerly extent for the full depth of the parcel in accordance with the Applicant's submission/consent of Sept.29/16
- b) That North Middlesex Zoning By-law No. 35 of 2004, as amended, be amended to rezone the retained parcel, as reduced, to the Agricultural Small Holding (AG1) Zone and the severed parcel, as accordingly enlarged, to a General Agricultural (A1) Zone Exception prohibitive of residential use
- c) That the lands being conveyed for agricultural purposes (the severed parcel) be transferred in the same name and title as Mitchell Swine Limited to the satisfaction of the Municipality of North Middlesex
- d) That Mitchell Swine Limited provides a signed affidavit stipulating to the satisfaction of the Municipality of North Middlesex that the lands being conveyed for agricultural purposes will be used as part of their existing farming operations

- e) That unless replaced, the existing septic tank and weeping bed system on the retained parcel be inspected by a licensed septage hauler and the inspection report be provided to the North Middlesex Chief Building Official for determination as to any replacement or remedial works that may be required to be completed to the satisfaction of the Chief Building Official
- 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

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

**Zoning By-law Amendment Application No. ZBA#11/2016**

Planner Barbara Rosser indicated the enclosed draft by-law has not been revised in accordance with the submissions on the lot area of September 29, 2016. A revised rezoning schedule will be provided. With that revision, it was recommended that the revised by-law could be given three readings and finally passed during the regular meeting of council.

**7:20 P.M. HEARING –Application for Severance and Rezoning – 2635 West Corner Drive**

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

Description of Land: Lot 1 Con 6 ECR

2635 West Corner Drive

former Township of McGillivray

Applicant: Gary Loomis

Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of property from an existing 40.7 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .8117 hectares in size and contains an existing single detached dwelling, garage and frame shed. The applicant would retain 40.92 hectares which contains no buildings or structures. An amendment to the zoning by-law will be required to rezone the severed (residential) parcel for residential use. The policy of the North Middlesex Official Plan relative to surplus farm dwelling severances requires rezoning of the retained (farmland) parcel to prohibit residential use.

The subject land is also currently the subject of an application for zoning by-law amendment (ZBA#10/2016) under the Planning Act.

Ms. Rosser reviewed her planning report dated September 29/16 which takes into consideration written and oral submissions.

### **WRITTEN AND ORAL SUBMISSIONS**

- Hydro One: Oct 3 email – no concerns
- Ausable Bayfield Conservation Authority: email Sept 21/16 no concerns or comments
- County of Middlesex: Sept 21/16 no concerns
- Public Works: no servicing concerns however septic system pump out and inspection, well water potability test and Mollard Drainage Works 1964 re-assessment is required as conditions of severance
- Public Input: None
- Oral Submissions: None

### **CONCLUSION AND RECOMMENDATION**

Based upon the foregoing analysis, the severance proposed by Application No. B11/2016 would be consistent with the PPS and would conform with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

**MOIR/NICHOL:** That Application No. B11/2016 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 retained parcel to the Agricultural Small Holding (AG1) Zone and the severed parcel to a General Agricultural (A1) Zone Exception prohibitive of buildings and structures;

- b) That the Applicant 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 the 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 report be provided to the North Middlesex Chief Building Official for determination as to any replacement or remedial works that may be required to be completed to the satisfaction of the Chief Building Official;
- d) That a certified laboratory test confirming the availability of a potable well water supply to the severed parcel be provided;
- e) That the Mollard Drainage Works 1964 be reassessed under the Drainage Act, R.S.O. 1990, c.D. 17 at the expense of the Owner in the format recommended by the Drainage Superintendent;
- f) That separate laneway access is required to the retained (farmland) parcel from either West Corner Drive or Grieves Road and the Owner is required to obtain an entrance permit issued by the Municipality of North Middlesex prior to the construction of any access;
- g) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- h) 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;
- 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

### **Zoning By-law Amendment Application No. ZBA#10/2016**

That the draft by-law be given three readings and finally passed during the regular meeting.

## **7:30 P.M. HEARING Application for Severance and Rezoning – 35108 Tapecc Farms Ltd**

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

Description of Land: Part Lots 11 and 12 Con 16  
35108 Lieury Road  
former Township of McGillivray  
Applicant: Tapecc Farms Ltd  
Agent: Philip Walden

The purpose and effect of this application would be to sever a parcel of property from an existing 29.77 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .809377 hectares in size and contains an existing single detached dwelling, drive shed and barn. The Applicant would retain 28.96 hectares which contains no buildings or structures. An amendment to the zoning by-law will be required to rezone the severed (residential) parcel for residential use. The policy of the North Middlesex Official Plan relative to surplus farm dwelling severances requires rezoning of the retained (farmland) parcel to prohibit residential use.

The subject land is also currently the subject of an application for zoning by-law amendment (ZBA #12/2016) under the Planning Act.

Ms. Rosser reviewed her planning report dated September 30/16 which takes into consideration written and oral submissions.

### **WRITTEN AND ORAL SUBMISSIONS**

- Hydro One: n/a
- Ausable Bayfield Conservation Authority: email Sept 21/16 no concerns or comments
- County of Middlesex: Sept 21/16 no concerns
- Public Works: Sept 19/16 no servicing concerns however drainage condition is required as condition of severance
- Public Input: None
- Oral Submissions: None

### **CONCLUSION AND RECOMMENDATION**

Based upon the foregoing analysis, the severance proposed by Application No. B13/2016 would be consistent with the PPS and would conform with the Middlesex County Official Plan and the North Middlesex Official Plan subject to appropriate conditions.

Municipality of North Middlesex  
Committee of Adjustment  
October 5, 2016



**MOIR/NICHOL:** That Application No. B13/2016 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 retained parcel to the Agricultural Small Holding (AG1) Zone and the severed parcel to a General Agricultural (A1) Zone Exception prohibitive of buildings and structures;
- b) That the Applicant 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 farm operations;
- c) That the Thompson Drainage Works 1969 be reassessed under the Drainage Act, R.S.O. 1990, c.D.17 at the expense of the Owner in the format recommended by the Drainage Superintendent;
- d) That separate laneway access is required to the retained (farmland) parcel from either Lieury Road or Mooresville Drive and the owner is required to obtain an entrance permit issued by the Municipality of North Middlesex prior to the construction of any access;
- e) That a change of use permit under the Ontario Building Code be obtained for the bank barn located on the severed parcel stipulating storage use only;
- f) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality;
- 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

**Zoning By-law Amendment Application No. ZBA #12/2016**

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

**ROPP/CORNELISSEN:** That Committee of Adjustment meeting adjourn to Regular Meeting at 7:40 p.m.

CARRIED

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CHAIRMAN

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SECRETARY