



October 7, 2015 MUNICIPALITY OF NORTH MIDDLESEX 7:08 P.M
COMMITTEE OF ADJUSTMENT
MINUTES

A Public Meeting was held on Wednesday October 7, 2015 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 (absent)
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

a) Committee of Adjustment Minutes – August 12, 2015

CORNELISSEN/HEMMING: That the minutes dated August 12, 2015 be hereby accepted as presented.

CARRIED

HEARING – 7:10 p.m. Consent Application B09/2015 and ZBA #9/2015 – 32314
Pete Sebe Road

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

Description of Land: Part Lot 20, Con.17 former West Williams twsp
32314 Pete Sebe Road

Applicant: Greg Sadler

Ms. Rosser stated that the purpose of this application is to sever a parcel of land from an existing 40 hectare farm parcel as a surplus farm dwelling severance. The land to be severed would be approximately .4900 hectares in size and would contain the existing single detached dwelling and drive shed. The applicant would retain approximately 39.5 hectares comprising the farmland portion which contains two agricultural buildings and three concrete silos. 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 and to rezone the severed (residential) parcel for residential use.

The subject land is also currently the subject of an application for zoning by-law amendment (Application No. ZBA#9/2015) under the Planning Act.

Ms. Rosser then reviewed the agency comments and her planning report dated September 29, 2015. She advised the Committee that the severance proposed by Application No. B9/2015 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.

The applicant, Mr. Sadler, advised the committee that he felt he had made appropriate changes to his proposal in order to comply with the policies. He stated his objection to the recommendation from the Planner regarding the removal of the three silos. He indicated that this would be very expensive and he felt there was some utility to having them remain. Also, the one silo is connected to a storage building that is remaining and he felt this would have an impact on the structure if it was removed.

No public comments received.

After careful consideration the following motion was then introduced:

CORNELISSEN/ROPP: That Application B09 /2015 be granted subject 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 Holding (AG1) Zone and the retained parcel to a General Agricultural (A1) Zone Exception prohibitive of residential use;

- 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 its existing farming operations;
- 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 complete satisfaction of the Chief Building Official;
- d) That change of use permits under the Ontario Building Code be obtained by the Applicant stipulating storage use only of the two former livestock buildings located on the retained parcel to the satisfaction of the Chief Building Official;
- e) That separate electrical service to the retained and severed parcels be provided to the satisfaction of the Municipality and Hydro One;
- 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

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

That the zoning By-law Amendment Application No. ZBA9 /2015 enclosed draft by-law be given three readings and finally passed during regular meeting.

HEARING – Minor Variance Application MV#6/2015 for 34927 Creamery Road

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

Description of Land: Lot 13, North Part 14 Con.15 former Twsp of McGillivray

Applicant: Matt Roelands

Agent: Daniel and Janet Roelands

The purpose of the application is to request permission to vary Section 6.26.2 Minimum Distance Separation II (MDS II) of North Middlesex Zoning By-law No. 35 of 2004, as amended, as it applies to the property for which the variance is being sought which is zoned as General Agricultural (A1). The variances sought are related to the Applicant's proposal for the development of a new intensive livestock barn as permitted under the General Agricultural (A1) Zone. The application would permit a separation distance of 205 metres from the dwelling located to the east, 294.6 metres from the dwelling located to the south, and 369.9 metres from the dwelling located to the north of the proposed livestock barn instead of the required 419 metres under MDS II entailing variances of 214 metres, 124.4 metres and 49.1 metres respectively from the by-law. The property is not currently the subject of any other application under the Planning Act.

Planner Barbara Rosser then reviewed her planning report dated September 29, 2015. This report took into account input received from agencies: County of Middlesex, ABCA, North Middlesex Public Works. Two letters of opposition were also received from abutting land owners (Paul Gillies and Suzanne Tweddle-Gillies and Jack and Carol Tweddle) as a result of the circulation to neighbours within 60 metres of the subject land. (letters on file).

Daniel Roelands (agent for the applicant) then spoke to the application. This included highlighting the discussion he had earlier in the day with Ms. Rosser. He was in agreement with a deferral of the application in light of the public input in order to engage in discussion with the ABCA and municipal staff as to location of the proposed construction of the barn. As well, he stated that he understands the concerns of the neighbours and wants to remain good neighbours and would therefore consider some tree planting as well as looking into ways of mitigating odours.

Public Input: Several individuals were in the audience. Mr. Paul Gillies voiced his opinion that the proposed barn should have to be built at the required distance from his house.

Members of the audience were advised that if they wished to be notified of the decision of the Committee of Adjustment that they are to notify the Secretary of the Committee in writing.

Several questions were asked by the Committee members to the Planner and applicant regarding this proposal. After careful consideration, Planner Barbara Rosser therefore advised that she had prepared a revision to her original recommendation and provided to the Committee for consideration.

Municipality of North Middlesex
Committee of Adjustment
October 7, 2015

MOIR/MCLINCHEY: Based upon the foregoing analysis and consideration of public input, I am not able to offer an opinion on appropriateness and the Planning Act tests. Therefore, it is my opinion that deferral is warranted to allow the Applicant to engage in discussions with the ABCA and municipal staff as to location of the proposed construction further west and to assess additional construction costs and operational impacts.

CARRIED

Being no further applications the following motion was then made:

CORNELISSEN/HEMMING: That the COA meeting adjourn and return to Regular Meeting at 7:55 p.m.

CARRIED

CHAIRMAN

SECRETARY