



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

A Meeting was held on Wednesday September 5, 2018 at 7:36 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider two 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 - Absent
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 Stephanie Poirier

DISCLOSURE OF PECUNIARY INTEREST

None

ADOPTION OF PAST MINUTES

COA MOTION/2018

MOIR/HEMMING: That the minutes from August 15, 2018 be approved as presented.

CARRIED

7:20 p.m. Application for Minor Variance – 32460 Sylvan Road

Planner Stephanie Poirier advised that the above noted application was deemed complete on August 14, 2018.

Description of Land: Lots 24 Concession 18
(geographic Twsp of West Williams)
32460 Sylvan Road
Applicant: Henry J Peters Farms Ltd

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35/2004 in order to permit the construction of a 19,200 sq ft (80ft x 240 ft) accessory building (driveshed) on an existing lot of record for agricultural use. Specifically the applicant is seeking relief from Section 6.3.2. (c) of the Zoning By-law to permit an accessory building that encroaches into the front yard of the property by 35 ft (11m) whereas an accessory building shall only be located in the side or rear yard.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: no concerns
- Public Written Comments: None received
- Oral Submissions at meeting: None

ANALYSIS

The subject lands are located with the “Agricultural Area’ land use designation of the North Middlesex Official Plan and within the “General Agricultural (A1) Zone” of the North Middlesex Zoning By-law. The regulations Section 6.3.2 c) states that in all Zones other than a Residential Zone, an accessory building shall only be erected 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 subject lands comprise an area of approximately 36 ha (0.89 ac) and contain an existing single detached dwelling, two shed and agricultural land in crop production. The owners have advised that placing the proposed shed partially in the front yard would allow them to maintain their existing driveway, would not remove any agricultural land from crop production and would allow them to connect the proposed accessory building to the existing concrete pad where they currently store agricultural equipment. The owners have advised that they would like to use the new proposed structure for the storage of agricultural equipment.

CONCLUSION

In summary, Staff are satisfied that the front yard encroachment requested is appropriate and do not anticipate negative impacts on surrounding properties given the size of the parcel and the proposed location of the accessory building.

COA MOTION/2018

CORNELISSEN/HEMMING: Decision: That Application for Minor Variance MV-6-2018, filed by Henry J Peters Farms Ltd, for relief from Section 6.3.2. c) of the Zoning By-law to facilitate the construction of a 19,200 sq ft (80 ft x 240 ft) accessory building that encroaches into the front yard of the property by 35ft (11m) outlined in the key map attached to File No. MV-6-2018, **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.

7:25 p.m. Application for Minor Variance for 8908 Townsend Line was hereby withdrawn at the request of the agent on August 30, 2018.

7:30 p.m. Deferred Application for Consent to Sever Land – 9106 Townsend Line

Planner Stephanie Poirier advised that the above noted application was brought to Council on July 18th, 2018. It was determined during this Council Meeting that the applications would be deferred based on discussions concerning lot line configuration and the removal of trees. The applicants and agent have since revised their proposal to staff's satisfaction. The adjusted proposal is contained with the Evaluation Report dated September 5, 2018.

Description of Land: Part of Lot 20 Concession 7 & 8

(geographic Twsp of West Williams)

9106 Townsend Line

Applicant: Adwood Farms Ltd.

Agent: Jay McGuffin, MBPC

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: septic system pump out, inspection, evaluation by CBO
- County Engineer: requires dedication of lands up to 15m from the centreline of construction of County Rd 12 (Townsend Line) to the County if not already at that width and that the owner remove the western most access to the site and the area within the road allowance must be reinstated with topsoil and seed. An entrance permit will be needed for the new proposed access on the retained parcel

CAO MOTION/2018

MOIR/MCLINCHEY: That Application for Consent B06/2018 submitted under Section 53 of the Planning Act be GRANTED 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 sound land use planning;

And further that the above noted application be 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 a zoning by-law amendment that appropriately rezones the severed lot and the retained lot of Consent B06-2018 be in full force and effect.
- 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. That the hydro pole located on the retained parcel be removed to the satisfaction of the municipality.
- e. That all buildings and structures on the retained parcel, with the exception of the steel shed, be removed to the satisfaction of the Chief Building Official.
- f. That verification of the septic location being wholly contained within the proposed severed lands be submitted to the municipality;
- g. That a pump out, inspection and evaluation of the septic system be completed to the satisfaction of the Chief Building Official;

- h. That the owner obtain the necessary permits from the County of Middlesex to install a new farm entrance in order to provide access to the retained lot of Consent B06-2018.
- i. That the owner dedicate lands up to 15 m from the centerline of construction of County Road 12 (Townsend Line) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
- j. That the western most access on the severed parcel be removed and the area within the road allowance must be reinstated with topsoil and seed. All costs associated with the removal will be at the expense of the owner to the satisfaction of the County Engineer.
- k. That the Owner's Solicitor submits 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 applicants and the decision of the Committee of Adjustment.

CARRIED

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

COA MOTION/2018

MOIR/MCLINCHEY: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:51 p.m.

CARRIED

CHAIRMAN

SECRETARY