



September 7 , 2016

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

7:11 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 (Absent)
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 Consent B10/2016 and Minor Variance –
MV#4/2016 – Station Street, Parkhill**

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

Description of Land: Part 1 Plan of Brickyard Lot Compiled Plan 324
(Part 1 Plan 33R-18759)
former Town of Parkhill
Applicant: Nicholson Walden Inc.
Agent: Philip Walden

The purpose and effect of the first application would be sever a parcel of land consisting of approximately 258.664 square metres from the subject property (Parts 2 and 5 on the severance sketch) with 8.295 metres frontage on Station Street. The retained parcels would consist of approximately 316.323 square metres to the north (Part 1 on the severance sketch) with 10.042 metres frontage and 365.122 square metres to the south (Parts 3 and 4 on the severance sketch) with 11.817 metres frontage. Parts 4 and 5 are proposed as right-of-way easements to provide rear yard access for the severed parcel.

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 11.2 a) Minimum lot area per dwelling unit triplex, fourplex 300.00 m² for the Residential Density Two (R2) zone regulations of North Middlesex Zoning By-law No. 35 of 2004, as amended. The property which is the subject of this application is zoned as Residential Density Two (R2-1). The variance is related to the Applicant's proposal to sever the units of the triplex dwelling currently under construction. The Middlesex of the three units would not meet the required 300 m² at 258.664 m² and, accordingly a 41.336m² variance is proposed.

Ms. Rosser reviewed her planning report dated August 31, 2016 which takes into consideration written and oral submissions.

WRITTEN AND ORAL SUBMISSIONS

- Hydro One: n/a
- Ausable Bayfield Conservation Authority: email March 16 no natural hazard or natural heritage concerns
- County of Middlesex: Aug.17 no concern with either application
- Public Works: Aug 23 – no servicing concerns or recommended conditions
- Public Input: None
- Oral Submissions: None

CONCLUSION AND RECOMMENDATION (both applications)

Based upon the foregoing analysis, the severance proposed by Application No. B10/2016 would be consistent with the PPS, and in conformity with the Middlesex County Official Plan and the North Middlesex Official Plan subject to the following conditions.

MCLINCHEY/MOIR: That Application No. B10/2016 be granted subject to the following conditions:

- a) That a minor variance be obtained relative to the lot area of the severed parcel (Parts 2 & 5) with such minor variance consent to be in full force and effect;

- b) That Part 4 indicated on the severance drawing (Montieth and Sutherland Limited File M1-110) be registered on the title to the southerly retained parcel (Parts 3 and 4) for the purpose of a right of way easement in favour of the severed parcel (Parts 2 and 5) and the northerly retained parcel (Part 1);
- c) That Part 5 indicated on the severance drawing (Monteith & Sutherland Limited File M1-110) be registered on the title to the severed parcel (Parts 2 & 5) for the purpose of a right of way easement in favour of the northerly retained parcel (Part 1);
- d) That a plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality, if required;
- 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 and R.S.O. 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

Based upon the foregoing analysis and assuming appropriate conditions, the variance proposed by Application No. MV-4-2016 meets the tests of the 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/ROPP: That Application No. MV#4/2016 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

Section 11.2a) Minimum Lot Area – 300 square metres – actual size 258.664 metres therefore variance granted is 41.336 square metres.

CARRIED

ROPP/HEMMING: That Committee of Adjustment meeting adjourn to Public Meeting.
CARRIED

CHAIRMAN

SECRETARY