



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

A Meeting was held on Wednesday December 19, 2018 at 7:03 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider a planning application.

ROLL CALL

Mayor Ropp called the meeting to order with a quorum present.

Present:

Mayor Brian Ropp

Deputy Mayor Adrian Cornelissen

Councillor Ward One – Doreen McLinchey

Councillor Ward Two – Joan Nichol

Councillor Ward Three – Gord Moir

Councillor Ward Four – John Keogh

Councillor Ward Five – Andrew Hemming

CAO/Director of Finance (Treasurer), Nandini Syed

Deputy CAO/Director of Operations, Jonathon Graham

Director of Economic Development and Community Services, Justin Dias

Supervisor of Infrastructure, Jonathan Lampman (portion of meeting)

Clerk Jackie Tiedeman

Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

None

ADOPTION OF PAST MINUTES

COA MOTION/2018

HEMMING/CORNELISSEN: That the minutes from November 7, 2018 be approved as presented.

CARRIED

The Clerk provided an introduction to the Public/Committee Meeting which disclosed the purpose of the meeting, that comments expressed and written material presented are a matter of public record available for full disclosure and that if a member of the public wished to be notified of a decision on applications being heard this evening that a written request must be submitted to the Municipality.

7:00 p.m. Application for Consent to Sever Land – 1820 Elginfield Road – Yellow Gold Farms Limited

Planner Christie Kent advised that the above noted application was deemed complete on November 13, 2018

Description of Land:

Lot 9 and Lot 10 Con 17
1820 Elginfield Road
former Twsp of West Williams

Applicant: Yellow Gold Farms Limited
Agent: Rick Willemse

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

The lands proposed to be retained are vacant and largely in crop production. The retained parcel is proposed to be approximately 39.25 ha (97 ac) in size and have approximately 358 m (1,176 ft) of frontage along Elginfield Road.

No change to use of the subject lands is proposed. Application for Consent B08/2017 proposing the same was conditionally approved by the Committee of Adjustment on October 17, 2017. Conditional approval of consent B07/2017 was deemed to be lapsed on October 18, 2018 as the conditions of approval were not satisfied within one year of the date of notice of decision.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: None
- Municipal Operations: none
- County Engineer: farm entrance has been constructed and the draft reference plan is satisfactory

- Public Written Comments: None received
- Oral Submissions at meeting: None

CONCLUSION

In summary, the severance proposed by Application for Consent B09/2018 appears capable of satisfying the policy requirements associated with the creation of new lots for agricultural uses as per the Provincial Policy Statement and the County and North Middlesex Official Plan. Further, the proposed lots resulting from the severance appear capable of meeting the zoning requirements of the A1 zone within the North Middlesex Zoning By-law, and as such, a zone change is not required.

COA MOTION/2018

HEMMING/MOIR: Be it Resolved That Application for Consent B09/2018, 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:

Approval of the subject application is conditional upon the following:

1. 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 the 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.
2. That one hard copy and an electronic version of the deposited reference plan legally describing the lands affected and in general conformity with this decision be submitted to the satisfaction of the Municipality.
3. That the applicant's solicitor submit 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 applicant and the decision of the Committee of Adjustment.
4. 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.

COA MOTION/2018

MCLINCHEY/KEOGH: That Committee of Adjustment meeting adjourn to Public Meeting at 7:10 p.m.

CARRIED

CHAIRMAN

SECRETARY

DRAFT



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

A Meeting was held on Wednesday January 16, 2019 at 7:01 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider a planning application with a quorum present.

ROLL CALL

Present:

Mayor Brian Ropp
Deputy Mayor Adrian Cornelissen
Councillor Ward One – Doreen McLinchey (absent)
Councillor Ward Two – Joan Nichol
Councillor Ward Three – Gord Moir
Councillor Ward Four – John Keogh
Councillor Ward Five – Andrew Hemming
CAO/Director of Finance (Treasurer), Nandini Syed
Deputy CAO/Director of Operations, Jonathon Graham
Director of Emergency and Safety Services/Fire Chief William Davidson
Director of Economic Development and Community Services, Justin Dias
Supervisor of Infrastructure, Jonathan Lampman (portion of meeting)
Clerk Jackie Tiedeman
Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

Deputy Mayor Adrian Cornelissen declared a potential pecuniary interest on Agenda Item Number 5 – Application B01/2019 for the following reason: personal friend

He left the Council Chambers for the duration of time pertaining to this application.

The Clerk provided an introduction to the Public Meeting which disclosed the purpose of the meeting, that comments expressed and written material presented are a matter of public record available for full disclosure and that if a member of the public wished to be notified of a decision on applications being heard this evening that a written request must be submitted to the Municipality.

7:01 p.m. Application for Consent to Sever Land – 1733 Mark Settlement Drive

Planner Christie Kent advised that the above noted application was deemed complete on December 4, 2018 and was circulated according to the Planning Act.

Description of Land: Part of Lots 11 and 12, Con 8 WCR
1733 Mark Settlement Drive
former Township of McGilliray

Applicant: Derek Baltessen & Dalgetta
Agent: Derek Baltessen and Paul Hendrikx

The purpose and effect of this application is to sever a parcel of land from a 40 ha(100ac) farm parcel as a surplus farm dwelling severance. The lands proposed to be severed would be approximately 1.29 ha (3.2 ac) in size and would contain an existing single detached residential dwelling and accessory building. The lands proposed to be severed would have approximately 92m (302ft) of frontage along Mark Settlement Drive. The lands proposed to be retained, being the remnant farm parcel, contain agricultural lands in crop production. No change to the current use of the subject lands is proposed.

The subject lands are located within the 'Agricultural Area' land use designation of the North Middlesex Official Plan and zoned 'General Agricultural (A1) Zone' within the Municipality's Zoning By-law. Portions of the lands are located within an area regulated by the ABCA and are identified as 'Significant Woodlands' and 'Natural Heritage Features'.

Staff note that the frontage of the lands proposed to be severed appears to extend beyond the area required to accommodate the residential use of the lands and the existing agricultural building to be used in part for the applicant's home industry. The North Middlesex Official Plan directs that the severed parcel should only be as large as necessary and generally not exceed 1.0 ha (2.47 ac). As proposed, the lands to be severed would comprise an area of approximately 1.3 ha (3.2 ac), including approximately 0.17 ha (0.4 ac) of land currently in agricultural production. The applicant has advised that these lands are to be removed from production and coniferous trees planted notwithstanding the outcome of the proposed severance.

Staff recommend, as a condition of approval, that the area of the lands proposed to be severed be reduced, as illustrated on Key Map 3 attached to this report. To regularize the parcel fabric but still maintain an adequate turn around area adjacent to the agricultural building used for the home industry, staff propose an L-shaped parcel with an approximate area of 1.18 ha (2.9 ac). It is the opinion of staff that this reduced lot area would be more consistent with the intent of the policy direction with respect to keeping the parcel to the minimum size required for the intended use. As home industries are permitted within the current 'General Agricultural (A1) Zone' and the future 'Agricultural Small Holding (AG1) Zone', subject to evaluation criteria, staff consider including the existing agricultural building and the extension of the driveway used to turn around a flatbed trailer within the boundaries of the lot to be severed to be reasonable. Staff note that the existing agricultural building is uninsulated and not capable of housing livestock.

The proposed severance was evaluated in accordance with the Minimum Distance Separation (MDS) Formula Implementation Guidelines. As the lands proposed to be retained do not contain livestock barns or facilities, staff have determined that MDS I does not apply.

Staff do not anticipate negative impacts to the existing woodlands or hazard areas as a result of the proposed severance.

Staff are supportive of the application in principle as it appears to meet most of the policies regarding the severance of a surplus farm dwellings, with the exception of the proposed area of the lot to be severed. As such, staff have included a condition requiring the applicant to submit a revised preliminary survey illustrating a reduced lot area for the lot to be severed and that this be to the satisfaction of the Municipality.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: water connection at 1733 Mark Settlement Drive. If the lands proposed to be retained require water service, all applicable dues and levies would be applicable. Access to the lands proposed to be severed is from Mark Settlement Drive. The lands proposed to be retained do not appear to have an established individual access from Mark Settlement Drive or Harmony Road. The lands proposed to be severed and retained are accessed to the Prance Drain. Due to the proposed severance, the Assessment Schedule for the Prance Drain is required to be reassessed under the Drainage Act R.S.O 1990, c D17, at

the expense of the owner(s) in the format recommended by the Drainage Superintendent.

The lands proposed to be severed have a privately owned and operated septic system. Municipal records do not contain an inspection report for the existing septic system.

- Public Written Comments: None received
- Oral Submissions at meeting: None

Mr. Hendriks, agent, then spoke to the application and Planners Evaluation Report. He advised that his clients are agreeable to all the proposed conditions with the exception of Condition #2 which is requesting the reduction in the area of the severed lot. They are respectfully request that the Committee consider the application as presented with a severed parcel of 1.29 ha (3.2 ac). The reasons being that it is the owner that will be purchasing the house and home industry already established;

After careful consideration the following motion was brought forward:

COA MOTION# 01/2019

MOTION/HEMMING: Be it Resolved That Application for Consent B01/2018, 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:

Approval of the subject application is conditional upon the following: **CHECK CONDITIONS**

1. 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 the 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.
2. That a preliminary survey be revised to illustrate a severed lot with a reduced area of approximately 1.18 ha(2.9ac) with a frontage of approximately 68 m (223 ft) of frontage along Mark Settlement Drive as recommended by planning staff, to the satisfaction of the Municipality.
3. That one hard copy and an electronic version of the deposited reference plan prepared by an Ontario Land Surveyor legally describing the lands affected and in general conformity with this decision be submitted, to the satisfaction of the Municipality.

4. That a Zoning By-law Amendment that appropriately rezones the severed and retained lot of Consent B01/2019 be in full force and effect
5. That the location of the existing septic system be confirmed as being wholly contained within the boundaries of the severed lot and that a pump out, inspection and evaluation of the septic system be completed and any remedial works recommended by undertaken, all to the satisfaction of the Municipality.
6. That the owner obtain the necessary permits from the Municipality of North Middlesex to install a new farm entrance in order to provide access to the retained lot
7. That the the Assessment Schedule for the Prance Drain be reassessed under the Drainage Act R.S.O 1990, c D17 at the expense of the owner in the format recommended by the Drainage Superintendent.
8. That the applicant's solicitor submit 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 applicant and the decision of the Committee of Adjustment.
9. 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.

COA MOTION #02/2019

NICHOL/HEMMING: That Committee of Adjustment meeting adjourn and return to Public Meeting to consider a Zoning By-law Amendment at 7:15 p.m.

CARRIED

CHAIRMAN

SECRETARY

DRAFT