



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

A Meeting was held on Wednesday February 6, 2019 at 7:00 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider three planning applications 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 (Absent)
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 (Absent)
Director of Economic Development and Community Services, Justin Dias
Supervisor of Infrastructure, Jonathan Lampman
Clerk Jackie Tiedeman

DISCLOSURE OF PECUNIARY INTEREST

None

APPROVAL OF MINUTES

MOTION COA# 03/2019

KEOGH/HEMMING: That minutes dated December 19, 2018 and January 16, 2019 be hereby accepted as presented.

CARRIED

The Clerk provided an introduction to the Committee of Adjustment 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 Clerks Office.

Due to the absence of the Planner as a result of weather, Jonathon Graham, Deputy CAO/Director of Operations presented the applications and planner evaluation reports for all applications this evening.

7:00 p.m. Application for Minor Variance MV-1-2019: 26049 Nairn Road

Mr. Graham advised that the above noted application was deemed complete on January 15, 2019 and was circulated according to the *Planning Act*.

Description of Land:

Part 1, RP 33R19140, Part of Lot 15 Con 2
former Township of West Williams
26049 Nairn Road

Applicant: Michael VanderMeer

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35/2004 as amended, in order to facilitate the construction of an accessory building. Specifically, the applicant is seeking relief from Section 7.A.2 (j) of the Zoning By-law to permit an accessory building within the Agricultural Small Holding (AG1) Zone is 5.5m (18ft)

Planning staff note that the submitted application requested a building height of 7.5m (24.6ft) however upon further review, planning and building staff recommended that the requested height be revised to 8.0m (26.2 ft). It is further noted that in this case, per the definition of the Municipality's Zoning By-law, the "height" of the accessory building shall be measured as the vertical distance from the finished established grade to the mean level between eaves and ridge of the pitched roof.

The subject lands are located within the 'Agricultural Area' land use designation of the North Middlesex Official Plan and within the 'Agricultural Small Holding (AG1) Zone' of the North Middlesex Zoning By-law.

Planning staff note that, as indicated on the key map, the subject property is located within an area regulated by the ABCA. The CA has indicated that they should be contacted regarding the permitting process under O. Reg 147/06. In addition, planning staff note that the subject property is not in compliance with the Municipality's Tidy Yard By-law with

respect to outside storage. It is the expectation of the Municipality that the property be brought into compliance with the applicable by-law within 6 months of completion of the construction of the proposed accessory building.

The application appears to satisfy the requirements for a minor variance as set out in the *Planning Act*.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no natural hazard or natural heritage concerns however the applicant should contact the CA for a permit under O. Reg 147/06
- Municipal Operations: no comments
- Public Written Comments: None received
- Oral Submissions at meeting: None

After careful consideration the following motion was brought forward:

COA MOTION# 04/2019

HEMMING/KEOGH: That Application for Minor Variance MV-1-2019 submitted by Michael VanderMeer, for relief from Section 7 A.2 (j) of the North Middlesex Zoning By-law in order to facilitate the construction of an accessory building with a maximum height of 8.0m (26.2ft) be **CONDITIONALLY GRANTED**

And that Minor Variance MV-1-2019 be subject to the following condition:

- That the owner obtain a permit from the ABCA under O.Reg 147/06

And further that the reasons for granting Minor Variance MV-1-2019 include:

- The request complies with the general intent of the Municipality of North Middlesex Official Plan
- The request complies with the general intent of the Municipality of North Middlesex Zoning By-law
- The request is considered minor in nature; and
- The request represents the appropriate use and development of the lands

CARRIED

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

7:05 p.m. Application for Minor Variance MV-2-2019: 5 King St Carlisle

Mr. Graham advised that the above noted application was deemed complete on January 15, 2019 and was circulated according to the *Planning Act*.

Description of Land:

Lot 10 Plan 8

former Township of East Williams

5 King St, Carlisle

Applicant: Mary Clark (ownership changed January 25, 2019)

New Owners: Christopher & Daphne Vanderzanden

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35/2004 as amended, in order to facilitate the construction of a single detaching dwelling. Specifically, the owners are seeking relief from Section 13.2 (f) of the Zoning By-law to permit a residential dwelling with minimum interior side yards of 1.75m (5.7ft) whereas the provisions of the 'Hamlet Residential (RH) Zone' require minimum interior side yards of 3.0 m (9.8ft)

Planning staff note that, as indicated on the key map, a small portion of the dwelling is proposed to be located within an area regulated by the ABCA. The CA has indicated that the applicants should submit plans to determine if a permit under O. Reg 147/06 is required.

The variance appears to satisfy the requirements for a minor variance as set out in the *Planning Act*.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no natural hazard or natural heritage concerns however the applicant should contact the CA for a permit under O. Reg 147/06
- Municipal Operations: no comments
- Public Written Comments: None received
- Oral Submissions at meeting: None

After careful consideration the following motion was brought forward:

COA MOTION# 05/2019

CORNELISSEN/KEOGH: That Application for Minor Variance MV-2-2019 submitted by Christopher and Daphne Vanderzanden, for relief from Section 13.2 (f)) of the North Middlesex Zoning By-law in order to facilitate the construction of a single detached

residential dwelling with minimum interior side yards of 1.75m (5.7 ft) be
CONDITIONALLY GRANTED

And that Minor Variance MV-2-2019 be subject to the following condition:

- That the owner submit building plans to the ABCA for review and permitting, as required.

And further that the reasons for granting Minor Variance MV-2-2019 include:

- The request complies with the general intent of the Municipality of North Middlesex Official Plan
- The request complies with the general intent of the Municipality of North Middlesex Zoning By-law
- The request is considered minor in nature; and
- The request represents the appropriate use and development of the lands

CARRIED

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

7:10 p.m. Application for Minor Variance MV-3-2019: 204 Queen St, Ailsa Craig

Mr. Graham advised that the above noted application was deemed complete on January 16, 2019 and was circulated according to the *Planning Act*.

Description of Land:

Lot 1 block F Plan 362; Part 1 RP33R8055
Part Lot 26 Con 20
former Village of Ailsa Craig
204 Queen St, Ailsa Craig

Owners: Robert and Leena Poirier

Agent: Brian Mackinnon

The purpose and effect of this application is to seek relief from the North Middlesex Zoning By-law No. 35/2004 as amended, in order to recognize the existing height of an accessory building (garage) currently under construction. Specifically, the agent is seeking relief from Sections 6.3.3 (a) and 10.2 (h) of the Zoning By-law to permit an accessory building with a maximum height of 5.8 m (19ft) whereas the General Provisions of the Zoning By-law and the provisions of the "Residential Density One (R1) Zone" indicate a maximum building height of 5.5m (18.04ft).

Upon inspection of the building by the Municipality's CBO, a stop work was issued for the accessory building on January 8, 2019 due to non-compliance. The issued building permit indicated a maximum building height of 5.5m (18 ft). The CBO indicated that the additional height of the accessory building could be attributed to the height of the concrete slab.

The variance appears to satisfy the requirements for a minor variance as set out in the *Planning Act*.

WRITTEN AND ORAL SUBMISSIONS

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

After careful consideration the following motion was brought forward:

COA MOTION# 06/2019

NICHOL/HEMMING: That Application for Minor Variance MV-3-2019 filed by Brian Mackinnon on behalf of Robert and Leena Poirier for relief from Sections 6.3.3 (a) and 10.2 (h) of the North Middlesex Zoning By-law in order to recognize a height of 5.8 m (19ft) for an existing accessory building currently under construction be GRANTED

And further that the reasons for granting Minor Variance MV-3-2019 include:

- The request complies with the general intent of the Municipality of North Middlesex Official Plan
- The request complies with the general intent of the Municipality of North Middlesex Zoning By-law
- The request is considered minor in nature; and
- The request represents the appropriate use and development of the lands

CARRIED

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

COA MOTION #07/2019

NICHOL/CORNELISSEN: That Committee of Adjustment meeting adjourn and return to Regular Meeting at 7:16 p.m.

CARRIED

CHAIRMAN

SECRETARY

DRAFT