

# EVALUATION REPORT

PLANNING DEPARTMENT

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To: Chair and Members of the Committee of Adjustment, Municipality of North Middlesex

From: Stephanie Poirier, Planner, County of Middlesex

Date: June 5<sup>th</sup>, 2019

**Re: Application for Consent B06-2019  
Concession 3, Lot 14  
(Geographic Township of East Williams)  
10802 Argyle Street  
Owner: Anne Marie Van Deuren  
Agent: Clifford Glenn Gordon Rollings**

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## **Purpose:**

The purpose and effect of the Application for Consent (File No.: B06-2019) is to establish an easement registered on title to allow the abutting property to the east of the subject lands, legally described as Concession 3, South Part Lot 15 to have legal access across the existing driveway on the property known municipally as 10802 Argyle Street in order to access an agricultural accessory building.

## **Background:**

The subject lands are 40 ha (100 ac) in size and contain an existing single detached dwelling, agricultural outbuildings, and agricultural land in crop production.

The agent has advised that the owner(s) of 10802 Argyle Street and the owner(s) of the abutting agricultural lands to the east are applying for a consent application in order to establish a legal easement on the existing driveway located 10802 Argyle Street. The purpose of the easement is for the owner(s) of the property legally described as Concession 3, South Part Lot 15 to have legal access to the agricultural accessory buildings that are located in close proximity to the driveway. A key map illustrating the proposed easement is attached for information.

Surrounding land uses are predominantly agricultural in nature.

## **Policy and Regulation Background:**

The subject lands are located within a 'Prime Agricultural Area' as defined by the 2014 Provincial Policy Statement and within the 'Agricultural' designation of the County and North Middlesex Official Plans.

## Provincial Policy Statement (PPS)

The subject property is located within a 'Prime Agricultural Area'. Section 2.3 of the PPS addresses agricultural land use. Policy 2.3.4.2 directs that lot adjustments may be permitted for legal or technical reasons. Legal or technical reasons is defined within the PPS to include consent for purposes of creating easements where a new lot is not created.

#### County of Middlesex Official Plan

The subject property is located within the 'Agricultural Area' designation on Schedule 'A' of the County Official Plan. Section 4.5.3.1 of the Plan indicates that easements are not necessarily subject to the consent policies of the County Official Plan and that such applications should be evaluated based on site specific considerations established in local official plans. This easement will assist in making the adjacent parcel more functional, in this case allowing for easy access to the farm land.

#### North Middlesex Official Plan

Locally, Section 9.6.4h) of the North Middlesex Official Plan states that, subject to the specific Land Use Policies of this Plan, consents may be permitted for the purposes of making lot boundary corrections, for the purposes of granting easements, for conveyances and consolidations, provided that such matters are either administrative or minor in nature.

#### North Middlesex Zoning By-law 34-2004

The subject lands are zoned 'General Agricultural (A1) Zone' within the North Middlesex Zoning By-law.

#### **Analysis:**

Staff are satisfied that the proposed consent application to establish an easement can be considered minor in nature and is in conformity to the County of Middlesex and North Middlesex Official Plans and the North Middlesex Zoning By-law. The proposed easement will result in no physical change to the subject lands and would result in improved usability of the adjacent parcel. Staff are satisfied that the proposal can be considered sound land use planning and do not anticipate any adverse impacts to surrounding land uses.

#### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

#### Agency Comments

At the time of writing the subject report, no comment or concerns had been received from agencies regarding the proposal.

#### Public Comments

At the time of writing the subject report, no comment or concerns had been received from the public regarding the proposal.

#### **Recommendation:**

THAT Application for Consent B06-2019, 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; and satisfies the requirements of the North Middlesex Zoning By-law; and, represents sound land use planning.

FURTHER THAT Application for Consent B06-2019 be subject to the following 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 plan of survey prepared by an Ontario Land Surveyor in a form suitable for registration be submitted to the Municipality.
3. That the Owner's Solicitor submits an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.

**APPLICATION FOR CONSENT: B06-2019**

**Owner: Anne Marie Van Deuren**  
**Agent: Clifford Glenn Gordon Rollings**

10802 Argyle Street  
Concession 3, Lot 14  
Geographic Township of East Williams



**Municipality of NORTH MIDDLESEX**

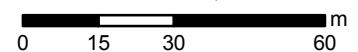


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 **SUBJECT LANDS**



1:1,500



Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.