



**MUNICIPALITY OF SOUTH WEST MIDDLESEX  
COMMITTEE OF ADJUSTMENT**

WEDNESDAY, APRIL 24, 2019 7:00 PM  
Council Chambers

## **COMMITTEE MINUTES**

### **SOUTHWEST MIDDLESEX COMMITTEE MINUTES**

The Municipality of South West Middlesex Committee of Adjustment met in Regular Session in the Council Chamber on April 24, 2019 at 7:00 p.m.

#### **MEMBERS PRESENT:**

Allan Mayhew (Chair presiding), Doug Bartlett, Ian Carruthers, Christa Cowell, Mark McGill, Mike Sholdice, Martin Vink, Marigay Wilkins

#### **STAFF PRESENT:**

CAO/Clerk - Jill Bellchamber-Glazier, Facilities & Recreation Manager – Steve MacDonald, Fire Chief – Bob Hansen, Planner – Stephanie Poirier, Public Works Manager – Greg Storms, Treasurer – Kristen McGill

#### **ALSO PRESENT:**

Members of the public and press

#### **1. CALL TO ORDER**

Chairperson Mayhew calls the meeting to order at 7:19 p.m.

#### **2. APPROVAL OF AGENDA**

#2019-COA-007

Moved by M. Wilkins

Seconded by I. Carruthers

THAT the Committee of Adjustment Agenda dated April 24, 2019 be accepted as presented.

Carried

**3. DISCLOSURE OF PECUNIARY INTEREST**

None Declared

**4. DEPUTATIONS AND PETITIONS**

- Consent Application – 5338 Longwoods Road – Applicant Minnema Farms
  
- Minor Variance – 265 Main Street – Applicant 2646922 Ont. Inc.

**5. MINUTES OF PREVIOUS MEETINGS**

1. Committee of Adjustment Meeting Minutes – March 27, 2019

#2019-COA-008

Moved by D. Bartlett

Seconded by I. Carruthers

THAT the minutes of the meeting of the Committee of Adjustment dated March 27, 2019 be adopted as printed.

Carruthers

**6. BUSINESS ARISING FROM THE MINUTES**

None

**7. ACTION CORRESPONDENCE**

None

**8. STAFF REPORTS**

- a. Consent Application – 5338 Longwoods Road – Applicant Minnema Farms

The Chair of the meeting outlined the purpose of the public meeting for the Committee, to hear all interested persons with respect to the Consent application at 5338 Longwoods Road.

The Planner, Ms. Poirier, presented their report and identified the comments received by the Lower Thames River Conservation Authority and the County Engineer. Ms. Poirier provided the staff recommendation related to the request and the conditions.

The Chair invited the applicant, or their agent, to speak to the application. The agent, Ms. Cathy Whitlock, attended on behalf of the applicant and was available for questions.

The Chair invited the public to speak to the application. No members of the public came forward.

The Chair invited members of the committee to provide comments and make inquiries. Questions were asked about the entrance permit, distance between drive shed and the existing driveway. The Planner noted that deficiencies will be addressed. Lands adjacent to the property owned by the

#2019-COA-009

Moved by M. Wilkins

Seconded by C. Cowell

**THAT** Application for Consent B02-2019, submitted under Section 53 of the Planning Act, which proposes to sever a 0.96 ha (2.4 ac) parcel of land from the property legally described as Range 1 North, South Part Lot (geographic Township of Ekfrid), be **GRANTED** 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 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 the owners' 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.
3. That the taxes on the subject property are paid in full.

4. That the owner initiate and assume, if required, all costs associated with the preparation of a revised assessment schedule for all drainage works affected in accordance with the Drainage Act, as amended, such costs to be paid in full to the Municipality prior to submitting a registered copy of the transfer.
5. That unless replaced, the existing septic system is to be inspected by a qualified septic installer and the inspection report be provided to the Municipality for determination as to any replacement or remedial works that may be required. Confirmation of the location of the existing septic system shall also be provided.
6. That a change of use permit be obtained for the outbuildings on the lands to be retained to prohibit future livestock use.
7. That a Zoning By-law Amendment that appropriately rezones the severed lot and the retained lot of Consent B02-2019 be in full force and effect.
8. 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 B02-2019, to the satisfaction of the County Engineer.
9. That the owner be required to dedicate lands along the frontage of the severed and retained lot up to 18m from the centerline of construction of Longwoods Road (County Road 2) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
10. That a preliminary survey showing the lands being severed, be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office.
11. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

### **Reasons**

Consistency with the Provincial Policy Statement would be maintained;

Conformity with the County of Middlesex Official Plan would be maintained;

Conformity with the Municipality of Southwest Middlesex Official Plan would be maintained;

The requirements of the Municipality of Southwest Middlesex Zoning By-law would be maintained.

Carried

b. Minor Variance – 265 Main Street – Applicant 2646922 Ont. Inc.

The Chair of the Meeting outlined the purpose of the meeting to consider an application for a minor variance at 265 Main Street for a minor variance from section 4.18 of the Southwest Middlesex Zoning By-law, and explained the order of procedures.

The Planner, Ms. Poirier, presented their report and recommendation. It was noted that Section 4.18 of the Zoning By-law identifies that where there are two uses at a location, section 4.18.6 requires that the sum of the parking spaces must be considered. It was noted by the Planner that the proposal to eliminate more spaces than what is taken up by the current located telecommunications infrastructure is not reasonable, as the infrastructure would only take up approximately 1-2 parking spaces, and the applicant is requesting to reduce the parking by 9 spaces. The Planning Act does allow for minor variance, however, in the opinion of the Planner a reduction of almost 1/3 of the required parking space cannot be considered minor.

It was noted that comments were received from the County Engineer, who objected to the reduction of nine parking spaces, and the Lower Thames River Conservation Authority who had no objections.

The Planner noted that staff would not object to the original parking design and remove the parking spaces where the Bell Box would be to 27 spaces. Staff is not objecting to the development of this property.

Dr. Janemi, the applicant spoke to the application.

The Chair invited any members of the public to speak.

Alex Van Heck came out of interest with questions related to development on other properties.

Tim Zavitz spoke in support of the application.

The Chair invited comments and questions from the committee members.

Deputy Mayor Wilkins called a point of order related to Chair Mayhew.

The Chair determined that he was out of order in speaking to the matter while chairing the meeting.

#2019-COA-010

Moved by M. Wilkins

Seconded by I. Carruthers

THAT application for Minor Variance A2-2019 filed by Melchers Construction for relief from Section 4.18 of the Municipality of Southwest Middlesex Comprehensive Zoning By-law to permit 27 parking spaces, whereas the required amount of spaces is 29 be APPROVED.

Carried

**9. UNFINISHED BUSINESS**

**10. INFORMATION CORRESPONDENCE**

None

**11. COMMENTS AND ENQUIRIES**

None

**12. NOTICE OF FUTURE MEETINGS (subject to change)**

- May 29, 2019 – Planning/Council – 7:00 p.m.

**13. ADJOURNMENT**

The Chairperson adjourned the meeting at 8:42 p.m.

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Chair

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Secretary

