



**MUNICIPALITY OF SOUTH WEST MIDDLESEX
COMMITTEE MINUTES**

WEDNESDAY, FEBRUARY 26, 2020 7:00 PM
Council Chambers

MINUTES

COMMITTEE MINUTES

SOUTHWEST MIDDLESEX COMMITTEE MINUTES

The Municipality of Southwest Middlesex Committee of Adjustment met in Regular Session in the Council Chamber on February 26, 2020 at 7:09 p.m.

MEMBERS PRESENT:

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

REGRETS:

Doug Bartlett

STAFF PRESENT:

Deputy Clerk – Sheila McCahon, Facilities & Recreation Manager – Steve MacDonald, 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 7:09 p.m.

The Chair reviewed council's Electronic Recording of Meetings Policy.

2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None declared.

3. ADDITIONS TO THE AGENDA

#2020-COA-001

Moved by C. Cowell

Seconded by M. Wilkins

THAT the Regular Agenda of Council dated February 26, 2020 be accepted as presented.

Carried

4. DELEGATIONS AND PRESENTATIONS

None

5. CONSENT AGENDA

5.1 SWM Committee of Adjustment Minutes – November 27, 2019

#2020-COA-002

Moved by M. Wilkins

Seconded by I. Carruthers

THAT the council for the Municipality of Southwest Middlesex receives Consent Agenda Items 5.1 through 5.1 as information, and approve the November 27, 2019 Committee of Adjustment meeting minutes.

Carried

6. COMMITTEE OF ADJUSTMENT – PUBLIC MEETINGS

1. Severance Application Public Meeting:

Severance Application B1-2020

Chair Mayhew calls the Public Meeting for B1-2020 Vibrent Farms Ltd. to order at 7:09 p.m.

The chair announced the purpose of this meeting is to give the public an opportunity to hear all interested persons with respect to a **Severance Application by Vibrent Farms Ltd.** and for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the application for consent is to sever a surplus farm dwelling on a separate lot with a frontage of approximately 74.5 m (244 ft) along Century Drive and with an area of approximately 0.4139 ha (1.02 ac) from an agricultural parcel of land with an area of approximately 30 ha (75 ac).

The Chair invited the Planner to present the staff report and recommendation.

The Chair invited the applicant to speak for or against the application. Mr. Hentz of Lerner representing the applicant noting that the owner does not wish to resize the surplus farm dwelling lands.

The chair invited members of the public to speak for or against the application. No members of the public spoke for or against the application.

The Chair invited members of the committee to ask questions and make comments. Marigay Wilkins cautioned that other bodies may appeal a decision outside of what is being recommended.

Chair Mayhew declares the Public Meeting for B1-2020 (Vibrent Farms Ltd.) closed.

#2020-COA-003

Moved by M. Wilkins

Seconded by M. Sholdice

THAT Application for Consent B1-2020, submitted under Section 53 of the Planning Act, which proposes to sever a 0.4139 ha (1.02 ac) parcel of land from the property legally described as Concession 4, South Part Lot 7, (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 Zoning By-law Amendment that appropriately rezones the severed lot and the retained lot of Consent B1-2020 be in full force and effect.
7. 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.
8. 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 satisfied through an approved rezoning.

Carried

Severance Application B2-2020

Chair Mayhew calls the Public Meeting for B2-2020 Estate of Marjorie Hazel Davenport to order at 7:24 p.m.

The chair announced the purpose of this meeting is to give the public an opportunity to hear all interested persons with respect to a **Severance Application by the Estate of Marjorie Hazel Davenport** and for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the application for consent is to sever a 97 ha (240 ac) parcel of land for lot addition purposes having frontage of approximately 310 m (1,017 ft) on Hyndman Drive and an area of approximately 20 ha (50 ac) to be merged with the abutting property known legally as Range 3 South, West Part Lot 2 being an existing lot with an area of 40 ha (100 ac) making the combined lot area 60 ha (150 ac).

The Planner presented the staff report and recommendation. No comments were received.

The chair invited the applicant to speak to the application. Gary Merritt spoke on behalf of the applicant noting that they are in agreement with the conditions.

The chair invited members of the public wishing to speak for or against the application to address the committee. No members of the public spoke for or against the application.

The chair invited committee members to ask questions of the applicant and/or staff. No committee members had questions or comments for the planner or applicant.

Chair Mayhew declares the Public Meeting for B2-2020 (Estate of Marjorie Hazel Davenport) closed.

#2020-COA-004

Moved by M. Vink

Seconded by I. Carruthers

THAT Application for Consent B2-2020, submitted under Section 53 of the Planning Act, which proposes to sever a 20 ha (50 ac) to be merged with the abutting property known legally as Range 3 South, West Part Lot 2 being an existing lot with an area of 40 ha (100 ac) making the combined lot area 60 ha (150 ac), 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 lot to be severed be merged in the same name and title as the adjacent property known legally as Range 3 South, West Part Lot 2 to the satisfaction of the Municipality; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
5. That the owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 9 (Melbourne Road) along the entire property for the purposes of road widening to the County of Middlesex if the right of way is not already to that width.
6. 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.
7. 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.
8. 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 satisfied through an approved rezoning.

Carried

Severance Application B3-2020

Chair Mayhew calls the Public Meeting for B3-2020 Stanley and Cameron Towers to order at 7:31 p.m.

The chair announced the purpose of this meeting is to give the public an opportunity to hear all interested persons with respect to a **Severance Application by Stanley and Cameron Towers** and for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the application for consent is to sever a surplus farm dwelling on a separate lot with a frontage of approximately 69 m (226 ft) along Olde Drive and with an area of approximately 0.8 ha (2 ac) from an agricultural parcel of land with an area of approximately 40 ha (100 ac).

The chair invited the Planner to present the staff report and recommendation.

The chair invited the applicant to speak to the application. Stan Towers advised that they are in agreement with moving the lot line as recommended in the planner's report.

The chair invited members of the public to speak for or against the application. No members of the public spoke for or against the application.

The chair invited members of the committee to ask questions and make comments. No members of the committee had comments or questions.

Chair Mayhew declared the Public Meeting for B3/2020 (Stanley and Cameron Towers) closed.

#2020-COA-005

Moved by M. Wilkins

Seconded by C. Cowell

THAT Application for Consent B3-2020, submitted under Section 53 of the Planning Act, which proposes to sever a 0.8 ha (2 ac) parcel of land from the property legally described as Concession 4, North Part Lot 20, (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 east lot line be located on the edge of the cultivated area, while maintaining 3m from the septic system and the lot area be recalculated, to the satisfaction of the Municipality.
5. That the agricultural silo be removed to the satisfaction of the Municipality.
6. 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.
7. 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.
8. That a Zoning By-law Amendment that appropriately rezones the severed lot and the retained lot of Consent B3-2020 be in full force and effect.
9. 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.
10. 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 satisfied through an approved rezoning.

Carried

7. FUTURE MEETINGS (subject to change)

- March 25, 2020 – Planning /Council – 7:00 p.m.

8. ADJOURNMENT

The Chairperson adjourned the meeting at 7:38 p.m.

Chairperson

Secretary