

WEDNESDAY, JUNE 24, 2020 7:00 PM
Meeting via electronic participation

COMMITTEE MINUTES

SOUTHWEST MIDDLESEX COMMITTEE OF ADJUSTMENT MINUTES

- **Meeting can be viewed at:**
<https://www.youtube.com/channel/UC6oo98BZcAvuVMKLDx88l4A>

COUNCIL PRESENT:

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

STAFF PRESENT:

CAO/Clerk - Jill Bellchamber-Glazier, Planner – Stephanie Poirier, Facilities & Recreation Manager – Steve MacDonald, Treasurer – Kristen McGill

ALSO PRESENT:

Members of the public and press

1. CALL TO ORDER

Chairperson Mayhew calls the meeting to order at 7:13 p.m.

Chairperson Mayhew noted that the meeting is being held as a virtual meeting due to the declared emergency, in order to help stop the spread of COVID-19.

Chairperson Mayhew confirmed that the meeting will be recorded and streamed live and published in accordance with 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-006

Moved by D. Bartlett

Seconded by I. Carruthers

THAT the Regular Agenda of Committee of Adjustment dated June 24, 2020 be accepted as presented.

Carried

4. DELEGATIONS AND PRESENTATIONS

None

5. MINUTES

5.1 SWM Committee of Adjustment Minutes – February 26, 2020

#2020-COA-007

Moved by M. McGill

Seconded by C. Cowell

THAT the February 26, 2020 Committee of Adjustment meeting minutes be approved.

Carried

6. COMMITTEE OF ADJUSTMENT

1. Severance Application Public Meeting: Severance Application B04-2020

Chair Mayhew calls the Public Meeting for B04-2020 – 40 Middlemiss Ave., Middlemiss, Karsh to order at 7:18 p.m.

The purpose of the meeting is to give the public an opportunity to hear all interested persons with respect to a **Severance Application by Ed, Eddy and Eric Karsch**, and for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of Application for Consent B4-2020, submitted under Section 53 of the Planning Act, is proposing to sever two residential lots, with the first severed lot having an area of approximately 2,100 m² (0.519 acres) with a frontage of approximately 34.892 metres (114.5 feet) and the second severed lot having an area of approximately 2,089 m² (0.515 acres) with a frontage of approximately 34.891 metres (114.4 feet) from a property legally described as Plan 313, Lot 1, Municipality of Southwest Middlesex (Ekfrid).

The Planner presented the staff report and recommendation and comments received from circulated agencies and the public.

The Chair invited the applicant to speak to the application. The applicant, Ed Karsh outlined the purpose of the request for severances.

The Chair invited members of council to ask questions of the applicant and/or staff. Members inquired about funds in lieu of parkland and the ability to direct funds within the ward where the development is located.

The Chair invited members of the public who registered to speak in support of or against the application. No members of the public registered to speak to the application.

The Chair asked the Clerk to read and Oral Submissions made prior to the meeting. There were no written submissions.

The Chair recessed the meeting at 7:35 p.m. to allow comments from the public related to the application to come forward.

The Chair resumed the meeting at 7:44 p.m. and there were no further comments.

The Chair invited the Applicant or their Agent to make final remarks.

Chair Mayhew declared the Public Meeting for B04-2020 (Ed, Eddy and Eric Karsch) closed.

Severance Application B04-2020

#2020-COA-008

Moved by M. Sholdice

Seconded by C. Cowell

THAT Application for Consent B4-2020, submitted under Section 53 of the Planning Act, which proposes to sever two residential lots, with the first severed lot having an area of approximately 2,100 m² (0.519 acres) with a frontage of approximately 34.892 metres (114.5 feet) and the second severed lot having an area of approximately 2,089 m² (0.515 acres) with a frontage of approximately 34.891 metres (114.4 feet) from a property legally described as Plan 313, Lot 1, Municipality of Southwest Middlesex (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 shall provide a private servicing concept plan demonstrating that the three proposed lots are large enough to support three dwellings, three wells, and three septic systems in accordance with the setback requirements of the Ontario Building Code, and any other applicable requirements to the satisfaction of the Municipality.
5. That an adequate and potable water supply be demonstrated to exist on the two severed lots and the retained lot to the satisfaction of the Municipality.
6. That the owner enter into a Development Agreement with the Municipality and undergo all the necessary works for the completion of the construction of 'Mill Street' to a public

road standard and that the owner make request of the municipality to have 'Mill Street' changed to an open public road allowance and this change is completed, at the cost of the owner, to the satisfaction of the Municipality.

7. The owner provide a lot grading drawing, stamped by a professional engineer and OLS, to the satisfaction of the municipality.
8. That the owner retain a qualified professional to undertake a soils investigation to confirm independent sewage disposal systems are capable of supporting the proposed residential development based on existing site conditions and surrounding uses.
9. That the owner pay 5% of the value of the land as cash-in-lieu of parkland dedication for each of the severed lots of Consent B4-2020, to the satisfaction of the municipality.
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 Zoning By-law and Official Plan would be maintained;

Carried

Severance Application B04-2019

#2020-COA-009

Moved by C. Cowell

Seconded by M. Wilkins

THAT the conditions of consent for B04-2019 be amended as recommended and that a notice respecting the changes be circulated to prescribed persons and public bodies;

Proposed Amended Conditions of Consent B04-2019

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 severed lands be rezoned to the Residential Third Density (R3) Zone, to the satisfaction of the Municipality.

5. That the owner provide 5% in cash-in-lieu of parkland dedication for the severed lot of Consent B04-2019 in accordance with the Municipality's Fees and Charges By-law.
6. That the owner will be required to dedicate lands up to 15 m from the centerline of construction of County Road 80 (Main Street) to the County of Middlesex across both the severed and retained parcels for the purposes of road widening if the right of way is not already to that width.
7. That verification of the septic location being wholly contained within the proposed severed lands be submitted to the satisfaction of the Municipality.
8. That the existing well on the severed lands be decommissioned and the existing dwelling on the retained lands obtain a municipal water connection, to the satisfaction of the Municipality.
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.

Carried

7. FUTURE MEETINGS (subject to change)

July 8, 2020

8. ADJOURNMENT

The Chair adjourned the meeting at 8:06 p.m.

Chairperson

Secretary