



**MUNICIPALITY OF SOUTH WEST MIDDLESEX
COMMITTEE MINUTES**

WEDNESDAY, OCTOBER 28, 2020 7:00 PM

Via. Electronic Participation

COMMITTEE MINUTES

SOUTHWEST MIDDLESEX COMMITTEE OF ADJUSTMENT MINUTES

Meeting can be viewed at:

<https://www.youtube.com/channel/UC6oo98BZcAvuVMKLDx88I4A>

The Municipality of Southwest Middlesex Committee of Adjustment met in Regular Session on October 28, 2020.

MEMBERS PRESENT:

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

STAFF PRESENT:

CAO/Clerk - Jill Bellchamber-Glazier, Director of Operations – Greg Storms, Treasurer – Kristen McGill, Planner – Stephanie Poirier, Kendra Kettler – Deputy Clerk

1. CALL TO ORDER

Chairperson Mayhew calls the meeting to order at 7:11 p.m.

Mayor 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.

Mayor 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- 022

Moved by I. Carruthers

Seconded by M. Sholdice

THAT the Committee of Adjustment Agenda dated October 28, 2020 be accepted as presented.

Carried

4. DELEGATIONS AND PRESENTATIONS

None.

5. MINUTES

5.1 Southwest Middlesex Committee of Adjustment Minutes – August 26, 2020 and September 2, 2020.

#2020-COA-023

Moved by M. McGill

Seconded by I. Carruthers

THAT the August 26, 2020 and the September 2, 2020 Committee of Adjustment meeting minutes be approved.

Carried

6. COMMITTEE OF ADJUSTMENT

6.1 Severance Application B08/2020

Chair Mayhew calls the Public Meeting for B08-2020 –Falconbridge Drive, Glover to order at 7:14 p.m.

The purpose and effect is to sever a 0.88 ha (2.18 ac) parcel of land having frontage of approximately 67.9 m (222.7 ft) on Falconbridge Drive from an agricultural parcel of land with an area of approximately 8.5 ha (21 ac) (6430 Falconbridge Drive) to be merged with Concession 3, South Part Lot 2 and to sever a 0.88 ha (2.18 ac) parcel of land having frontage of approximately 55.9 m (183.4 ft) on Falconbridge Drive from an agricultural parcel of land with

an area of approximately 28 ha (70 ac) and known legally as Concession 3, South Part Lot 2 to be merged with the abutting property known municipally as 6430 Falconbridge Drive, to facilitate a 'land swap'.

The planner presented their report.

The Chair invited the applicant to speak to the application. The applicant was not present at the meeting.

The Chair invited members to speak to the application.

The Chair invited oral submissions of delegates, speaking either for or against the application. There were no registered delegates.

The Chair asked the Secretary of the Committee of Adjustment if there were any written submissions. There were no written submissions.

The Chair recessed the meeting at 7:27 p.m. to allow for interested parties to register to speak to the application.

The Chair resumed the meeting at 7:32 p.m. No persons registered to speak to the application.

Chair Mayhew declares the Public Meeting for B8/2020 (Glover) closed.

Severance Application B08/2020

#2020-COA-024

Moved by M. Vink

Seconded by I. Carruthers

THAT Application for Consent B8-2020, submitted under Section 53 of the Planning Act, which proposes to sever a 0.88 ha (2.18 ac) parcel of land having frontage of approximately 67.9 m (222.7 ft) on Falconbridge Drive from an agricultural parcel of land with an area of approximately 8.5 ha (21 ac) and known municipally as 6430 Falconbridge Drive to be merged with Concession 3, South Part Lot 2 **AND** to sever a 0.88 ha (2.18 ac) parcel of land having frontage of approximately 55.9 m (183.4 ft) on Falconbridge Drive from an agricultural parcel of land with an area of approximately 28 ha (70 ac) and known legally as Concession 3, South Part Lot 2 to be merged with the abutting property known municipally as 6430 Falconbridge Drive, to facilitate a 'land swap' 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 lots to be severed be merged in the same name and title as the lands receiving the lot additions; 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 minor variance applications be obtained for the retained and severed lands to recognize lot area and frontage deficiencies.
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, including the location of the dwelling with setbacks to the new proposed lot lines and the location of the septic system be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office and that a minor variance be obtained for any deficiencies if necessary.
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

6.2 Severance Application B09/2020

Chair Mayhew calls the Public Meeting for B09/2020 – 23683 McArthur Road, Christine Carruthers to order at 7:33 p.m.

The purpose and effect is to which proposes to sever a 19 ha (47 ac) agricultural parcel of land from an existing farm parcel consisting of 39 ha (97 ac) of land.

The planner presented their report. The Planner advised the Committee that the recommendation to deny the application is due to: the application not being consistent with the Provincial Policy statement; the application is not in conformity with the County of Middlesex Official Plan nor the Southwest Middlesex Official Plan and; the requirements of the Municipality of Southwest Middlesex Zoning By-law would not be maintained.

The Chair invited the applicant to speak to the application. The applicant spoke to the purpose of their application.

The Chair invited members to speak to the application.

The Chair invited oral submissions of delegates, speaking either for or against the application. There were no registered delegates.

The Chair asked the Secretary of the Committee of Adjustment if there were any written submissions. There were no written submissions.

The Chair recessed the meeting at 8:06 p.m. to allow for interested parties to register to speak to the application.

The Chair resumed the meeting at 8:11 p.m. No persons registered to speak to the application.

Chair Mayhew declares the Public Meeting for B9/2020, Carruthers closed.

Severance Application B09/2020

#2020-COA-025

Moved by Councillor Cowell

Seconded by Deputy Mayor Wilkins

THAT Application for Consent B9-2020, submitted under Section 53 of the Planning Act, which proposes to sever a 19 ha (47 ac) agricultural parcel of land from an existing farm parcel consisting of 39 ha (97 ac) of land 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 a site-specific floodplain assessment be completed to determine if there is a safe building envelope outside of the hazard area on the severed lot, to the satisfaction of the St. Clair Region Conservation Authority.
6. That the applicants establish access to the retained agricultural lands, if necessary, to the satisfaction of the Municipality.
7. That Minor Variance Applications be obtained for both the severed and retained lands to recognize the undersized A1 parcels.
8. That a preliminary survey be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office.
9. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

Recorded Vote

Councillor McGill – No

Councillor Carruthers – Yes

Councillor Cowell – Yes

Councillor Vink – Yes

Councillor Bartlett – Yes

Councillor Sholdice – Yes

Deputy Mayor Wilkins – Yes

Mayor Mayhew – Yes

Carried

7. FUTURE MEETINGS (subject to change)

- November 25, 2020, Council & Planning 7:00 p.m.

8. ADJOURNMENT

The Chairperson adjourned the meeting at 8:20 p.m.

DRAFT