



**MUNICIPALITY OF SOUTHWEST MIDDLESEX
COMMITTEE OF ADJUSTMENT**

WEDNESDAY, APRIL 21, 2021 7:00 PM
via Electronic Participation

COMMITTEE OF ADJUSTMENT MINUTES

SOUTHWEST MIDDLESEX COMMITTEE MINUTES

The Municipality of Southwest Middlesex Committee of Adjustment met in Regular Session on April 21, 2021 at 7:05 p.m.

MEMBERS PRESENT:

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

STAFF PRESENT:

Secretary – Jill Bellchamber-Glazier, Planner – Stephanie Poirier, Planner – Marion Cabral, CBO – Arnie Marsman, Director of Operations – Greg Storms, Treasurer – Kristen McGill, Deputy Clerk – Denny Giles

ALSO PRESENT:

Members of the public

1. CALL TO ORDER

Chairperson Mayhew calls the meeting to order at 7:07 p.m.

Mike Sholdice is not present at the start of the Meeting.

2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None

3. MINUTES

#2021-COA-011

Moved by M. Wilkins

Seconded by C. Cowell

THAT the March 24, 2021 Committee of Adjustment Meeting minutes are received and approved by the committee.

Carried

4. COMMITTEE OF ADJUSTMENT

4.1 Consent Application B4/2021 – McEachren

Chair Mayhew calls the Public Meeting for B4/2021 – 4087 Olde Drive, David McEachren to order at 7:08 p.m.

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

The purpose of the meeting was to give the public an opportunity to hear all interested persons with respect to the **McEachren** Consent application for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the Application for Consent B4-2021 is to sever the farmland from an existing residence at 4087 Olde Drive in the form of a 'reverse' surplus farm dwelling severance. The farmland will be consolidated with a farming operation and the retained residential parcel will continue to be used by the owner.

The Chair invited the applicant with the opportunity to speak to the application. Mr. McEachren spoke to the application.

The Chair invited the Members of the Committee to make remarks.

The Chair invited registered members of the public to speak either for or against the application. There were no registered delegates.

Mike Sholdice is now present at 7:21 p.m.

The Chair invited the Secretary to provide any written submissions. There were no written submissions.

The Chair recessed the meeting at 7:37 p.m. for the public to be able to register to speak to the application.

The Chair resumed the meeting at 7:42 p.m.

The Chair invited the applicant to provide final remarks.

Chair Mayhew declares the Public Meeting for B4/2021 closed.

Severance Application B4/2021

#2021-COA-012

Moved by C. Cowell

Seconded by M. Sholdice

THAT Application for Consent B4-2021, submitted under Section 53 of the Planning Act, which proposes to sever a 30.155 ha (74.5 ac) parcel of land from the property legally described as Concession 4 North Part Lot 21, Municipality of Southwest Middlesex, 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 the pasture, corral and all fencing on the severed farmland be removed, or that a separate entrance to this area from Olde Drive and that any entrances to this area from the retained residential parcel be removed.
6. That the habitability of the single detached dwelling be confirmed to the satisfaction of the Municipality.
7. That the severed farmland be conveyed and transferred to Carole P Munro (3390 Knapdale Drive) to ensure the consolidation with the farming operation.
8. That an adequate and potable water supply be demonstrated to exist to the satisfaction of the Municipality.
9. 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. The qualified septic installer shall also confirm the location of the existing septic system and confirm that the clearance distance from the septic system to the well is adequate.
10. That the applicants establish access to the severed farmlands, if necessary, to the satisfaction of the Municipality.
11. That the hydro service be wholly contained to the retained lands or that a hydro easement be obtained, to the satisfaction of the Municipality.
12. That a Zoning By-law Amendment that appropriately rezones the severed lot to prohibit new residential buildings and the retained lot to permit only residential uses of Consent B4-2021 be in full force and effect.
13. That a preliminary survey showing the lands being severed, any required land dedication, and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and septic system be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office.

14. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

RECORDED VOTE

Martin Vink – No
Councillor Bartlett – No
Councillor Sholdice - Yes
Deputy Mayor Wilkins – No
Mayor Mayhew – No
Councillor McGill – No
Councillor Ian Carruthers – No
Councillor Cowell - Yes
Defeated

Amended Motion

#2021-COA-013

Moved by Vink

Seconded by McGill

THAT Application for Consent B4-2021, submitted under Section 53 of the Planning Act, which proposes to sever a 30.155 ha (74.5 ac) parcel of land from the property legally described as Concession 4 North Part Lot 21, Municipality of Southwest Middlesex, 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 the existing storage barns and foundations located on the retained land be removed to the satisfaction of the Municipality. If a storage barn is to remain, the applicant must obtain a Change of Use permit for any agricultural buildings that are to remain on the property to document the change of use from agricultural to a residential accessory use.
6. Any concrete slabs remaining from the removal of agricultural buildings and uses may remain for use by the owner for outside storage of goods accessory to a residential use.
7. That the pasture, corral and all fencing on the severed farmland be removed, or that a separate entrance to this area from Olde Drive and that any entrances to this area from the retained residential parcel be removed.
8. That the habitability of the single detached dwelling be confirmed to the satisfaction of the Municipality.
9. That the severed farmland be conveyed and transferred to Carole P Munro (3390 Knapdale Drive) to ensure the consolidation with the farming operation.
10. That an adequate and potable water supply be demonstrated to exist to the satisfaction of the Municipality.
11. 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. The qualified septic installer shall also confirm the location of the existing septic system and confirm that the clearance distance from the septic system to the well is adequate.
12. That the applicants establish access to the severed farmlands, if necessary, to the satisfaction of the Municipality.
13. That the hydro service be wholly contained to the retained lands or that a hydro easement be obtained, to the satisfaction of the Municipality.
14. That a Zoning By-law Amendment that appropriately rezones the severed lot to prohibit new residential buildings and the retained lot to permit only residential uses of Consent B4-2021 be in full force and effect.

15. That a preliminary survey showing the lands being severed, any required land dedication, and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and septic system be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office.

16. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

Reasons

Consistency with Planning Act Section 51 (24) would be maintained;

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;

Conformity with the Southwest Middlesex Zoning By-law would be maintained.

Carried

5. FUTURE MEETINGS (subject to change)

- May 26, 2021

6. ADJOURNMENT

The Chairperson adjourned the meeting at 8:19 p.m.