



**MUNICIPALITY OF SOUTHWEST MIDDLESEX
COMMITTEE OF ADJUSTMENT MINUTES**

Wednesday, November 24, 2021, 7:05 PM
Council Chambers

COUNCIL PRESENT: Chairperson Mayhew, Marigay Wilkins, Christa Cowell, Mark McGill,
Doug Bartlett, Mike Sholdice, Jill Bellchamber-Glazier, Secretary-
Treasurer, Stephanie Poirier, Barbara Pinnell

Members Absent Martin Vink

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

1. CALL TO ORDER

Chairperson Mayhew calls the meeting to order at 7:16 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

3. MINUTES

#2021-COA-29

Moved by Mark McGill

Seconded by Doug Bartlett

THAT the October 27, 2021 Committee of Adjustment Meeting minutes are received and approved by the committee.

Carried

4. COMMITTEE OF ADJUSTMENT

4.1 Minor Variance A9-2021 - 30 McMaster Place, Appin

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 application for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the Application for Minor Variance A9-2021 is to seek relief from the Southwest Middlesex Comprehensive Zoning By-law 2011/065.

The Chair invited the applicant with the opportunity to speak 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.

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

The Chair recessed the meeting for the public to be able to register to speak to the application.

Chair Mayhew declares the Public Meeting for A9/2021 closed.

#2021-COA-30

Moved by Mike Sholdice

Seconded by Christa Cowell

THAT Application for Minor Variance A9-2021 filed by Michael Smith to permit the construction of an accessory building with a maximum floor area of 118.95 m² (1,280 sq ft), whereas the maximum floor area of an accessory building permitted in the Hamlet Residential (HR) Zone is 100 m² (1,076 sq ft) be **GRANTED.**

Carried

4.2 Minor Variance A10-2021 - 273 Appin Rd, Glencoe

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 Minor Variance A10-2021 for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the Application for Minor Variance A10-2021 is to seek relief from the Southwest Middlesex Comprehensive Zoning By-law 2011/065.

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

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

The Chair recessed the meeting for the public to be able to register to speak to the application.

The Chair resumed the meeting at 7:47 p.m.

The Chair invited the applicant to provide final remarks.

Chair Mayhew declares the Public Meeting for A10/2021 closed.

#2021-COA-31

Moved by Christa Cowell

Seconded by Mike Sholdice

THAT Application for Minor Variance A10-2021 filed by David McCullough to permit the construction of an accessory building with a maximum floor area of maximum floor area of 119 m² (1,280 sq ft), whereas the maximum floor area of an accessory building permitted in the Residential First Density (R1(1)) Zone is 100 m² (1,076 sq ft), and a maximum height of 5.09 m (16.7 ft), whereas the maximum height of an accessory permitted in the Residential First Density (R1(1)) Zone is 4.5 m (14.7 ft) be **GRANTED** subject to the following condition:

1. That the total height of the accessory building from ground to peak does not exceed 19.4 ft (6m).

Carried

4.3 Application for Consent B12-2021 - 196 McRae St, Glencoe

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 Consent application for Southwest Middlesex Committee of Adjustment to consider the proposal.

The purpose and effect of the Application for Consent B12-2021 is to sever a parcel of land known as 196 McRae Street in order to create four residential building lots (3 severed, 1 retained), with access proposed

The Chair invited the agent for the applicant with the opportunity to speak to the application. Mr. Kirkness 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.

The Chair invited the Secretary to provide any written submissions. There was a written submission from Tracy and Barry Harris of 195 McRae Street, Glencoe.

The Chair recessed the meeting at 8:05 p.m. for the public to be able to register to speak to the application.

The Chair resumed the meeting at 8:10 p.m.

The Chair invited the applicant's agent to provide final remarks.

Chair Mayhew declares the Public Meeting for B12/2021 closed.

#2021-COA-32

Moved by Marigay Wilkins

Seconded by Mark McGill

THAT Application for Consent B12-2020, submitted under Section 53 of the Planning Act, which proposes to sever an existing residential lot into four separate residential lots as follows:

	Parcel 1 (severed)	Parcel 2 (severed)	Parcel 3 (retained)	Parcel 4 (severed)
Lot Frontage	10.5 m (34.5 ft)	10.5 m (34.5 ft)	16.4 m (54 ft)	12.8 m (42 ft)
Lot Depth	40.3 m (132 ft)	40.3 m (132 ft)	40.3 m (132 ft)	40.3 m (132 ft)
Lot Area	422.3 m ² (4,545.5 sq ft)	422.3 m ² (4,545.5 sq ft)	661.5 m ² (7,120 sq ft)	531.7 m ² (5,723 sq ft)

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 a Zoning By-law Amendment Application for the lands to be severed and lands to be retained be in full force and effect.

5. That the owner submit an engineering and design submission to address but not limited to stormwater management, water, sanitary, and lot grading showing buildings, swales and required grades on subject lands to ensure correct grading to the satisfaction of the Municipality.
6. That the accessory buildings located on the lot to be retained, and any existing buildings or structures that are not wholly contained on a single parcel be removed to the satisfaction of the Chief Building Official.
7. That the owner submit an engineering report to address noise, odour, and vibration in accordance with the D-6 series guidelines to confirm that there will not be any land use compatibility impacts on the proposed dwellings within the one year period, to the satisfaction of the Municipality.
8. That the owner be required to grant CN Rail an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN, to the satisfaction of CN Rail.
9. That the following be registered on title of the lands to be severed and retained to the satisfaction of CN Rail:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

10. That the owner complete the following within the one year time period prior to consent being granted, at the cost of the applicant, to the satisfaction of the Municipality:

- install separate water and sanitary service connections (from road to property line) in accordance to the approved engineering and design;
- confirm that the existing water and sanitary connections are wholly contained on the retained lands or be relocated;
- obtain entrance permits and install new entrances for the lands to be severed and retained, and that any side walk repair as a result of the new entrances be completed;
- that the proposed driveway on parcel 4 be relocated outside of the sight visibility triangle; and
- confirm that the hydro service is wholly contained on the retained lands, or the hydro service be relocated

OR that, if deemed necessary, an agreement be entered into with the Municipality (including the posting of financial security to ensure due performance of works to be undertaken and upon such other terms as determined by the Municipality) registered on title and binding on future owners, which addresses but not limited to stormwater management, water, sanitary, and lot grading. The cost of drafting and preparation of the foregoing Agreement shall be paid by the Applicant.

11. That a preliminary survey showing the lands being severed and retained (frontage, depth, lot area), the location of all buildings and structures, the setbacks from the property lines, % lot coverage, % landscaped open space, and required parking spaces per lot be submitted to the Municipality for review prior to being deposited at the Land Registry Office.

12. 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

5. FUTURE MEETINGS (subject to change)

- December 15, 2021 - 7:00 p.m. - Committee of Adjustment Meeting

6. ADJOURNMENT

The Chairperson adjourned the meeting at 8:15 p.m.