

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 3/10

April 26, 2010

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The third hearing of 2010 was held by the Committee of Adjustment this date at the Middlesex Centre Municipal Offices, Coldstream, Ontario at 7:00 p.m.

**PRESENT**

Stephen Harvey  
Sharon McMillan  
Ian Nielsen  
Ken Nixon  
Don Rows

**STAFF PRESENT**

Benjamin Puzanov, Planner and Secretary-Treasurer

**DECLARATIONS OF PECUNIARY INTEREST**

Ken Nixon declared a pecuniary interest concerning an application for consent filed by Jay McGuffin of Monteith Brown Planning Consultants on behalf of Jake Bulk.

**MINUTES**

Moved by Ken Nixon  
Seconded by Ian Nielsen

**THAT the minutes of the March 22, 2010 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.**

Carried

APPLICATION NO. B-4/10 – Jake Bulk, Jay McGuffin – Monteith Brown Planning Consultants (Agent), Part of Lot 23, Concession 10 (geographic Township of London); 13527 Ilderton Road

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Chair Rows indicated that Planning staff had informed him that the subject Application for Consent was withdrawn by the applicant's agent.

Ben Puzanov, Planner, confirmed that the application was withdrawn on the afternoon of Monday, April 26. Mr. Puzanov added that the notification requirements outlined in the Planning Act would again apply if a subsequent Application for Consent is brought back for the Committee's consideration.

APPLICATION NO. A-4/10 – Municipality of Middlesex Centre, Spriet Associates London Limited (Agent), Part of Lot 29, Concession 12, Part 1, Reference Plan 33R-16646 (geographic Township of London); 23053 Denfield Road

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Chair Rows read the purpose and effect of the subject application, which is to seek relief from Subsection 4.26 (i) (i) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which restricts maximum driveway widths for industrial uses to 12.0 metres (39.37 ft). The applicant is proposing a maximum driveway width of 13.0 metres (42.65 ft) in order to accommodate a larger entrance on the subject property.

John Michael Spriet of Spriet Associates London Limited was in attendance to speak to the application and indicated that the additional metre of driveway width is being requested due

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to the large turning radii that are required by the Municipality's snow ploughs.

Ben Puzanov read the correspondence from the County of Middlesex, the Municipal Public Works and Engineering Department and the Municipal Chief Building Official.

Mr. Puzanov indicated that the intent and purpose of the maximum driveway width provision for industrial uses in the Middlesex Centre Comprehensive Zoning By-law is to control road access and thus maintain safety for pedestrians and vehicles at the street line. He added that limiting driveway widths at the street line reduces points of conflict between vehicles and pedestrians walking past the site and also between vehicles leaving the site and vehicles traveling past it. Mr. Puzanov further indicated that it is not anticipated that the proposed 1 metre increase is going to negatively impact traffic safety in the vicinity of the entrance to the subject property.

Mr. Puzanov stated that staff is supportive of the application as the minor variance complies with the general intent and purpose of the Municipal Official Plan and Comprehensive Zoning By-law, is considered to be minor in nature and represents an appropriate development and use of the subject property. He recommended that the application be approved and that no conditions be attached to the Committee's decision.

Stephen Harvey asked about the width of the entrance to the Coldstream Municipal Garage. Mr. Puzanov indicated that it is less than the width being proposed for the Denfield Operations Centre.

There were no members of the public present to speak to the application.

Moved by Stephen Harvey  
Seconded by Sharon McMillan

**THAT application A-4/10, filed by the Municipality of Middlesex Centre for relief from Subsection 4.26 (i) (i) of the Comprehensive Zoning By-law 2005-005, which restricts driveway widths for non-residential uses to 12.0 metres (39.37); whereas the applicant is proposing a maximum driveway width of 13.0 metres (42.65 ft) in order to accommodate a larger entrance on the subject property; for a property described as Part of Lot 29, Concession 12 and more specifically as Part 1, Reference Plan 33R-16646 (geographic Township of London), Municipality of Middlesex Centre, known municipally as 23053 Denfield Road; BE GRANTED.**

Carried

Reasons:

The Committee was of the opinion that the extent of the variance is "minor" in nature from the provisions of the Middlesex Centre Comprehensive Zoning By-law. The Committee stated that the general intent and purpose of both the Middlesex Centre Official Plan and Zoning By-law are maintained with the granting of the minor variance application. The Committee was satisfied that the variance was desirable for the appropriate development and use of the subject property. It was also noted that there were valid reasons why the Zoning By-law requirement cannot be met.

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APPLICATION NO. B-5/10 and B-6/10 – Richard and Lorraine Nemeth and Gubbels Farms Ltd., Part of Lots 9 and 10, Concession 2, Parts 1 and 2 to 9, Reference Plan 34R-990 (geographic Township of Delaware), Municipality of Middlesex Centre; 4100 Carriage Road and 4431 Bells Road

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Moved by Stephen Harvey  
Seconded by Ken Nixon

**THAT Applications for Consent B-5/10 and B-6/10 be heard concurrently.**

Carried

Chair Rows read the purpose and effect of the subject applications, which is to change the lot pattern of the properties known municipally as 4100 Carriage Road and 4431 Bells Road and to create one new farm lot.

Consent Application B-5/10 pertains to the property known municipally as 4100 Carriage Road. The lot to be severed, shown on the attached survey as Parcel B, would have a lot frontage of 255.967 metres (839.79 ft) along Carriage Road, an irregular lot depth and a lot area of approximately 15.11 hectares (37.34 ac). The lot to be retained, shown on the attached survey as Parcel A, would have a lot frontage of 300 metres (984.25 ft) along Carriage Road, an irregular lot depth and a lot area of approximately 41.17 hectares (101.73 ac). The lot to be severed is vacant and the lot to be retained contains an existing single-detached dwelling, shed and barn.

Consent Application B-6/10 pertains to the property known municipally as 4431 Bells Road. The lot to be severed, shown as Parcel C on the attached survey, would have a lot frontage of 576.252 metres (1,890.59 ft) along Sharon Drive, a flankage of 578.861 metres (1,899.15 ft) along Carriage Road and a lot area of approximately 25.56 hectares (63.16 ac). The lot to be retained, shown as Parcel D on the attached survey, would have a lot frontage of 519.574 metres (1,704.64 ft) along Bells Road, a flankage of 722.144 metres (2,369.24 ft) along Sharon Drive and a lot area of approximately 52.06 hectares (128.64 ac). The lot to be severed is vacant and the lot to be retained contains an existing single-detached dwelling.

In order to change the lot pattern of the two subject properties, the applicants are proposing that the lots to be severed via Consent Applications B-5/10 and B-6/10, shown as parcels B and C on the attached survey, be merged. The resulting lot would be vacant and have a lot frontage of 576.252 metres (1,890.59 ft) along Sharon Drive, a flankage of 834.828 metres (2,738.94 ft) along Carriage Road and a lot area of approximately 40.67 hectares (100.5 ac)

Richard Nemeth was in attendance to speak to the application.

Ian Nielsen asked Mr. Nemeth about why he was purchasing additional farm land from Gubbels Farms Ltd.

Mr. Nemeth indicated that he and his wife are requesting the severance that would facilitate the described purchase of land from Gubbels Farms Ltd. because they would like to increase their farm's workable land so that they may qualify as a hobby farm.

Mr. Puzanov read the correspondence from the County of Middlesex, the Lower Thames

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Valley Conservation Authority, the Ministry of Transportation, the Municipal Public Works and Engineering Department and the Municipal Chief Building Official.

Mr. Puzanov indicated that if approved, the three lots would all exceed the 40 hectare lot area requirement, as outlined by the County Official Plan and the Middlesex Centre Official Plan. He added that agricultural lots in the area range in size and are generally less than 40 hectares. Mr. Puzanov stated that the proposed lot realignment and creation of an additional farm lot would not hinder future agricultural activity on the subject lands and would actually improve the current situation due to the existing hazard lands and significant woodlots on the subject property. He indicated that the Applications for Consent are proposing to utilize the existing significant woodlots on the property as lot boundaries, thus eliminating the fragmentation of farmland on individual lots and improving farmland cultivation efficiency.

Mr. Puzanov recommended that the proposed Applications for Consent be approved and noted that if the Committee was to approve the applications for consent, he recommended that the following conditions be attached to their approval: that the Certificate of Consent under Section 53(42) of the Planning Act be given within one year of the date of the notice of the decision; and that the severed lot of Consent B-5/10 be deeded in the same name and interest as the severed lot of Consent B-6/10 and that Sections 50(3) and (5) of the Planning Act apply to any further conveyance or transaction of the subject lands. Mr. Puzanov added that the following condition should also be attached to the approval of Consent Application B-5/10, should the Committee decide to grant the severance: that the applicants submit to the Municipality a cash-in-lieu of parkland dedication in the amount of \$1,000.

Pauline Hewitt was also in attendance and indicated that she owns the landlocked parcel that is located east of the Nemeth farm and south of Highway 402. Ms. Hewitt indicated that her property was effectively severed into two lots when Highway 402 was constructed. Ms. Hewitt indicated that she did not object to the proposed severances.

Moved by Sharon McMillan  
Seconded by Ian Nielsen

**THAT application B-5/10, filed by Richard and Lorraine Nemeth for consent to sever a parcel of land having a lot frontage of approximately 255.967 metres along Carriage Road, an irregular lot depth and a lot area of approximately 15.11 hectares; for a property described as Part of Lots 9 and 10, Concession 2 and more specifically as Part 1, Reference Plan 34R-990 (geographic Township of Delaware), Municipality of Middlesex Centre, known municipally as 4100 Carriage Road; BE GRANTED.**

Carried

Conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within one year of the date of the notice of the decision;
2. That the severed lot of Consent B-5/10 be deeded in the same name and interest as the severed lot of Consent B-6/10 and that Sections 50(3) and (5) of the Planning Act apply to any further conveyance or transaction of the subject lands;
3. That the applicants submit to the Municipality a cash-in-lieu of parkland dedication in

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the amount of \$1,000.

Reasons:

The Committee stated that the consent is in conformity with the Middlesex Centre Official Plan. The Committee also stated that the application complies with the applicable policies of the County of Middlesex Official Plan. It was noted by the Committee that the application also meets the regulations of the Middlesex Centre Comprehensive Zoning By-law.

The Committee further noted that the subject application does not require a Plan of Subdivision. It was also noted by the Committee that the application satisfies the consent policies of the Middlesex Centre Official Plan. The Committee was also satisfied that the Minimum Distance Separation (MDS) formulae would be adhered to, that the proposed use is generally compatible with uses in the area and that the application satisfies the County and Municipal Official Plan policies with regards to farm lot size.

For the above-mentioned reasons, the application for consent was granted.

Moved by Sharon McMillan  
Seconded by Ian Nielsen

**THAT application B-6/10, filed by Gubbels Farms Ltd. for consent to sever a parcel of land having a lot frontage of approximately 576.252 metres along Sharon Drive, a flankage of approximately 578.861 metres along Carriage Road and a lot area of approximately 25.56 hectares; for a property described as Part of Lots 9 and 10, Concession 2 and more specifically as Parts 2 to 9, Reference Plan 34R-990 (geographic Township of Delaware), Municipality of Middlesex Centre, known municipally as 4431 Bells Road; BE GRANTED.**

Carried

Conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within one year of the date of the notice of the decision;
2. That the severed lot of Consent B-5/10 be deeded in the same name and interest as the severed lot of Consent B-6/10 and that Sections 50(3) and (5) of the Planning Act apply to any further conveyance or transaction of the subject lands;

Reasons:

The Committee stated that the consent is in conformity with the Middlesex Centre Official Plan. The Committee also stated that the application complies with the applicable policies of the County of Middlesex Official Plan. It was noted by the Committee that the application also meets the regulations of the Middlesex Centre Comprehensive Zoning By-law.

The Committee further noted that the subject application does not require a Plan of Subdivision. It was also noted by the Committee that the application satisfies the consent policies of the Middlesex Centre Official Plan. The Committee was also satisfied that the Minimum Distance Separation (MDS) formulae would be adhered to, that the proposed use is generally compatible with uses in the area and that the application satisfies the County

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and Municipal Official Plan policies with regards to farm lot size.

For the above-mentioned reasons, the application for consent was granted.

**NEXT MEETING:**

**Monday, May 31, 2010 at the Middlesex Centre Municipal Offices, 10227 Ilderton Road, Coldstream, at 7:00 p.m.**

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED

IT WAS RESOLVED

THAT this meeting adjourn now at 8:05 p.m.

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Chair

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Secretary