

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 9/09

December 21, 2009

The ninth hearing of 2009 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
Ken Nixon
Don Rows

STAFF PRESENT

Benjamin Puzanov, Secretary-Treasurer
Marc Bancroft, Assistant Secretary-Treasurer

DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest stated by any of the members.

MINUTES

Moved by Ken Nixon
Seconded by Sharon McMillan

THAT the minutes of the November 23, 2009 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.

Carried

APPLICATION NO. B-16/09 – Sumatara Investments Limited, Steve Ross (Agent), Part of Lot 1, Concession 3, Parts 1 and 2, Reference Plan 33R-17591 (geographic Township of Delaware)

Chair Rows read the purpose and effect of the subject application to sever a parcel from an existing 23 hectare (56.8 ac) lot. The parcel to be severed would have a lot frontage of approximately 392 metres (1,286 ft) along Elviage Drive, a flankage of approximately 397 metres (1,302.5 ft) and a lot area of approximately 15.5 hectares (38.3 ac). The parcel to be retained would have a lot frontage of approximately 200 metres (657 ft) along Brigham Road, a lot depth of approximately 391 metres (1,283 ft) and a lot area of approximately 7.8 hectares (19.2 ac). The parcel to be retained is currently vacant and the parcel to be severed contains four agricultural buildings.

Steve Ross was in attendance to speak to the application and indicated that he is in full support of staff's recommendation for approval. Mr. Ross noted that the uses of both the parcel to be severed and the parcel to be retained are not proposed to be changed.

Sharon McMillan questioned as to why site plan approval was required to facilitate the development of a golf driving range use on the parcel to be retained. Mr. Ross indicated that this approval was required to address the concerns of staff and the public, specifically regarding lighting and parking requirements.

Stephen Harvey asked whether the parcel to be severed would be used as a solar farm. Mr. Ross indicated that a solar farm is a possible use, but currently there are no firm development plans for the lands. He further noted that any type of renewable energy

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development application would have to be initiated at the provincial level, as mandated by the Green Energy and Green Economy Act, 2009.

Ben Puzanov, Planner, read the correspondence from the County of Middlesex, the Upper Thames River Conservation Authority, the Municipal Public Works and Engineering Department and the Municipal Chief Building Official.

Mr. Puzanov indicated that the line of severance will coincide with the existing zone line that divides the two uses on the subject property and that the development potential of the parcel to be severed and the parcel to be retained will not change as a result of the severance. Mr. Puzanov stated that he is supportive of the application as the proposed consent is consistent with the Provincial Policy Statement, conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan and is also in conformity with the Middlesex Centre Comprehensive Zoning By-law 2005-005. Mr. Puzanov indicated that if the Committee was to approve the application for consent, he recommended that the following condition be imposed on the decision: that the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.

Ann Thompson of 9822 Elviage Drive asked what the use of the parcel to be severed would be if a solar farm is not erected on the lands. Mr. Ross indicated that a single-detached dwelling is also a possible use of the parcel to be severed. Mr. Puzanov stated that the current site-specific Agricultural (A1-18) Zone of the parcel to be severed permits a single-detached dwelling property. He further noted that every property owner within 120 metres of the parcel to be severed would receive notice of a public hearing for any future official plan amendment or rezoning application for the said parcel.

Otto Schneider of 2597 Brigham Road asked whether the applicant would be able to construct a single-detached dwelling on the golf driving range property. Mr. Puzanov indicated that a single-detached dwelling is not permitted on the golf driving range property as those lands are within a site-specific Parks and Recreation (PR-8) Zone, which does not permit residential uses.

Mr. Schneider asked whether the driving range use would be merged with the neighbouring golf course, also owned by the applicant. Mr. Ross indicated that the applicant has no plans to merge the two properties at this time.

Mr. Schneider asked whether the Committee could impose, as a condition of severance, an agreement on the title of the parcel to be severed which prohibits it from being developed for green energy purposes. Mr. Puzanov indicated that such a condition would be unreasonable and explained that its imposition would be an attempt to circumvent provincial policies and legislation. He recommended that if the Committee was to approve the subject application, such a condition should not be imposed on the decision.

Stephen Harvey asked whether the applicant had any plans for the existing agricultural buildings on the parcel to be severed. Mr. Ross indicated that his client does not have any current plans for said buildings.

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Moved by Stephen Harvey
Seconded by Sharon McMillan

THAT application B-16/09, filed by Sumatara Investments Limited (Steve Ross, agent) for consent to sever a parcel of land having a lot frontage of approximately 392 metres along Elviage Drive, a flankage of approximately 397 metres and a lot area of approximately 15.5 hectares; for a property described as Part of Lot 1, Concession 3, excluding Parts 1 and 2, Reference Plan 33R-17591 (geographic Township of Delaware), Municipality of Middlesex Centre; BE GRANTED.

Carried

Condition:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.

Reasons:

The Committee stated that the proposed 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 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 general and specific consent policies of the Middlesex Centre Official Plan. The Committee was also satisfied that the proposed use is generally compatible with uses in the area.

APPLICATION NO. B-17/09 – Larry Hodgert Mayo, Part of Lot 11, Concession 5, Parts 1 and 3, Reference Plan 33R-2882 (geographic Township of Lobo); 10720 Gold Creek Drive

Chair Rows read the purpose and effect of the subject application to sever a lot from an existing 34.69 hectare (85.7 ac) lot located just west of the hamlet of Lobo. The parcel to be severed would have a lot frontage of 121.92 metres (400 ft) along Egremont Drive, a depth of 76.2 metres (250 ft) and a lot area of 0.93 hectares (2.3 ac). The parcel to be retained would have a lot frontage of 239.33 metres (785 ft) along Egremont Drive, an irregular lot depth and a lot area of approximately 33.763 hectares (83.4 ac). The parcel to be severed contains an existing machine shop. The parcel to be retained contains an existing single detached dwelling and two outbuildings.

Larry Hodgert Mayo was in attendance to speak to the application. George Sinker, solicitor for Mr. Mayo, was also in attendance. Mr. Sinker stated that he is in support of staff's recommendation for approval and does not oppose the conditions recommended by staff.

Sharon McMillan asked whether the existing driveway has always been part of the machine shop use. Mr. Sinker indicated that it had.

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Mr. Puzanov read the correspondence from the County of Middlesex, the Municipal Public Works and Engineering Department and the Municipal Chief Building Official. Mr. Puzanov stated that the proposed severance is for the creation of a lot for a machine shop use. The parcel proposed to be severed is properly designated and zoned to permit the aforementioned use and as such, staff supports the application. Mr. Puzanov indicated that based on his planning analysis provided in the staff report, the proposed severance application complies with the County of Middlesex Official Plan, the Municipality of Middlesex Centre Official Plan and the Municipal Comprehensive Zoning By-law 2005-005. Mr. Puzanov indicated that if the Committee was to approve the application for consent, he recommended that the following conditions be imposed on the decision: that the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision; and, that the owner dedicate lands up to 18 metres from the centreline of County Road 22 (Egremont Drive) along the frontage of the severed parcel to the County of Middlesex, if it is not already to that width.

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

Stephen Harvey asked whether the house east of the machine shop was previously severed from the original holdings. Mr. Sinker indicated that it had been.

Moved by Stephen Harvey
Seconded by Sharon McMillan

THAT application B-17/09, filed by Larry Hodgert Mayo for consent to sever a parcel of land having a lot frontage of 121.92 metres along Egremont Drive, a depth of 76.2 metres and a lot area of 0.93 hectares; for a property described as Part of Lot 11, Concession 5, Part 3, Reference Plan 33R-2882 (geographic Township of Lobo), Municipality of Middlesex Centre, known municipally as 10720 Gold Creek Drive; BE GRANTED.

Carried

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 the notice of the decision.
2. The owner dedicate lands up to 18 metres from the centreline of County Road 22 (Egremont Drive) along the frontage of the severed parcel to the County of Middlesex, if it is not already to that width.

Reasons:

The Committee stated that the proposed 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 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 general and specific consent policies of the Middlesex Centre Official Plan. The Committee was also satisfied that the proposed use is generally compatible with uses in the area. In addition, it was noted that the concerns of agencies would be adequately addressed.

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NEXT MEETING:

**Monday, January 25, 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 7:40 p.m.

Chair

Secretary