

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/09

July 27, 2009

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The fourth 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  
Peter McClary  
Sharon McMillan  
Don Rows

**REGRETS**

Geoff Rennison

**STAFF PRESENT**

Benjamin Puzanov, Secretary-Treasurer  
Marc Bancroft, Assistant Secretary-Treasurer  
Adam Scott, GIS/Planning Student

**DECLARATIONS OF PECUNIARY INTEREST**

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

**MINUTES**

Moved by Stephen Harvey  
Seconded by Peter McClary

**THAT the minutes of the May 25, 2009 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.**

Carried

APPLICATION NO. A-9/09 – John E. Wilton, Part of Lot 9, Concession 9, Part 1, Reference Plan 33R 544, Part 1, Reference Plan 33R 7789, (geographic Township of Lobo); 10468 Ilderton Road

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Chair Rows read the purpose and effect of the subject application. The purpose of the Application for Minor Variance is to seek relief from the maximum height restriction for a proposed accessory building. The applicant is proposing to construct a 142.7 square metre (1,536 square foot) detached garage that will measure 6.1 metres (20 feet) in height. Therefore, the applicant is requesting an increase in the maximum height restriction from 5.5 metres (18 feet) to 6.1 metres (20 feet).

Mr. John E. Wilton was in attendance and did not have anything to add to Chair Rows' description of the application.

Benjamin Puzanov read the correspondence from the County of Middlesex, St. Clair Region Conservation Authority, the Municipal Public Works and Engineering Department and the Municipal Deputy Chief Building Official.

Mr. Puzanov indicated that he is supportive of the application as the minor variance complies with the general intent and purpose of the Municipal Official Plan and

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Comprehensive Zoning By-law, is considered to be minor in nature and represents an appropriate development and use of the subject property.

Mr. Puzanov indicated that if the Committee was to approve the application for minor variance, that the following condition be imposed: that the proposed accessory building be constructed in accordance with the general location identified on the site plan submitted with this application for minor variance and that no material which would increase the footprint of the gravel pad which was observed on July 16, 2009 by the St. Clair Region Conservation Authority be added to the site.

There were no comments from the public regarding this application.

Moved by Stephen Harvey  
Seconded by Sharon McMillan

**THAT application A-9/09, filed by John E. Witon for relief from the maximum height requirement for buildings and structures accessory to a dwelling and specifically to increase the maximum permitted height for a proposed accessory building to 6.1 metres, whereas the Middlesex Centre Comprehensive Zoning By-law 2005-005 requires that accessory buildings and structures accessory to a residential use not exceed 5.5 metres in height; for a property described as Part of Lot 9, Concession 9, Part 1, Reference Plan 33R 544, Part 1, Reference Plan 33R 7789 (geographic Township of Lobo), Municipality of Middlesex Centre and known municipally as 10468 Ilderton Road; BE GRANTED.**

Carried

Condition:

1. That the proposed accessory building be constructed in accordance with the general location identified on the site plan submitted with this application for minor variance and that no material which would increase the footprint of the gravel pad which was observed at the property on July 16, 2009 by the St. Clair Region Conservation Authority be added to the site.

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; and, that the variance was in keeping with the general development of the area. It was also noted that the variance would not have detrimental effect on adjacent or surrounding land uses and that there were valid reasons why the Zoning By-law requirement cannot be met.

APPLICATION NO. A-10/09 – Kristen and Mark Minnie; Part of Lot 4, Concession 11, (geographic Township of Lobo); 9910 Charlton Drive

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Chair Rows read the purpose and effect of the subject application to seek relief from the maximum height restriction in order to facilitate the construction of an accessory building. Section 4.1(vi) of the Zoning By-law restricts the height of buildings accessory to a residential use to 5.5 metres (18 feet). The applicants are requesting an increase in the

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height restriction from 5.5 metres (18 feet) to 7.62 metres (25 feet).

The applicants were not in attendance to speak on behalf of the application.

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

Mr. Puzanov indicated that he supports the variance application as the evaluation criteria for a minor variance, according to the Planning Act and the Middlesex Centre Official Plan, have been met.

Tony Vermunt of 25066 Poplar Hill Road asked staff to confirm the location of the proposed accessory building. Marc Bancroft indicated that the building would be located approximately 4 metres (13 feet) to 6 metres (20 feet) from the rear of the dwelling.

Sharon McMillan indicated that she has issues with the size of the proposed variance and was concerned that the proposed accessory building would be turned into a second dwelling unit on the property. Ms. McMillan also noted that aesthetics was not a good reason to request an increase in height. Stephen Harvey also noted that the accessory building could potentially be turned into a dwelling unit at a future date.

Benjamin Puzanov indicated that the maximum permitted height for a dwelling in the Agricultural (A1) Zone is 12 metres (39 feet). Consequently, a height increase would not be required if the proposed building was to be attached to the main dwelling on the property.

Marc Bancroft added that the proposed accessory building will have the appearance of being attached to the main dwelling on the property as the house is situated approximately 60 metres (197 feet) north of Charlton Drive. Mr. Bancroft also added that the applicants could construct a much larger accessory building on the property if it was to be used for agricultural purposes.

Stephen Harvey suggested that the application be deferred to the next meeting so that the applicants could attend and address some of the concerns of the Committee.

Moved by Stephen Harvey  
Seconded by Sharon McMillan

**THAT application A-10/09, filed by Kristen and Mark Minnie be deferred indefinitely.**

Carried

REQUEST TO AMEND CONDITIONS OF CONSENT B-17/08 – 283021 Ontario Inc. (re Delaware Speedway); Part of Lot 1, Concession 1; (geographic Township of Delaware); 1640 and 1728 Gideon Drive

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Chair Rows reviewed the memo prepared by Marc Bancroft and the amended conditions of Consent B-17/08. Staff recommended that two conditions be added to the decision. Should the Committee amend the conditions as recommended by staff, the applicant will be required to satisfy the conditions of consent within one year.

Walt Spivak, a principal of 283021 Ontario Inc., was in attendance to speak to the application. Mr. Spivak offered no objections to Mr. Bancroft's proposed conditions.

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Moved by Peter McClary  
Seconded by Stephen Harvey

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**THAT the conditions of provisional consent application B-17/08, filed by 283021 Ontario Inc. for lands described as Part of Lot 1, Concession 1 (geographic Township of Delaware) Municipality of Middlesex Centre be amended by including the following additional conditions:**

1. That the taxes on the subject property be paid in full.
2. That two copies of the deposited reference plan be submitted to the satisfaction of the Municipality.

Carried

**NEXT MEETING:**

**Monday, August 10, 2009 at the Arva Fire Hall, 14352 Medway Road, at 9:00 a.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