

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

The fourth 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

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 April 26, 2010 Hearing of the Municipality of Middlesex Centre Committee of Adjustment, be approved.

Carried

APPLICATION NO. A-6/10 – Municipality of Middlesex Centre, Spriet Associates London Limited (Agent), Block A, Part of Lots 1, 2, 5 and 6, Registered Plan 382, Parts 1 and 2, Reference Plan 34R-1324, (geographic Township of Delaware), Municipality of Middlesex Centre; 805 Gideon Drive

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 non-residential 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 as with the Denfield Operations Centre, the additional metre of driveway width is being requested due to the large turning radii that are required by the Municipality's snow ploughs.

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

Mr. Puzanov indicated that similarly to the Municipality's Public Works and Engineering Department's request for an increased driveway width for the proposed Denfield Operations Centre, Planning staff is satisfied that the requested minor variance for the Delaware Operations Centre can be considered minor in nature because the impact on surrounding

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

land uses will be minimal. Mr. Puzanov added that he is of the opinion that the proposed driveway width increase will be negligible due to the locations of neighbouring dwellings and the fact that the subject property is surrounded by the Komoka Provincial Park.

Mr. Puzanov stated that he 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. Mr. Puzanov added that should the Committee decide to approve the Minor Variance, he recommends that the following condition be attached to its approval, as requested by MNR: that the applicant show temporary silt fencing around the driveway, to remain in place during its construction, on all building permit drawings that are submitted in order to facilitate the Delaware Operations Centre expansion associated with Minor Variance Application A-6/10.

Peter Mancini of 812 Gideon Drive was in attendance to speak to the application. Mr. Mancini asked Mr. Spriet about the width of the current driveway on the subject property. Mr. Spriet indicated that the current width is approximately 8 metres (26.2 ft). Mr. Mancini indicated that according to his measurements, the driveway is closer to 31 feet.

Mr. Puzanov indicated that a driveway measuring 12 metres (39.3 ft) in width is permitted under the current comprehensive zoning by-law provisions. He added that in evaluating the proposed minor variance, he examined the potential impact that a one metre (3.2 ft) increase from the maximum driveway width permitted under the zoning by-law would have on the area.

Mr. Mancini asked Mr. Spriet about the direction in which the existing driveway would be expanded. Mr. Spriet indicated that the existing driveway would be expanded both to the west and east. Mr. Spriet added that the existing gas meter to the west of the existing driveway would be relocated in order to accommodate the proposed expansion.

Mr. Mancini asked whether the planting of trees could be added as a condition of the requested minor variance. Mr. Puzanov indicated that while the Committee could impose any reasonable condition on the decision, he is of the opinion that in this particular situation the planting of trees is best addressed through the Site Plan Approval process. He noted that on May 19, 2010 the Municipality's Planning Committee recommended to Municipal Council that conditional Site Plan Approval be granted for the subject property in order to facilitate the expansion of the Delaware Operations Centre. He explained that landscaping was taken into account in the evaluation of the site plan proposal.

Mr. Spriet added that a landscaping plan was submitted as part of the Site Plan Approval process.

Moved by Stephen Harvey
Seconded by Ian Nielsen

THAT application A-6/10, 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; whereas the applicant is proposing a maximum driveway width of 13.0 metres in order to accommodate a larger entrance on the subject property; for lands described as Block A, Part of Lots 1, 2, 5 and 6, Registered Plan 382 and more specifically as Parts 1 and 2, Reference Plan 34R-1324, (geographic Township of Delaware), Municipality of Middlesex Centre, known municipally as 805 Gideon Drive; BE GRANTED.

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

Carried

Condition:

That the applicant show temporary silt fencing around the driveway, to remain in place during its construction, on all building permit drawings that are submitted in order to facilitate the Delaware Operations Centre expansion associated with Minor Variance Application A-6/10.

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.

APPLICATION NO. A-7/10 – 1705914 Ontario Inc, David Murphy (Agent), Part of Lot 6, Part Road Allowance, Concession 3, Part of Lot 9, Compiled Registered Plan 427, Parts 1 and 2, Reference Plan 33R-12693, (geographic Township of Delaware), Municipality of Middlesex Centre; 9887 Longwoods Road

Chair Rows read the purpose and effect of the subject application, which is to seek relief from Subsection 4.18 (ii) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which requires a minimum setback of 38 metres (124.67 ft) from the centreline of Longwoods Road (County Road 2); whereas the applicant is proposing a minimum setback of 30 metres (98.43 ft) from the centreline of the road in order to facilitate the construction of a new office building on the subject lands.

Mike Grant and David Murphy were in attendance to speak to the application. Mr. Murphy indicated that the requested minor variance would enable his client to construct a new office building closer to the road which would make the business more visible and reduce break-ins on the property.

Sharon McMillan asked Mr. Grant about the nature of the use on the property. Mr. Grant indicated that the office use on the lands is currently and will continue to be used as a general contractors’ office by the employees of the contractor’s yard to the east.

Mr. Puzanov read correspondence from the County of Middlesex, the Lower Thames Valley Conservation Authority, the Municipal Public Works and Engineering Department and the Municipal Chief Building Official.

Mr. Puzanov stated that the applicant’s agent had initially indicated that relief was also being requested from the minimum side yard setback requirement of 6 metres. He added that staff has spoken with the agent and learned that the subject property will be merged with the contractor’s yard to the east, also owned by the applicant. As a result, the requirement for a minor variance for the proposed reduced side yard is not necessary in order to facilitate the proposed office redevelopment on the property.

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

Mr. Puzanov indicated that he is of the opinion that the proposed reduction would establish a more uniform setback for the industrial properties located on the south side of Longwoods Road and west of Woodhull Road. From a land use planning and urban design perspective, it is much more desirable to have buildings situated closer to the road and the parking, storage, waste, recycling and other utility areas located behind the front facades of buildings. He noted that such development would not only look more appealing from the road but could also have economic and security benefits as businesses and storefronts would become more visible, thus encouraging visitors to drop in and potentially reducing break-ins and vandalism during non-business hours.

Mr. Puzanov concluded that the proposed minor variance is beneficial to the overall development of the site and would facilitate an appropriate and desirable land use on the site. He stated that if the Committee decides to approve the proposed minor variance, he recommended that the subject property be merged in the same name and title as the contractor's yard to the east.

Steve Kleiman of 9898 Longwoods Road was in attendance to speak to the application. Mr. Kleiman indicated that there are drainage problems associated with the subject lands and that these should be addressed prior to any further development of the property.

Mr. Puzanov stated that according to the Municipality's Drainage Superintendent, the municipal drain to the west, located on the abutting property which is also owned by the applicant, is not functioning properly and needs to be fixed. Mr. Puzanov added that the Stormwater Management report that has been submitted in support of the Site Plan Approval Application for the office redevelopment has indicated that there will be no negative impact on the municipal drain as the Municipality's standard is to maintain runoff to pre-development conditions.

Moved by Ken Nixon
Seconded by Sharon McMillan

THAT application A-7/10, filed by 1705914 Ontario Inc. for relief from Subsection 4.18 (ii) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which requires a minimum setback of 38 metres from the centreline of Longwoods Road (County Road 2); whereas the applicant is proposing a minimum setback of 30 metres from the centreline of the road in order to facilitate the construction of a new office building on the subject lands; for a property described as Part of Lot 6, Part Road Allowance, Concession 3 and as Part of Lot 9, Compiled Registered Plan 427 and more specifically as Parts 1 and 2, Reference Plan 33R-12693, (geographic Township of Delaware), Municipality of Middlesex Centre, known municipally as 9887 Longwoods Road; BE GRANTED.

Carried

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

Condition:

THAT the subject property, legally described as Part of Lot 6, Part Road Allowance, Concession 3 and as Part of Lot 9, Compiled Registered Plan 427 and more specifically as Parts 1 and 2, Reference Plan 33R-12693, (geographic Township of Delaware), Municipality of Middlesex Centre, and known municipally as 9887 Longwoods Road, be merged in the same name and title as the abutting property to the east, legally described as Part of Lot 6, Part Road Allowance, Concession 3 and as Part of Lot 9, Compiled Registered Plan 427 and more specifically as Part 1, Reference Plan 33R-10664, (geographic Township of Delaware), Municipality of Middlesex Centre, and known municipally as 9875 Longwoods Road.

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.

APPLICATION NO. A-5/10 – Mike and Nancy Ernewein, Part of Lot 14, Plan 305, (geographic Township of Delaware), Municipality of Middlesex Centre; 153 Harris Road

Chair Rows read the purpose and effect of the subject application, which is to seek relief from Subsection 4.1 (b) (i) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which restricts the maximum gross floor area of accessory buildings in the Urban Residential First Density (UR1) Zone to 50 square metres (538 sq ft). The applicants are proposing to construct an accessory building that would have a gross floor area of 93.65 square metres (1,008 sq ft) in order to accommodate a workshop. The subject property is zoned Existing Use (EU) by the Middlesex Centre Comprehensive Zoning By-law 2005-005, which permits the construction of new accessory buildings provided that they are in compliance with the Accessory Uses regulations for the Urban Residential First Density (UR1).

Mike and Nancy Ernewein were in attendance to speak to the application. Mr. Ernewein explained that there is currently a single car garage on the subject property which he and his wife would like to tear down in order to build a two-car garage and a workshop. He added that the 538 square foot restriction does not allow him to construct an accessory building that would accommodate both uses.

Mr. Puzanov read 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 combined with the existing shed on the property, the total gross floor areas of all accessory buildings on the property would be 101.07 square metres (1,088 sq ft), if the proposal is approved.

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

Mr. Puzanov indicated that he is not satisfied that all of the four tests for a Minor Variance have been met. He added that the proposed detached garage is too large for the village and if permitted as proposed, it will detract from the residential nature of the subject property due to its size. He noted that the size of the proposed detached garage is significantly greater than that of any other detached garages that are located in the immediate vicinity of the subject property and within the village of Delaware. As such, the proposed minor variance cannot be considered minor in nature due to its impact on the character of the area.

Mr. Puzanov acknowledged that the Urban Residential First Density (UR1) provisions that apply to the Existing Use Zone are quite restrictive in this situation. As such, he has no concerns with utilizing the Hamlet Residential First Density (HR1) Accessory Use standard for the subject property as its lot area more closely resembles a typical lot in a hamlet area rather than a typical lot in the village of Delaware. The maximum accessory building lot coverage in Hamlet Residential zones is restricted to 645 sq ft, or 3% of lot coverage, whichever is the lesser. He added that should the applicants wish to keep the existing 80 sq ft shed on the property and assuming that no other accessory buildings are being proposed on the lands, a 565 sq ft detached garage could be constructed on the property using the Hamlet Residential Accessory Use standard.

Mr. Puzanov recommended that the Committee of Adjustment amend the application in respect of the following:

The maximum accessory use lot coverage be reduced from 101.07 square metres (1,088 sq ft) to 60 square metres (645 sq ft).

Mr. Puzanov indicated that the amended minor variance complies with the general intent and purpose of the Municipal Official Plan and Comprehensive Zoning By-law. He added that the amended minor variance is considered to be minor in nature and represents appropriate development and use of the subject property. He stated that should the Committee approve the amended minor variance, staff recommends that no conditions be attached to its approval.

Nancy Ernewein indicated that there are several accessory buildings in the area that are bigger than what she and her husband are proposing; referring specifically to an accessory building that is being constructed across the road from their residence. Mr. Puzanov explained that most of the properties Ms. Ernewein was referring to are larger than the subject lands and are located outside of the village boundary. As such, these properties are permitted to have residential accessory buildings that are larger than those permitted within the village of Delaware. Mr. Puzanov added that there are two properties west of the subject lands that do contain older barns that were used for agricultural purposes prior to the subject area being absorbed into the village of Delaware. Mr. Puzanov explained that these barns are located on lots that are significantly larger than the subject property and that they were not built to be accessory to residential uses, as is being proposed by the applicants.

Sharon McMillan asked Mr. Puzanov whether staff has had any issues with accessory buildings being converted to other uses not permitted under the zoning by-law. Mr. Puzanov confirmed that there was at least one such case within the last year. Ms. McMillan indicated that she shares staff's concerns about permitting such a large accessory building within the village and that she is apprehensive about what the subsequent uses of the property might be if such a large building is allowed on the lands.

Stephen Harvey asked the applicants whether they have consulted an architect about attaching the garage to the house on the property, as suggested by staff. Mr. Ernewein

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

indicated that they have not explored that option.

John Vanderveken of 145 Harris Road was in attendance and indicated that he had no objections to the requested Minor Variance.

Ian Nielsen asked the applicants whether 645 square feet of accessory building space would be sufficient. Mr. Ernewein indicated that it would not be adequate.

Moved by Sharon McMillan
Seconded by Ken Nixon

THAT application A-5/10, filed by Mike and Nancy Ernewein for relief from Subsection 4.1 (b) (i) of the Middlesex Centre Comprehensive Zoning By-law No. 2005-005, which restricts the maximum gross floor area of accessory buildings in the Urban Residential First Density (UR1) Zone to 50 square metres; whereas the applicants' proposal has been amended to permit a total gross floor area of 60 square metres for all accessory buildings on the property in order to accommodate a workshop on the subject property; for a property described as Part of Lot 14, Plan 305, (geographic Township of Delaware), Municipality of Middlesex Centre, known municipally as 153 Harris Road; BE GRANTED.

Carried

Reasons:

The Committee was of the opinion that the extent of the amended 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 amended minor variance application. The Committee was satisfied that the amended variance was desirable for the appropriate development and use of the subject property.

APPLICATION NO. B-7/10 – Lafarge Canada Inc., Gerald A. Richardson (Agent), Part of Lots 2 and 3, Concession 6, (geographic Township of London), Municipality of Middlesex Centre; 16033 Medway Road

Chair Rows read the purpose and effect of the subject application, which is to sever a 36.42 hectare (90 ac) agricultural parcel of land along the municipal boundary between the Municipality of Middlesex Centre and the City of London. The lands proposed to be severed are located within the Municipality of Middlesex Centre and would have a lot frontage of approximately 616 metres (2,021 ft) along Medway Road (County Road 28) and an irregular lot depth. The lands proposed to be severed contain an existing single-detached dwelling and two outbuildings. The lot proposed to be retained is located within the City of London and would have a lot area of approximately 62.73 hectares (155 ac).

Gerald Richardson was in attendance to speak to the application and indicated that the lot proposed to be severed was conveyed to Lafarge on March 4, 1999. On March 5, 1999 the applicant leased a portion of the lot proposed to be severed to Reid Bere and provided Mr. Bere with the option to purchase the portion of the subject property that is located within the Municipality of Middlesex Centre following the completion of aggregate extraction on the southerly portion of those lands. Mr. Richardson stated that following Mr. Bere's passing,

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

his wife, Vivian Bere, was notified by Lafarge that she could exercise the option to purchase the above-noted lands within Middlesex Centre if she so wished. He added that while working on the transfer of the property, Lafarge discovered that the lot proposed to be severed had merged with an abutting Lafarge property that is located to the south in the City of London.

Mr. Puzanov 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 stated that the subject application cannot be considered a technical severance, as defined by the Provincial Policy Statement, as there is a new lot that is proposed to be created via the subject application. He added that agricultural lots in the area range from 50 acres to 100 acres in size. He indicated that the 90 acre lot proposed to be severed will continue to be farmed with cash crops and that the lot proposed to be retained is approximately 155 acres in size and will continue to be used as an aggregate extraction operation, as per its license with the Ministry of Natural Resources.

Mr. Puzanov stated that the proposed severance is consistent with Section 2.3.4.1 a) of the Provincial Policy Statement (PPS), which states that lot creation in *prime agricultural areas* is discouraged but may be permitted for *agricultural uses*, provided that the resulting lots are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation. He added that the proposed severance is in compliance with the County and Municipal Official Plans because the applicant is effectively maximized the lot area of the lot proposed within Middlesex Centre and while the lot proposed is irregular in shape, he is satisfied that it is flexible and can be adapted to future changes in agriculture.

Mr. Puzanov explained that while both the County and Municipal Officials Plans state that severances will not be considered on lands located within 300 metres of an active sand, gravel or quarry operation or open pit mining operation, a residential use is currently permitted anywhere on the lot proposed to be severed because the lot proposed to be severed and the lot proposed to be retained are located under the jurisdictions of two separate zoning by-laws and are consequently already treated as two separate properties for the purposes of determining their permitted uses. He stated that the subject dwelling is located approximately 660 metres from the Municipal boundary, along which the severance is proposed to occur, and the impact on this dwelling is already an existing one.

Mr. Puzanov indicated that there would be no change in the portion of the subject lands zoned under Middlesex Centre's jurisdiction. Consequently, there would be no zoning implications as a result of the proposed severance and the subject application is in compliance with the Municipality's Comprehensive Zoning By-law.

He concluded that staff supports Consent Application B-7/10 and should the Committee decide to approve the Minor Variance, he recommends that the following conditions be attached to its approval:

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 Consent Application being filed for the portion of the subject lands located within the City of London be approved, final and binding.
3. That the Certificate of Consent under Section 53(42) of the Planning Act be given by the City of London, as per a condition of the decision for Consent Application B.010.10 in the City of London.

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

4. That the owner dedicate lands up to 18 metres from the centreline of Medway Road (County Road 28) along the severed parcel to the County of Middlesex if the right-of-way is not already to that width.

Mr. Richardson stated that he does not object to the first three conditions but objects to the County's requirement for a road widening as he sees the proposed severance as a technical one.

Ken Nixon stated that the condition requested by the County is a standard one.

Mr. Puzanov indicated that it is not uncommon for the County and the Municipality to ask for road widenings as conditions of consent. He added that he had spoken with the Manager of Planning for the County of Middlesex who stated that the applicant and their agent would be able to appear before County Council and request that the road widening condition be waived.

Moved by Ken Nixon
Seconded by Sharon McMillan

THAT application B-7/10, filed by Lafarge Canada Inc. for consent to sever an agricultural parcel of land along the municipal boundary between the Municipality of Middlesex Centre and the City of London, having a lot frontage of approximately 616 metres along Medway Road (County Road 28), an irregular lot depth and a lot area of approximately 36.42 hectares; for a property described as Part of Lots 2 and 3, Concession 6, (geographic Township of London), Municipality of Middlesex Centre, known municipally as 16033 Medway 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 Consent Application being filed for the portion of the subject lands located within the City of London be approved, final and binding.
3. That the Certificate of Consent under Section 53(42) of the Planning Act be given by the City of London, as per a condition of the decision for Consent Application B.010.10 in the City of London.
4. That the owner dedicate lands up to 18 metres from the centreline of Medway Road (County Road 28) along the severed parcel to the County of Middlesex if the right-of-way 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

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

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 and that the Minimum Distance Separation provisions would be maintained. 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 proposed use is generally compatible with uses in the area. For the above-mentioned reasons, the application for consent was granted.

APPLICATION NO. B-8/10 – Douglas and Nancy Garrett, Janet Gibbons (Agent), Part of Lot 15, Concession 15, (geographic Township of London), Municipality of Middlesex Centre; 14512 Fifteen Road

Chair Rows read the purpose and effect of the subject application, which is to sever an existing farm residence in exchange for the merger of a previously severed rural residential lot with its original, adjacent farm holding. The lot proposed to be severed contains an existing single-detached dwelling and has a lot frontage of approximately 104 metres (341.21 ft), a lot depth of approximately 117 metres (383.86 ft) and a lot area of approximately 1.22 hectares (3 ac). The lot proposed to be retained contains one barn and would have a lot frontage of approximately 196 metres (643.04 ft), a lot depth of approximately 726 metres (2,381.89 ft) and a lot area of approximately 20.57 hectares (50.82 ac). The lot to be merged with the abutting farm contains an existing single-detached dwelling and has a lot frontage of approximately 52 metres (170.60 ft), a lot depth of approximately 76 metres (249.34 ft) and a lot area of approximately 0.40 hectares (0.98 ac). The farm with which the aforementioned rural residential lot is to be merged contains an existing single-detached dwelling and four outbuildings that are used as part of the dairy operation on the property.

Douglas Garrett and Janet Gibbons were in attendance to speak to the application. Ms. Gibbons indicated that the subject lands are comprised of a single lot and as such, the proposed lot swap would not result in any net gain in single-detached dwellings on the property. Ms. Gibbons added that the Minimum Distance Separation (MDS) setbacks would be improved as a result of the proposed lot swap.

Mr. Puzanov 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 explained that the Municipality's records show the subject lands as being comprised of two separate farm lots and that is the assumption that staff and the circulated agencies utilized when evaluating the proposed severance. He added that while he is in agreement with Ms. Gibbons that the MDS situation would be improved, he is of the opinion that in order to be consistent with the PPS, the County of Middlesex Official Plan, and the Middlesex Centre Official Plan, there should be no net loss of farmland as a result of the proposed severance. Therefore, the lot proposed to be severed should be reduced in size to be equal to or less than the size of the lot proposed to be merged back with the farm. Mr. Puzanov stated that the subject Application for Consent indicates that the lot proposed to be severed is more than three times the size of the lot proposed to be merged back with its parent farm holding.

Mr. Puzanov explained that unlike the PPS and the County of Middlesex Official Plan, the Middlesex Centre Official Plan does not, under any circumstances, permit the creation of new residential lots in agricultural areas. Such severances are prohibited in order to protect farmland and the associated agricultural operations throughout the Municipality. However, he indicated that he is of the opinion that a swap in rural residential lots that does not result in any net loss of farmland would be acceptable and constitute compliance with

MUNICIPALITY OF MIDDLESEX CENTRE

COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

the Municipal Official Plan.

MUNICIPALITY OF MIDDLESEX CENTRECOMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

Mr. Puzanov recommended that the Committee amend the Application for Consent in order to ensure that there is no net loss in agricultural land as a result of the proposed lot swap. He added that if the Committee approved the amended application that the following conditions be attached to the decision:

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 applicants provide confirmation that the parcels known municipally as 14512 Fifteen Mile Road and 14566 Fifteen Mile Road are a single lot that has a lot area of approximately 40.06 hectares (99 ac).
3. That the lot legally described as Part of Lot 14, Concession 15 and known municipally as 14578 Fifteen Mile Road be merged in the same name and title as the abutting farm to the north, legally described as Part of Lot 14, Concession 15 and known municipally as 14566 Fifteen Mile Road.

Philip Crunican was in attendance to speak to the application and indicated that he had no objection to the proposal.

Stephen Harvey asked if all three houses owned by the applicants were currently occupied. Mr. Garrett indicated that they were and added that the lot proposed to be severed represented a "natural lot" due to the row of trees surrounding the single-detached dwelling.

Don Rows stated that the lands on the lot proposed to be severed were not prime agricultural lands.

Sharon McMillan indicated that she would like to see the area of the lot proposed to be severed reduced in order to avoid setting a precedent. Ms. Gibbons indicated that this would not be possible due to the location of the existing single-detached dwelling on the parcel.

Mr. Puzanov stated that the preservation of farmland should be paramount in evaluating the subject severance and the lot area of the parcel to be severed could certainly be reduced by the appropriate acreage by relocating the septic system associated with the subject dwelling.

Mr. Harvey stated that he did not have any issues with approving the severance as requested.

Moved by Stephen Harvey
Seconded by Ken Nixon

THAT application B-8/10, filed by Douglas and Nancy Garrett for consent to sever a rural residential lot having a lot frontage of approximately 104 metres (341.21 ft), a lot depth of approximately 117 metres (383.86 ft) and a lot area of approximately 1.22 hectares (3 ac); for a property described as Part of Lot 15, Concession 15, (geographic Township of London), Municipality of Middlesex Centre, known municipally as 14512 Fifteen Mile Road; BE GRANTED.

Carried

MUNICIPALITY OF MIDDLESEX CENTRE
COMMITTEE OF ADJUSTMENT MINUTES

HEARING NUMBER 4/10

May 31, 2010

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 a Minor Variance Application be submitted in order to recognize the reduced lot area of the lot to be retained and that the said Minor Variance be approved and in full force and effect.
3. That the applicants provide confirmation that the parcels known municipally as 14512 Fifteen Mile Road and 14566 Fifteen Mile Road are a single lot that has a lot area of approximately 40.06 hectares (99 ac).
4. That the lot legally described as Part of Lot 14, Concession 15 and known municipally as 14578 Fifteen Mile Road be merged in the same name and title as the abutting farm to the north, legally described as Part of Lot 14, Concession 15 and known municipally as 14566 Fifteen Mile Road.

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 would meet the regulations of the Middlesex Centre Comprehensive Zoning By-law, subject to the approval of a minor variance for the reduced lot area of the retained lot.

The Committee further noted that the subject application does not require a Plan of Subdivision and that the Minimum Distance Separation setbacks would be improved following the Consent Application. 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 proposed use is generally compatible with uses in the area.

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

NEXT MEETING:

Monday, June 28, 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 10:10 p.m.

 Chair

 Secretary