



**COMMITTEE OF ADJUSTMENT
TUESDAY, JANUARY 6, 2021
1:00 PM
ELECTRONIC MEETING - MINUTES**

Present: Earl Hawkins, Deputy Mayor
Ken Cufaro, Councillor
Kim Lyon, Member
Bart Wysokinski, Member

Staff: Tracey Atkinson, BES, MCIP, RPP, Planner
Dustin Early, Planning Coordinator
James Hunter, Planning Consultant

Public: Dale Rutledge, Finley McEwen, Lloyd Hunt, Kyle Ferris,
Ryan Ferris, Kurt Carlson, Lisa Carlson, Paul Martin

1/ Call meeting to order

The meeting was called to order by the Township Planner, Tracey Atkinson at 1:04, who assumed the position of Chair.

2/ Appointment of Chair

Moved by Cufaro and seconded by Lyon
THAT Hawkins shall be appointed as the Chair of the Committee of Adjustment shall now and herein forward convene the position of Chair. Carried

The Planner vacated the Chair, and Chair Hawkins assumed the position.

3/ Declarations of pecuniary interest

None declared.

4/ Approval of agenda

Moved by Lyon and seconded by Cufaro
THAT Committee approves the Agenda dated January 6, 2021. Carried

5/ Approval of minutes

Moved by Lyon and seconded by Cufaro
THAT Committee approves the Minutes dated July 7, 2020. Carried

6/ New and other business – none

7/ New Applications

Dustin Early confirmed that notice was given in accordance with the Planning Act on all 4 applications, being a first-class mailout to all landowners within 120m of the subject property and required agencies a minimum of 20 days before the meeting and a yellow notice sign for each property.

7.1 B07-2020 Rutledge Surplus Dwelling Severance

James Hunter provided a summary of the application.

Mr. Rutledge, owner/applicant spoke in support of the application. He questioned the process, pre-consultant, precedent on other lots he owns, approval authority for OPAs.

Kurt Carlson and Ryan Ferris were present specifically for this application and spoke in support of the application. Mr. Carlson noted that he occupied the 1870 dwelling and prefers owner occupied dwellings opposed to tenanted where surplus dwellings are not severed.

Discussions ensued regarding the OPA, road widening, zoning to sterilize agricultural land from future dwellings and the specific conditions. Discussion also occurred regarding the fee and who makes the OP application. It was confirmed that if the Township initiates an application there is no fee, but that if the applicant proceeds with an application the fee is the responsibility of the applicant. The Committee discussed whether Council should consider a Township-wide OPA regarding the current policy.

Moved by: Lyon and seconded by: Wysokinski

That Application No. B07-2020 submitted by D+C Rutledge Ltd. for a lot creation of approximately 1.32 Hectares from lands owned by Dale and Carol Rutledge from 636592 PRINCE OF WALES RD (R# 3-18400) as a result of a farm consolidation and a surplus farm dwelling severance be approved subject to the following:

- That the owner is successful in obtaining an amendment to the Official Plan to permit the severance of a third non-agricultural parcel of land.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and

- property standards.
- That the applicant successfully completes an MDS1 analysis between the severed dwelling and any nearby livestock facilities/anaerobic digesters (LF/ADs) on separate lots in accordance with the Minimum Separation Distance Document (2016).
- The applicant shall consult with the Whitfield Navigation Facility (NAVCAN) through the Township, prior to the re-zoning of any lands, in accordance with policy 5.34 of the Official Plan.
- That the applicant obtain approval from the Township for a Zoning By-law Amendment, to re-zone the severed lands to the Rural Residential (RR) zone.
- That the Owner obtain approval from the Township for a Zoning By-law Amendment, prior to the issuance of the certificate of consent, to restrict future farm related or non-farm residential uses on the remnant (retained) agricultural lot.
- The applicant is to confirm that the retained agricultural parcel maintains a suitable access point, and/or confirm if an entrance permit is required.
- That the farm operation severing the lot provide confirmation of operations base elsewhere in the Township.
- A 2.0m road widening is required along the frontage of County Road 19 and County Road 17, and all/any reserves required have been dedicated to the Township.
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

Motion Carried.

7.2 B08-2020 Ferris Boundary Adjustment

James Hunter provided a summary of the application.

Ryan and Kyle Ferris, owners/applicants spoke in support of the application and clarified intention to divide the subject lands into two parcels under 50 Acres.

Kurt and Lisa Carlson were present specifically for this application in support.

Discussions ensued regarding zoning, widening, ag/rural split and possible land preservation.

Moved by: Lyon and seconded by: Cufaro

That Application No. B08-2020 submitted by Kyle and Ryan Ferris for a boundary adjustment between the properties 596577 2nd LINE WEST (R# 3-21300) and 586184 County Road 17 (R# 3-21370) be approved subject to the following:

- That this applies to a boundary adjustment resulting in two generally equally sized parcels.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.

- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- A 5.0 m. road widening allowance is required along the frontage of County Road 17, and all/any reserves required have been dedicated to the County of Dufferin.
- That the applicant acquires a road widening (3.05 m) from the retained portion along the east side of concession 2 WHS.
- The severed parcel shall be subject to Section 50(3) of the Planning Act
- The solicitor for the owner of the lot to which the severed parcel is to be added shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting enlarged parcel, and to provide the Township with documentation which demonstrates that the consolidation has taken place.
- That all conditions be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

Motion Carried.

7.3 B07-2018 Mockingbird Severance

Tracey Atkinson presented a summary of the revised application and noted the conditions of tree fences recently constructed and the Township's purchase of additional snow removal equipment.

Mr. Lloyd Hunt, applicant spoke in support of the application and wanted to ensure a 1.0ha lot size and existing road widenings had been taken.

Paul Martin was present specifically for this application and wanted to ensure there was only one severed lot being proposed.

Discussions ensued regarding the proposed use for the lot.

Moved by: Lyon and seconded by: Wysokinski

That application No. B07-2018, submitted by Lloyd Hunt, for a lot creation of 1.0 hectare parcel, from lands owned by Mockingbird Woods Ltd. from CON 6 EHS PT LOT 14 RP 7R5919 PART 6 (Roll 1 24420), be approved, subject to the following:

- This consent applies to a lot creation of approximately 1ha, having a minimum frontage of 100m and a depth of approximately 100m from CON 6 EHS PT LOT 14 RP 7R5919 PART 6.

- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- Severed lands are to be rezoned to the Rural Residential (RR) zone

Motion Carried.

7.4 B01-2020 Mansfield Ski Club Easement

James Hunter the planning consultant provided a summary of the application.

Mr. Finley McEwen, applicant was in attendance for the meeting.

No members of the public were present specifically for this application / The following members of the public spoke to the application:

Discussions ensued regarding clarity on the removal/revisions of the condition.

Moved by: Cufaro and seconded by: Lyon

That application No. B01-2020 submitted by Mansfield Ski Club Inc., Rosalie Tough, Donald William Tough, Mark Lautens and 2724264 Ontario Corp. to amend conditions of Consent be approved, subject to the following:

- This easement applies to LOTS 15 and 16, CONCESSION 6 EHS (PT BLK 20, PL 7M-4 AND PART LOT 15 & 16 CONCESSION 6 EHS AND PART OF BLOCK B, PLAN 86, MULMUR; DES AS PTS 19,20,5,3,6,7 & 8, PLAN 7R-6574) and is in favour of parcel rolls 117801 (Tough), 117600 (Lautens), and 117700 (724264 Ontario Corp).
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.

- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the Township's solicitor confirms, at the applicants expense, that the wording of the provision and timing of servicing as stipulated by the applicant is satisfactory, as it applies to the new easement; *"The Grantor, after the date when the first new residential unit in the planned Mansfield Ski Club Village is occupied, will maintain at its sole cost, the driving surface on Parts 19, 20, 5, 3, 6, 7 and 8 including plowing, sanding, and grading to a reasonable standard for comparable gravel access roads. The grantor will also relocate or bury any encroaching hydro poles to facilitate free passage"*.
- That the applicant provides a copy of the survey to the Township, demonstrating that there are no mature trees within the easement required to be relocated.
- That all conditions be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- That the applicant confirms that the original approval is abandoned and that this provision of consent shall be the only easement granted under application B1-2020.

Motion Carried.

8. Items for information only -- none

9. Adjournment

Moved by Lyon and seconded by Wysokinski

THAT Committee of Adjustment adjourns the meeting at 2:52 to meet again on at the call of the Chair. Carried.

Chair

Secretary