



**COMMITTEE OF ADJUSTMENT**  
**Wednesday, April 26, 2017**  
**Minutes**

**Present:** Morley Brown – Chair  
Shirley Boxem  
Earl Hawkins  
Brian Horner  
Paul Mills

**Staff:** Tracey Atkinson, BES MCIP RPP, Planner  
Kerstin Vroom, Secretary-Treasurer

**1/ Call Meeting to Order by Chair**

Chair Brown called the meeting to order.

**3/ Declarations of Pecuniary Interest**

Chair Brown advised that any member having a pecuniary interest to declare could do so now or at any point during the meeting.

*Brian Horner declared a pecuniary interest regarding the Approval of the Minutes as he rents land from the applicant for B 01/2017, whose consent hearing is included in the Minutes. Brian Horner left the room and refrained from any discussion.*

**4/ Approval of Agenda**

**Moved by Boxem, Seconded by Mills: THAT the agenda for this meeting be approved as copied and circulated. Carried.**

**2/ Approval of Minutes**

**Moved by Hawkins, Seconded by Mills: THAT the minutes of the March 08, 2017 meeting be approved as copied and circulated. Carried.**

*Brian Horner returned to the meeting.*

## 5/ Applications Brought Forward – none

## 6/ New Applications

*B02 2017 Arrell (Regan) – Con 4E W Pt Lot 27*

Members of the public present for this hearing: Basia Regan (Applicant), Jerry Ball

Correspondence received (that was not included in the agenda package): NVCA – no objections.

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation.

The applicant, Basia Regan, had no comments.

The Committee concurred that this was a straight forward boundary application.

Prior to making their decision, the Committee took into consideration the public input received.

**Moved by Hawkins, Seconded by Horner: That Application No. B02/2017, submitted by Basia Regan for Margaret and Hugh ARRELL, for a boundary adjustment from Part of the West half of Lot 27, Con 4 EHS (Roll 503300), adding approximately 18 ha (45 acres) to Part of the East half of Lot27, Con 4 EHS (Roll 501700) be approved, and that consent be granted subject to the following conditions:**

- This consent applies to a boundary adjustment, adding approximately 18 hectares (45 acres) from the West half of Lot 27, Concession 4 EHS to the East half of Lot 27, Concession 4 EHS, directly east of the subject lands
- taxes and/or penalty 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.
- a road widening be provided along entire frontage of the severed (west parcel) lands as per the Township of Mulmur policies.
- 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.

**REASON: conforms to the Township's Official Plan.**

**Carried.**

*B03 2017 Peace Valley Ranch – Con 1W E Pt Lot 22 & 23*

Members of the public present for this hearing: Carl Cosack & Natalie Kotyck (applicants)

Correspondence received (that was not included in the agenda package): NVCA – no objections, Lorne Morphy – comments regarding possible merger of the two parcels

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation.

The applicant, Carl Cosack had no comments.

The Committee discussed the correspondence from Mr. Morphy. The Planner, Tracey Atkinson, advised the Committee that none of the Township's data nor MPAC's showed that the adjoining parcels had merged on title. In the event that the properties had merged on title, this application would be a technical severance in addition to a boundary adjustment; which would have the same process and results as the current application. The NEC allows for technical severances. The Planner confirmed that our policies allow for technical severances as well.

Prior to making their decision, the Committee took into consideration the public input received.

**Moved by Hawkins, Seconded by Horner: That Application No. B03/2017, submitted by PEACE VALLEY RANCH (KOTYCK/COSACK), for a boundary adjustment from Part of the east half of Lots 22 and 23, Con 1 WHS (Roll 6-04000), adding approximately 44 ha (109 acres) to Part of the west half of Lots 22 and 23, Con 1 WHS (Roll 6-07300) be approved, and that consent be granted subject to the following conditions:**

- **This consent applies to a boundary adjustment, adding approximately 44 hectares (109 acres) from the East half of Lots 22 and 23, Concession 1 WHS to the West half of Lots 22 and 23, Concession 1 WHS, directly west of the subject lands**
- **taxes and/or penalty 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**
- **a road widening be provided along entire frontage of the severed (east parcel) lands as per the Township of Mulmur policies**
- **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**

**REASON: conforms to the Township's Official Plan.**

The Committee agreed to hear these applications concurrently as they were related.

**Carried.**

*B04 2017A & B Paul Fraser for Mary Jane Cantlon – Con 7E W Pt Lot 15*

Members of the public present for this hearing: Paul Fraser (applicant), Ross Cotton

Correspondence received (that was not included in the agenda package): NVCA – no objections; however, development permits needed and driveway to avoid potential flood susceptible areas.

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation. Tracey further told the Committee that there was further consultation with the applicant to increase the width and depth of the proposed lots to accommodate the request from the NVCA re: the driveway and to maintain the staggering of the homes in keeping with rural character. The applicant offered to remove the barn so as to not offend MDS. Planner Tracey Atkinson also noted that there was significant tree buffering between the lots. Further a development agreement was not warranted as the lands are regulated by the NVCA leaving a small portion available for building.

The applicant, Paul Fraser concurred with the Planner and reiterated that he would be removing the barn.

The Committee discussed the road widening request and confirmed that it was in the Township's authority to take lands from the severed and retained portion if requested by the Director of Public Works.

Paul Fraser stated he had no issues with the requested road widenings.

The Committee noted that these two lots would be the final severances allowed on this original 100 acre parcel.

Prior to making their decision, the Committee took into consideration the public input received.

**Moved by Boxem, Seconded by Mills: That Application No. B04/2017A, submitted by Paul Fraser for Mary Jane Cantlon, for a lot creation of approximately 1.6 hectares (4 acres) in size, to be taken from lands located in the west half of Lot 15, Concession 7, EHS, be approved, and that consent be granted subject to the following conditions:**

- This consent applies to a lot creation of approximately 1.6 ha (4 acres), with a frontage of approximately 98 m and a depth of approximately 165 m
- taxes and/or penalty must be paid in full up to and including the current fiscal year on all related properties, if the amount is known
- a parkland dedication fee in the amount of \$2,500.00 be paid
- 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
- a road widening be provided along entire frontage of the severed and retained lands on Sideroad 15, as per the Township of Mulmur policies and requirements
- an entrance opinion letter for a driveway to be obtained from the Township of Mulmur
- the severed lot shall be rezoned to a site specific Rural Residential Zone
- demolish the barn to the satisfaction of the Township

**REASON:** conforms to the Township's Official Plan.

**Carried.**

**Moved by Mills, Seconded by Boxem:** That Application No. B04/2017B, submitted by Paul Fraser for Mary Jane Cantlon, for a lot creation of approximately 1.4 hectares (3.7 acres) in size, to be taken from lands located in the west half of Lot 15, Concession 7, EHS, be approved, and that consent be granted subject to the following conditions:

- This consent applies to a lot creation of approximately 1.4 ha (3.7 acres), with a frontage of approximately 90 m and a depth of approximately 165 m.
- taxes and/or penalty must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- a parkland dedication fee in the amount of \$2,500.00 be paid.
- 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.
- a road widening be provided along entire frontage of the severed and retained lands on Sideroad 15, as per the Township of Mulmur policies and requirements.

- an entrance opinion letter for a driveway to be obtained from the Township of Mulmur
- the severed lot shall be rezoned to the Rural Residential Zone.
- Demolish the barn on A04-2017A to the satisfaction of the Township.

**REASON:** conforms to the Township's Official Plan.

**Carried.**

**8/ New and other business**

The Committee discussed the effect that boundary adjustments would have on future severances. It was noted that boundary adjustments have mostly been in the NEC regulated areas, which does not allow for severances and those in the rural zoning have typically been severances. The Committee discussed properties with wetlands and the Planner advised that the wetland policy would apply to wetlands and associated buffer. Severances outside of the feature and buffer may be considered for severance if meeting remained of policies. It was determined that the Township's Official Plan was based on the original 100 acre parcel.

**9/ Information Items -- none**

**10/ Adjournment**

**Moved by Mills, Seconded by Boxem: THAT this meeting be now adjourned at 5:23 pm and that the next meeting be held at the call of the Chair.**

**Carried.**

**Approved by:**

***Morley Brown***

\_\_\_\_\_  
**Chair**

***Kerstin Vroom***

\_\_\_\_\_  
**Secretary**