



COMMITTEE OF ADJUSTMENT
Thursday, October 05, 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.

2/ Approval of minutes

Moved by Horner, Seconded by Hawkins: THAT the minutes of the April 26, 2017 meeting are approved as copied and circulated. Carried.

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 and left the room during the hearing, regarding application B06 2017 Cowling, as the applicant is a client of Mr. Horner.

4/ Approval of Agenda

Moved by Hawkins, Seconded by Horner: THAT the agenda for this meeting is approved as copied and circulated. Carried.

5/ Applications Brought Forward – none

6/ New Applications

B02 2017 Arrell – Con 4E W Pt Lot 27 – change of condition – boundary adjustment

Members of the public present for this hearing: Basia Regan (agent)

Correspondence received (that was not included in the agenda package): none

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation. Ms. Atkinson noted that the NEC had requested the following condition: *any existing mortgage commitment on the parcel to be added to be extended to cover the whole, newly created parcel* be included.

The applicant, Basia Regan stated the Arrells requested the change of condition as they want to protect the trail system.

The Committee had no comments.

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 amended, and that the conditions of consent be amended as follows:

Condition #1 is deleted and replaced with the following condition:

This consent applies to a boundary adjustment, adding approximately 27 hectares (67 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

The following additional comment is added:

8) Any existing mortgage commitment on the parcel to be added to be extended to cover the whole, newly created parcel

REASON: conforms to the Township's Official Plan.

Carried.

B05 2017 Kidd – Con 8 EHS E Pt Lot 23 – lot enlargement

Members of the public present for this hearing: Glen Kidd (applicant), Eve Kurschner (spouse)

Correspondence received (that was not included in the agenda package): none

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation. Ms. Atkinson noted that the property does not meet the Township's Comprehensive Zoning By-law due to the illegal second dwelling.

The applicant, Glen Kidd confirmed that the area over the garage had been and periodically is used residentially but believed that all of the permits had been issued. He also noted that it had been previously assessed as commercial.

Planner Tracey Atkinson advised the Committee that the Township had documentation that the building permit for a garage had been revoked and there was no evidence of Development Charges being paid. Further, the Township has not issued any "change in use" permits for the conversion. Ms. Atkinson said that the onus is on the applicant to provide documentation to the Township that the second residential dwelling was permitted at the time it was built or the applicant could enter into a site plan agreement to legalize the Second Dwelling in accordance with the Zoning By-law.

The Committee concurred that the application for consent was inaccurately completed and the property needed to be brought into compliance with the Township's Comprehensive Zoning By-law.

Moved by Horner, Seconded by Hawkins: That Application No. B05/2017, submitted by Glen Kidd, for a boundary adjustment (Roll 4-00250, 4-00500), be deferred until Applicant has successfully gained compliance with the zoning bylaw specifically regarding legalizing the structures and/or uses on the property AND then submits an amended application.

Carried.

Brian Horner left the room and refrained from any discussion due to a pecuniary interest.

B06 2017 Cowling – Con 3E E Pt Lot 25 – lot enlargement

Members of the public present for this hearing: Stan Cowling (applicant), Terry Cowling (spouse)

Correspondence received (that was not included in the agenda package): none

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

The applicant, Stan Cowling, had no comment.

The Committee noted that the .7 acres of agricultural land was treed and not currently in production as well provided a good buffer in the hamlet area. As well it was noted that the farmer was in favour of this application.

That Application No. B06/2017, submitted by Stan Cowling, for a boundary adjustment (Roll 619010, 619150), be approved, and that consent be granted subject to the following conditions:

- **This consent applies to a boundary adjustment of approximately 0.29 ha from PT CON 3 W E PT LOT 25 to CON 3 W E PT LOT 25 RP 7R4107 PART 2**
- **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.**
- **The severed parcel shall be subject to Section 50(3) of the Planning Act.**
- **Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.**
- **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.

Brian Horner returned to the meeting.

B07 2017 Cleary – Con 7E Pt Lot 31/32 – severance

Members of the public present for this hearing: Miriam Vasni (applicant and Planner), Patricia Cleary (owner)

Correspondence received (that was not included in the agenda package): none

Miriam Vasni presented the Committee with a planning package outlining the mapping discrepancy as well as their pre-consultations with other agencies.

The Planner, Tracey Atkinson, advised how notice was given and summarized the application and recommendation. Ms. Atkinson noted that the property does not meet the Township's Comprehensive Zoning By-law due to the illegal second dwelling.

The applicant, Patricia Cleary confirmed that the area over the garage was converted to living space by a previous employee and continues to be used residentially periodically but that it was her opinion that it should be grandfathered as her application was submitted prior to the Second Dwelling amendment to the Township's Comprehensive Zoning By-law.

The Committee advised Ms. Cleary that you cannot grandfather an illegal use.

Miriam Vasni asked that the Site Plan Application for the illegal second dwelling be a condition of consent.

The Committee noted that it was not indicated as a second dwelling on the application and an earlier application was deferred to correct the zoning prior to the Committee hearing the application. The Committee concurred that the property needed to be brought into compliance with the Township's Comprehensive Zoning By-law.

Moved by Boxem, Seconded by Mills: That Application No. B07/2017, submitted by PATRICIA CLEARY, to re-create an original Township half lot from Part of Lots 31 and 32, Con7 WHS (Roll 404200, 404400), be deferred until Applicant has successfully gained compliance with the zoning bylaw specifically regarding legalizing the structures and/or uses on the property AND then submits an amended application.

Carried.

8/ New and other business -- none

9/ Information Items -- none

10/ Adjournment

Moved by Horner, Seconded by Hawkins: THAT this meeting be now adjourned at 8:34 pm and that the next meeting be held at the call of the Chair.

Carried.

Approved by:

Brian Horner

Chair

Kerstin Vroom

Secretary