



**COMMITTEE OF ADJUSTMENT  
MINUTES  
JULY 21, 2021 | 9:00AM**

Present: Earl Hawkins, Deputy Mayor  
Kim Lyon, Member  
Bart Wysokinski, Member  
Tracey Atkinson – Planner  
Roseann Knechtel – Deputy Clerk

Absent: Ken Cufaro, Councillor

**1.0 CALL TO ORDER**

The meeting was called to order at 9:01 a.m. by the Chair Hawkins. The meeting was held using electronic “Zoom” application. Approximately 15 residents were in attendance.

**2.0 APPROVAL OF THE AGENDA**

**Moved by Lyon and Seconded by Wysokinski**

THAT Committee approves the agenda dated July 21, 2021.

**Carried.**

**3.0 MINUTES OF THE PREVIOUS MEETING**

**Moved by Lyon and Seconded by Wysokinski**

THAT Committee approves the Minutes dated May 12, 2021.

**Carried.**

**4.0 DISCLOSURE OF PECUNIARY INTERESTS - NONE**

**5.0 NEW APPLICATIONS**

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

**5.1 B5-2021 CHOUDHRY / CHAUDHARY LOT MERGER**

Township Planner Tracey Atkinson provided a summary of applications B5-2021, B6-2021 and B13-2021.

Kristine Loft, the applicant’s planner provided a presentation on applications B5-2021, B6-2021 and B13-2021 and the intent to conform with the Township’s Zoning

By-law as much as possible to allow for the development of a single-family residential building lots.

The applicants did not comment, and no comments were received from the public.

In addition to the regular conditions, Committee members discussed driveway locations being a condition of consent and subject to MTO approval.

**Moved by Lyon and Seconded by Wysokinski**

That Application No. B5-2021 submitted by Kulvinder Chaudhary and Mona Choudhry for a boundary adjustment to merge from CON 2 EHS W, EAST PART LOT 1 PARCELS 2 & 3 (R#2 05702 & R#2 05703) be approved subject to the following:

- That the boundary adjustment merge two parcels of land, both being approximately 0.36 acres (+/- 5%) rounded to two decimal places to create one lot approximately 0.72 acres (+/- 5%) with a frontage of approximately 42.56m subsequent to the completion of File No. B13-2021 Choudhry.
- No fragment parcel shall exist through this transaction.
- 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.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his/her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment, which may include but not limited to MDS setbacks, lot size and minimum frontage requirements.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.
- The transaction 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 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.
- Carried.**

## **5.2 B6-2021 CHOUHAN / VARVARO Boundary Adjustment**

Township Planner Tracey Atkinson reviewed the conditions of consent.

### **Moved by Wysokinski and Seconded by Lyon**

That Application No. B6-2021 submitted by Ritu and Nakshat Chouhan for a boundary adjustment from CON 2 EHS W, EAST PART LOT 1 PARCEL 5 (R#2 05705) to CON 2 EHS W, EAST PART LOT 1 PARCEL 4 (R#2 05704) be approved subject to the following:

- That the boundary adjustment applies to a minimum 500 m<sup>2</sup> parcel of land rounded to two decimal places be added to CON 2 EHS W, EAST PART LOT 1 PARCEL 4 (R#2 05704) subject to MTO Satisfaction of lot configuration.
- 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.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his-her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment including but not limited to MDS setbacks, lot size and minimum frontage requirements, only if required.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.
- 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 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.

**Carried.**

### **5.3 B13-2021 CHOUDRY Boundary Adjustment**

Township Planner Tracey Atkinson reviewed the conditions of consent.

#### **Moved by Lyon and Seconded by Wysokinski**

That Application No. B13-2021 submitted by Mona Choudhry for a boundary adjustment from CON 2 EHS W, EAST PART LOT 1 PARCEL 2 (R#2 05702) to CON 2 EHS W, EAST PART LOT 1 PARCEL 1 (R#2 05701) be approved subject to the following:

- That the boundary adjustment applies to a 562 m<sup>2</sup> (+/- 5%) parcel of land rounded to two decimal places with a frontage of 8.7m be added to CON 2 EHS W, EAST PART LOT 1 PARCEL 1 (R#2 05701).
- 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.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his-her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment including but not limited to MDS setbacks, lot size and minimum frontage requirements.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality

shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.

- 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 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.

**Carried.**

#### **5.4 B7-2021 Bruce Trail Conservancy Severance**

Township Planner, Tracey Atkinson, provided a summary of applications B7-2021, B11-2021, and B12-2021.

Antoin Diamond, a representative and applicant for the Bruce Trail Conservancy provided a presentation on applications B7-2021, B11-2021, and B12-2021. The Bruce Trail requested the parking lot agreement with the Township be removed as a condition of consent as the agreement is underway. The Bruce Trail also requested that cash-in-lieu of parkland be removed as a condition of consent for application B7-2021 as the severance and boundary adjustments are creating additional trail networks within the municipality.

The Township Planner spoke to the development of the parking lot agreement and does not feel that this will delay the application. The Township Planner spoke to the Parkland By-law #41-2018 which requires Council decision to provide exemption.

Public comments were received. Bill Duron supported the application, moving the Bruce Trail off of municipal roadways and supporting the health and well-being of residents in Dufferin County.

Don MacFarlane spoke to the Township's commitment to support recreation within the municipality and the status of the parking lot agreement between the Bruce Trail and Township of Mulmur.

Carl Tafel, Trail Director for the Dufferin Highland Club spoke to the issue of roadside parking during pandemic restrictions and the development of parking agreements between the Bruce Trail and NEC.

The Committee praised the Bruce Trail association but recognized the issue of parking. The Committee questioned the Bruce Trail creating a building lot as a charitable organization, and within the Niagara Escarpment, which does not normally support the creation of building lots. Antoin Diamond explained that a buy,

sever, sell model can be found in several charitable organizations as it provides opportunity to undertake negotiations for trade and to open networks. The severance continues to provide access to a building lot/tax base possibility while conserving the remaining parcel.

**Moved by Lyon and Seconded by Wysokinski**

That Application No. B7-2021 submitted by the Bruce Trail Conservancy for a lot creation from CON 2 WHS E PT LOT 22 (R# 6 08900) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 8.1 ha (+/- 5%) rounded to two decimal places.
- 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.
- The Bruce Trail Conservancy enter into an agreement for the establishment of a parking lots to the satisfaction of 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.
- Cash in lieu of parkland shall be paid to the Municipality in the amount of \$5,000.00

**Carried.**

**5.5 B11-2021 Bruce Trail Conservancy Boundary Adjustment**

Township Planner, Tracey Atkinson, reviewed the conditions of consent.

**Moved by Wysokinski and Seconded by Lyon**

That Application No. B11-2021 submitted by 2978986 Ontario Inc. (Paul Cohen) for a boundary adjustment from CON 2 WHS PT LOT 21 (R# 6 08700) to CON 2 WHS E PT LOT 22 (R#6 08900) be approved subject to the following:

- That the boundary adjustment applies to an approximate 3.3 ha (+/- 5%) parcel of land rounded to two decimal places to be added to CON 2 WHS E PT LOT 22 (R#6 08900)

- 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.
- 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 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.

**Carried.**

## **5.6 B12-2021 Bruce Trail Conservancy Boundary Adjustment**

Township Planner, Tracey Atkinson, reviewed the conditions of consent.

### **Moved by Lyon and Seconded by Wysokinski**

That Application No. B12-2021 submitted by Christopher, Martha and Sue Sales for a boundary adjustment from CON 2 WHS W PT LOT 21 (R# 6 16750) to CON 2 WHS E PT LOT 22 (R#6 08900) be approved subject to the following:

- That the boundary adjustment applies to an approximate 1.10 acres (+/- 10%) parcel of land rounded to two decimal places to be conveyed to CON 2 WHS E PT LOT 22 (R#6 08900) subsequent to the completion of File No. B11-2021 Bruce Trail / Cohen
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands being approximately 0.2 acres (+/- 10%) rounded to two decimal places, located west of "no mans land". Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the conveyance shall be provided to the Municipality for their records.
- That the Bruce Trail Conservancy, Christopher, Martha and Sue Sales and Paul Cohen (2798986 Ontario Inc.) provide conformation that they have no claim to "no mans lands" to the Township's solicitors satisfaction.

- 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.
- 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 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.

**Carried.**

## **5.7 B8-2021 CLARK Severance**

Kristine Loft, the applicant's planner provided a presentation on the application and the findings of the completed Environmental Impact Study.

The Township Planner, Tracey Atkinson noted that the NVCA has briefly reviewed the EIS but has not provided formal approval.

The applicant did not comment, and no comments were received from the public.

### **Moved by Wysokinski and Seconded by Lyon**

That Application No. B8-2021 submitted by 1066886 Ontario Inc. c/o John Clark for a lot creation from CON 3 E E PT LOT 3 RP 7R506 PART 2 (R# 2 04150) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 4.8 ha (+/- 5%) rounded to two decimal places.
- 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.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on severed and retained lands on 3<sup>rd</sup> Line EHS, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Public Works Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- That the registered owner shall enter into a development agreement pursuant to Section 51(26) of the Planning Act to address all planning matters, including, but not limited to building envelope, MDS setbacks and EIS Mitigation (found in Section 8) to the satisfaction of the Township and NVCA.
- That the EIS be to the satisfaction of the NVCA.
- A copy of the registered agreement shall be provided to the Municipality, prior to endorsement of the deeds for this Application for consent.
- 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.
- Cash in lieu of parkland shall be paid to the Municipality in the amount of \$5,000.00

**Carried.**

## **5.8 B9-2021 STROUD Severance**

Township Planner, Tracey Atkinson, provided an overview of the historical severances on this property and a summary of the current application before the Committee. Staff and NVCA are recommending deferral of the application subject to the completion of an Natural Heritage Study/Environmental Impact Study.

The applicant was not present and no comments were received from the public.

### **Moved by Lyon and Seconded by Wysokinski**

That Application No. B9-2021 submitted by Murray Stroud for a lot creation from CON 4 EHS PT LOT 4 RP 7R6596 PART 4 (R# 2 02600) be deferred.

**Carried.**

## **5.9 B10-2021 MAITLAND Boundary Adjustment**

Township Planner, Tracey Atkinson, provided a summary of the application.

The applicant was present for a portion of the meeting. No comments were received from the public.

**Moved by Wysokinski and Seconded by Lyon**

That Application No. B10-2021 submitted by Carol Maitland for a boundary adjustment from CON 2 EHS PT LOT 21 RP 7R3985 PARTS 1 and 3 (R#5-12700) to CON 2 EHS E PT LOT 21 RP 7R3885 PART 1 RP 7R4560 PART 1 (R#5-12900) be approved subject to the following:

- That the boundary adjustment conveys approximately 598.29m<sup>2</sup> (+/- 5%) rounded to two decimal places to the northern parcel being CON 2 EHS E PT LOT 21 RP 7R3885 PART 1 RP 7R4560 PART 1 (R#5-12900).
- 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.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being a sight triangle measuring 12m north on 2<sup>nd</sup> Line East and 12m west along 20 Sideroad, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Public Works Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- 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 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.

**Carried.**

## **6.0 ADJOURNMENT**

**Moved by Wysokinski and Seconded by Lyon**

THAT Committee adjourns the meeting at 10:45 a.m. to meet again at the call of the Chair.

**Carried.**