



COMMITTEE OF ADJUSTMENT MINUTES MAY 12, 2021 | 9:00AM

Present: Earl Hawkins, Deputy Mayor
Ken Cufaro, Councillor
Kim Lyon, Member
Bart Wysokinski, Member
Tracey Atkinson – CAO
Roseann Knechtel – Deputy Clerk

1.0 Call to Order

The meeting was called to order at 9:00 a.m. by the Chair Hawkins. The meeting was held using electronic “Zoom” application.

2.0 Declaration of Pecuniary Interest

3.0 Approval of the Agenda

Moved by Cufaro and Seconded by Lyon

THAT Committee approves the Agenda dated May 12, 2021.

Carried.

4.0 Approval of Minutes

Moved by Lyon and Seconded by Cufaro

THAT Committee approves the Minutes dated January 6, 2021.

Carried.

5.0 New and Other Business – None

6.0 New Applications

Township Planner Tracey Atkinson 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 properties and required agencies a minimum of 20 days before the meeting and a yellow notice sign for each property.

6.1 B2-2021 Monachino Lot Creation – 9:00am

Township Planner Tracey Atkinson provided a summary of the application.

Adam Santos, the applicant’s planner provided a presentation on the application and described the proposed severance. Consultation with Township staff, Dufferin

County and the conservation authority was undertaken prior to their application and MDS and environmental impact studies were conducted. All requirements of the studies have been met. The concerns outlined in Mr. Clark's letter were responded to.

Daniel Clark spoke to his concerns and asked for clarification on previous severances, the building envelope locations on the severed and retained portions of land and the concerns surrounding the lack of natural screening on the northern lot. Mr. Clark requested the building envelope on both of the retained and severed portions be moved to the east where there is more screening.

Verbal comments were received prior to the meeting from Doreen Riffin in support of the application.

Adam Santos, confirmed that ecological and conservation authority approvals may be required if the building envelopes were to be dramatically altered. The envelopes currently meet all application zoning and environmental requirements.

Discussion ensued and the Township Planner Tracey Atkinson spoke to the natural heritage systems and the protection of such. Comments were received by the Conservation Authority, with no objects to the approval of the application apart from the review of the EIS. Mitigation measures would be incorporated into the development agreement.

Moved by Lyon and Seconded by Wysokinski

THAT Application No. B2-2021 submitted by 2407951 Ontario Inc. c/o Frank Monachino for a lot creation from 836059 4th Line – 508029 Highway 89 (R#2-0150) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 3.9 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.
- That the lot complies with MDS1 analysis between the severed dwelling and 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.

- The applicant shall remove the existing entrance and culvert infrastructure on Highway 89 and reinstate the ditch.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on 4th Line, 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 Roads 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. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required. 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 severance agreement pursuant to Section 51(26) of the Planning Act to address all planning matters, including, but not limited, to establishing building envelopes on the severed and retained lots that are in keeping with the severance sketch, MDS setbacks and include all applicable mitigation measures from the Colville EIS and any requirements from the NVCA, and tree planting along the southern lot line of the severed lot. The setback between the closest dwelling and the proposed building envelop on the southern parcel shall be a minimum of 255m from the front lot line and a minimum of 50m from the abutting lot line of roll no. 221600000201450000. The proposed building envelop on the severed portion shall be a minimum of 93m from the front lot line and 90m from the southern lot line.
- 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 in the amount of \$5,000.00
- Planting of screenings on the southern lot line of the severed portion of land shall be required.

Carried.

Notice of decision will be mailed within 15 days of the date of decision.

6.2 B1-2021 Coe Surplus Farm Dwelling Severance - 9:30am

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

Kristine Loft, the applicant's planner provided a presentation on the application and described the proposed severance. The applicant spoke in support of the application.

There were no comments from the public or committee members.

Moved by Cufaro and Seconded by Lyon

THAT Application No. B1-2021 submitted by Stanley Michael Coe for a surplus swelling lot creation from 746029 30th Sideroad (R#6-19825) as a result of a farm consolidation 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 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 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).
- 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 and the Environmental Protection (EP) zones and to restrict residential uses on the remnant (retained) agricultural lot.
- That the farm operation severing the lot provide confirmation of operations base elsewhere in an abutting 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.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on 30 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 Roads 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.

Carried.

Notice of decision will be mailed within 15 days of the date of decision.

6.3 B3-2021 Unger Severance | B4-2021 Unger Easement – 9:45am

Kristine Loft, the applicant's planner provided a presentation on the application and described the proposed severance and easement.

There were no comments from the public.

Discussion ensued and the Township Planner provided comments from the Nottawasaga Valley Conservation Authority, stating there are no objections to the application but noted the presence of natural heritage features. It is recognized that the new severance is slightly different in size from the originally severed lot. Consolidation is therefore required by the solicitor to ensure that a sliver of land is not being created in error.

Moved by Lyon and Seconded by Wysokinski

THAT Application No. B3-2021 submitted by Mark Unger for a lot creation from CON 3 E W PT LOT 14 RP 7R4317 PT 3 PT PT 1 and PT 2 (Roll #1-34810 / #1-34820) be approved subject to the following:

- This consent applies to a lot creation of approximately 12 hectare (+/- 5%) rounded to two decimal places, having a minimum frontage of 180m and a depth of approximately 680m.
- 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 2ND Line East, 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 Roads 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. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works

- 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.
- The solicitor for the owner of the subject lands shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting parcels, and to provide the Township with documentation which demonstrates that the consolidation has taken place, if required by the Township's solicitor.

Carried.

Notice of decision will be mailed within 15 days of the date of decision.

6.4 B4-2021 Unger Easement – 9:45am

Moved by Lyon and Seconded by Wysokinski

THAT Application No. B4-2021 submitted by Zoe Unger on Part of Lot 14, Concession 3, for an easement subject to the following:

- This easement applies to an approximate 1.0 hectares, located along the south lot line of 757233 2nd Line E (being Roll No. 221600000134800) in favour of Roll No. 221600000134810.
- 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 2ND Line East, 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 Roads 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 language of the new easement is to the Township's solicitor satisfaction, and that all legal costs for such review be paid in full.
- 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.

A recorded vote was requested.

	Yea	Nay
Ken Cufaro		N
Earl Hawkins, Chair	Y	
Kim Lyon	Y	
Bart Wysokinski	Y	

Carried.

Notice of decision will be mailed within 15 days of the date of decision.

7.0 Adjournment

Moved by Cufaro and Seconded by Lyon

THAT Committee adjourns the meeting at 10:34 am to meet again at 9:00 am on Wednesday June 30, 2021 or at the call of the Chair.

Carried.