

Present: Chair Ron Peters

 Members John Ferguson
 Emily Silk
 Mark Vandergeest
 Douglas Hamilton

Staff: Secretary/Treasurer, Planner Katie Mandeville

A. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. and explained the meeting process and the time frame for appeals to those persons present.

B. DISCLOSURE OF PECUNIARY INTEREST
NONE

C. ADOPTION OF MINUTES

The following motion was adopted:

Motion # 13-26

MOVED by John Ferguson and SECONDED by Mark Vandergeest

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on November 19, 2013 be adopted as printed and distributed.

CARRIED

D. ADJOURNED APPLICATIONS

1. Consent Application No.: B-23-13
Applicant: Earl & Eunice Gerber
Roll Number: 4351 050 005 32501 0000
Municipal Address: 2186 Sherwood Forest Lane

The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:

Proposal:

- É The property is located at 2186 Sherwood Forest Lane
- É Legally described as: Part of Lot 16, Concession 9, geographic Township of Matchedash.
- É The property currently supports a dwelling and two accessory structures.
- É Requesting consent to sever a portion of the property having frontage of approximately 60 m (196.8 ft.) on the Severn River and area of approximately 0.04 ha (0.99 acres).
- É The retained lands would have a frontage of approximately 81 m (265.7 ft.) on the Severn River and area of approximately 0.41 ha (1.02 acres).
- É The application was deferred following the public meeting at the previous Committee of Adjustment pending Council endorsement of the application.

Agency Comments:

None

Public Correspondence:

None

Staff Report P13-113:

The Secretary/Treasurer provided a brief summary of the following staff report:

Background:

The Gerbers are applying for the creation of a shoreline residential lot at 2186 Sherwood Forest Lane (**Appendix 1**). The subject lands have frontage of approximately 141m (462.6 ft.) on the Severn River and area of approximately 0.81 ha (2 acres). The applicants are requesting consent to sever a portion of the property having frontage of approximately 60 m (196.8 ft.) on the Severn River and area of approximately 0.04 ha (0.99 acres). The retained lands would have a frontage of approximately 81 m (265.7 ft.) on the Severn River and area of approximately 0.41 ha (1.02 acres). A sketch of the proposed severance is provided as **Appendix 2**.

Discussion:

The various planning documents that have bearing on this application were discussed in Report P13-110 which was presented to the Committee of Adjustment at its November 19th, 2013 meeting where the application was deferred following the public meeting pending the endorsement of Planning & Development Committee and Council. The Township's Official Plan requires that Council endorse an application for a proposed new lot where it is to be accessed by a private road or by water.

Planning & Development Committee passed the following motion at the regular scheduled meeting on November 21st, 2013:

MOTION PD112113-04: Moved by Member Cox and seconded by Member Stevens that Planning Report No. P13-101, dated November 12, 2013, with respect to 2186 Sherwood Forest Lane be received;

AND FURTHER THAT the request from the applicants to allow for the creation of a shoreline residential building lot at 2186 Sherwood Forest Lane measuring approximately 0.99 acres in area with 60 metres of frontage on the Severn River be endorsed by Council for consideration by the Committee of Adjustment.

CARRIED

Recommendation:

Based on the discussion outlined in Report P13-110 and the endorsement of Council the Planning Department has no objection to the approval of this application, subject to the recommended conditions set out in **Appendix 3**.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Andrew R. Fyfe, M.A.
Director of Planning & Development

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicants were not present. The Secretary/Treasurer advised the Committee that the applicants were told this would not be a public meeting and it was not necessary that they attend.

The Chair asked if the Committee had any comments on this application. Committee comments were as follows: None.

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The Secretary/Treasurer confirmed that the conditions were unchanged from the public meeting.

**DECISION – APPROVE
Consent Application B-23-13 (Gerber)**

THE PURPOSE and EFFECT of the application is:

To request consent to sever a portion of the property having frontage of approximately 60 m (196.8 ft.) on the Severn River and area of approximately 0.04 ha (0.99 acres).

The retained lands would have a frontage of approximately 81 m (265.7 ft.) on the Severn River and area of approximately 0.41 ha (1.02 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of December, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. That the owner's solicitor shall ensure that the right-of-way is legally added and appurtenant to the severed property.
4. A payment in lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Township of Severn in cash or certified cheque. The Township shall retain an appraiser, at the applicant's expense, to prepare the appraisal in accordance with Section 51.1(4) of the Planning Act if the value of the land cannot otherwise be agreed on.
5. The Owner shall enter into a Consent Agreement, such Agreement to include provisions regarding the location of a building envelope, setbacks from the wetland and watercourse, and retention of natural vegetation, in accordance with the recommendations contained in the report prepared by River Stone Environmental Solutions, dated September 2013.
6. That all fees and disbursements (legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the owner.
7. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.

THE REASONS for the Committee's Decision are that the proposed consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2005 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision

CARRIED

E. NEW APPLICATIONS

- | | |
|------------------------------------|---------------------------------|
| 1. Consent Application No.: | B-17/18-13 |
| Applicant: | Edward & Mary Chmiel |
| Roll Number: | 4351 050 005 25300 0000 |
| Municipal Address: | 1720 Earl Haid Avenue |

The Secretary/Treasurer of the Committee of Adjustment outlined the applications and outlined the correspondence received, as follows:

Proposal:

- É The property currently supports a dwelling and three existing rental cottages.
- É The subject lands have a total frontage of approximately 127.3 m on the Severn River and area of approximately 1.31 ha (3.23 acres).
- É The applicant is requesting consents:

	Proposed Use	Area	Frontage on Severn River
Severed Lands (B-17-13)	Existing Residential Dwelling	1,581 m ² (0.39 acres)	19.6 metres (64.3 feet)
Lot Addition Lands (B-18-13)	To be added to existing River House restaurant	567 m ² (0.14 acres)	17.4 metres (57.1 feet)
Retained Lands	Existing Commercial Cottage Rentals	10,923 m ² (2.7 acres)	90.3 metres (296.3 feet)

Agency Comments:

The Secretary/Treasurer summarized a letter from the County of Simcoe Transportation and Engineering department stating they have no object to the approval of the applications. An entrance permit will be required for any new entrance.

Public Correspondence:

None

Staff Report P13-114:

The Secretary/Treasurer provided a brief summary of the following staff report:

Background:

The Chmiels are seeking to reconfigure their properties in Port Severn so as to accommodate the replacement of the holding tank for the Riverhouse Restaurant and separate the restaurant, existing detached dwelling and the three existing rental cottages into three separate parcels, all with their own on-site servicing. The subject lands have a total frontage of approximately 127.3 m on the Severn River and area of approximately 1.31 ha (3.23 acres). The applicant is requesting consents which would result in three parcels as follows:

	Proposed Use	Area	Frontage on Severn River
Severed Lands	Existing Residential Dwelling	1,581 m ² (0.39 acres)	19.6 metres (64.3 feet)
Lot Addition Lands	To be added to existing River House restaurant	567 m ² (0.14 acres)	17.4 metres (57.1 feet)
Retained Lands	Existing Commercial Cottage Rentals	10,923 m ² (2.7 acres)	90.3 metres (296.3 feet)

The Official Plan designation is %Settlement Employment Area+. The existing restaurant is zoned Tourist Resort Commercial (C-8) and the house and cottages Shoreline Commercial (C10). A sketch of the proposed severance is provided as **Appendix 1**.

Discussion:

The applications were initiated as a result of the substantial encroachment of the existing holding tank for the restaurant onto the road allowance for Earl Haid Avenue. As the encroachment of this type of structure onto municipal lands raises more significant questions of liability, etc. and the desirability of having a this type of business served by an on-site sewage disposal system, it was determined that the holding tank should be replaced by an engineered sewage treatment system, including on-site dispersal of the treated effluent in an appropriately sized field. The existing residence and rental cottages represent separate land uses, so their separation in two distinct parcels with independent servicing systems was also proposed so that all of the issues could be addressed at the same time.

Because of the existing building locations, topography and presence of bedrock, in order to accommodate the new sewage systems, the proposed lot lines are quite irregular, but this relates to issues of land tenancy, rather than functionally or land use.

As the property is located within a settlement area and the applications relate to a reconfiguration of lot fabric related to existing structures and uses, they do not raise issues of conformity with the planning policy environment. As the net result will be improved sewage disposal for the restaurant and the existing cottages, it is anticipated that the end result is that the applications will facilitate a lessening of the environmental impact of the existing uses.

Prior to the generation of this report, both planning and building consulted extensively with the applicants and conducted site visits.

Other Considerations:

The Director of Public Works has stated he has no comments on this application.

The Building Department has stated that they have no objection to the applications for consent but provided the following:

This approval is based on the condition that all proposed construction is completed as proposed in the design information provided to the Building Department. Due to the limited available area this design is very specific and requires changes to the property terrain and design and use of some existing buildings.

All required permits must be obtained prior to any construction on buildings or sewage disposal systems.

The County of Simcoe stated: The applicant will be required to apply for an Entrance Permit for any new entrances onto the County Road 5 .+

Recommendation:

Based on the discussion outlined above, the Planning Department has no objection to the approval of this application, subject to the recommended conditions set out in **Appendix 2**.

Respectfully submitted,

Andrew R. Fyfe, M.A.
Director of Planning & Development

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicants were present to answer questions and had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. Public comments were as follows:

- É *Dan Smith, owner of local marina and construction business stated that it is imperative that a restaurant remain in Severn Falls and that it was a positive move for the owners to install septic.*
- É *Bob Snider, local store owner stated he was fully infavour of getting the restaurant off the holding tank.*

The Chair asked if there were any other public comments. As none were forthcoming, the Chair declared the public portion of the meeting closed.

The Chair asked if the Committee had any comments on this application. Committee comments were as follows:

- É *The Chair commented that the proposed lot lines were a surveyors nightmare.*
- É *Member Ferguson stated that he was in favour of anyone getting off a holding tank.*

The Secretary/Treasurer advised the Committee that although the applications were heard together there would be two separate decisions.

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decisions. The applicants were asked if they were aware of the proposed conditions and were in agreement with them. The applicants confirmed this. The Chair then called for a vote on the applications.

<p>DECISION – APPROVE Consent Application B-17-13 (Chmiel)</p>
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THE PURPOSE and EFFECT of the application is:

To request consent to sever the property having frontage of approximately 19.6 m (64.3 ft.) on the Severn River and area of approximately 0.16 ha (0.39 acres).

The retained lands, if related application B-18-13 is approved, would have a frontage of approximately 90.3 m (296.3 ft.) on the Severn River and area of approximately 1.09 ha

(2.7 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of December, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. The Owner shall obtain a rezoning that recognizes the existing uses, proposed lot dimensions and setbacks.
4. The owner shall obtain the necessary building permits and complete the installation of the private sewage disposal systems as proposed to the satisfaction of the Township building department prior to the issuance of this consent certificate.
5. That all fees and disbursements (legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the owner.
6. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.

THE REASONS for the Committee's Decision are that the proposed consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2005 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision.

CARRIED

**DECISION – APPROVE
Consent Application B-18-13 (Chmiel)**

THE PURPOSE and EFFECT of the application is:

To request consent to sever the property having frontage of approximately 17.4 m (57.1 ft.) on the Severn River and area of approximately 0.06 ha (0.14 acres) to be added to the adjacent property at 1726 Earl Haid Avenue.

The retained lands, if related application B-17-13 is approved, would have a frontage of approximately 90.3 m (296.3 ft.) on the Severn River and area of approximately 1.09 ha (2.7 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of December, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed

- Acknowledgement and Direction so that the consent certificate may be issued.
3. The Owner shall obtain a rezoning that recognizes the existing uses, proposed lot dimensions and setbacks, if deemed necessary by the Director of Planning & Development.
 4. That the severed lands shall merge with the property municipally known as 1726 Earl Haid Avenue. The ownersqsolicitor shall take all necessary steps to ensure that the parcels merge under the Planning Act.
 5. That the ownersqsolicitor shall provide an undertaking to register an Application to Consolidate Parcels in order to merge the severed lands with the adjoining lands and to provide the Township with a copy of the registered Application within three months of the date of registration of the Transfer of the severed lands.
 6. That all fees and disbursements (legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the owner.
 7. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.

THE REASONS for the Committee's Decision are that the proposed consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2005 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision.

CARRIED

2. Consent Applications No.: *B-19/20/21-13*
Applicant: *Doug denBoer*
Roll Number: *4351 010 010 02000 0000*
Municipal Address: *4022 Wainman Line*

The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and the correspondence received, as follows:

Proposal:

- É The property currently contains a dwelling, detached garage, septic, pool and a small barn which will be decommissioned as part of this process.
- É The property is approximately 4.04 ha in area with 131.6 m of frontage on Division Road West and 307.5 metres of frontage on Wainman Line.
- É The applicant is requesting the following consents:

	Area	Frontage on Division Road	Frontage on Wainman Line
Lot 1	5,920 m ² (1.46 acres)	65.8 metres (215.9 feet)	
Lot 2	5,920 m ² (1.46 acres)	65.8 metres (215.9 feet)	90 metres (295.3 feet)
Lot 3	17,704 m ² (4.37 acres)		134.5 metres (441.3 feet)
Retained	10,923 m ² (2.7 acres)		83 metres (272.3 feet)

Agency Comments:

None

Public Correspondence:

None

Staff Report P13-115:

The Secretary/Treasurer provided a brief summary of the following staff report:

Background:

County Official Plan: Settlement
Township Official Plan: Settlement Living Area (Bass Lake)
Township Zoning: Residential One (R1)

The subject property is located at 4022 Wainman Line in the geographic Township of North Orillia (**Appendix 1**). The property is approximately 4.04 ha in area with 131.6 m of frontage on Division Road West and 307.5 metres of frontage on Wainman Line. The property currently contains a dwelling, detached garage, septic, pool and a small horse barn which is to be decommissioned as part of this process.

The applicants are requesting consent for three new residential lots and one retained parcel. The following approximate dimensions are proposed as seen on the plan submitted as **Appendix 2**:

Severed Lot # 1: Approximately 65.8 metres (215.9 feet) of frontage on Division Road and 5,920 metres squared (1.5 acres) of area.

Severed Lot # 2: Approximately 65.8 metres (215.9 feet) of frontage on Division Road and 90 metres (295.3 feet) on Division Road and 5,920 metres squared (1.5 acres) of area.

Severed Lot # 3: Approximately 134.5 metres (441.3 feet) of frontage on Wainman Line and 17,704 metres squared (4.4 acres) of area.

Retained: Approximately 83 metres (272.3 feet) of frontage on Wainman Line and 10,923 metres squared (2.7 acres) of area.

Discussion:

A discussion of the various planning documents that have bearing on this application follows.

Provincial Policy Statement (PPS), 2005

The subject property is within a *settlement area* as defined in the Provincial Policy Statement (PPS), 2005:

Settlement area means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. Built up areas where development is concentrated and which have a mix of land uses; and
- b. Lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2

(Section 2.3.1, PPS).

Furthermore, the PPS directs growth to these ~~settlement areas~~ as stated in Section 1.1.3.1 of the PPS, ~~settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted~~.

The proposed severances will be consistent with the PPS as the new lot creations will be within a Settlement Area designated by the Township's Official Plan for development.

Growth Plan for the Greater Golden Horseshoe, as amended

The Growth Plan speaks to managing growth through *intensification* which is defined as:

The development of a property, site or area at a higher density than currently exists through:

1. Redevelopment, including the reuse of brownfield sites;
2. The development of vacant and/or underutilized lots within previously developed areas;
3. Infill development; or
4. The expansion or conservation of existing buildings.

(Section 7, Growth Plan)

Intensification according to the Growth Plan shall be directed to *Settlement Areas* as defined by the PPS. Therefore, the proposed applications would appear to conform to the Growth Plan as the proposed lots will be within the Settlement Area of Bass Lake and are considered infill development.

County of Simcoe 2006 Official Plan (in effect)

Section 3.3.1 of the County of Simcoe Official Plan states that ~~subdivision of land by Plan or consent, or Plans of condominium are permitted only for the lands uses permitted in the Designation or that maintain the intent of the Plan's objectives and policies.~~

The subject property is located within the Settlement area of Bass Lake. According to Section 3.5.12, ~~in~~ settlement designations, subdivisions may occur by plan or by consent. Expansion of

Settlement Designations should normally be by plan of subdivision, while urban infill may take place through subdivision by consent.+

The proposal is for the creation of a three new lots through infill within the Settlement Designation and therefore satisfies the intent of this policy.

Township of Severn Official Plan

The subject property is designated Settlement Living area under the Township's Official Plan. The application before Committee is for the creation of three residential lots located within the Settlement Area of Bass Lake. According to Section B8.2.7 of the Township Official Plan:

"Application(s) which would result in the creation of multiple lots within the lands designated SETTLEMENT LIVING AREA, SETTLEMENT EMPLOYMENT AREA, SHORELINE RESIDENTIAL AREA, and HIGHWAY EMPLOYMENT AREA, shall be subject to review and approval by both the Planning Committee and Council prior to being considered by the Committee of Adjustment. The Planning Committee and Council shall have regard for Sections B1.4, B1.5 and B8 in considering a multiple lot severance.

Assessment of the effect of permitting the creation of lots by consent shall take into consideration the past, present and potential future applications in both the immediate and surrounding area."

In accordance with this policy the application was presented to Planning Committee prior to Committee of Adjustment. The development application was initially filed for the creation of four new residential lots with one retained through consent. Planning Committee indicated that a Plan of Subdivision would be required in order to create four new lots. The proposal was reduced to three new lots with one retained and Planning Committee passed the following motion on November 21st, 2013:

MOTION PD112113-02: *Moved by Member Burkett and seconded by Member Taylor that a presentation of Morgan Planning with respect to the proposed severance of 4022 Wainman Line be received;*

AND FURTHER THAT the applicant be advised that this proposal is approved for a three lot severance by way of consent;

AND FURTHER THAT Lot 3 of the plan contain a covenant that no further severances will be allowed;

AND FURTHER THAT the \$1,000.00 fee for the fourth lot be refunded.

CARRIED

The proposed lots will be serviced with a private water supply and private sewage disposal systems which are permitted under Official Plan Sections F.2.3 and F.2.2, respectively. Due to the need for private servicing for multiple lots a Hydrogeological Letter of Opinion from Wilson Associates was submitted with the applications. Based on the Letter of Opinion and further well testing following discussions at the Planning & Development Committee meeting, Wilson Associates gave support for the approval of the creation of three new lots on private services. This approval is based on viable potable groundwater supply as well as ample area and soil conditions for a sewage disposal system on each of the severed properties.

The objectives of the Settlement Living Area in the Township Official Plan are to direct the focus of growth and development to these areas by creating opportunities for various forms of residential intensification and encouraging a variety of housing types to house persons with diverse social and economic backgrounds, needs and desires.

This proposal is for three infill development lots that will maintain the existing character and identity of the Marchmont/Bass Lake Settlement Areas as predominately rural residential communities and is therefore consistent with the policies of the Township's Official Plan.

Township of Severn Zoning By-law 2010-65

The subject property is in the Residential One (R1) Zone.

Section 6.4 of the Zoning By-law requires a minimum lot frontage of 60 m (196.8 ft.) and minimum lot area of 4000 sq. m. (0.99 acres) for lots with private services in the R1 Zone. The proposed severed and retained parcels will each have frontage and area exceeding the minimums within set for the R1 Zone in Zoning By-law 2010-65.

Other Considerations

The Township's Building department has no objection to the application as there is adequate area on each of the proposed severed properties for septic systems.

The Director of Public Works has stated: ~~the~~ severances on Wainman Line will require property for road purposes on Division Road of 5 meters (17 feet) along with a 5x5 meter daylight triangle at the intersection of Wainman and Division+. During pre-consultation with the applicant the need for

property as a road widening was discussed, as well as potential driveway locations for the each of the severed lands.

The Planning & Development Committee endorsed the applications to be heard by the Committee of Adjustment with Motion *PD112113-02* cited above. Part of the endorsement is that of a covenant on Lot 3 to prohibit future severances without the approval of Council. This can be done through a consent agreement which is registered on title with the property and will require the approval of Council for the agreement to be removed from title to allow for increased development on the property.

Recommendation:

The Planning Department has no objection to the approval of these applications as they are consistent with the Provincial, County and Township policies and as per the Township's Official Plan, the proposal was endorsed by Council, subject to the recommended conditions set out in **Appendix 3.**

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Andrew Fyfe, M.A.
Director of Planning & Development

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent, Josh Morgan, was present. The agent addressed the committee by giving a brief summary and history of the applications. The Agent also spoke to the location of driveways for the proposed lots and supplied Committee Members and members of the public with a drawing of the proposed driveway locations. The agent further commented on the proposed condition for a consent agreement to restrict the further development of Lot 3 that was part of Council's endorsement of the applications.

The Chair asked if anyone in the audience had any comments on this application. Public comments were as follows:

- É Ian Crichton, 4095 Wainman Line spoke to the barn on the property that is to be decommissioned and inquired as to what that entailed or if the barn would be removed as part of the process?*
- É Josh Morgan stated that the plan was to decommission the barn by removing all of the stalls for MDS, the setbacks for farming purposes.*
- É Graham Hill, 4029 Wainman Line stated that this corner is the highest for accidents after Division & Burnside; he is on the fire department and believes that having a driveway in this location is hazardous. Graham Hill further stated that the gully on the property is a ravine, not small; he is against filling in any part of the ravine.*
- É Patricia Hill, 4029 Wainman Line stated they had purchased their lot across the road 30 years ago and were zoned Estate Residential, consisting of four lots. They went to the OP and zoning meetings as their designation was changing. They would have appealed severances behind them. They bought due to the quiet and tried to sever off back piece because they couldn't sell. If 10 acres gets severed off or house has granny flat the value increases, they can't get the money back that they have invested. It was agricultural when they purchased.*
- É Patricia Hill further stated concerns regarding the dangerous corner evident by the cross on the telephone pole and access for the bus due to the terrain.*
- É Patricia Hill stated that because of the proposed severances and existing granny flat the property sold quickly, there is no way to increase their own value.*
- É Doug Stevenson, 1785 Division Road West stated he was the first to purchase a lot at Division and Wainman 30+ years ago, other people then purchased towards Highway 12.*
- É Doug Stevenson expressed concerns regarding Lot 2 on a hill, when construction on a hill it is very expensive to appease neighbours for drainage. He stated a concern of construction on upper part negatively affects those downhill.*
- É Doug Stevenson further stated that there are lots of lots off Division Road, they aren't selling fast and also other lots off Wainman Line. He doesn't think we need more lots for financial gain. Having a severance to build on is one thing but tearing land apart for financial gain is another.*
- É Graham Hill stated that since Kellear Trails the water quality of their well has decreased.*

- É Greg Burden, 3999 Wainman Line stated he moved to the county from Brampton for a vastly different lifestyle, the beautiful scenery, he doesn't want that to change.
- É Greg Burden further expressed concern over the wells, questioning how adding 3 more lots will affect supply.
- É Josh Morgan, agent for the applicant, spoke to address what he heard as the three main concerns of the neighbouring residents: entrances, impact of construction and more development in the area.
- É Josh Morgan stated that one of the first concerns was entrances; both County and Township staff were involved with the pre-consultation to ensure entrances. He believes due diligence was done. The entrance for Lot 3 is planned to avoid the ravine.
- É Josh Morgan addressed the second concern related to the impact of construction and run off, stating that the township does require a lot grading plan prior to construction.
- É Josh Morgan addressed the third concern related to development in the area stating that this property is located within a settlement area, approved by the County and Township. Development is supposed to occur within the settlement areas in Ontario, no OP or zoning permissions are needed for this application.
- É Doug denBoer, owner of 4022 Wainmain Line stated that when his family bought the parcel they didn't intend to mass produce it, he enjoys the country setting and plans to sell Lot 1 in the first few years, 3-4 years for Lot 2 and Lot 3 is not on the radar yet to develop.
- É Doug denBoer further stated that he is certainly not in this to make a lot of money and just make a quick sale; he plans to live at his new home for a long time.
- É Patricia Hill stated that she appreciates that he's not here to make money but things change.

The Chair asked if there were any other public comments. As none were forthcoming, the Chair declared the public portion of the meeting closed.

The Chair asked if the Committee had any comments on this application. Committee comments were as follows:

- É Member Vandergeest inquired as to if the barn decommissioning should be a condition rather than being dealt with prior to building.
- É The Secretary/Treasurer stated that if Committee wishes it can be added as a condition.
- É Josh Morgan stated they had no issues with that condition being added.
- É Committee expressed a sense of agreement to add the condition.
- É Member Ferguson inquired as to if lot 3 could be developed further in the future.
- É The Secretary/Treasurer advised that the recommended consent agreement could be removed from the property if the property owner and township agreed.
- É Member Ferguson inquired as to if building enveloped had been proposed or if there could be any development restrictions.
- É The Secretary/Treasurer advised Committee that there is not any Environmental Protection in the zoning or OP for the property, Committee could impose a development envelope however due to the lack of policy support the applicant may choose to appeal the condition to the OMB.
- É Member Silk stated that she realizes this is a busy intersection, but believes they have taken steps to minimize the additional impacts.

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision, including the newly added one related to the barn. The Secretary/Treasurer advised Committee that there would be one decision for the applications. The applicant and agent were asked if they were aware of the proposed conditions and were in agreement with them. The agent confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Consent Application B-19/20/21-13 (denBoer)

THE PURPOSE and EFFECT of the application is:

1. **Request to Amend Conditions of:**

Consent Application No.:

B-05-13

Applicant:

Shane & Kirsty Spencer

Roll Number:

4351 010 009 17901 0000

Municipal Address:

3152 Muskoka Street

Correspondence:

The Secretary/Treasurer advised that there were no letters of correspondence for this meeting; previous letters were read at the November 2013 meeting where the request was deferred.

Staff Report P13-116:

The Secretary/Treasurer provided a brief summary of the following staff report:

Background:

Provisional consent was granted by the Committee of Adjustment on February 19, 2013 for the division of the Spencer property, located at 3152 Muskoka Street (**Appendix 1**) for a total of two lots, 1 severed and 1 retained (**Appendix 2**).

Since the Committee's decision on February 19, 2013, the applicants have been working to satisfy all of the conditions imposed by the Committee (**Appendix 3**) including a Zoning By-law Amendment which has been appealed to the Ontario Municipal Board (OMB).

As a result of discussions with the OMB and Township staff regarding the ability to satisfy the conditions of consent within the one year time limit the applicants have requested amending the conditions in order to extend the decision of the Committee to allow the OMB to make a decision regarding the Zoning By-law Amendment prior to the expiration of the provisional consent approval. Through these discussions it was noticed that a standard cash in lieu of parkland condition was omitted from Committee's original decision.

Committee deferred the request to amend the conditions at the November 19, 2013 meeting in order for staff to prepare an alternate amending condition.

Discussion:

The following provides a review of the requested change to the conditions of provisional consent.

New Condition 6

Proposed: That the owners shall provide an undertaking to state that any development of the subject lands shall be done in such a way as to minimize disturbance to the small wetland area, located adjacent to the roadway and proposed lot line.

Comment: At the February 2012 Committee of Adjustment meeting neighbours were concerned about a spring peepers (frog) pond on the property and that development may negatively impact that area or that the property owners would fill in the low-lying area. The Spencer's assured the neighbours that this would not occur and they would not alter this portion of the property however an undertaking from the property owners would provide a guarantee to support this verbal commitment.

In accordance with Section 53(23) of the *Planning Act*, the Committee of Adjustment is authorized to change the conditions of a provisional consent at any time before a consent is given. The *Planning Act* further states that Notice is to be given of a change in conditions unless in the Committee's opinion, the change to conditions is minor. If Notice is given of the change in conditions, the one year to satisfy the conditions of consent starts from the date that Notice of the amended conditions is given.

Recommendation:

In order to allow the process to run its course planning staff support the change in conditions and notice of the change to be given, as requested by the applicants and Council has also indicated that it support an extension through an amendment to the conditions.

The recommended revised conditions of provisional consent are set out in **Appendix 4**.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

Andrew Fyfe, MA
Director of Planning & Development

The Chair asked if the Committee had any comments on this request. Committee comments were as follows:

- É Member Vandergeest stated he looked back on previous consent applications without parkland, this was the only application missing the parkland condition; he stated that he believes that the 5% cash in lieu should be added or the application should lapse.
- É Member Ferguson stated that the applicant has been working to fulfill the conditions, through no fault of the applicant was this mistake made, and now to impose the 5% parkland dedication is over and above in his opinion protecting the Spring Peepers is sufficient.
- É Member Hamilton stated that he concurred with Member Ferguson.

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicants were asked if they were aware of the proposed amended condition and were in agreement. The applicants confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Consent Application B-05-13 (Spencer)

THE PURPOSE and EFFECT of the Changes of Condition is:

Committee of Adjustment agrees to amend the original conditions of the provisionally approved consent application by adding the following condition:

6. That the owner§ shall provide an undertaking to state that any development of the subject lands shall be done in such a way to minimize disturbance to the small wetland area, located adjacent to the roadway and proposed lot line.

The Committee has considered the amendment and, based upon the evidence provided, issues the following Decision on the 17th day of December, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All other conditions under B-05-13 remain.

THE REASONS for the Committee's Decision are that the proposed consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2005 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision

CARRIED

2. Request to Amend Conditions of:

Consent Application No.:

B-01-13

Applicant:

Robert Wiggins

Agent:

Josh Morgan; Morgan Planning

Roll Number:

4351 010 005 04600 0000

Municipal Address:

3477 Uthoff Line

Correspondence:

The Secretary/Treasurer advised that there were no letters of correspondence related to this request; the agent is present to answer any questions Committee may have.

Staff Report P13-117:

The Secretary/Treasurer provided a brief summary of the following staff report:

Background:

Provisional consent was granted by the Committee of Adjustment on February 19, 2013 for the division of the property, located at 3477 Uthoff Line (**Appendix 1**) for a lot addition from 3477 Uthoff Line to be added to the lands on the other side of the North River located at 3543 Uthoff Line (**Appendix 2**). The applicant together with his agents are requesting to amend the conditions of the committee through the Township's solicitors at Russell Christie, letter attached as **Appendix 3**.

Discussion:

The following provides a review of the requested changes to the conditions of provisional consent. The original conditions in full are attached as **Appendix 4**.

Amend Condition 4

Proposed: That the severed lands shall merge with the property municipally known as 3543 Uthoff Line, legally described as Part 1 on 51R-36321. The owner's solicitor shall take all necessary steps to ensure that the parcels merge under the *Planning Act*.

Comment: The condition currently refers to the legal description as Parts 4 and 5 on Plan 51R-36321, this is an incorrect legal description.

Delete Condition 5

Existing: That the owner's solicitor shall provide an undertaking to register an Application to Consolidate Parcels in order to merge the severed lands with the adjoining lands and to provide the Township with a copy of the registered Application within three months of the date of registration of the Transfer of the severed lot.

Comment: Allan French, solicitor for the property owner has had numerous discussions with the Township's solicitors regarding this condition. The land registry office has informed Mr. French that they will not accept the application as originally proposed as the parcels are located on either side of the North River (which is in the name of the Crown). Instead of this Application, Mr. French has advised that registration of a Restriction under Section 118 of the Land Titles Act prohibiting any transfer or mortgaging of the parcels separately without the consent of the Township will achieve this goal of having the parcels connected as one. This restriction is already addressed as Condition 6 in the original conditions.

In accordance with Section 53(23) of the *Planning Act*, the Committee of Adjustment is authorized to change the conditions of a provisional consent at any time before a consent is given. The *Planning Act* further states that Notice is to be given of a change in conditions (Section 53 (24)) unless in the Committee's opinion, the change to conditions is minor. If Notice is given of the change in conditions, the one year to satisfy the conditions of consent starts from the date that Notice of the amended conditions is given.

Recommendation:

Planning staff support the change in conditions and notice of the change to be given as outlined in the request from Mr. Christie. The recommended revised conditions of provisional consent are set out in **Appendix 5**.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

The Chair asked if the Committee had any comments on this request. Committee comments were as follows: None.

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The agent was asked if he was aware of the proposed amended conditions and was in agreement. The agent confirmed this. The Chair then called for a vote on the request.

DECISION – APPROVE
Consent Application B-01-13 (Wiggins)

THE PURPOSE and EFFECT of the Changes of Condition is:

Committee of Adjustment agrees to amend the original conditions of the provisionally approved consent application by:

Replacing condition number four (4) with the following:

4. That the severed lands shall merge with the property municipally known as 3543 Uhthoff Line, legally described as Part 1 on 51R-36321. The owner & solicitor shall take all necessary steps to ensure that the parcels merge under the *Planning Act*.

Deleting condition number five (5).

The Committee has considered the amendment application and, based upon the evidence provided, issues the following Decision on the 17th day of December, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All other conditions under B-01-13 remain.

THE REASONS for the Committee's Decision are that the proposed amendment to conditions of the provisionally approved consent is in keeping with the Township's Official Plan, is consistent with the 2005 Provincial Policy Statement and the *Planning Act*, as amended.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision

CARRIED

H. ADJOURNMENT

The following motion was adopted:

Motion # 13-27

MOVED by Emily Silk and SECONDED by Doug Hamilton

THAT the Committee of Adjustment meeting be adjourned at 8:12 p.m. on December 17, 2013. The Committee will reconvene at 7:00 p.m. on January 21, 2014 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer