

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE
HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY,
AUGUST 18, 2016 AT 7:00 P.M.

PRESENT: Chair	Ron Stevens
Members	John Betsworth
	Mike Burkett
	Judith Cox
	Jane Dunlop
	Mark Taylor
	Donald Westcott
STAFF: Director of Planning & Development	Andrew Fyfe (part of meeting)
Clerk	Sharon Goerke
Planner	Katie Mandeville
Chief Administrative Officer	Henry Sander

CALL TO ORDER

Chair Stevens called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST & THE GENREAL NATURE THEREOF

Member Betsworth with respect to Agenda Item Nos. D-2 & E-6 as it pertains to a subdivision adjacent to his property.

PUBLIC MEETINGS

Public Meeting with respect to a Proposed Zoning By-law Amendment – 1163 Cambrian Road.

MOTION PD081816-01: *Moved by Member Cox and seconded by Member Burkett that an Application for a Zoning By-law Amendment for 1163 Cambrian Road be approved;
AND FURTHER THAT the Clerk be directed to prepare a Draft Zoning By-law for consideration of Council.*

CARRIED

Public Meeting with respect to a Proposed Zoning By-law Amendment – 3608 Shadow Creek Road.

MOTION PD081816-02: *Moved by Member Cox and seconded by Member Burkett that an Application for a Zoning By-law Amendment for 3608 Shadow Creek Road be approved; AND FURTHER THAT the Clerk be directed to prepare a Draft Zoning By-law for consideration of Council.*

CARRIED

DELEGATIONS

Nicola Mitchinson, Mitchinson Planning & Development, 08/08/2016, with respect to the Removal of an Inhibiting Order – Lot 39, Plan 51M-1008.

MOTION PD081816-03: *Moved by Member Cox and seconded by Member Burkett that a presentation of Mitchinson Planning & Development Consultants with respect to the removal of an inhibiting order for Lot 39, Plan 51M-1008 be received as information.*

CARRIED

Nicola Mitchinson, Mitchinson Planning & Development, 07/19/2016, with respect to an Extension of Draft Approval for Area 3.

MOTION PD081816-04: *Moved by Member Dunlop and seconded by Member Taylor that a presentation of Mitchinson Planning & Development Consultants with respect to a request for consent to a Draft Approval Extension for Area 3 be received; AND FURTHER THAT the extension of Draft Plan Approval be approved for an additional 3 years provided that the applicant can demonstrate the continued appropriateness of the proposal and the ability of the applicant to move the development forward; AND FURTHER THAT staff be directed to report further on this matter.*

CARRIED

REPORTS FROM OFFICIALS (for information)

Building Report for the Months of June & July 2016.

By-law Enforcement Report for the Months of June & July 2016.

Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the Months of June & July 2016.

Planning Report No. P16-033, 08/08/2016, with respect to a Zoning By-law Housekeeping Amendment – 1163 Cambrian Road.

Planning Report No. P16-034, 08/08/2016, with respect to a Zoning By-law Amendment Application – 3608 Shadow Creek Road.

Planning Report No. P16-036, 08/08/2016, with respect to Area 3 - Draft Plan of Subdivision Extension 4398 Burnside Line.

Planning Report No. P16-037, 08/08/2016, with respect to the Implementation of Changes to the Planning Act – Bill 73.

MOTION PD081816-05:

Moved by Member Burkett and seconded by Member Westcott that the following Reports from Officials be received as information:

- (a) Building Report for the Months of June & July 2016;*
- (b) Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the Months of June & July 2016;*
- (c) Planning Report No. P16-033, 08/08/2016, with respect to a Zoning By-law Housekeeping Amendment – 1163 Cambrian Road;*
- (d) Planning Report No. P16-034, 08/08/2016, with respect to a Zoning By-law Amendment Application – 3608 Shadow Creek Road;*
- (e) Planning Report No. P16-036, 08/08/2016, with respect to Area 3 - Draft Plan of Subdivision Extension 4398 Burnside Line; and*
- (f) Planning Report No. P16-037, 08/08/2016, with respect to the Implementation of Changes to the Planning Act – Bill 73.*

CARRIED

REPORTS FROM OFFICIALS (*for direction*)

- “NIL”

CORRESPONDENCE (*for information*)

Watson & Associates, 08/11/2016, with respect to the Township of Severn Ward Boundary Review.

MOTION PD081816-06:

Moved by Member Cox and seconded by Member Burkett that a Ward Boundary Review Interim Report received from

Watson & Associates Economists Ltd., dated August 11, 2016, be received as information.

CARRIED

CORRESPONDENCE (for direction)

Member Burkett, 08/09/2016, with respect to Meeting Dates.

MOTION PD081816-07: *Moved by Member Westcott and seconded by Member Cox that discussion with respect to Council & Committee Meeting Dates be received;
AND FURTHER THAT the September Council Meeting be rescheduled to September 8, 2016 at 7:00 pm;
AND FURTHER THAT the Road Tour be rescheduled to September 20, 2016 at 8:00 am;
AND FURTHER THAT staff be requested to report on scenarios for alternate meeting dates for further consideration.*

CARRIED

Motion to close the meeting to the public.

MOTION PD081816-08: *Moved by Member Taylor and seconded by Member Betsworth that this meeting be and is it hereby now closed to the public pursuant to the Municipal Act, S.O. 2001, Chapter 25, Section 239.(2), for the purpose of considering:
(a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
(b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED

CONFIDENTIAL

Motion to reopen the meeting to the public.

MOTION PD081816-09: *Moved by Member Westcott and seconded by Member Burkett that this meeting be and it is hereby now reopened to the public.*

CARRIED

Reports from Officials

Planning Report No. P16-035, 08/08/2016, with respect to Request for Waiving of Fees – 3608 Shadow Creek Road.

MOTION PD081816-11: *Moved by Member Burkett and seconded by Member Betsworth that Confidential Planning Report No. P16-035, dated August 8, 2016, with respect to a request for waiver of fees for Zoning Application File No. Z-16-08 – 3608 Shadow Creek Road be received; AND FURTHER THAT the request for waiver of fees be approved in the amount of \$3000.00 without prejudice; AND FURTHER THAT staff be directed to contact the applicant's lawyer as discussed.*

CARRIED

Planning Report No. P16-038, 08/10/2016, re Carlyon Line – OMB Appeal.

MOTION PD081816-10: *Moved by Member Cox and seconded by Member Westcott that Confidential Planning Report No. P16-038, dated August 10, 2016, with respect to 4265 Carlyon Line be received as information.*

CARRIED

Planning Report No. P16-040, 08/09/2016, with respect to Locke Subdivision – Request to Lift Inhibiting Order.

MOTION PD081816-12: *Moved by Member Betsworth and seconded by Member Taylor that Confidential Planning Report No. P16-040, dated August 9, 2016, with respect to Lifting of an Inhibiting Order for Lot 39, Plan 51M-1008 be received; AND FURTHER THAT OMC Development Corp. and Mariposa Homes Limited be advised that the inhibiting order on Lot 39, Plan 51M-1008 will not be lifted at this time and that the developers should continue negotiations with the neighbouring property owners to reach an agreement regarding the cul-de-sac originally constructed (Plan 51R-38931, Part 7) on a turnaround for Birkeshire Woods Lane.*

CARRIED

Correspondence

- "NIL"

ADJOURNMENT – 10:05 p.m.

Motion to adjourn.

MOTION PD081816-13: *Moved by Member Betsworth and seconded by Member Dunlop that this meeting be and it is hereby now adjourned.*

CARRIED

Ron Stevens
Chair

Sharon R. Goerke
Clerk

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE
HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY,
JUNE 16, 2016 AT 7:00 P.M.

PRESENT:	Chair	Ron Stevens
	Members	Mike Burkett Judith Cox Jane Dunlop Mark Taylor Donald Westcott
STAFF:	Director of Planning & Development	Andrew Fyfe (part of meeting)
	Clerk	Sharon Goerke
	Planner	Katie Mandeville
	Chief Administrative Officer	Henry Sander

Chair Stevens advised those in attendance that there are two public meetings called this evening in accordance with the Planning Act with respect to development within the municipality.

The Chair advised that the purpose of public meetings are to inform and provide the public with an opportunity to ask questions or express views with respect to development proposals. In accordance with By-law No. 2007-153, members of the Planning & Development Committee are here to observe and listen to comments.

The Chair advised that the format of the public meetings will be as follows:

- 1. Township staff will generally explain the purpose and details of the application;*
- 2. Next, the applicant will present any further relevant information;*
- 3. Next, the public will be permitted to ask questions and express views on the proposal and then the public portion of the meeting will be closed; and*
- 4. Next, members of the Committee will be given the opportunity to ask questions for clarification on the proposal.*

The Chair advised that at the conclusion of the meeting Township staff will be given the opportunity to respond to the questions and comments received. After the public meeting is concluded, this Committee will consider the application with due regard to the presentations and views expressed this evening. The Committee will then do one of three things:

- (1) recommend the application be approved by Township Council - at a future meeting, or*
- (2) deny the application, or*
- (3) defer the application pending further reports from Township staff.*

Chair Stevens advised that if Township Council decides in favour of the application by adopting this Committee's recommendation, members of the public who have provided oral submissions or written objections but disagree with the decision may appeal the decision to the Ontario Municipal Board, as entitled under the Planning Act. If individuals wish further notification of this application, please record your name, address and telephone number on the appropriate list located at the rear of the Council Chambers.

PUBLIC MEETING

The Chair requested staff to explain the intent and purpose of Zoning By-law Amendments for 1163 Cambrian Road.

Staff advised those in attendance that the purpose and effect of the proposed Zoning By-law Amendment is to amend Zoning By-law No. 2010-65 as it applies to properties described as Part Lot 6, Concession 5, North Orillia Township, municipally known as 1163 Cambrian Road so as to rezone the property from Agricultural (AG) to Rural Residential (RR) in order to recognize the existing residence use and small lot size. The residence was built many years ago on a lot of record and the new Zoning By-law neglected to recognize the zoning for Rural Residential.

The Planner advised that notice of this application was given in accordance with the *Planning Act* on July 29, 2016 and the following correspondence has been received:

Planning Report No. P16-033, 08/08/16

Background

County Official Plan:	Rural & Agricultural
Township Official Plan:	Rural
Existing Township Zoning:	Agricultural (AG)
Proposed Zoning:	Rural Residential (RR)
Legal Description:	Part Lot 6, Concession 5, (Orillia Township- North Division), Parts 2 & 3, Plan 51R-2221
Municipal Address:	1163 Cambrian Road (Appendix 1)

In August of 2010, Council passed By-law No. 2010-65, the Township's new Comprehensive Zoning By-law. This replaced the zoning by-laws of the former Townships of Orillia, Medonte, Matchedash, Tay and the Village of Coldwater. Under the former Township of Orillia Zoning By-law, the subject property was zoned Agricultural (AG). The former Orillia Township Zoning By-law established a minimum lot size for a residential use in a Rural or Agricultural zone of 2,000 square metres (21,528 sq. ft.). On the basis of the Agricultural zoning in effect under the old by-law, a permit for a new dwelling on the subject lands was obtained in 2001.

The subsequent adoption of a new comprehensive zoning by-law for the amalgamated municipalities carried the historical AG zoning forward by placing it in the Agricultural (AG) zone. However, as the new Agricultural zoning provisions only allows for a new dwelling which is "accessory to a permitted use", unless a property is primarily used for agriculture or forestry, it is not eligible for a building permit for a new home. As the subject lot is too small for any significant farming or forestry activity, the existing residence became a legal non-conforming use. This came to light when the owners sought to build a detached garage. As the current use is legal non-conforming, the Township can't grant a permit for any new buildings, even though the dwelling has legal status.

As the current use of the property is residential and the size of the lot is less than two hectares (5 acres), the appropriate zoning is "Rural Residential (RR)", a category that did not exist under the former Orillia Township Zoning By-law. The neighbouring residential lots are already zoned as RR.

As the proposed rezoning only recognises the existing dwelling and allows for an residential accessory buildings and uses, it would not represent "development" under the provincial policy regime.

A draft by-law is attached as **Appendix 3** for Committee's consideration.

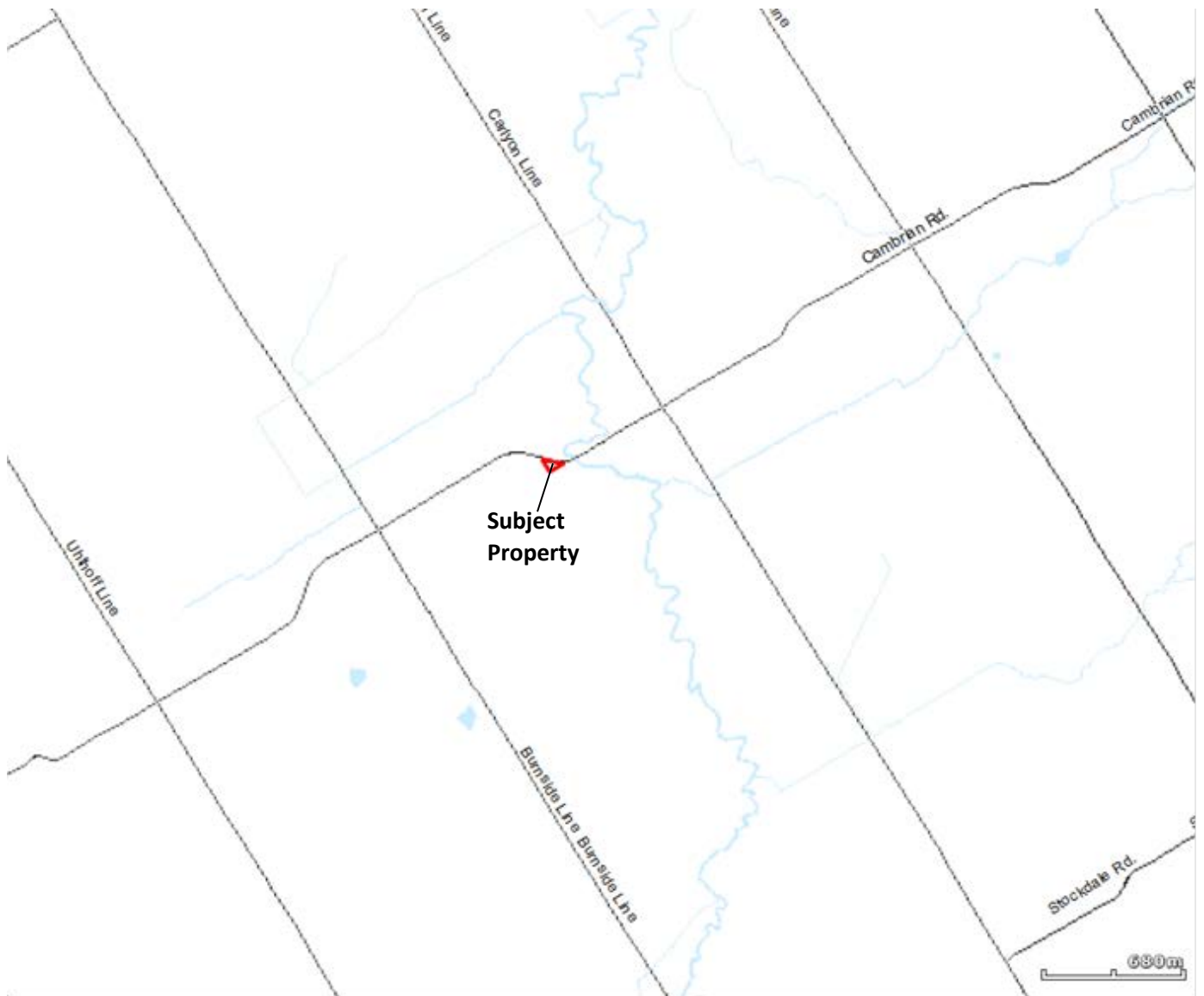
Subject to the comments received at the public meeting, any additional submissions from circulated agencies and departments, and any further review that Planning Committee may seek, Staff supports this proposed amendment to the Zoning By-law.

Financial Impact

There are no external costs associated with the proposed zoning by-law amendment.

Appendix 1

**PROPERTY SUBJECT TO APPLICATION FOR
ZONING BY-LAW AMENDMENT Z-16-09**



Appendix 2

County of Simcoe - Web Map



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August 8, 2016

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2016-XX

BEING A ZONING BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS OR STRUCTURES ON CERTAIN LANDS DESCRIBED AS PART LOT 6, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF NORTH ORILLIA, PARTS 2 & 3, PLAN 51R-2221 (1163 CAMBRIAN ROAD)

WHEREAS the matters hereinafter set out comply with the Official Plan in effect for the Township of Severn;

AND WHEREAS the Council of the Corporation of the Township of Severn deems it advisable to amend the provisions of Zoning By-law No. 2010-65, as otherwise amended, as they apply to those lands described as Part Lot 6, Concession 5, Geographic Township of North Orillia, Parts 2 & 3, Plan 51R-2221, now in the Township of Severn, municipally known as 1163 Cambrian Road;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule "D-3" of Zoning By-law No. 2010-65, as otherwise amended, is hereby further amended by changing the Zone Classification on certain lands described as Part Lot 6, Concession 5, Geographic Township of North Orillia, Parts 2 & 3, Plan 51R-2221, now in the Township of Severn, municipally known as 1163 Cambrian Road, from the Agricultural (AG) to Rural Residential (RR) Zone, in accordance with Schedule "1" attached hereto and forming part of this By-law.
2. THAT Zoning By-law No. 2010-65, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 2010-65, as otherwise amended, shall in all other respects remain in full force and effect save as same may be otherwise amended or herein dealt with.
3. THAT subject to the provisions of the *Planning Act*, R.S.O. 1990, as amended, this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Severn.

By-law read a first and second time this day of _____, 2016.

By-law read a third time and finally passed this day of _____, 2016.

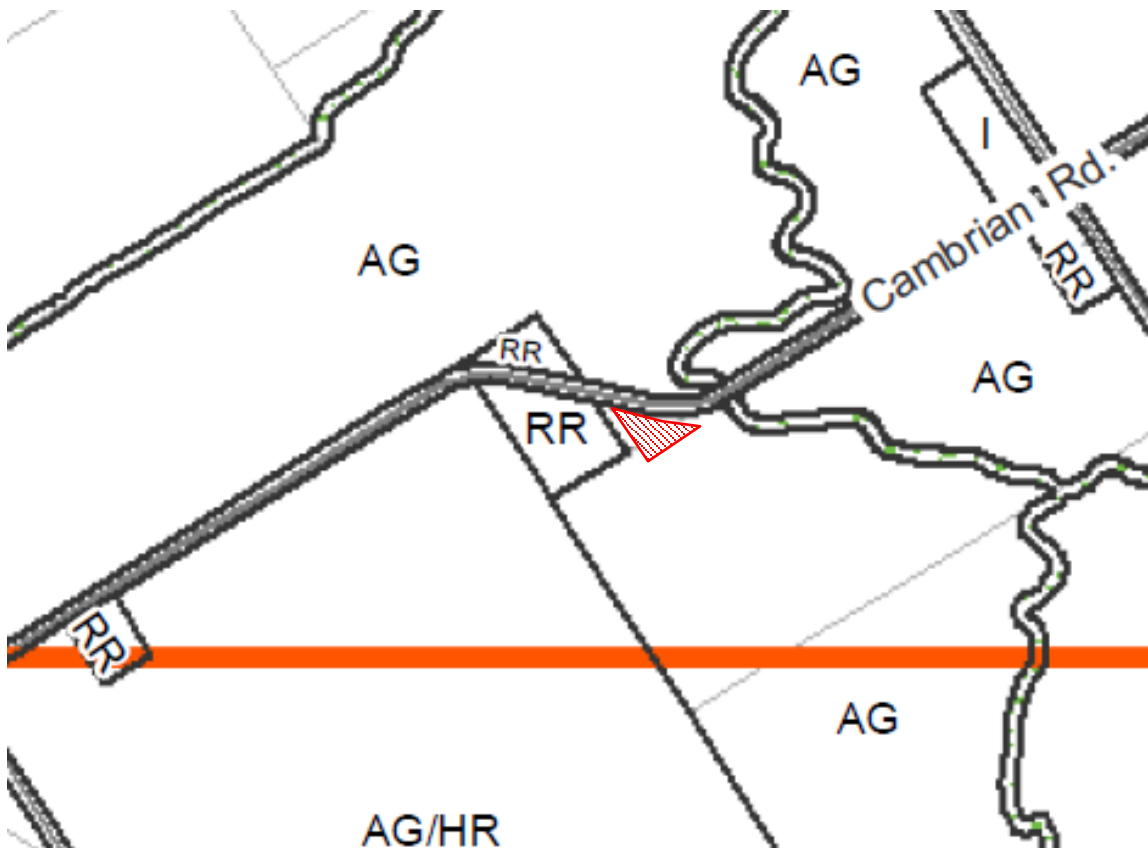
CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK

SCHEDULE "1"

**PART LOT 6, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF NORTH ORILLIA,
PARTS 2 & 3, PLAN 51R-2221, NOW IN THE TOWNSHIP OF SEVERN,
(1163 CAMBRIAN ROAD)**





Property rezoned from the Agricultural (AG) to Rural Residential (RR) Zone.

This is Schedule '1' to By-law No. 2016-XX

Passed the day of , 2016

MAYOR

CLERK

The Chair inquired if there were any persons present who had either questions or comments on the application? The Chair requested that those providing comments on the application please rise, state their name and address and spell their last name for the minutes. The Chair also advised that the names and addresses of those individuals who speak at the meeting will appear in the meeting minutes which are public documents.

There were no comments from the public.

The Chair inquired if there were any further information which staff may wish to provide?

There were no further comments from staff.

As there were no further comments on this application, the Chair declared the public portion of the meeting closed at 7:06 p.m.

The Chair inquired if members of the Committee required further clarification of the application or had any further comments.

Member Taylor advised that he was in support of the application.

(See Resolution No. PD081816-01)

PUBLIC MEETING

The Chair requested staff to explain the intent and purpose of an Application for a Zoning By-law Amendment for 3608 Shadow Creek Road.

Staff advised that the purpose and effect of the proposed Zoning By-law Amendment is to amend Zoning By-law No. 2010-65, as amended for the property described as Lot 6, Plan 302, Township of North Orillia, now in the Township of Severn, municipally known as 3608 Shadow Creek Road from the Residential One (R1) Zone to a site specific Residential One Exception Zone (R1-x) to permit a duplex.

Staff advised that the existing duplex is a 2 unit dwelling divided 50/50 built in 2007. A review of the files and documentation for the duplex appears to be incomplete. The current zoning is not correct and policy statements support the new proposed zoning.

The Planner advised that notice of this application was given in accordance with the *Planning Act* on July 29, 2016 and the following correspondence has been received:

Planning Report No. P16-034, 08/08/16

Background

County Official Plan:	Settlement
Township Official Plan:	Settlement Living Area
Existing Township Zoning:	Residential One (R1)
Proposed Zoning:	Residential One Exception Thirty One (R1-31)
Legal Description:	Lot 6, Plan 302, geographic Township of North Orillia
Municipal Address:	3608 Shadow Creek Road (Appendix 1 & 2)

Morgan Planning has submitted an application on behalf of the owners of 3608 Shadow Creek Road for a zoning by-law amendment to recognize the duplex dwelling on the subject lands. This report provides a review of the planning considerations related to the proposal. This report provides a more concise overview of staff's analysis of the situation. The Planning Report provided by the applicant is attached as Appendix 3. A draft by-law is also attached as **Appendix 4** for Committee's consideration.

As outlined in the Morgan report, the building was constructed as a duplex dwelling (a detached dwelling divided horizontally into two units, identically sized in this case) in 2007. A review of Township records indicates that the building permit submission included plans for a duplex, but the documentation and correspondences refers to it as a "single family dwelling" in some cases; in others reference is made to a basement

apartment. It appears that Development Charges were only collected for one unit. It is somewhat unclear as to what requirements for further submissions or applications was made by the Municipality. Final occupancy was granted for the main building and the apartment. History aside, Council is charged with determining if the application for the requested rezoning is appropriate under the current policy framework.

The Provincial and County policies documents are supportive of this zoning by-law amendment application as it represents intensification of use in a serviced settlement area which is one of the main policy thrusts in those documents.

Although the Township's Official Plan goes into considerable detail about the creation of "accessory apartments", it does not provide specific direction on the creation of duplexes, beyond a density limitation of 20 units per hectare. Even at a "net" density of 6.7 units/hectare, this proposal is well below that threshold.

As the general direction in the Settlement Living Area is towards focusing development in serviced settlement areas, the provision of a range of housing types and the more efficient use of infrastructure is supportive of the proposal: the only real question arising out of the applicable Official Plan policies is the maintenance of the character and identity of the existing residential area.

As the duplex is located on a 0.3 hectare (3/4 acre) lot in an area of similarly sized lots and homes, and the outward appearance is similar to its neighbours, it would seem difficult to characterize the existing building as being "out-of-character" with its surroundings. As rezoning the building to a straight Residential Two zoning could facilitate the creation of further units, Council may wish to consider controlling the potential for future alterations which would significantly alter the character of the building, by the creation of a special exception zone which only allows for two dwelling units on the subject lands..

An accessory apartment is permitted within the existing building, subject to the following provisions in Zoning By-law 2010-65, as amended:

Definition: ACCESSORY APARTMENT

An accessory dwelling unit contained within a residential dwelling and secondary to the main dwelling unit of the building.

Section 3.1 ACCESSORY APARTMENTS

Notwithstanding any other provisions of this By-law regarding the number of dwelling units on a single lot, an accessory apartment is permitted in the RU, AG, R1, R2, SR1, RR, and ER zones subject to the following provisions:

- a) *The accessory apartment is located within a permitted single detached dwelling or a semi-detached dwelling;*

- b) *Only one (1) accessory apartment may be created within the principal dwelling unit;*
- c) *An accessory apartment shall not be permitted if the lot also contains a garden suite;*
- d) *An accessory apartment shall have a minimum floor area of 25.0 square metres for a studio or bachelor apartment; a minimum floor area of 32.0 square metres for a 1 bedroom apartment; or, shall have a minimum floor area of 32.0 square metres for one bedroom plus 9.0 square metres for each additional bedroom;*
- e) *The maximum floor area of an accessory apartment shall not exceed the lesser of 35% of the floor area of the principal dwelling unit or 60.0 square metres;*
- f) *The accessory apartment shall be an integral part of the principal dwelling unit and be designed so as to maintain the general character of the dwelling and surrounding neighbourhood and shall not alter any façade facing a street;*
- g) *A new accessory apartment shall not be permitted unless the Township is satisfied that adequate services exist to support the accessory apartment, or an agreement has been entered into by the owner with the Township to provide such services; and,*
- h) *The accessory apartment and principal dwelling shall meet all other applicable provisions of this By-law and any other fire, health, safety, or occupancy regulations or by-laws.*

In terms of everything but absolute and relative size, the second unit appears to satisfy the above criteria. Staff has discussed with the applicant the ability to bring the property into compliance with the by-law by reconfiguring the units to make one clearly secondary to the other and compliant with the size restrictions. Council may wish to consider approval of a second unit which is somewhat smaller than the other, but still substantially larger than the “as-of-right” size, but this may involve substantive charges to the interior of the building. The Applicant has indicated that was not what they wished to pursue.

Unless the size of the second unit is reduced so that it is smaller than the mainfloor unit, it would be subject to the payment of Development Charges.

Subject to the comments received at the public meeting, any additional submissions from circulated agencies and departments, and any further review that Planning Committee may seek, Staff supports this proposed amendment to the Zoning By-law.

Financial Impact

There are no external costs associated with the proposed zoning by-law amendment.

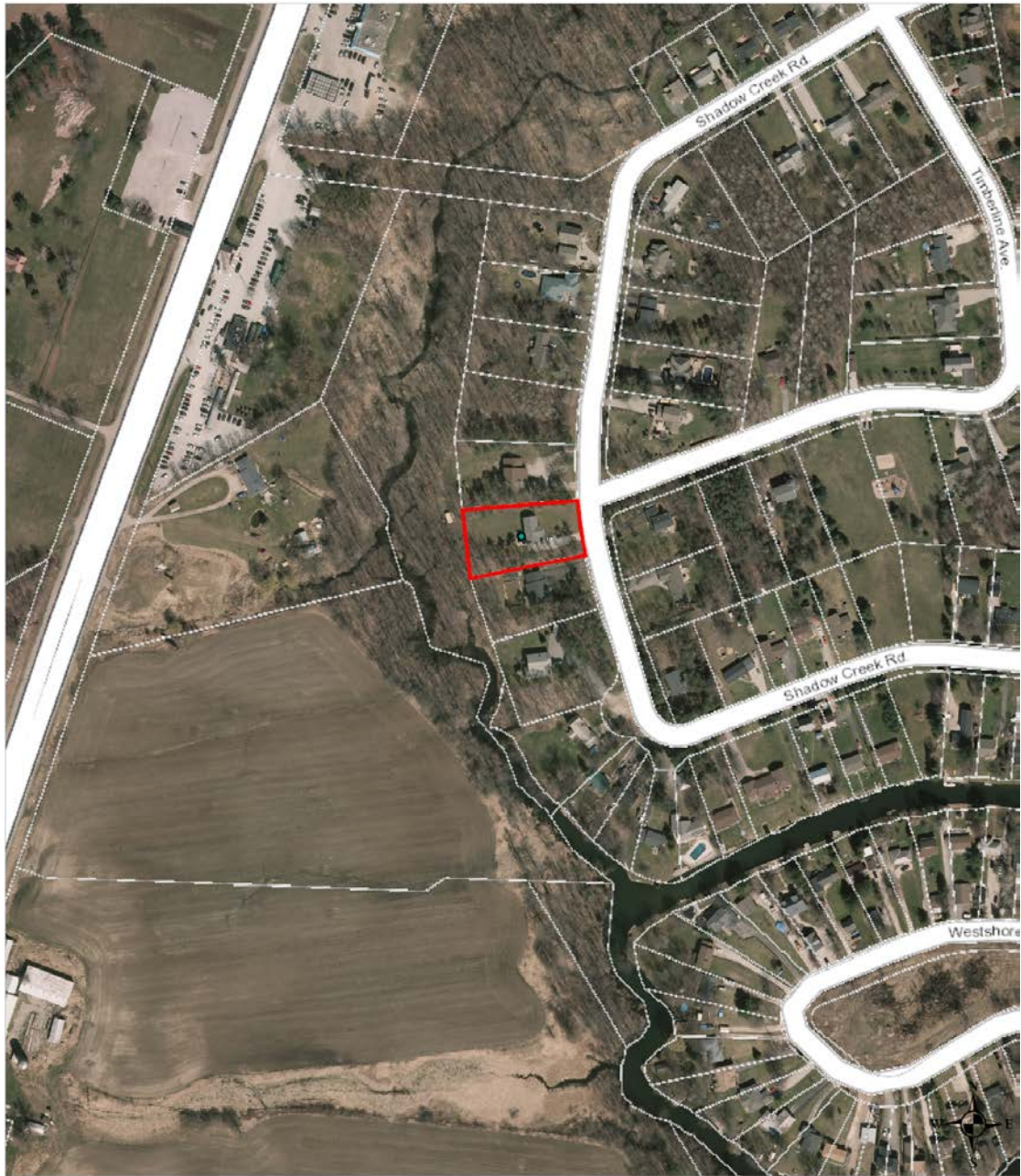
Appendix 1

**PROPERTY SUBJECT TO APPLICATION FOR
ZONING BY-LAW AMENDMENT Z-16-08 (GRATTON)**

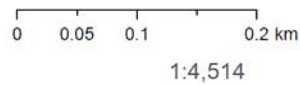


Appendix 2

County of Simcoe - Web Map



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August 8, 2016

Appendix 4

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2016-XX

BEING A ZONING BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS OR STRUCTURES ON CERTAIN LANDS DESCRIBED AS LOT 6, PLAN 302, GEOGRAPHIC TOWNSHIP OF NORTH ORILLIA, NOW IN THE TOWNSHIP OF SEVERN, (3608 SHADOW CREEK ROAD)

WHEREAS the matters hereinafter set out comply with the Official Plan in effect for the Township of Severn;

AND WHEREAS the Council of the Corporation of the Township of Severn deems it advisable to amend the provisions of Zoning By-law No. 2010-65, as otherwise amended, as they apply to those lands described as Lot 6, Plan 302, geographic Township of North Orillia, now in the Township of Severn, municipally known as 3608 Shadow Creek Road;


NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule "S-3-8" of Zoning By-law No. 2010-65, as otherwise amended, is hereby further amended by changing the Zone Classification on certain lands described as Lot 6, Plan 302, geographic Township of North Orillia, now in the Township of Severn, municipally known as 3608 Shadow Creek Road, from the Residential One (R1) Zone to the Residential One Exception Thirty One (R1-31) Zone, in accordance with Schedule "1" attached hereto and forming part of this By-law.
2. THAT Section 6.5.1 entitled "Exceptions to the Residential One (R1) Zone" of Zoning By-law No. 2010-65, as otherwise amended, is hereby further amended by adding the following exception Zones to the end thereof:

SCHEDULE "1"

LOT 6, PLAN 302, GEOGRAPHIC TOWNSHIP OF NORTH ORILLIA, NOW IN THE TOWNSHIP OF SEVERN (3608 SHADOW CREEK ROAD)



 Property rezoned from the Residential One (R1) Zone to the Residential One Exception Thirty One (R1-31) Zone.

This is Schedule '1' to By-law No. 2016-XX

Passed the _____ day of _____, 2016

MAYOR

CLERK

The Chair inquired if the applicant and/or agent had any further relevant information to provide respecting the application.

Josh Morgan of Morgan Planning & Development addressed the Committee on behalf of the applicants and provided an overview of the Zoning By-law Amendment Application (**see Appendix “1”**).

The Chair inquired if there were any persons present who had either questions or comments on the application? The Chair requested that those providing comments on the application please rise, state their name and address and spell their last name for the minutes. The Vice-Chair also advised that the names and addresses of those individuals who speak at the meeting will appear in the meeting minutes which are public documents.

Neil Fenton of 3616 Shadow Creek Road addressed the Committee and expressed the following concerns:

- Mr. Fenton lives next door to the subject property and he is concerned that this may become rental units now which could have a negative effect on the neighbourhood.
- He is concerned that the property values may decrease.
- He advised that there are rental units on Bayou Park Road as a good example with the lack of property maintenance.
- If the duplex is allowed there may be more development of multi-family homes in the area.

Scott Silk of 3514 Shadow Creek Road addressed the Committee and advised that he is not in favour of the application.

Barry Joudrey of 3586 Shadow Creek Road addressed the Committee and expressed the following concerns:

- Mr. Joudrey built his house in 2006 and at the time there were covenants on the property prohibiting multi-family homes.
- He advised that there is a vacant lot next door and allowing this duplex could set a precedent for additional multi-family homes in the area.
- He is concerned that these uses will devalue the current homes.
- He built his home in this area expecting that the current single family homes would be the only development.
- Mistakes were made in the past and it is easier to ask for forgiveness after the fact.

Staff advised that they were not aware of any covenants on this land which would have been an arrangement between the developer and the homeowners. It would be up to the original developer to enforce covenants.

Josh Morgan readdressed the Committee on behalf of the applicant and provided the following comments:

- The applicants have been working with their lawyer and there has not been any mention of covenants on this property.
- Under provincial policy, every residential property is allowed to have 2 units.
- The applicant is asking for the recognition of an existing two unit home.
- This application is not dissimilar to what is already allowed except the units are 50/50 as opposed to a percentage of the original dwelling.
- The samples provided in the powerpoint demonstrate that this home is not out of line with the surrounding community.

Barry Joudrey readdressed the Committee and advised that this application is different as it is legalizing two families to reside at this location with increased occupancy as compared to a small basement apartment.

Josh Morgan readdressed the Committee and advised that an accessory apartment based on a percentage of the primary building could also allow for 2 family residences with numerous bedrooms.

Staff advised the Committee that accessory apartments with multiple bedrooms are allowed as long as they meet the Fire and Building Code requirements.

The Chair inquired if there were any further information which staff may wish to provide?

There were no further comments from staff.

As there were no further comments on this application, the Chair declared the public portion of the meeting closed at 7:34 p.m.

The Chair inquired if members of the Committee required further clarification of the application or had any further comments.

Member Cox requested clarification that this application is for a duplex which would normally be allowed in a downsized accessory apartment.

- Accessory apartments are allowed as a right under policy statements. The only difference is this dwelling is a 50/50 split of the living space.

Member Taylor inquired if this property would have one ownership and if there was one water/sewer hookup.

- This is a single lot under one ownership and there is one water/sewer hookup for the property.
- If a semi-detached dwelling was built then there would be two connections.

Member Betsworth advised that the area residences appear to one storey where this one is a two-storey dwelling which does not appear to be in keeping with the neighbourhood.

Member Dunlop inquired if the building meets Fire and Building Code requirements.

- The building is in compliance as per the plans submitted and inspections on the property. There is fire separation between the units as required.

Member Westcott inquired if any future developments could ensure that the duplexes are in keeping with the neighbourhood.

- There is no precedent setting for building design and each application is considered separately.
- The provincial policies support this type of development but if the built form appeared to be out of character, the applicant could be requested to amend the application.
- Provincial policies state that there should be a variety of housing types in any development.

Member Dunlop advised that the duplex cannot be eliminated so it should be approved and the zoning reflect the use of the property.

(See Resolution No. PD081816-02)