



Corporation of the
Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705)534-4493

COMMITTEE OF ADJUSTMENT -AGENDA

Wednesday, January 17th, 2018 – 7:00 p.m.

Township of Tay Municipal Building – Council Chamber
450 Park Street, Victoria Harbour

1. CALL TO ORDER
2. OPENING ADDRESS FROM THE CHAIR
3. ADOPTION OF THE AGENDA
4. DECLARATION OF PECUNIARY INTEREST
5. APPOINTMENT OF SECRETARY TREASURER AND DEPUTY SECRETARY TREASURER
6. ADOPTION OF MINUTES FROM
 - 6.1 October 18th, 2017
7. PUBLIC HEARING
 - 7.1 Severance Application 2017-B-13, 365 Robins Point Road, Dr. Daniel Gibbs, Agent: Kennedy Self.
 - 7.2 Severance Application 2017-B-14, 309 Park Street, Claude Savage, Agent: Peter Deacon.
8. DECISIONS
9. OTHER BUSINESS
 - 9.1 2018 Committee of Adjustment Schedule of Dates
10. NEXT MEETING – February 21st, 2018
11. ADJOURNMENT



Corporation of the
Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

COMMITTEE OF ADJUSTMENT
DRAFT MINUTES OF MEETING

Wednesday, October 18th, 2017 – 7:00 PM
Township of Tay Municipal Office – Council Chambers

Members Present: A. Ott, Chair
M. Van Halem
C. Constantin-Barron
F. Ruf
M. Heffer

Staff Present: L. O'Toole, Planner, Deputy Secretary-Treasurer

1.0 CALL TO ORDER

Chair A. Ott called the meeting to order at 7:00 p.m.

2.0 OPENING ADDRESS FROM THE CHAIR

3.0 ADOPTION OF THE AGENDA

MOTION: Moved by: M. Van Halem
Seconded by: M. Heffer

THAT Committee adopted the agenda as prepared.

CARRIED.

4.0 DECLARATION OF CONFLICT OF INTEREST

None were presented.

5.0 ADOPTION OF MINUTES

MOTION: Moved by: F. Ruf
Seconded by: C. Constantin-Barron

THAT the minutes of Public Hearing held September 20th, 2017 be adopted as circulated.

CARRIED.

6.0 MEETING

6.1 Minor Variance Application 2017-A-13 Ross

Location: 112 Sunview Lane

Attending

Applicant/Agent: Applicant: Ian Ross
Agent: Dianne Deverall-Ross

Written Comments Received at the Hearing:

Committee received a letter opposing the variance from the neighbor to the south (108 Sunview Lane), and a letter in support of the variance from the neighbor to the north

(114 Sunview Lane).

The neighbor to the south provided an e-mail stating that granting this variance would negatively affect his future plans to construct an addition on his cottage.

Proponent:

Mr. Ross provided more information on the intended use of this project. He also went in-to detail about his relationship with the neighbor to the south.

Public Audience:

None.

Committee Members:

Committee members asked questions regarding the letter received from the neighbouring lot at 108 Sunview Lane.

Mr. OToole explained that the neighbour had not submitted any plans, or met with staff regarding an addition. Also, the future development proposed by the neighbour, at 9 metres, would be too large to fit on the lot, and would not fit into the yard, or conform to the required setbacks.

The Committee members also discussed the #911 numbering of the lots in the area.

Mr. Ross confirmed that 112 Sunview Lane was not a double lot, and the numbering had been this way for as long as he could remember.

Mr. Van Halem asked if this would be a multi-level variance from the 178m and the side yard setback. He also questioned how 1 metre could be considered minor. At what point does 1 metre become major, when previous committee of adjustment meetings have been over one or two feet?

Mr. O'Toole confirmed that the existing distance from the 178m water mark was non-conforming according to the zoning bylaw, and that the proposed addition would not increase this non-conforming distance, and would not need a minor variance. He explained that in his opinion, given the context of this individual application, 1 metre would be minor in nature.

Mr. Ruf asked the applicant if he would build the addition on the opposite side of the building, where there was more room.

Mr. Ross explained that he had considered this, and many more options, but would not be able to do so without negatively affecting the interior function of the cottage.

Mr. Heffer asked if the neighbour to the south was given proper notification of the proposal, and if he knew of the meeting.

Mr. O'Toole confirmed the neighbour was given the proper notification, and was informed of the meeting with enough notice, but he did not wish to attend.

Mr. Ott clarified that a letter from a neighbour carries the same weight as an in person presentation.

Mr. Ott confirmed the changes of the wording to the conditions, and Mr. O'Toole updated the decision and notice of passing documents.

7.0 DECISIONS

Variance Application 2017-A-13, 112 Sunview Lane, Diana Deverall-Ross, Applicant, Ian Ross

Location: 112 Sunview Lane

MOTION: Moved by: F. Ruff
Seconded by: M. Van Halem

THAT,

Consent Application **2017-A-13** be granted provisional approval subject to the following

conditions being imposed on the Committee's decision:

1. That the Minimum Side Yard setback be 2.0 metres.
2. That an Ontario Land Surveyor (OLS) provide verification to the Township of Compliance with the Committee's decision by:
 - i) Pinning the foot/foundation
 - ii) Verifying by way of OLS Certificate, prior to the farming inspection, that the attached addition will be located no closer than 2.0 meters from the interior side lot line.
3. That the applicant re-applies for and obtains the required Zoning Certificate and Building Permit from the Township of Tay.
4. That all Municipal taxes are paid in full.

CARRIED.

Explanation of the effect any written and/or oral submissions from the public had on the decision: N/A

8.0 OTHER BUSINESS

Mr. Ott voiced his concern over late notice for the meeting, and asked for more clarification regarding the meeting with the province and the municipality. He read Mr. Farquharson's e-mail response.

Mr. O'Toole gave more details about the meeting with the province.

9.0 NEXT MEETING

The next meeting of the Committee of Adjustment is scheduled for November 15th, 2017 at 7:00 p.m. in the Municipal Council Chambers.

10.0 ADJOURNMENT

The Committee adjourned at 7:55 p.m.

Respectfully Submitted:

A. Ott, Chair
COMMITTEE OF ADJUSTMENT
JANUARY 2018

L.O'Toole, Deputy Secretary Treasurer
6.1 ADOPTION OF MINUTES



Corporation of the Township of Tay

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705)534-4493

PLANNING & DEVELOPMENT DEPARTMENT Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	January 17 th , 2018
<u>Subject:</u>	Consent Application 2017-B-13, Kennedy Self on behalf of 1243161 Ontario Limited
<u>Location:</u>	365 Robins Point Road

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Consent Applications **2017-B-13** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That a copy of a registered reference plan for the subject land indicating the severed parcel be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
2. That the applicant's solicitor prepare and submit a copy of the proposed conveyance for the parcel severed, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That Subsection 50 (3) and/or (5), of the *Planning Act* applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
5. That if the property is to change ownership prior to the conditions of consent imposed by the Committee are fulfilled, an authorization from the new owner(s) must

be received by the Township acknowledging the request to proceed with the applications as approved by the Committee;

6. That the applicant's solicitor prepares a letter of undertaking that the severed lands and the lands to be enhanced municipally known as will merge on title.
7. That all outstanding invoices relating to application 2017-B-13 be paid in full;
8. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

INTRODUCTION/BACKGROUND:

The purpose of Consent Application **2017-B-13** is for a boundary adjustment from the subject lands legally known as Concession 8 and 9, Part of Lot 15 and convey approximately 806.2 square meters to the adjacent lot being 365 Robins Point Road.

A sketch of the proposed severance is provided as Attachment 1 and 2.

ANALYSIS:

Provincial Policy Statement 2014 (PPS):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The intent of the PPS is to build strong and healthy communities while at the same time, promoting efficient land use and development patterns. A lot adjustment may be permitted for legal or technical reasons (Section 2.3.4.2) including boundary adjustments which do not result in the creation of a new lot.

It is the opinion of the Planning staff that the proposed consent would be consistent with the policies as outlined in the PPS.

Growth Plan for the Greater Golden Horseshoe 2017 (The Growth Plan):

The application has been reviewed against the policies of The Growth Plan, which does not provide direction on boundary adjustment but rather defer to the local municipal Official Plan. The policies of The Growth Plan promote growth which has existing or planned municipal water and wastewater systems. The subject lands which are proposed in this application are fully serviced, which makes it consistent with the intent of the pol-

icies in this document.

It is the opinion of Planning staff that the proposed consent would be consistent with the policies as outlined in the Growth Plan for the Greater Golden Horse (2017).

County of Simcoe Official Plan (CSOP):

The County of Simcoe Official Plan designates the lands to be conveyed as Greenland's, while the enhanced lands are designated Rural. The objectives and policies of the CSOP reflect the Provincial Policy documents by allowing development to occur within built up areas that utilize existing infrastructure.

Section 3.3 of the CSOP contains "General Development Policies" and specifically, Section 3.3.5 permits boundary "adjustments for legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted by this plan". Legal or technical reasons means severance for the purposes such as easements, corrections of deeds, quit claims, and other minor boundary adjustments, which do not result in the creation of a new lot. For the fact that this boundary adjustment will not create any new lots, this policy will be satisfied.

It is the opinion of the Planning staff that the application maintains the intent of the CSOP.

Township of Tay Official Plan:

The lands to be conveyed are designated "Rural" with an Environmental Protection Two overlay. The enhanced lot on Robins Point Road is designated Shoreline Residential" in the Township's Official Plan. The Official Plan permits a variety of residential uses and it also permits consents subject to meeting the consent policies of the Official Plan.

Section 3.11.2 of the Township of Tay Official Plan states that "a consent may be permitted for technical or legal reasons such as boundary adjustments, easements, rights-of-ways or other similar purposes that do not result in the creation of a new lot".

The subject land is located within the Environmental Protection 2 overlay under the Offi-

cial Plan. The "Environmental Protection Two" designation is an overlay designation which recognizes areas which are environmentally significant but do not form part of the core of the natural heritage system. The intent of the "Environmental Protection Policy Area 2" overlay designation is to protect these areas, as much as possible, in order to minimize the loss and fragmentation of woodlands and protect significant wildlife habitat.

Development, including applications for consent, in or adjacent to the Environmental Protection Two" overlay designation shall be subject to the requirement for the preparation and submission of an Environmental Impact Assessment (EIA). The required EIA must demonstrate to the satisfaction of the Township that the proposed development can occur without having a negative impact on the features, functions, or linkage of the natural heritage system. The EIA study requirements are set out in Section 4.8.2.4 of the Official Plan.

The applicant has provided an addendum completed on July 4th 2017 to the Environmental Impact Study (EIS) that was completed in 2005. This addendum has been circulated to the Severn Sound Environmental Association (SSEA). The SSEA has concluded that they have no objections to the boundary adjustment, but have stated that numerous small land transfers can eventually have a cumulative effect on habitat. For this reason, the SSEA has recommended that any further applications related to the woodland on the retained parcels require the applicant to undertake pre-consultation with the Township and SSEA, including a site visit to the property during snow-free conditions, in order to discuss any requirements for field work or additional studies. Township planning staff agree with the recommendation, and will enforce this requirement on further applications.

Zoning By-law 2000-57, as amended:

Both the lands to be conveyed and enhanced lands are zoned as Shoreline Residential 2 "SR-2" in the Townships Zoning By-law.

The lot to be enhanced presently supports a single detached dwelling and an accessory building. The retained parcel is supported by municipal water and sanitary services.

On the basis of the above, the proposed boundary adjustment for residential purposes maintains the intent and is consistent with the permitted uses of the Zoning By-law 2000-57, as amended.

Outside Agency, Internal Department and Public Comments:

Simcoe County District School Board: No Comments received

County of Simcoe: No Concerns.

Chief Administrative Officer: No Concerns

Director of Finance: No Concerns

Director of Public Works: No Concerns

Water/ Sanitary Wastewater Superintendent: No Concerns

Manager of Roads and Fleet: No Concerns

Chief Building Official: No Concerns

Fire Chief – No Concerns

Severn Sound Environmental Association- No objection, but require pre-consultation and any additional severances on the retained parcel.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

In conclusion, the consent application for a boundary adjustment to the adjacent lands municipally known as 365 Robins Point Road is appropriate. Planning Staff are satisfied that the consent application is consistent with the Provincial, County and Township policies. It is the recommendation of the Planning and Development Department that Consent Application **2017-B-13** be granted provisional approval.

Prepared and Recommended by;

Reviewed by;

Liam O'Toole, B.URPI
Planner

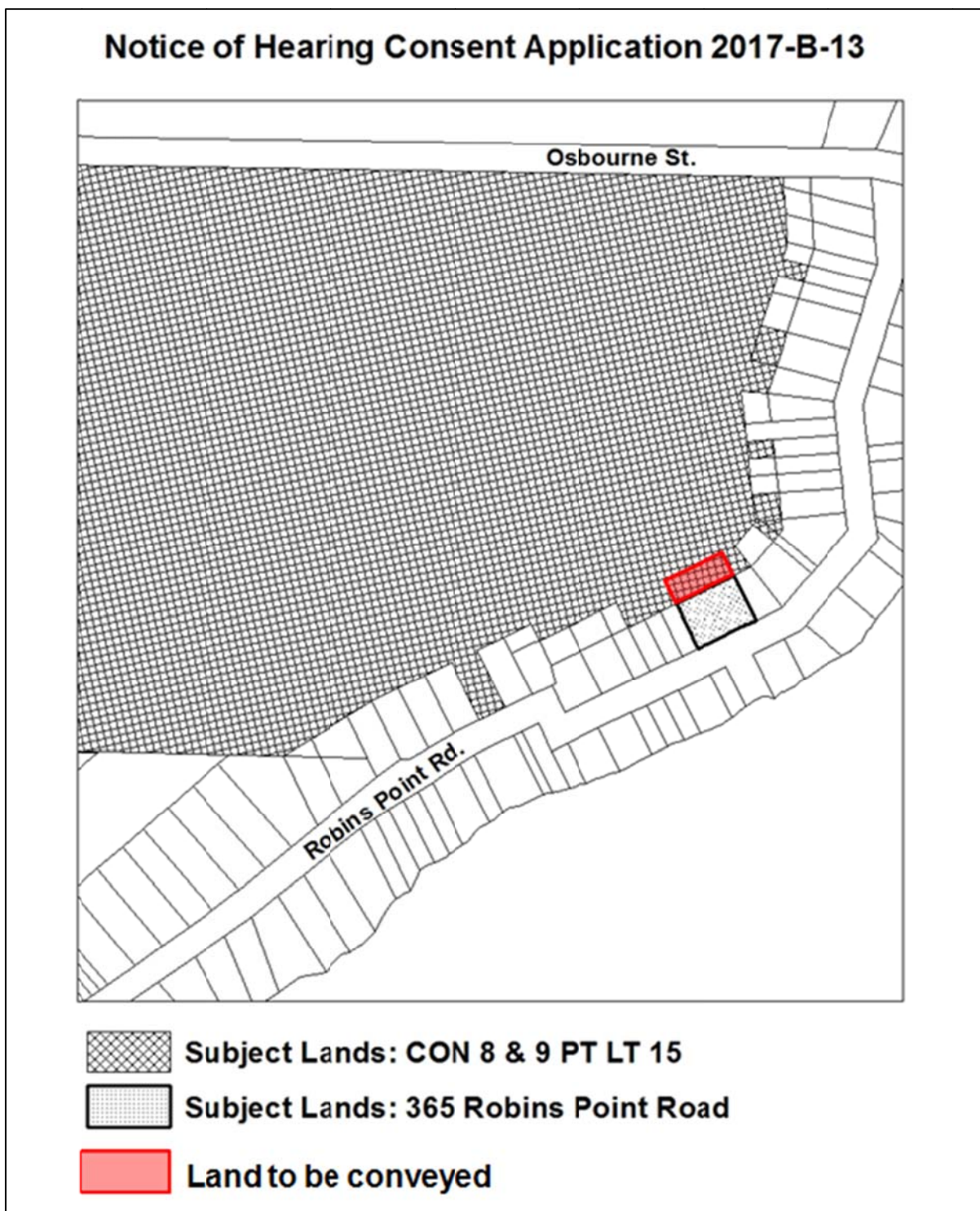
Steven Farquharson, BURPI., MCIP. RPP
Director of Planning and Development

Attachments:

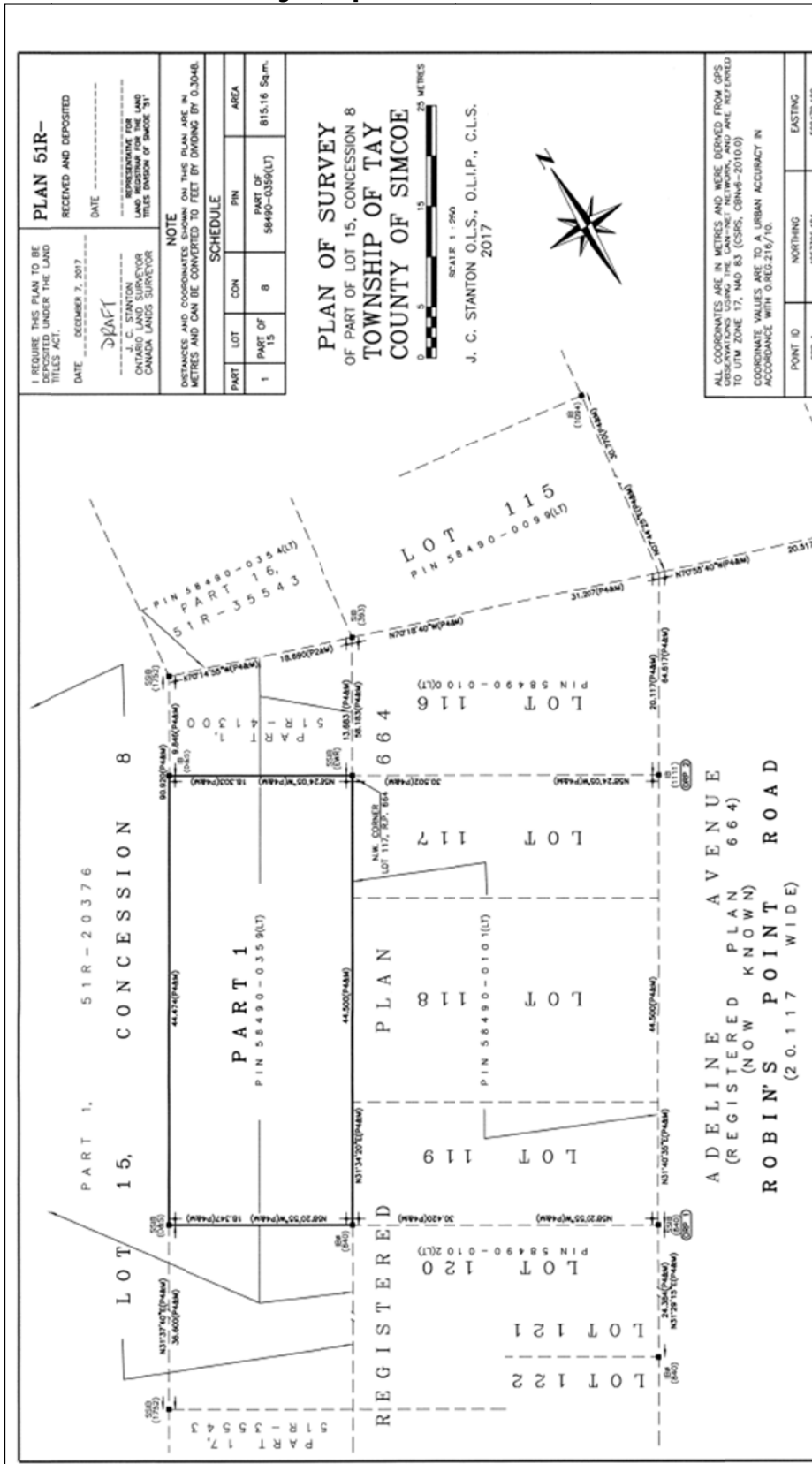
Key Map 1: Notice Map

Key Map 2: Draft Reference Plan

Attachment 1: Key Map



Attachment 2: Key Map





Corporation of the **Township of Tay**

450 PARK ST.
P.O. BOX 100
VICTORIA HARBOUR
ONTARIO L0K 2A0

(705) 534-7248
FAX (705) 534-4493

PLANNING & DEVELOPMENT DEPARTMENT Staff Report

Department/Function: Committee of Adjustment

Chair: Andy Ott

Meeting Date: January 17, 2018

Subject: Consent Application 2017-B-14, Charles Savage

Location: 309 Park Street

Part of the West Half of Lot 14, Concession 8 as in Instrument #RO371412 designated as PIN 58495-0008(R)

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Validation Application **2017-B-14** be granted.

FOR THE FOLLOWING REASONS,

The Application for Validation conforms with the prescribed criteria, namely:

1. The certificate will conform with the Official Plan of the Township of Tay;
2. The certificate will conform with the Zoning By-law of the Township of Tay.

INTRODUCTION/BACKGROUND:

The purpose of Validation Application **2017-B-14** is to obtain a Certificate of Validation is to validate title to the subject parcel of land and correct a prior transfer of the applicant's property that may have breached the Planning Act and that thereby may not have created a legal interest in the transferred land.

ANALYSIS:

Under Section 57(7) of the Planning Act the Committee of Adjustment must find that the land conforms with "prescribed criteria". The prescribed criteria are set out in Ontario Regulation 144/95, amended by Ontario Regulation 435/96 and provide as follows:

1. (1) In considering whether to issue a certificate under section 57 of the Act, council shall have regard to the matters described under subsection 51 (24) of the Act.
- (2) No certificate under section 57 of the Act shall be issued by a council unless the certificate conforms with,
 - (a) any official plan in effect in the municipality;
 - (b) the zoning by-law of the municipality, if any; and
 - (c) any Minister's zoning order under clause 47(1)(a) of the Act.

Subsection (1) is very general and seldom applicable to validation applications; it requires that regard be given to matters of health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to certain itemized considerations. Subsection (2), however, requires that the land described in the certificate conforms to the official plan and the zoning by-law of the municipality.

Township of Tay Official Plan:

The subject property is designated "Village Residential" and "Light Industrial" in the Township's Official Plan, wherein the Official Plan permits a variety of residential uses. Planning staff have reviewed the subject property under the various provisions of the Official Plan and are satisfied that a Certificate of Validation will conform with the Township's Official Plan.

Township of Tay Zoning By-law:

The subject property is zoned as Village Residential "R2" and Prestige Industrial "M2" and satisfies the minimum lot area and minimum frontage requirements in compliance with Zoning By-law 2000-57 as amended. Planning staff are satisfied that a Certificate of Validation will conform with the Township's Zoning By-law.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

In summary, staff are satisfied that the validation application which proposes to validate title to the subject parcel of land and correct a possible prior Planning Act contravention conforms with the prescribed criteria under the regulations of the Planning Act.

It is the opinion of the Planning and Development Department, that Validation Application **2017-B-14** be granted approval.

Prepared by;

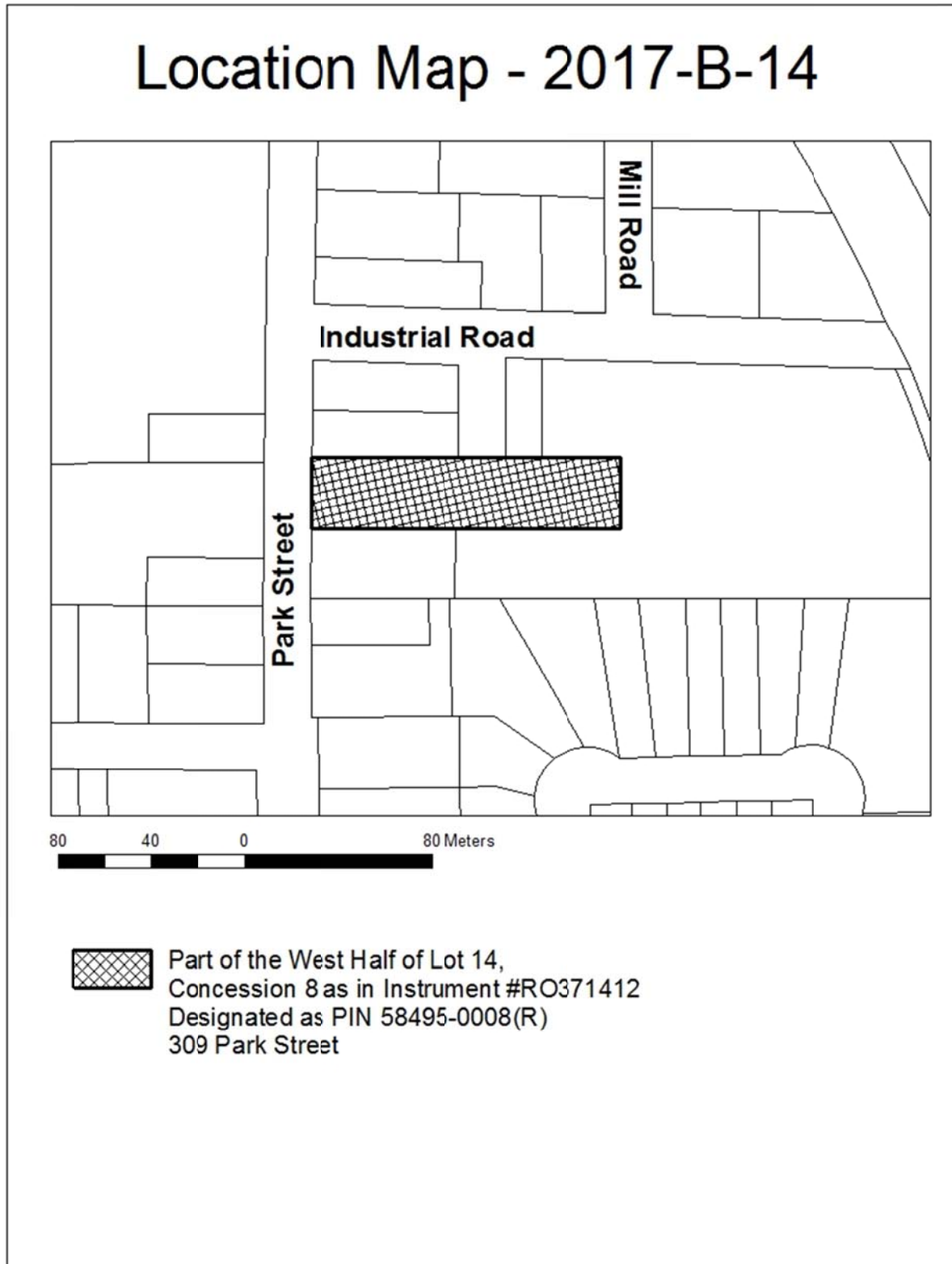
Recommended By;

Liam O'Toole B.URPI
Planner

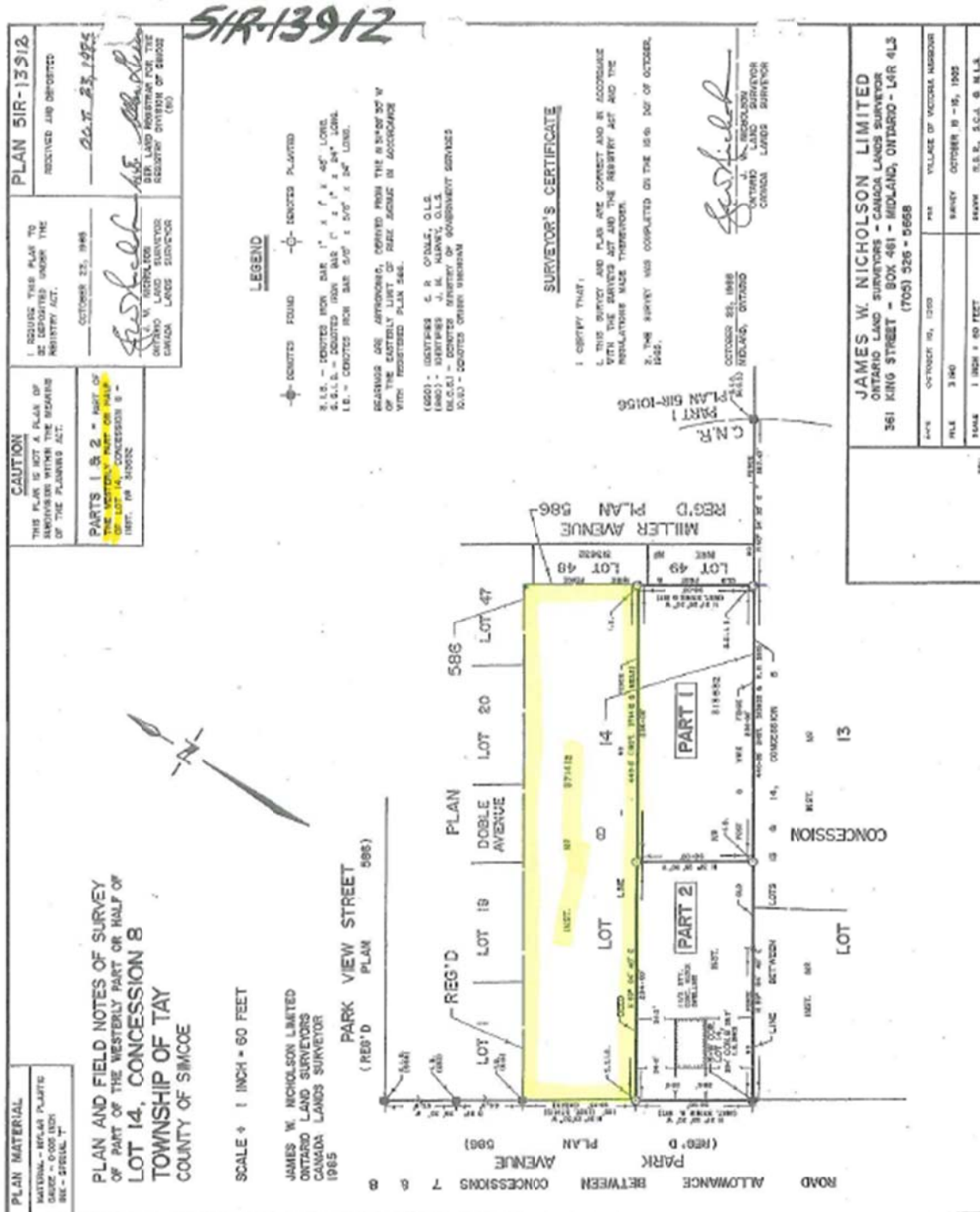
Steve Farquharson, BURPI., MCIP. RPP
Director of Planning and Development

Attachments: 1 – Location Map
 2 – Key Map
 3 – Letter from Agent

Map 1: Location Map



Map 2: Key Map



DEACON TAWS

Lawyers ■ Mediators

Peter R. Deacon, B.A., A.M., LL.B.

William P. Taws, LL.B., *CS, TEP

Lawyer: Peter R. Deacon

pdeacon@deaconlaws.com

Law Clerk: Rebecca Hancock for

Vicki Douglass

vdouglass@deaconlaws.com

direct dial: 705-526-3792 X 200

December 28, 2017

The Corporation of the Township of Tay
450 Park Street
P.O. Box 100
Victoria Harbour, Ontario L0K 2A0

Attention: Mr. Steven Farquharson, Director of Planning & Development

Dear Sir:

RE: 309 Park Street, Victoria Harbour, Ontario L0K 2A0
Part of the West Half of Lot 14, Concession 8
as in Instrument #RO371412 designated as PIN 58495-0008(R)
Township of Tay, County of Simcoe
Our File No: M44836

We are the Solicitors for the Estate of the late Charles Savage, which is the owner of the above-noted property. An Application has been submitted on behalf of the Estate for a Validation Order in connection with this property.

I have reviewed the history of the registration of documents in the Registry Office for this property.

The subject lands have been in the ownership of the Savage family for many years. Original title to the property was transferred to Oliver Savage and his wife, Rosanna Savage, from the Director under the Veterans' Land Act on October 23, 1935. The registered deed included additional lands.

The subject lands were transferred to a son, Claude Allan Savage, and his wife, Kathleen Savage, as joint tenants on October 6, 1971 by Instrument #371412. It appears that Oliver and Rosanna Savage still owned abutting lands at the time of this transfer and that the subject conveyance lacked the required consent of the Committee of Adjustments. From my review, it appears that subsequent to this transfer in 1971, the abutting lands were transferred with consent or were validated by the issuance of a Validation Order.

476 Elizabeth Street, Midland, Ontario, L4R 1Z8
Tel: 705-526-3791, Fax: 705-526-2688
www.deaconlaws.com

*Certified by the Law Society of Upper Canada to be a Specialist in Estates & Trusts Law

The subject lands have been treated as a separate property by the municipality since the original conveyance in 1971. The property has had a separate municipal address and has received a separate tax bill for over 45 years.

There has never, to the knowledge of the applicant, ever been a claim against the property by any other person during their period of occupation and ownership. There is no registration on title showing any claim or interest by any other party in the subject lands.

Kathleen Savage predeceased her husband, Claude Savage, and as a result, at the time of his death, Claude Savage was the sole owner of the property.

The application is being brought to confirm the title to the property so that the Estate of Claude Allan Savage can be administered and the property sold.

The legal description for the Validation Order is: Part of the West Part or Half of Lot 14 Concession 8 Township of Tay as in RO371412, being all of PIN 58495-0008(R) Tay.

If you require any additional information or clarification, please contact me immediately. I would be pleased to meet with you to review the documentation, if needed.

Yours very truly,

DEACON TAWS



Peter R. Deacon

PRD:rh



THE CORPORATION OF THE TOWNSHIP OF TAY

COMMITTEE OF ADJUSTMENT 2018 Schedule of Dates

Committee of Adjustment Meeting	Application Deadline* ¹
January 17, 2018	December 12, 2017* ²
February 21, 2018	January 24, 2018
March 21, 2018	February 21, 2018
April 18, 2018	March 21, 2018
May 16, 2018	April 25, 2018
June 20, 2018	May 23, 2018
July 18, 2018	June 27, 2018
August 15, 2018	July 25, 2018
September 19, 2018	August 22, 2018
October 24, 2018	September 26, 2018
November 21, 2018	October 24, 2018
No December Meeting	-

*¹ Applications will be accepted until 4:30pm on the scheduled application deadline date.

*² Early submission required due to office holiday shut-down.

** Please note: Dates may be subject to change.

Committee Agenda will be posted on the Township website the Friday before the scheduled meeting date.