



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

MINUTES OF MEETING Tuesday, December 17, 2019 – 5:30 PM

Township of Tay Municipal Office – Council Chambers

Members Present: Member: Andy Ott
 Member: Fred Ruf
 Member: Matthew Heffer

Absent: Member: Heinrich Naumann
 Member: Stephen Stone

Staff Present: Steve Farquharson, Director of Planning and
 Development
 Aleah Clarke, Planner
 Treena Clark, Reception/Building Administrative
 Assistant

1.0 CALL TO ORDER

Chair A. Ott called the meeting to order at 5:30 p.m.

2.0 ADOPTION OF THE AGENDA

MOTION: Moved by: Member Ruf
 Seconded by: Member Heffer

THAT Committee adopted the agenda as prepared.

CARRIED.

3.0 DECLARATION OF PECUNIARY INTEREST

None were presented.

4.0 ADOPTION OF MINUTES

MOTION: Moved by: Member Heffer
 Seconded by: Member Ruf

THAT the minutes of Public Hearing held November 20, 2019 be adopted as circulated.

CARRIED.

5.0 MEETING

5.1 Consent Application 2019-B-06 – Skelton Brumwell & Associates on behalf of Laurence and Barbara Barr (393 William Street)

Attending

Applicant/Agent:

Applicant: Laurence Barr

Agent: Brian Shelton, Skelton Brumwell & Associates

Written Comments Received at the Hearing:

None.

Proponent:

None.

Public Audience:

Mr. Ian Russell, who resides at 385 William Street asked the Committee if maintaining access to his property will be available during construction/development. Brian Shelton, representative from Engineering Company, concurred that construction will not impact access to his property. Mr. Robert Ladouceur, who resides at 379 William Street asked about severe water runoff from hill on William Street and what kind of development is being done and it's affect to greenspace and trees. Mr. Farquharson explained that a complete site plan application was received and residents can view it any time which includes details such as environmental impacts, green space, etc. He also explained that site plans do not require Public Notice or a meeting. Mr. Shelton agreed to further discuss with Mr. Ladouceur prior to consenting to the consent/easement application.

Committee Members:

A. Clarke gave an overview of the application, explained the proposed

consent, Site Plan and reviewed the photos taken.

A. Clarke explained that there was an error in the Committee of Adjustment notice that was circulated to the public regarding Consent Application 2019-B-06. The image included in the Notice labeled "Context Map" mistakenly identified a much larger area for the proposed easement than what the applicant is seeking through Consent Application 2019-B-06. Staff believe that the intent of the Notice was still met under the requirements of the Planning Act and no further notice is required. A. Clarke provided 2 options to the Committee 1-continue the meeting as scheduled or 2-defer to January 2020 meeting for proper notice. All members present agreed to proceed with Option 1.

A. Clarke advised that the applicant/agent is proposing an easement to satisfy the storm water management needs of the proposed Senior Citizen Facility at 400 Newton Street and is proposing an 18 metre x 222 metre rectangular easement with an area of approximately 1.36 hectares.

M. Heffer required clarification if the easement is for storm water, sewer or both. Mr. Shelton clarified it is for storm water management only.

Mr. Ott asked who owns the easement; S. Farquharson advised the easement would be owned by Mr. Barr.

A. Clarke recommended that Consent Application 2019-B-06 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

MOTION: Moved by: Member Ruf
Seconded by: Member Heffer

DECISION:
THAT,

The Committee of Adjustment grants provisional approval of Consent Application **2019-B-06** 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 and retained parcels 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 conveyances for the severed parcels, for review by the Township;

3. That all municipal taxes be paid in full to the Township of Tay;
4. That lot area of the easement be no greater than approximately 11.0 metre x 85.0 metre (lot area 0.19 acres).
5. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

CARRIED.

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

5.2 Consent Application 2019-B-07 – Elyse Tremblay (6836 Highway 93)

Attending

Applicant/Agent:

Agent: Karla Tamayo, Planner, Innovative Planning Solutions

Written Comments Received at the Hearing:

None.

Proponent:

None.

Public Audience:

None.

Committee Members:

A. Clarke gave an overview of the application, explained the proposed consent, Site Plan and reviewed the photos taken.

A. Clarke explained that an error in verbiage was used in the Committee of Adjustment notice for Consent Application 2019-B-07. The Notice incorrectly referenced a transfer of "4.2 hectares in lot area, from 6836 Highway 93 to be conveyed to 6790 Highway 93". The Notice should have read "4.2 hectares in lot area, from 6790 Highway 93 to 6836 Highway 93". Staff believe that the intent of the Notice was still met under the requirements of the Planning Act and no further notice is required.

A. Clarke provided 2 options to the Committee 1-continue the meeting as scheduled or 2-defer to January 2020 meeting for proper notice. All members present agreed to proceed with Option 1.

A. Clarke explained the staff report and recommended that Consent Application 2019-B-07 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

MOTION: Moved by: Member Heffer
Seconded by: Member Ruf

DECISION:
THAT,

The Committee of Adjustment grants provisional approval of Consent Application **2019-B-07** 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 and retained parcels 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 conveyances for the severed parcels, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That the applicant's solicitor prepares a letter of undertaking that the severed lands from 6790 Highway 93 and the lands to be enhanced municipally known as 6836 Highway 93 will merge on title.
5. That the severed parcel have a minimum lot area of approximately 8.1 hectares and a minimum lot frontage of approximately 268.5 metres on Highway 93 and 19.0 metres on Darby Road;
6. That the retained lands have minimum lot area of approximately 2.6 hectares and a minimum lot frontage of approximately 230.4 metres;
7. That the applicant prepare to the satisfaction of the Township of Tay, an affidavit verifying that the existing equestrian facility will not exceed 18 horses at one time.

8. That Variance Application **2019-A-13** be approved;
9. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

CARRIED.

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

5.3 Minor Variance Application 2019-A-13 – Elyse Tremblay (6970 Highway 93)

Attending

Applicant/Agent:

Agent: Karla Tamayo, Planner, Innovative Planning Solutions

Written Comments Received at the Hearing:

None.

Proponent:

None.

Public Audience:

None.

Committee Members:

A. Clarke gave an overview of the application, staff report and explained the proposed variance, Site Plan and reviewed the photos taken. She recommended that Minor Variance Application 2019-A-13 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

MOTION: Moved by: Member Ruff
Seconded by: Member Heffer

DECISION:

THAT,

The Committee of Adjustment grant provisional approval of Variance Application **2019-A-13** subject to the following conditions being imposed on the Committee's decision:

1. That the entrance off of Darby Road be closed and blocked by way of immovable features in order to discontinue vehicular use of the existing entrance.
2. That the applicants provide verification of the closure of the Darby Road entrance to Township staff.
3. That Consent Application **2019-B-07** be approved.

CARRIED.

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

6.0 DECISIONS

7.0 OTHER BUSINESS

- i. S. Farquharson provided the Committee with a copy of the 2020 Committee of Adjustment schedule. The Committee had no issues or comments. The schedule will be posted on the Township's website.
- ii. S. Farquharson advised the Committee that no appeals have been received for November 2019 applications.
- iii. S. Farquharson advised the Committee members that at least 2 applications will be received for the January 15, 2020 meeting.

8.0 NEXT MEETING

The next meeting of the Committee of Adjustment is January 15, 2020.

9.0 ADJOURNMENT

The Committee adjourned at 6:32 p.m.

MOTION: Moved by: Member Ruf
Seconded by: Member Heffer

Respectfully Submitted:

A. Ott, Chair

A. Clarke, Secretary Treasurer

DRAFT