



Corporation of the
Township of Tay

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**COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING**

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

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

Staff Present: T. Huguenin, Secretary-Treasurer
S. Farquharson, Planning and Development Director

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

1.0 OPENING ADDRESS FROM THE CHAIR

Further to the opening address, the Chair welcomed Member F. Ruf to the Committee of Adjustment.

2.0 DECLARATION OF CONFLICT OF INTEREST

None of the Committee Members had an interest to disclose.

3.0 MINUTES

MOTION: Moved by: C. Constantin-Barron
Seconded by: D. Strachan

THAT the minutes of the Public Hearing held November 16, 2016 be adopted as circulated.

CARRIED.

4.0 MEETING

4.1.1 and 4.1.2 Consent Application 2017-B-01 and Minor Variance Application 2017-A-01 – John Eplett and Leah Eplett

Location: 39 & 83 Robins Point Road

Attending

Applicant/Agent: Applicant - John Eplett

Written Comments Received at the Hearing:

Copies of emails received earlier were provided the Committee from,

- Susan and Roger Read (53 Robins Point Road)
- Chris and Kathy Zammit (55 Robins Point Road)

The Planning and Development Director gave a PowerPoint presentation, through which he reviewed the application and planning report.

Proponent:

John Eplett (Applicant):

- Agree with Director's comments and planning report.

Public Audience:

John Bechard (103 Robins Point Road):

- Questioned the 20 metre right-of-way.
- Questioned the revision to the application and commented that it seemed to create confusion.

Director, response:

- The retained parcel has frontage on Robins Point Road.
- The 20 metre strip of land is to reflect Council's previous by-law from several years ago to lift the Holding Symbol from part of the land.
- If a subdivision were ever to be proposed here, the developer would be required to carry out several studies, including environmental and drainage studies, to justify development.

John Eplett, response:

- The revision was to match zoning, where the Holding was lifted in 2004.

Roger Read (53 Robins Point Road):

- Not satisfied that the application was revised after the Notice was given.
- Does not support any future road going through/along the backyards of properties on Robins Point Road.

Christopher Moreau (81 Robins Point Road):

- Explained drainage problems along both sides of his property.
- Concerned about any future road being built at 83 Robins Point Road that would affect drainage at his lot.

John Eplett, response:

- The application is not proposing to develop the retained land.

Director, response:

- There is no application for a plan of subdivision on the retained land.

Susan Read (53 Robins Point Road):

- Questioned who asked for the 20 metre revision for a right-of-way.

Director, response:

- The request to revise the application came from staff based on comments received from various Township Departments and a review of the historic file records regarding the by-law that lifted the Holding Symbol.

Joseph Valentini (43 Robins Point Road):

- Questioned who is going to pay for future drainage if there is a future subdivision.

Kevin Seeley (Seeley Homes):

- Questioned who asked for the 20 metre right-of-way.

Director, response:

- Through the 2004 rezoning exercise staff at the time recommended to Council that it was appropriate to not lift the Holding Symbol along the 20 metre strip of land as a potential future right-of-way.

Committee Members:

The Committee had no questions.

4.2 Consent Applications 2017-B-02 & 2017-B-03 – Hayward Properties Ltd. (Kim Seeley)

Location: 204 John Street

Attending

Applicant/Agent: Applicant - Kim Seeley for Hayward Properties Ltd.
Agent - Kevin Seeley

Written Comments Received at the Hearing:

None

The Planning and Development Director gave a PowerPoint presentation, through which he reviewed the application and planning report.

Proponent:

Kevin Seeley (Agent):

- Agree with Director's planning report recommendations.
- The proposed condition requiring a 3 metre drainage easement does not represent a problem for constructing a house.

Public Audience:

None.

Committee Members:

The Committee had no questions.

4.3 Minor Variance Application 2017-A-02 – Jeremy Shaw and Ashley Antonio

Location: 2746 Triple Bay Road

Attending

Applicant/Agent: Applicant – Jeremy Shaw and Ashley Antonio

Written Comments Received at the Hearing:

None

The Planning and Development Director gave a PowerPoint presentation, through which he reviewed the application and planning report.

Proponent:

Jeremy Shaw (Applicant):

- Purpose of the variance was to allow the house to be serviced by the appropriate septic system by orienting the dwelling side to side rather than front to back.
- Highlighted the point that there were no concerns expressed by any of the Township's departments other than the Planning & Development Department.
- Applicant is in the process of pursuing the purchase of the Township lane located at the rear of the subject property.

Public Audience:

None.

Committee Members:

M. Van Halem:

- Questioned the Director whether a smaller house could be built on this lot.

Director, response:

- With the limited information available, that is not known.

Jeremy Shaw, response:

- A smaller house that would fit on the lot would not be a typical nor desirable model of a home.

F. Ruf:

- Questioned the applicant whether the lot could support a septic system.

Jeremy Shaw, response:

- With the proposed 3.8 metre side yard setbacks the lot would be able to support a septic system.

M. Van Halem:

- Questioned the Director whether the proposal meets the coverage requirements of Zoning.

Director, response:

- o Yes, the proposal meets the coverage requirements of Zoning.

4.4 Validation Application 2017-B-04 – Lawrence Horton and Debora Horton

Location: 420 William Street

Attending

Applicant/Agent: Applicant – Lawrence Horton and Debora Horton
Agent – Peter Deacon, Deacon Taws

Written Comments Received at the Hearing:

None

The Secretary-Treasurer gave a PowerPoint presentation, through which he reviewed the application and planning report.

Proponent:

Peter Deacon (Agent):

- A brief history of the property's title was provided to the Committee.
- The overlapping 20 foot strip of land between the former railway lands and the Horton's lands, formerly the Prentice's lands, caused the contravention of the Planning Act which now requires a Certificate of Validation to remedy.

Public Audience:

None.

Committee Members:

The Committee had no questions.

5.0 DECISIONS

5.1.1 Consent Application 2017-B-01 – John Eplett and Leah Eplett

Location: 39 & 83 Robins Point Road

MOTION: Moved by: D. Strachan
Seconded by: F. Ruf

THAT,

Consent Application **2017-B-01 (John Eplett and Leah Eplett)** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That the Township receives cash in lieu of parkland dedication of 5% of the appraised value of the area of the severed lands. The value of the land to be determined as of the day before the granting of provisional consent. The appraiser to be determined by the Township at the expense of the owner, with the appraisal fee paid in advance;
2. That a copy of a registered reference plan for the subject land indicating the severed parcels be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
3. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
4. That all municipal taxes be paid in full to the Township of Tay;
5. That the severed parcel have a minimum lot area of approximately 3,740 square metres and a minimum lot frontage of approximately 47.4 metres;
6. That the retained lands have minimum lot area of approximately 48,900 square metres and a minimum lot frontage of approximately 15.2 metres;
7. That the applicant enter into an updated private road agreement with the Township per By-law 2004-39;
8. That Variance Application 2017-A-01 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.

FOR THE FOLLOWING REASONS,

The consent application which proposes to create a lot at 39 Robins Point Road and a retained lot at 83 Robins Point Road, is appropriate. The consent application is consistent with the Provincial, County and Township policies.

CARRIED.

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

5.1.2 Minor Variance Application 2017-B-01 – John Eplett and Leah Eplett

Location: 39 & 83 Robins Point Road

MOTION: Moved by: D. Strachan
Seconded by: F. Ruf

THAT,

Minor Variance Application **2017-A-01 (John Eplett and Leah Eplett)** be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the minimum lot frontage be 15.2 metres;
2. That Consent Application 2017-B-01 be approved.

FOR THE FOLLOWING REASONS,

The proposed lot frontage of approximately 15.2 metres would provide sufficient access to the retained property.

The variance is found to be desirable for the appropriate development of the lot as it is of similar size with the surrounding properties on Robins Point Road.

The proposed variance is viewed as being minor in nature and would be in keeping with the character of the area.

CARRIED.

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

5.2 Consent Applications 2017-B-02 & 2017-B-03 – Hayward Properties Ltd. (Kim Seeley)

Location: 204 John Street

MOTION: Moved by: M. Van Halem
 Seconded by: C. Constantin-Barron

THAT,

Consent Applications **2017-B-02 & 2017-B-03 (Hayward Properties Ltd. - Kim Seeley)** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That the Township receive cash in lieu of parkland dedication of 5% of the appraised value of the area of the severed lands. The value of the land to be determined as of the day before the granting of provisional consent. The appraiser to be determined by the Township at the expense of the owner, with the appraisal fee paid in advance;
2. That a preliminary Lot Grading and Drainage Plan designed by a Professional Engineer, or a Landscape Architect, or an Ontario Land Surveyor, be prepared for the severed lot to the approval of the Township's Public Works Department, to demonstrate the viability of developing the lots with respect to lot grading and drainage;
3. 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;
4. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
5. That all municipal taxes be paid in full to the Township of Tay;
6. That the minimum lot area of the severed parcel Part "1" be not lesser than approximately 676 square metres and a minimum lot frontage of approximately 19.1 metres;
7. That the minimum lot area of the severed parcel Part "2" be not lesser than approximately 746.8 square metres and a minimum lot frontage of approximately 19.1 metres;
8. That the minimum lot area of the retained parcel Part "3" be not lesser than approximately 800.8 square metres and a minimum lot frontage of approximately 19.1 metres;

9. That the applicant submit to the Planning Department a tree planting plan, which shows a landscaped buffer along the north lot line adjacent to the Tay Shore Trail;
10. That the applicant shall convey a 3.0 metre wide drainage easement along the west lot line and for the existing fire hydrant;
11. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

FOR THE FOLLOWING REASONS,

The consent applications are consistent with Provincial, County and Township policies.

CARRIED.

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

5.3 Minor Variance Application 2017-A-02 – Jeremy Shaw and Ashley Antonio

Location: 2746 Triple Bay Road

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

THAT,

Minor Variance Application **2017-A-02 (Jeremy Shaw and Ashley Antonio)** be deferred to allow applicant and staff to discuss matters related to septic and attempt some resolution.

CARRIED.

5.4 Validation Application 2017-B-04 – Lawrence Horton and Debora Horton

Location: 420 William Street

MOTION: Moved by: C. Constantin-Barron
Seconded by: D. Strachan

THAT,

Validation Application **2017-B-04 (Lawrence and Debora Horton)** 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.

CARRIED.

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

6.0 OTHER BUSINESS

There was no other business before the Committee.

7.0 NEXT MEETING

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

8.0 ADJOURNMENT

The Committee adjourned at 8:57 p.m.

Respectfully Submitted:

Original Signed By

A. Ott, Chair

Original Signed By

T. Huguenin, Secretary-Treasurer