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COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING Wednesday, March 20th, 2019 – 5:30 PM
Township of Tay Municipal Office – Council Chambers

Members Present: Member: Andy Ott
 Member: Matthew Heffer
 Member: Stephen Stone
 Member: Heinrich Naumann
 Member: Fred Ruf

Staff Present: L. O'Toole, Planner, Secretary-Treasurer
S. Farquharson, Planning and Development Director

1.0 CALL TO ORDER

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

2.0 APPOINTMENT OF VICE CHAIR

MOTION: Moved by: Member Naumann
Seconded by: Member Stone

THAT Committee appoint Matthew Heffer as Vice Chair.

CARRIED.

3.0 ADOPTION OF THE AGENDA

MOTION: Moved by: Member Ruf
Seconded by: Member Naumann

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: Member Heffer
Seconded by: Member Stone

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

CARRIED.

6.0 MEETING

6.1 Minor Variance Application 2019-A-01 - IHD Design Build on behalf of Applicant Susan Molenda

Attending

Applicant/Agent: Jacob Lalonde, IHD Design build

Written Comments Received at the Hearing:

Letter provided by IHD Deisgn Build.

Proponent:

Jacob Lalonde attended the meeting and provided comments on behalf of the applicant.

Public Audience:

None.

Committee Members:

L. O'Toole gave an overview of the application, recommending denial.

J. Lalonde provided additional comments about the application.

Committee Member Naumann asked if the applicant could build the garage at 6 metres, rather than the requested amount.

J. Lalonde stated that 5.39 metres was required, based on the design of the garage, but would rather have 6 metres than have the variance outright denied.

S. Farquharson provided staff recommended conditions including the need for a landscaping plan, and that the driveway zoning deficiency be corrected.

Committee carried the updated decision.

6.2 Minor Variance Application 2019 A 02 – Applicant Rae Reynolds

Attending

Agent: None

Written Comments Received at the Hearing: Letter of support received from neighbour to the west.

Proponent: The applicant attended the hearing.

Public Audience: Neighbours from 104 Hoyt, Gordon Macdonald.

Committee Members:

L. O'Toole provided an overview of the application and recommended approval.

Committee Member Stone asked if the garage would have a front or side entry.

R. Reynolds confirmed the proposed garage would have a side entry.

Committee carried the motion.

6.3 Consent Application 2019 B 01– Innovative Planning Solutions on behalf of Applicant Karolina Nabialek

Attending Applicant/Agent: None.

Written Comments Received at the Hearing: Letter received from neighbour across the street, voicing concerns over the proposal.

Public Audience: None.

Committee Members:

L. O'Toole provided an overview on the proposed severance, recommending approval.

K. Nabialek asked for clarification on the condition pertaining to cash in lieu requirement.

S. Farquharson provided clarification on the condition.

Committee Member Stone asked to add condition to require demolition of the existing dwelling, prior to the consent being granted:

Committee Member Heffer asked to add condition to require a development

agreement between the owner and the Township, in order to enforce the findings of the Environmental Impact Assessment.

The updated motion was carried by the Committee.

6.4 Consent Application 2019-B-02 Applicant Alan Fike

Attending Applicant/Agent: Solicitor William Taws.

Written Comments Received at the Hearing: None.

Public Audience: None.

Committee Members:

L. O'Toole provided an overview of the proposed consent, recommending approval.

W. Taws requested that the final condition be changed to require the easement, "if required".

The updated motion was carried by the Committee.

7.0 DECISIONS

7.1 Minor Variance Application 2019-A-01 - IHD Design Build on behalf of Applicant Susan Molenda

THAT,

The Planning and Development Department recommends that Variance Application **2019-A-01** be granted approval, subject to the following conditions:

1. That the Front Yard setback of the attached garage be no less than 6.0 metres.

2. That the applicant obtains the required Zoning Certificate and Building Permit from the Township of Tay for the approved Variance Request.

3. That a landscape plan be prepared and submitted and implemented to the satisfaction of the Township of Tay and to ensure that no parking occurs in the front yard.

4. That all municipal taxes be paid in full.

FOR THE FOLLOWING REASONS,

The proposed variance meets the 4 tests of minor variance.

CARRIED.

7.2 Minor Variance Application 2019 A 02 – Applicant Rae Reynolds

THAT,

Minor Variance Application 2019-A-02 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the Front Yard setback of the detached accessory building be no less than 7.5 metres.

2. That the applicant obtains the required Zoning Certificate and Building Permit from the Township of Tay for the approved Variance Request.

3. That all municipal taxes be paid in full.

FOR THE FOLLOWING REASONS,

The proposed minor variance satisfies the four tests of minor variance.

**7.3 Consent Application 2019 B 01– Innovative Planning Solutions
on behalf of Applicant Karolina Nabialek**

THAT,

Consent Application **2019-B-01** 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.
2. 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;
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 lot area of the severed parcel be no greater than approximately 1084.60 square metres, with a minimum lot frontage of approximately 22.24 metres;
6. That the lot area of the retained parcel be no greater than approximately 1085.02 square metres, with a minimum lot frontage of approximately 22.24 metres;
7. That the existing driveway be removed, and two new entrance permits be obtained within one year from the date of the Committee's decision;
8. That a water service with a curb stop and a sewer lateral to the newly created lot be installed within one year of the Committee's decision at the owner's expense, consistent with the Township's design standards;

9. That the applicant apply for an obtain and close a demolition permit for the existing dwelling;

10. That the applicant enter an development agreement with the Township of Tay to ensure the finding and recommendations of the Environmental Impact Study completed by Birks Natural Heritage Consultants dated January 24, 2019 and reviewed the by Severn Sound Environmental Association dated March 14, 2019.

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 proposed severance conforms with all relevant Provincial, Regional, and Local Planning Policy, as well as the Zoning By-law of the Township of Tay.

CARRIED.

7.4 Consent Application 2019-B-02 Applicant Alan Fike

THAT,

Consent Application **2019-B-02** 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 from 244 First Avenue and the lands to be enhanced municipally known as 254 First Avenue will merge on title.
7. That the lands to be conveyed not exceed 766 m².
8. That an easement be registered on title by the owner of 244 First Avenue for the purpose of accessing the water service line, if required.
9. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

CARRIED.

9.0 OTHER BUSINESS

Committee Member Ott asked why e-mails sent to all committee members were only replied to the person who asked the question.

S. Farquharson explained that questions about the application cannot be discussed outside of the meeting, and cannot take place via e-mail chain.

8.0 NEXT MEETING

The next meeting of the Committee of Adjustment on April 17th 2019.

9.0 ADJOURNMENT

The Committee adjourned at 6:53 p.m.

MOTION: Moved by: Member Ruf.
Seconded by: Member Stone.

Respectfully Submitted:



M. Heffer, Vice Chair



L. O'Toole, Secretary Treasurer