

Township of McNab/Braeside

Committee of Adjustment

A Hearing of the Committee of Adjustment was held on June 20th, 2016 at Fire Station # 1 at 2494 Russett Drive.

PRESENT: Geoff Booth Chairperson
 Vance Bedore Member
 Jacqueline Asselin Member

Disclosures of pecuniary interest and the general nature thereof.

Members were asked to state any financial interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Moved by Jacqueline Asselin, seconded by Vance Bedore, that the May 16th, 2016 minutes be approved as circulated. **Carried.**

Hearings:

B-13/15 Milnerlea Properties Inc.

Leander Hutchings, one of the owners of the property, Bruce Firestone, Agent for the Applicant's, and Steven Sheppard, Lawyer for the Applicant's, were in attendance this evening to discuss this application. Mr. Sheppard was accompanied by an articulated student.

Mr. Firestone addressed the Committee and went through a PowerPoint presentation, explaining that the proposal would result in two better balanced parcels – a ten acre parcel and a forty-two acre parcel. He further advised that the plan is to have a design centre and Guildcrest model homes along with other lots for land lease on the larger location, and the ten acre lot would be for purchase.

Steven Sheppard discussed the split zoning on the lot being added to, stating that Planner Bruce Howarth has advised that this zoning is permitted. Mr. Firestone then provided some examples of possible uses for this property, noting that there is a demand for mixed use development in this area and explained the planning rationale.

Committee member Vance Bedore inquired as to access regarding the split zoning. Mr. Sheppard explained that there is currently no development planned but the easements that are part of the application are to deal with the access. Mr. Firestone advised that the easement is for the two lots to share access.

Committee Chairperson Geoff Booth noted that Planner Bruce Howarth had recommended that as a condition of consent a one foot square portion of the land currently owned by Marie Joanne Line Campion be conveyed to the abutting road allowance owned by the Township. Mr. Sheppard advised that the applicants had no objection to this condition. Committee Chairperson Geoff Booth advised that there is some concern with the easement and questioned how it would be recognized once the consent has been granted. Mr. Sheppard advised that it would be depicted on the reference plan.

Moved by Jacqueline Asselin, seconded by Vance Bedore, that Application B-13/15 be approved as applied for. **Carried.**

B-4/16 Sean Colton

Sean Colton was in attendance this evening to discuss this application.

Chairperson Geoff Booth advised that favourable comments have been received from the Planning Advisory Committee, Township Planner, Sewage System Inspector and TransCanada Pipeline. He further advised that favourable MDS calculations have been received.

Moved by Vance Bedore, seconded by Jacqueline Asselin, that Application B-4/16 be approved as applied for. **Carried.**

B-5/16 Sean Colton

Sean Colton was in attendance this evening to discuss this application.

This application was heard in conjunction with Application B-4/16.

Moved by Vance Bedore, seconded by Jacqueline Asselin, that Application B-5/16 be approved as applied for. **Carried.**

B-6/16 Cecil Knight

Caleb Coulas, son of Tim Coulas (Agent for the applicant) was in attendance this evening to discuss this application.

Chairperson Geoff Booth advised that the issue had been the setback for the farm uses from the proposed lot line and the zoning. Secretary Helen Siroski advised that a zoning amendment application has been submitted and a public meeting has been scheduled for July 12th, 2016. He further advised that favourable comments have been received from Planning Advisory Committee, Township Planner and the County Public Works Department.

Moved by Jacqueline Asselin, seconded by Vance Bedore, that Application B-6/16 be

approved subject to the zoning amendment being successfully obtained. **Carried.**

Decisions:

B-13/15 Milnerlea Properties Inc.

Consent to sever a portion of land approximately 30.48 m frontage, irregular in shape, 4.0654 ha as a lot addition only is granted to Milnerlea Properties Inc. This property is part of Lot 17, Concession 8, Russett Drive, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Marie Joanne Line Campion. This severance is granted on condition that:

1. The Certificate of Consent "Schedule" attached to the deed/transfer shall include the following condition: *"The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Marie Joanne Line Campion and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be conveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and this condition shall be entered into the parcel as a restriction."*
2. A one square foot portion of land currently owned by Marie Joanne Line Campion be surveyed and conveyed to the abutting road allowance owned by the Township.
3. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.
4. Two registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- It was noted by the Committee that the subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49, and the use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-4/16 Sean Colton

Consent to sever a parcel of land approximately 127.229m frontage x 381.689m depth, 4.8562 ha, for residential purposes, being W¹/₂ Lot 1, Concession 7, Robertson Line, Township of McNab/Braeside is granted to Sean Colton on condition that:

1. The original executed transfer (Transfer In Preparation) be presented to the Township.
2. Two registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

The Committee stated that:

- The general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-5/16 Sean Colton

Consent to sever a parcel of land approximately 63.615m frontage x 159.037m depth, 1.0117 ha, for residential purposes, being W¹/₂ Lot 1, Concession 7, Robertson Line, Township of McNab/Braeside is granted to Sean Colton on condition that:

1. The original executed transfer (Transfer In Preparation) be presented to the Township.
2. Two registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

The Committee stated that:

- The general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-6/16 Cecil Knight

Consent to sever a portion of land irregular in shape, 21.7m frontage, 85.3m in depth, approximately 3180 m² as a lot addition only is granted to Cecil Knight. This property is part of Lot 18, Concession 1, 26 Leckie Lane, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Tim Coulas at 50 Leckie Lane. This severance is granted on condition that:

1. The applicant successfully obtain a Zoning By-law Amendment to rezone the portion of the enlarged area within the Settlement Area from R1 and RR-E2 to a RR-exception zone to permit uses of E2 zone and reduced farm use setbacks.
2. The Certificate of Consent "Schedule" attached to the deed/transfer shall include the following condition: *"The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Tim Coulas and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be conveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and this condition shall be entered into the parcel as a restriction."*
3. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.
4. Two registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- It was noted by the Committee that the subject lands will comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49 when a zoning amendment is successfully obtained, and the use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

Delegations: Nil

Discussion: Nil

Correspondence: Nil

Unfinished Business: Nil

New Business: Meeting Re-location

The Committee members discussed the request to change the location of this evenings meeting due to a scheduling change of the regular Council meeting from Tuesday evening to Monday evening. The Committee felt that, despite the fact that the Fire Chief and the Fire Department had been more than accommodating in their efforts to make the Committee members and applicants feel comfortable and welcome, the location was inappropriate. The heat in the upper level of the Fire Hall as well as the lack of air circulation was uncomfortable for all in attendance and the noise from the fire meeting running concurrently in the lower level created a distraction and at times made the consent hearings difficult to conduct. The Committee members were in agreement that its future meetings should only be held in settings suitable for the meetings of a quasi-judicial body legislated by the Planning Act of Ontario to hold public hearings. The Fire Hall is not considered to provide such a setting.

The next meeting will be on July 18th, 2016.

The meeting adjourned on a motion moved by Vance Bedore.

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Chairperson

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Secretary