

Township of McNab/Braeside

Committee of Adjustment

A Hearing of the Committee of Adjustment was held on September 19th, 2016 at 7:00 p.m. in the Municipal Office.

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 Vance Bedore, seconded by Jacqueline Asselin, that the August 22nd, 2016 minutes be approved as circulated. **Carried.**

Hearings:

B-13/16 K.M. McLeod Ltd.

Glen McLeod was in attendance this evening to discuss this application.

The Chairperson asked Mr. McLeod if he had seen the Planning Report and was aware of Planner Bruce Howarth`s concerns regarding the original creation of the lot to be added to. Mr. McLeod responded that he has received a copy of the Planning Report. The Chairperson then inquired as to whether the current lot at 58 Building Supply Road was created by severance. Mr. McLeod was unable to confirm that it was.

The Committee reviewed the application with Mr. McLeod and discussed some of the options available including the most common way to remedy the situation which is to convey a one square foot portion of land at 58 Building Supply Road to the abutting road allowance owned by the Township. The Committee explained that this could be made a condition of the consent and further explained that the applicants also have the option of providing a legal opinion confirming that the lands proposed to be enlarged were not created by consent.

Moved by Vance Bedore, seconded by Jacqueline Asselin, that Application B-13/16 be approved as applied for subject to the conditions listed in the decision. **Carried.**

B-14/16 Rick & Nancy Armishaw

No one was in attendance this evening to discuss this application.

This application was heard in conjunction with Application B-13/16.

Moved by Vance Bedore, seconded by Jacqueline Asselin, that Application B-14/16 be approved as applied for subject to the conditions listed in the decision. **Carried.**

Decisions:

B-13/16 K.M. McLeod Ltd.

Consent to sever a portion of land approximately 149m in depth, as a lot addition only is granted to K.M. McLeod Ltd. This property is part of Lot 16, Concession 2, 30 Building Supply Road, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Glen & Joanne McLeod at 58 Building Supply Road. This severance is granted on condition that:

1. The Applicants either provide proof that the lot at 58 Building Supply Road was created prior to June 1, 1971 or that a one square foot portion of land known municipally as 58 Building Supply Road be surveyed and conveyed to the abutting road allowance owned by the Township of McNab/Braeside.
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 Glen & Joanne McLeod 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 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-14/16 Rick & Nancy Armishaw

Consent to sever a portion of land approximately 121.59m frontage x 149.35m in depth, 1.8159 ha as a lot addition only is granted to Rick & Nancy Armishaw. This property is part of Lot 16, Concession 2, 504 McLeod Road, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Glen & Joanne McLeod at 58 Building Supply Road. This severance is granted on condition that:

1. The Applicants either provide proof that the lot at 58 Building Supply Road was created prior to June 1, 1971 or that a one square foot portion of land known municipally as 58 Building Supply Road be surveyed and conveyed to the abutting road allowance owned by the Township of McNab/Braeside.
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 Glen & Joanne McLeod 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."*
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Delegations: Nil

Discussion: Nil

Correspondence: Nil

Unfinished Business: Nil

New Business: Nil

The next meeting date is to be determined.

The meeting adjourned on a motion moved by Vance Bedore at 7:45 p.m.

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Chairperson

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Secretary