

## **COMMITTEE OF ADJUSTMENT**

### MINUTES

County Council Chambers  
7 Broadway Street West, Paris  
Thursday, November 26, 2009  
7:00 P.M.

**Present:** Members Lefebvre, Steed, Kloepfer and Bouma

**Staff:** Stone, Davidson, and Beacock

**Regrets:** Member Brown

Member Lefebvre in the Chair.

### **MINUTES**

Moved by – Willem Bouma  
Seconded by – Walt Steed

That the Committee of Adjustment minutes of October 22, 2009, be approved as circulated.

.Carried

### **DECLARATION OF PECUNIARY INTERESTS - None**

### **PUBLIC HEARINGS**

1. A11/09/SS 325 MCLEAN SCHOOL ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from J. H. Cohoon Engineering Ltd., agent for Heron Ridge Developments Inc., for lands described as Part of Lot 13, Concession 5, County of Brant, in the geographic Township of South Dumfries, and located at 325 McLean School Road. The applicant is requesting variances to the exterior side yard and front yard setback to allow for construction of residential single detached dwellings in a condominium with a reduction in the exterior side yard and front yard from 25 metres to 10 metres.

Steve Stone, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works.

Bob Phillips, Cohoon Engineering, Agent, outlined the application for Committee, explaining an oversight during the development. The variances would allow the homes to be positioned on the lot closer to the road and elevation to alleviate grading problems. The Agent also stated that the lots are on a private road as opposed to a public road for access purposes.

Member Steed received clarification from the Agent that the variances are for front and side yard setbacks on every lot, which would suggest that all the lots are nonconforming to the by-laws, and the variances would straighten out this oversight. Member Steed understands that this is a private road, and not a municipal roadway.

Staff confirmed that this approach of 10 metre setbacks is consistent throughout the survey, the lots are not on a public road, and the streetscape will be uniform.

### **Public Questions**

Steve Sickle, 361 McLean School Road, opposed the minor variance, stating concerns with grading and drainage on the site.

Tracy Thomson, 340 McLean School Road, stated concerns with water runoff and would like this issue to be addressed at the time of construction. Committee were given an opportunity to look at pictures of ponding on Ms. Thomson's property, and the effects on wildlife.

In discussion with Committee, Ms. Thomson stated that the problems occurred when the development was started, because they did not shore up the hill. The Agent confirmed that he has been made aware of this problem, and will look into it again after this meeting.

Moved by – Joe Kloepfer  
Seconded by – Willem Bouma

THAT Application No A11/09/SS from Cohoon Engineering, agent for Heron Ridge Development Inc., concerning the lands identified as Part Lot 13, Concession 5, located at 325 Mclean School Road, being in the County of Brant (geographic Township of South Dumfries), **BE APPROVED.**

The application complies with the intent of the Official Plan, is minor in nature and is located on a private road.

.Carried  
Walt – opposed

2. B19/09/SS                      357 EAST RIVER ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Brian Smith, Plansmith Planning, agent for Steve Charest, Applicant; and Darryl Chicoine, owner of lands described as Part of Sub Lot 3, Concession 4, East of Grand River, County of Brant, in the geographic Township of South Dumfries, and located at 357 East River Road. The Applicant is proposing to sever a 3.2-hectare parcel of land from the farm property that contains an existing residence and outbuildings. The remainder of the lands, 32.2 hectares, will be amalgamated with the home farm operation owned by Steve Charest at 452 West River Road. Both the home farm operation and the amalgamated farm lands will continue to be actively farmed for cash crops. (This application was deferred on May 28, 2009.)

Steve Stone, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works.

Brian Smith, Agent, outlined the application for Committee. The parcel to be severed contains a dwelling and two outbuildings for home occupation. The Agent stated that staff is recommending that the lot to be severed is too large at 3.2 hectares and is recommending the size of the lot be reduced to 1.2 hectares. The Agent has a problem with the reduced lot size as the proposed amendment will not include the septic tile bed, and the application is to establish more of a buffer area between the severed parcel and the retained lands. The Agent referred to the GRCA area photo noting that land included in the lot size has not been farmed historically. The Agent has read and accepts the conditions of approval in the staff report.

James Hitchon was present, acting as solicitor for Darryl Chicoine. Mr. Hitchon explained the ongoing legal issues between the applicant and his clients, by giving a history of the purchase and sale, and severance of the parcel of land.

Mr. Hitchon stated he is in support of the application as originally submitted, and the granting of this severance will not change the development possibilities of the balance of the lands. The oil pumping station located on a portion of the land is also a reason to leave a barrier between the residential property and the balance of the lands.

Committee felt that it would be hard to approve the application without reducing the lot area. They felt the size of the lot is excessive, and the applicant could move the lot line to include the septic tile bed. It was noted that after a reduction in size, the retained lot would still have a buffer.

Staff confirmed that there is not a policy context at this time to sever another lot as it would not comply with the Provincial Policy Statement, the Official Plan and Zoning By-laws.

Committee asked why the applicant is leaving the strip of land with the pumping station for the entranceway, that it would be a rough access. The Agent stated potential contamination issues, and so as to prevent Mr. Chicoine from having to get involved, the applicant would keep the pumping station with the farm.

Mr. Hitchon requested that the application be deferred.

### **Public Questions**

Steve Sickle, 361 McLean School Road, opposed the application stating that the parcel of land was actively farmed up until 2008, and had concerns as to where the access would be located for the retained lands.

Moved by – Willem Bouma  
Seconded by – Joe Kloepfer

That the application be tabled for two months, and be brought back to the January 2010 meeting.

.Carried

### 3. B29/09/MD                      30 GOLD STREET, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Robert & Patricia Hasler, for lands described as Lot 12 to 13, West of Gold Street, County of Brant, in the geographic Town of Paris, and located at 30 Gold Street. The applicant is proposing to create a residential building lot. The proposed lot to be severed has a frontage of 15.24 metres, and a lot area of 613 square metres. The retained lot contains an existing residence and garage, and will have a frontage of 29.04 metres and an area of 1,168 square metres.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works and the Building Department. The Planner requested a modification to condition #4 to add 'if required' regarding a drainage and grading agreement.

The Applicants briefly outlined the application for Committee, and confirmed that they understood the list of conditions.

**Public Questions - None**

Moved by – Walt Steed  
Seconded by – Willem Bouma

THAT Application No B29/09/MD from Robert and Patricia Hasler, owners of Lots 12 to 13, West of Gold Street, County of Brant, in the geographic Town of Paris, and located at 30 Gold Street, **BE APPROVED**, subject to conditions, as modified, to add "if required" to condition #4. The application complies with the Provincial Policy Statement, the Official Plan and the Zoning By-law.

.Carried

**OTHER BUSINESS:**

**NEXT MEETING**

The meeting adjourned at 7:55 p.m., to meet again on Thursday, December 17, 2009, at 7:00 p.m. in the County Council Chambers.

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Chair

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Secretary-Treasurer