

COMMITTEE OF ADJUSTMENT

MINUTES

County Council Chambers
7 Broadway Street West, Paris
Thursday, December 17, 2009
7:00 P.M.

Present: Members Lefebvre, Steed, Brown, Kloepper and Bouma

Staff: Johnson, Stone, Davidson, Pomponi and Beacock

Regrets:

Member Lefebvre in the Chair.

MINUTES

Moved by – Walt Steed
Seconded by – Willem Bouma

That the Committee of Adjustment minutes of November 26, 2009, be approved as circulated.

.Carried

DECLARATION OF PECUNIARY INTERESTS - None

PUBLIC HEARINGS

1. A14/09/CJ 8 RIVERVIEW TERRACE, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Andrew Tarr for lands described as Lot 36, Plan 639, County of Brant, in the geographic Town of Paris, and located at 8 Riverview Terrace. The application is for a variance to the height requirement of a proposed accessory structure. The applicant is requesting a height of 5.48 metres, where Section 3(1)(c) of the By-law permits a maximum height of 4.5 metres for accessory structures.

Cynthia Johnson, 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.

Staff noted the removal of Condition 1, as it has been satisfied. An updated Public Works Report and recommendation was handed out to Committee.

Andrew Tarr, Applicant, outlined the application, and gave Committee an opportunity to look at pictures of his property.

Staff explained to Committee that the photo of the front of the property shows the retaining wall and the need for the encroachment agreement. The Applicant confirmed that he put in the retaining wall to eliminate problems with a steep driveway and drainage.

Public Questions – None

Moved by – Walt Steed
Seconded by – Willem Bouma

THAT Application File No. A14/09/CJ from Andrew Tarr, owner of Lot 26, Plan 639, 8 Riverview Terrace, geographic Town of Paris, to permit a height of 5.5 metres for a proposed accessory structure, whereas 4.5 metres is permitted, **BE APPROVED, subject to the following condition of decision:**

That the applicant enter into an Encroachment Agreement for the newly constructed retaining wall within the Riverview Terrace Road allowance prior to approval of building permit for this structure.

The application complies with the intent of the Official Plan, Zoning By-law and is minor in nature.

.Carried

2. B37/09/SS 140 MIDDLEPORT ROAD, ONONDAGA

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Reg Smith, agent for Shermandale Farms Limited, for lands described as Part Lot 62, River Range, Part Lots 16 & 17, EFC, Concession 3, located at 140 Middleport Road, County of Brant, in the geographic Township of Onondaga. The applicant is proposing to sever a lot containing an existing residence surplus to a farm operation, and accessory structure. The proposed lot will have a frontage of 6 metres along Middleport Road and an area of 6432 square metres. The retained parcel consists of 31.2 hectares.

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, Building Department, and the Grand River Conservation Authority.

Reg Smith, Agent, outlined the application for Committee, explaining that they propose to sever off a surplus dwelling. The Agent confirmed that he understands the conditions.

Committee questioned the location of an existing lot on the property. Staff explained that upon research through the legal department, there is evidence of a right-of-way to this property, and there is a condition that addresses access. Staff noted that this is a historical severance back 40 years ago, and the lot is well in advance of County by-laws.

The Agent agreed that it is unusual having a lane right down the middle of the field, and that is a reason they wanted to sever this lot off, because the lane will always be there.

Public Questions - None

Moved by – Joe Kloepfer
Seconded by – Willem Bouma

THAT Consent File No. B37/09/SS from Reg Smith for Shermandale Farms Limited, owner of lands described as Part of Lot 62, River Range, Part Lots 16 & 17, EFC, Concession 3, County of Brant, in the geographic Township of Onondaga, and located at 140 Middleport Road, **BE APPROVED**, subject to conditions.

The application complies with the intent of the Official Plan.

.Carried

3. B40-44/09/SS 31 HENDERSON ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Cohoon Engineering, agent for Philip DeMunck, for lands described as Part Lots 2 & 3, Part of Douglas Tract, Concession 4, County of Brant, in the geographic Township of Brantford, located at 31 Henderson Road. The applicant is proposing to create five estate residential lots on the northwest corner of Henderson Road and Mill Street. The proposed lots will range in areas from 0.6 hectares to 0.9 hectares. The retained parcel consists of 24.8 hectares and will continue to be used for farm purposes.

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, Zoning Administrator, Building Division, and the Grand River Conservation Authority. Letter of submission received from Cohoon Engineering.

Rob VanPoorten, Cohoon Engineering, Agent, for Philip DeMunck, briefly outlined the application, explaining that the property is designated, in part, Estate Residential in the Official Plan. Ministry of Environment testing concluded adequate water and quality of water. The Agent confirmed that he has read the staff report, and agrees with the conditions.

Committee questioned why these lots were not part of a plan of subdivision. Staff explained that the current Official Plan is permissive to allow these applications to come forward, and the applicant wanted to proceed with the consent applications.

Committee stated that the balance of lands are designated Agricultural, and the Estate Residential designation in the Official Plan is for this strip of five lots, and no further land is available for severance. Staff confirmed this interpretation.

Public Questions - None

Moved by – Willem Bouma
Seconded by – Walt Steed

THAT, Consents B40-44/09/SS, Cohoon Engineering, agent for Philip DeMunck, for lands described as Part Lots 2 & 3, Part of Douglas Tract, Concession 4, County of Brant, in the geographic Township of Brantford, located at 31 Henderson Road, BE **APPROVED**, subject to conditions.

The application is in keeping with the intent of the Official Plan.

.Carried

4. B30-34/09/MD 251 EAST RIVER ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Brian Smith, agent for Brian & Dianne Jarvie, owner of lands described as Part Sub. Lot 2, Concession 3, County of Brant, in the geographic Township of South Dumfries, and located at 251 East River Road. The applicant is proposing to sever four new estate residential lots, and one easement to maintain an existing access to the well pump house serving the dwelling on the retained lands. Severed lots 1, 2, 3 & 4 will have areas of 0.617 hectares, 0.601 hectares, 0.647 hectares, and 0.675 hectares, respectively. The retained lands contain an existing residence and garage.

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 Grand River Conservation Authority, Public Works and the Building Division. Letter of Objection received from Rodger & Susan Haynes. Attached to the Addendum is a revised condition from Public Works to be included on applications B30-33/09.

Joe Cohoon, Agent, briefly outlined the application for Committee to create four estate residential lots and an easement on the west side of East River Road.

The Agent provided the following comments on the Letter of Objection received from Mr. & Mrs. Haynes.

- Lot area - rezoning to an Estate Residential zone will make the lots as large as possible,
- Wildlife – the Environmental Impact Statement deals with access for deers, turkeys and wild animals to travel along the river corridor; Zoning By-laws would protect these areas,
- Reduced property values – construction of these units would improve the value of houses in the area

The Agent confirmed that he has no problems with the revised conditions.

In Committee discussion it was noted that the Applicant cannot make a subdivision of this property, is not allowed to go back any further on the lots, unable to put in a road, and the whole lands are protected by the Grand River Conservation Authority.

Public Questions

Rodger Haynes, 227 East River Road, expressed concerns with lot area, and housing density that is not in keeping with the neighbourhood.

The Agent responded that the proposal meets the requirements of the Estate Residential lots.

The Chair explained the Official Plan to Mr. Haynes, and the Committee's guidelines in establishing lots.

Staff noted that the Estate Residential zone runs on the west side of East River Road between Blue Lake Road and Scenic Road.

Kathy Dawson, 232 West River Road, expressed concerns with environmental impact, and asked, on behalf of her neighbour Don Weatherston, if his existing right of water access to his property would remain on title. The Agent stated that they could check this out via their solicitor. The Agent also commented that some of the trees may need to be removed or deadheaded, that are damaged.

Moved by – Willem Bouma
Seconded by – Joe Kloepfer

THAT Consent File No. B30-34/09/MD from Brian Smith, agent for Brian and Dianne Jarvie, owner of Part Sub. Lot 2, EGR, Concession 3, located on the west side of East River Road, geographic Township of South Dumfries, County of Brant, to create four lots for single detached dwellings and an easement to maintain an existing access to the well pump house serving the dwelling on the retained lands, **BE APPROVED**, subject to conditions, and a revised condition from Public Works to be included on applications B30-33/09.

The application is in keeping with the intent of the Official Plan.

.Carried

5. B36/09/MD 407 EAST RIVER ROAD, SOUTH DUMFRIES.

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Frank & Julia Riga, for lands described as Part Lot 2, Concession 5, County of Brant, geographic Township of South Dumfries, and located at 407 East River Road. The applicant is proposing to sever a parcel of land as a lot line adjustment. The parcel to be severed will have an area of 10.1 hectares and will be added to lands to the north owned by Ida Pearson. The retained lands contain an existing residence, accessory structures related to agriculture use, and an area of 4.85 hectares.

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 GRCA.

Staff agrees with the lot addition, subject to modification of the lot size.

Frank Riga, Applicant, briefly outlined the application for Committee, explaining that he wants to keep 12 acres to enable him to continue to operate a hobby equestrian operation for his daughter. The Applicant cited similar sized operations in the area. The Applicant has the barns, but needs to build paddocks. The Applicant stated that they do not farm, but rent out the lands.

Committee expressed concern about the amount of frontage, and the possibility of future severances off the extended frontages on the proposed retained lands.

Staff agreed that the bulk of the land should go with the agricultural lands, and only a minimal amount of land should be retained.

Committee agreed to adjourn the application to give Staff and the Applicant time to discuss this further, and put forward an amended application.

Public Questions - None

Moved by - Joe Kloepfer
Seconded by – Walt Steed

To adjourn the application for one month.

.Carried

6. B45/09/MD 33 KING STREET, BURFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for 925512 Ontario Inc. c/o Cindy Martin, for lands described as Part Lot 2, Concession 7, located on King Street, Burford. The applicant is proposing to sever a parcel of land for a lot line adjustment. The severed parcel will have an area of 372 square metres to be added to the rear of the adjoining lands which are owned by Karl Ficzero, 33 King Street, Burford. The retained lands will contain an area of 18.2 hectares.

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. Letter of Submission received from the Agent, Howard Snodgrass.

Karl Ficzero, Applicant, had no further comments to add to the Agent's letter of submission, and confirmed that he had read and understands the list of conditions.

Public Questions - None

Moved by – Willem Bouma
Seconded by – Walt Steed

THAT File No. B45/09/MD from Snodgrass Consulting Services for 925512 Ontario Inc., owner of Part of Lot 2, Concession 7, located on the south side of King Street, geographic Township of Burford, County of Brant, for a lot line adjustment, **BE APPROVED**, subject to conditions.

The application is in keeping with the intent of the Official Plan.

.Carried

7. B39/09/MD 769 DRUMBO ROAD, SOUTH DUMFRIES.

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting for Bob & Barb Gillies, for lands described as Part Lots 29 & 30, Concession 6, County of Brant, geographic Township of South Dumfries, and located at 769 Drumbo Road. The applicant is proposing to sever 48 hectares of the existing 57.5 hectare landholding and add it to adjoining farm lands which are owned by Harry & Nancy Emmott, 764 Brant-Waterloo Road. The retained lands will contain an area of 9.3 hectares, and will continue to be used for residential hobby farm and bush land purposes.

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. Letter of Submission received from Snodgrass Consulting.

Howard Snodgrass, Agent, briefly outlined the application for Committee, explaining that the Applicant wants to sell all the agricultural lands to the abutting farmer as a lot addition, and retain the bush land which the Applicant has reforested over the years. It was noted that the Emmott family is not interested in buying the bush land. The Agent reviewed conditions and had no adverse comments.

Committee Questions

In discussion it was noted that the retained buildings will be used by the Applicant for storage activities. The Emmott family was not interested in acquiring the buildings.

Members Bouma and Steed had concerns with the irregular lot line of the retained lands, stating their preference would be for a smaller area and a straighter lot line.

The Agent, in response, noted that the priority with both the purchaser and seller, was to find a solution that would not involve agricultural lands in the retained parcel.

Member Brown reviewed some applications that Committee has dealt with over the past couple of years where lands were transferred, and the intent was not for agricultural use. She stated that this is not necessarily how we acted in the past with bush land.

The Agent responded that the Applicant had drawn a line that made the most sense with the bush land.

Public Questions

Ron Perriman was present to support the application, as a neighbour who has lived directly across the road from the Applicant for the past 60 years, and knows both families very well. His opinion is to keep the reforested land with the residential lot, rather than being transferred over with the agricultural land, because it is not suitable for farming due to steep slopes.

The Agent put forward three options on how to deal with this application:

- 1) approve application as submitted,
- 2) straighten out the lot lines, or
- 3) cut it back in some way.

Moved by – M. J. Brown

Seconded by – Joe Kloepfer

THAT File No. B39/09/MD, from Snodgrass Consulting Services, on behalf of Robert & Barb Gillies, owner of Part of Lots 29 and 30, Concession 6, located on the north side of Drumbo Road, geographic Township of South Dumfries, County of Brant, for a lot line adjustment, **BE APPROVED**, subject to conditions.

The application complies with the Provincial Policy Statement and the Official Plan; the retained lands are not actively used for agriculture, and it was staff's recommendation.

.Carried
Member Steed - Opposed

OTHER BUSINESS:

NEXT MEETING

The meeting adjourned at 9:05 p.m , to meet again on Thursday, January 28, 2010, at 7:00 p.m. in the County Council Chambers.

Chair

Secretary-Treasurer