

COMMITTEE OF ADJUSTMENT

MINUTES

County Council Chambers
7 Broadway Street West, Paris
Thursday, January 28, 2010
7:00 P.M.

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

Staff: Stone and Beacock

Regrets:

Member Lefebvre in the Chair.

MINUTES

Moved by – Willem Bouma
Seconded by – Walt Steed

That the Committee of Adjustment minutes of December 17, 2009, be approved as circulated.

.Carried

DECLARATION OF PECUNIARY INTERESTS - None

PUBLIC HEARINGS

1. B36/09/MD 407 EAST RIVER ROAD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Frank & Julia Riga, for lands described as Sub 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 approximately 13.6 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 approximately 1.4 hectares. (This application was tabled at the December 17, 2009, meeting of Committee of Adjustment.)

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, Grand River Conservation Authority, and the Building Department.

Frank Riga, Applicant, briefly outlined the application, and agreed with the Staff recommendation to reduce the area of the retained parcel to approximately 1.5 hectares.

Public Questions – None

Moved by – Member Steed
Seconded by – Member Bouma

THAT Application File No. B36/09/MD, from Frank and Julia Riga, owner of Part of Lot 2, Concession 5, EGR, located on the west side of East River Road, geographic Township of South Dumfries, County of Brant, for a lot line adjustment, BE APPROVED, subject to modification [1.5 hectares (90 metres of depth and a frontage of 160 metres)], and conditions.

The application complies with the intent of the Official Plan, Zoning By-laws, and the Provincial Policy Statement.

.Carried

2. B19/09/SS 357 EAST RIVER ROAD

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 November 26, 2009.)

This application was deferred at the request of the Applicant/Agent.

3. B38/09/SS 31 PLEASANT RIDGE ROAD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Greg Sweetnam, agent for James Dick Construction Limited, for lands described as Blocks 1 to 2, Part of Kerr Tract, County of Brant, in the geographic Township of Brantford, and located at 31 Pleasant Ridge Road. The applicant is proposing to sever a parcel of land, which contains an existing residence, from their 33-hectare landholding on the west side of Pleasant Ridge Road for a lot addition. The severed parcel will have a frontage of 67.0 metres and an area of 0.65 hectares. The remaining lands will be merged with the abutting lands to the south owned by Telephone City Aggregates Inc., to allow for the continuation of aggregate extraction.

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, Fire Department, Building Division, Zoning Administrator, Grand River Conservation Authority, and the Ministry of Natural Resources. Letters of Objection received from Herman & Clara Klingenberg, Wilbert Long, and James McVey. Letter of submission received from the Agent.

Rob Van Poorten, Cohoon Engineering, was present on behalf of the Agent, Greg Sweetnam, for James Dick Construction Limited, and briefly outlined the application. Mr. Van Poorten explained that this is a source of aggregate extraction, and the residual house is surplus to the needs of the aggregate company, and will be disposed of, and is in agreement with the conditions.

In discussion, Staff provided clarification to Committee about the location of the right of way. Committee reviewed the maps provided on the overhead screen.

Public Questions

Herman Klingenberg, 43 Pleasant Ridge Road, lives in the other house that was previously severed off, and had submitted a written letter and attachments. Mr. Klingenberg expressed concerns with incorrect zoning on his property, activities that negatively impact his property, such as dust and noise from machinery, ATV's, and firing range, buffer zone, berms, and future aggregate extraction. His reasons for objecting to this severance include problems with future neighbours. He would like the severance to be conditional upon him being able to control what happens in his backyard with the buffer zone, and tree planting. He wants a guarantee from Committee that he can protect his property.

The Chair explained that the severance is appropriate under the proper planning principles, and that Committee cannot address his issues by way of conditions of consent.

The Agent stated that the Applicant can merge the properties without a severance, but they want Committee to grant the severance of the house. A suggestion was made to Mr. Klingenberg that if he wanted to acquire a buffer around his property that he should be contacting the Applicant about buying some of the property.

Steve Staynor, 48 Pleasant Ridge Road, also had concerns with the severance of the house, expansion of the gravel pit, and noise.

Joanne Van Panhuis, 41 Pleasant Ridge Road, had questions in regards to the rezoning of the properties, access issues at the end of the road, and pit entrance into the residential area.

Lisa Johnson, 30 Pleasant Ridge Road, questioned the boundaries of the expansion of the gravel pit from the road, and expressed concerns with deer in the area, water, noise, and devaluation of properties.

Staff referred to page 4 of his report, stating that he had a follow-up discussion with MNR to address concerns being raised. Staff showed the area on the overhead screen where extractive uses are permitted under licence, and suggested that the public could contact the MNR office in Guelph about their concerns, relating to the terms of the Applicant's licence.

Moved by – Member Bouma
Seconded by – Member Kloefer

That Consent B38/09/SS from Greg Sweetnam, agent for James Dick Construction Limited, for lands described as Blocks 1 to 2, Part of Kerr Tract, County of Brant, in the geographic Township of Brantford, and located at 31 Pleasant Ridge Road, **BE APPROVED**, subject to conditions.

The application complies with the intent of the Official Plan and the Provincial Policy Statement.

.Carried

4. B46/09/SS 276 NORWICH ROAD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Henry & Anne Schulze, for lands described as Part Lot 14, Concession 13, in the County of Brant, geographic Township of Burford, and located at 276 Norwich Road. The applicant is proposing to sever a lot along Norwich Road, with an existing residence and accessory structure. The severed parcel will have a frontage of 59 metres and an area of 4248 square metres. The applicant proposes to build a single detached dwelling on the retained farm lands which will have an area of 39.66 hectares, and will be a vacant building lot, as a result of this action.

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, Fire Department, Building Division, Zoning Administrator, County Forestry Officer, and Long Point Conservation Authority. Letter of Objection received from Barbara Jean Owskiak, 273 Thirteenth Concession Road. Letter of submission received from the Applicant.

Henry Schulze, Applicant, briefly outlined the application, and agreed with Staff's recommendation to amend the application to sever and rezone the retained farm lands to an Agricultural (A-9) Zone, with a special provision that no dwelling unit shall be permitted, and he would address the possibility of a new residence sometime in the future.

The Chair explained that there are strong Provincial guidelines in place that would prevent him from constructing a new residence on the retained lands.

Public Questions

Barbara Jean Owskiak, 273 Thirteenth Concession Road, was present and had concerns with protecting farm land, as stated in her letter of objection.

Moved by – Member Steed
Seconded by – Member Bouma

To amend the application as recommended by Staff, and at the Applicant's request.

.Carried

Moved – Member Brown
Seconded by – Member Bouma

That Consent File No. B46/09/SS from Henry & Anne Schulze, for lands described as Part Lot 14, Concession 13, in the County of Brant, geographic Township of Burford, and located at 276 Norwich Road, **BE APPROVED**, as revised, subject to amended conditions.

The application is in keeping with the intent of the Official Plan, and the Provincial Policy Statement.

.Carried

5. B48-50/09/SS & A12-13/09/SS IRONGATE DRIVE

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Activa Holdings Inc., for lands described as Parts 6 and 7, Plan 2R-6901, Part Lot 9, Concession 1, County of Brant, in the geographic Town of Paris, and located on Irongate Drive. **B48-50/09/SS** - The applicant is proposing to sever three residential lots fronting on Irongate Drive to create a total of five residential building lots. **A12-13/09/SS** - The applicant is requesting variances to permit a lot frontage of 13.57 metres and a lot area of 420.6 square metres, where Section 7(3) of the Zoning By-law requires a minimum lot frontage of 15.0 metres and a minimum lot area of 465.0 square metres.

Consent Applications	Frontage	Lot Area
Parcel 'A' (B48/09)	13.57 m	420.6 sq.m.
Parcel 'B' (B49/09)	15.00 m	465.0 sq.m.
Parcel 'C' (B50/09)	15.24 m	472.4 sq.m.

Minor Variance Applications	Frontage	Lot Area
Parcel 'A' (A12/09)	13.57 m	420.6 sq.m.
Retained Parcel (A13/09)	13.57 m	420.6 sq.m.

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 Department, Building Division, Zoning Administrator, and Grand Erie District School Board. Letter of Concern received from the Grand Erie District School Board. Letter of submission received from Agent.

Jennifer Voss, Agent, briefly outlined the application and handed out maps of the property for Committee's review. The Agent explained that the first map shows 7 lots originally proposed on Grandville Circle, and eliminated when access to the school site was moved. The school was reconfigured, and as a result there are two remnant parcels on either side of the walkway block, and that necessitated the proposed severances. The second map shows the designed lots, with two smaller lots in the interior. The third map shows houses in the area that could be accommodated on smaller proposed lots to create a consistent streetscape along Irongate Drive.

In discussion Committee noted that the variances are needed because of the walkway that provides access to the school.

Public Questions - None

Moved by – Member Brown
Seconded by – Member Steed

That Consents B48/09 through to B50/09 from Activa Holdings Inc., for lands described as Parts 6 and 7, Plan 2R-6901, Part Lot 9, Concession 1, County of Brant, in the geographic Town of Paris, and located on Irongate Drive, **BE APPROVED**, subject to conditions;

- and -

That Minor Variance A12/09-A13/09 from Activa Holdings Inc., for lands described as Parts 6 and 7, Plan 2R-6901, Part Lot 9, Concession 1, County of Brant, in the geographic Town of Paris, and located on Irongate Drive **BE APPROVED**.

The applications are in keeping with the intent of the Official Plan and minor in nature.

.Carried

6. B51/09/SS 437 MCLEAN SCHOOL ROAD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Frank Rowley for Harvey & Janet Rowley, owners of lands described as Part of Part 1, RP 2R-195, Part Lot 17, Concession 5, County of Brant, in the geographic Township of South Dumfries, located at 437 McLean School Road. The applicant is proposing to sever an estate residential lot fronting on the north side of McLean School Road. The proposed lot will have a frontage of 160 metres and an area of 8 hectares. The retained lot will have a frontage of 60 metres and an area of 3.5 hectares, and contain an existing residence and accessory building.

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 Department, Fire Department, Building Division, Zoning Administrator, County Forestry Officer, and the Grand River Conservation Authority.

Frank Rowley, Applicant, briefly outlined the application for Committee, and agreed with Staff's recommendation to change the lot line, as there is a raised natural berm, and it makes sense to follow the path.

Staff explained that the modification to the lot line would also protect infrastructure on the Applicant's lot, i.e. well and septic.

Public Questions - None

Moved by – Member Kloefer
Seconded by – Member Bouma

That, Consent B51/10/SS from Frank Rowley for Harvey & Janet Rowley, owners of lands described as Part of Part 1, RP 2R-195, Part Lot 17, Concession 5, County of Brant, in the geographic Township of South Dumfries, and located at 437 McLean School Road, **BE APPROVED**, subject to conditions and the following modification:

- i. The alignment of the lot line between the retained parcel and the severed parcel is established to the satisfaction of the Grand River Conservation Authority.

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

.Carried

OTHER BUSINESS:

a. Change of Condition for Consent Application - B39/09/MD

Moved by – Member Brown
Seconded by – Member Bouma

To amend condition 2 to provide a reference plan for the retained parcel.

.Carried

NEXT MEETING

The meeting adjourned at 8:40 p.m , to meet again on Thursday, February 25, 2010, at 7:00 p.m. in the County Council Chambers.

Chair

Secretary-Treasurer