

**COMMITTEE OF ADJUSTMENT
MINUTES
SEPTEMBER 24th, 2009**

Present: Roy Perry, Chair
Joan Truax, Member

Also Present: Bev Mansbridge, Planning Technician
Colleen Healey, Manager of Planning and Development

Roy Perry, Chair called the meeting to order at 10:00 a.m. and explained the meeting process and the time frame for appeals to those persons present. He advised that all statements and evidence given before the Committee are of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

MINUTES:

The Minutes of August 27, 2009 were accepted by the Committee.

DISCLOSURE OF INTEREST:

There were no disclosures of interest.

APPLICATIONS:

A10/09 MALNICK
31 Marshall Cres.

Mr. John and Mrs. Heather Malnick attended the meeting. The Planning Report was read by Colleen Healey. Mr. Malnick added that they were planning to construct a garage out front and renovate their existing garage into a large family room. He also added that the room may actually be smaller than shown on the drawing submitted. No questions were heard from the audience.

The Committee had no further questions.

The Committee Members then approved the application for a minor variance to 1.4 m.

Colleen Healey then confirmed the 20 day appeal period to the applicants, before a Building Permit may be issued.

B9/09 1315121 ONTARIO INC.
20th Sideroad

Mr. Justin Hawkins and Mr. Jim Dymant from Meridian Planning attended the meeting on behalf of the applicant/owner (John Luty). Colleen then presented the planning report. Comments of no objection were heard from the NVCA, and a County of Simcoe letter was then read (Rachelle Hamelin). An additional letter of objection was then presented from Rhod Price of 7084 8th Line.

The Chair asked for questions from the audience. Mr. Ted Woods attended the meeting from the audience and stated Mr. Luty (1315121 Ont Ltd.) is the applicant of the present company. He added, Mr. Luty was an original applicant of a prior development for severance on the property. The prior development was in 1997, he further noted, in which the OMB turned down the application and page 13 of the appeal was read by Mr. Woods. He also highlighted Section 5.2.2 discussing agriculture and Section 14.2.2.i discussing surrounding agricultural uses; Section 14.2.2.j was also noted and he added was a repeated theme throughout the plan. Mr. Woods informed that the OMB stated that agricultural lands are to remain agricultural. He added this is in conflict with what the NVCA letter states, and that water does flow into a significant wetland, as noted in the report from Tatham & Associates of 1997.

Mr. Woods noted that development must be centralized, according to the Places to Grow and the Smart Growth plan, however, this application is contrary to that approach. The Township he noted, may have exceeded their target numbers for residential use versus agricultural again. He is concerned with the loss of farm land, and noted this particular corner is subject to flooding and water enters into a significant wetland. Mr. Woods opposes the application.

It was noted that Drysdale Tree farms have been growing trees, with essentially a gravel base underneath, under that the wetland and why not keep the lands as a nursery, Mr. Woods noted.

Colleen then noted that the property is designated as Rural and added there is aggregate on the property. She noted the proposal was not going to interfere with the extraction of aggregate. It was noted in future that someone can come in and apply for a pit license because of the aggregate. The proposal of a severance does not interfere with any proposals for a pit license in the future. Colleen then noted she was aware of the past application for a subdivision in the past, on the neighbouring lands. She also added that the Rural designation does permit one lot on a 50 acre plot of land. Colleen then noted that perhaps the applicant's planner has some response.

Roy Perry, Chair, noted he would like to defer the application. Jim Dymant noted he would like to speak on the application.

Mr. Dymant asked where Mr. Woods property is and Mr. Woods indicated on the map, where his property is and where the stream lies. Committee Member Joan Truax noted this appears across from the subdivision. Mr. Dymant, showed the property on the map. Mr. Dymant noted he was originally involved in the original application and informed

that that application was to redesignate lands to Estate Residential at that time, adding that it was to mirror the 19 lot subdivision of similar size to the north. He added it was a lengthy Board hearing and the OMB Board turned down the application. Since that time, the Township's OP was amended. The lands have been redesignated to Rural, which is not considered high quality residential land. He added the Township's OP states 1 severance may be considered per 50 acres of land. Mr. Dymont added this parcel is only slightly less than 50 acres and the intent of the OP is still maintained with this proposal. He added that the east side of the property has an existing house and the west side primarily has trees forested. Discussion on the request for two-25 acre lots and what the reason for this size is. Mr. Dymont noted that due to the growing demands for equestrian type lands, it is hoped to attract a purchaser with that type of development in mind. These lands it is expected, then can continue to be used for agricultural and perhaps an equestrian line/use. He added that his client is hoping to meet the demands for equestrian operations. The significant wetland appears in the southeast corner. Discussion on the wetland location as being on the opposite side of the road which is literally 1,000's of feet away. Discussion continued.

The history (from 1997) was noted and suggested that the Committee cannot consider that decision, as that proposal was rezoning from Agricultural to Estate Residential. This application is for a severance of two 25 ac parcels, for agricultural demands. Discussion with regard to the potential aggregate was held noting it may be difficult to put a gravel pit in with proximity to the neighbours located to the north of the property. Mr. Dymont noted this application does comply with the OP, and objectives of the OP, which is why he would like Committee to consider this application. Mr. Woods asked why 2 different company numbers were used for both applications from Mr. Luty. Mr. Dymont noted this proposal is for an equestrian commercial operation, not a commercial operation. Mr. Woods noted that one cannot put manure/livestock on top of aggregate properties and noted he was not sure if the NVCA was aware that an equestrian operation was proposed. He added his concern for manure runoff given that the water supplies the houses in the area. Mr. Dymont reminded that presently there is no development for livestock currently, but want to apply first for the lot. He added that a Township Building Permit would require submission of a nutrient management plan at that time.

Colleen asked the Committee whether they wanted staff to report back on these issues or possibly request County's comments and the Committee agreed to wait for more comments.

The Committee Members then agreed to defer the application.

Mr. Dymont then discussed the Campbell Severance along County Rd. #56. He invited the Committee to a site walk visit on the property.

A9/09
B7/09& B8/09

HARRINGTON
8693 6th Line

Mr. Harrington, landowner attended the meeting. Colleen Healey then read the Manager of Planning and Development's report. She then presented the updated Public Works Manager's report. Comments from the CBO were read and the applicant requested a copy of Greg's report. Colleen noted that the CBO commented that all lots would require separate wells and septic systems and that existing systems should be inspected by a qualified inspector. A Professional Engineer would be required to ensure that the lots can be built upon and Mr. Harrington noted that the lot grading, etc. can be dealt with at time of building permit application.

Colleen noted that staff has not changed their position and would want to avoid setting a precedent. Discussion was held regarding small sized lots and septic requirements by the Chief Building Official. Mr. Harrington wanted assurance that the lots will go forward and the Planning Manager informed that as long as the plans are prepared by a Professional Engineer who determines these are acceptable, and that the development won't affect neighbours, staff then will be prepared to support the lot creation, but there is no guarantee, unless the plan is accepted by the Township's Professional Engineer. Mr. Harrington inquired whether remedial work could be done at any time, before the severance. It was noted that once a severance is created, then the applicant can develop any time after. Staff reiterated that there is no guarantee of a severance and that the proposed work program is up to the applicant, following the creation of a severance.

Discussion took place regarding the CAO's/Public Works Manager's comments pertaining to ditches. It was confirmed by staff that the ditches are not designed to accommodate water from individual property but are designed for drainage of roads. Mr. Harrington understands this and noted the ditch floods out the whole SE corner of Utopia and goes up in the spring. The applicant was invited to contact Mr. Murphy with any issues or questions concerns drainage.

The applicant was offered copies of commenting agencies and staff reports.

Discussion on design of septic systems, the size of the building block, etc. was held and reminder that an 1800 sq ft home may not be accommodated on the lot.

Mr. Harrington asked Committee whether they can support the severance. Roy Perry agreed to hold comments until next meeting. Mr. Harrington noted he has several \$1,000 output and has concerns for more output or were there any other issues to deal with. He was advised to submit an engineering plan, for review by the Township's Engineer and approval. Chair, Roy Perry was unaware of other issues.

Colleen Healey then asked for audience comments.

Laura Smith attended and noted she resides at 8682 6th Line. She listed her questions regarding Colleen's report. She confirmed recommendation of an engineering report – then the application goes back to Committee of Adjustment, which was confirmed. She further noted that Colleen approves the math and the current standards are 75 ft frontages. Ms. Smith also noted that before an Engineering report is reviewed, the builder has to have approval for the severance first. This was all confirmed by staff who reiterated that Committee won't grant a severance, until a lot plan for all 3 lots was shown on paper, all laid out. The Township wants to see what it will look like, at the end of day, as Township staff does not want Committee to grant any lots until that it can be shown that the work/lot layout can be shown.

Laura does not support 3 lots on this site and confirmed that presently there are 2 homes on the land, one family in the rental home, and one in old post office. Ms. Smith then read her comments concerning the neighbourhood and proposal and noted concerns for drainage and water issues. She discussed the honey house, growth from the 20 home subdivision and the community presently existing in Utopia, and then asked Committee to not approve of the severance.

Colleen asked whether to report on the neighbour's concerns or when additional information is presented. Colleen asked the applicants whether he wants the coloured pictures to be given to Greg for his review. Issues can be reported by Colleen, for next month's meeting include: historical, density, size of lots (small), rate of hamlet growth, drainage, water quality (drinking), and fear of setting a precedent.

More discussion was heard regarding possibly amending the severance application to 2 lots. (off the record, said Mr. H).

The Committee Members then deferred the application.

OTHER BUSINESS:

- i) Criteria for Historical Dwellings – discuss what criteria should constitute a historical dwelling. A question had been posed to Committee on what makes a historical building, for their consideration.

Joan commented that many old century farms and old houses are scattered throughout Essa. She also noted that the Essa Historical Society will be looking at creating a registry.

It was noted that Joan, Colleen, and Bev will be attending the Mississauga seminar tomorrow.

Discussion on Committee meetings was held, and it was agreed to have an extra member, which will offer more consistency at meetings for the remainder of the year

and/or term.

No other business was heard.

ADJOURNMENT:

The meeting adjourned at 11:15 a.m.

Roy Perry, Chair

Bev Mansbridge, Secretary-Treasurer