

**COMMITTEE OF ADJUSTMENT
MINUTES
FEBRUARY 25th, 2010**

Present: Roy Perry, Chair
Bob O'Brien, Member
Lee Redmayne, Member
Joan Truax, Member

Also Present: Bev Mansbridge, Secretary-Treasurer, 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 January 28, 2010 were accepted by the Committee.

DISCLOSURE OF INTEREST:

There were no disclosures of interest.

APPLICATIONS:

B17/09 TURNBULL
305 Mill Street

Ms. Leesa Turnbull attended the meeting. Colleen highlighted the history of the application and Committee's prior decision. Ms. Turnbull, as owner noted she had received proper permissions to remove the trees on the property and brought this documentation today should Committee require this. The Committee did not need to see this at this time. Leesa noted she was okay to add the condition, however, noted that Canadian Tire must satisfy the conditions of the consent. She noted that Canadian Tire must meet this condition, and therefore must appear before the Board of Directors with the NVCA. The applicant noted that this proposal has been ongoing from 2006-2010, and it would be a shame to lose another season, as jobs are sorely needed, loss of tax dollars, and loss of time.

Lee then asked the applicant if she was willing to add the condition at this time and Leesa said yes.

Bob noted his understanding is that the requirement will check work that the NVCA has already done and then directed this to the NVCA representatives.

Mr. Hibberd, Director of Planning, NVCA, noted that the proposal must meet Official Plan and Provincial Policy Statement directives. He also noted that this application must meet the same criteria as any other application in this area, to demonstrate policies of the Township and Provincial policies.

Committee Member Bob O'Brien noted that the Township had shared costs in a joint study in the amount of \$50,000 to negate the requirement for additional studies. Mr. O'Brien had understood that it was explained at the time, that people would not have to undergo or have further studies done, as this one was prepared for the whole of Angus. Mr. Hibberd addressed by informing he assumed the 2006 mapping prepared by Greenland was being discussed, and he confirmed this was done for the whole of the community. He noted although this mapping spoke to the community of Angus Flood Mapping and using their expertise they developed further mapping to more properly outline Angus. Bob then asked whether the NVCA was now asking for a study above the community study (done in 2006).

Glen Switzer, Director of Engineering, noted that floodlines were then developed. He noted all applications coming into Angus, must have floodlines determined and the NVCA must be assured that all properties are in conformity with the floodlines. He indicated that they are not doing a study again, but just bringing the property into conformity with the findings.

Committee Member Lee Redmayne then asked if Leesa brought her tree cutting permission in today because this seems to be at issue as far as affecting the grading on the property. Lee continued that as the property is no longer pristine and had met NVCA conditions then, however, may not meet the conditions now as the trees have been removed. Lee confirmed the applicant had permission to cut the trees and Ms. Turnbull commented yes. Lee asked if this is sensible, and what did this study cost? She added that the NVCA knows the trees were removed, and only provide comment now after these trees have been removed. Lee noted that the No Frills is right there beside this location, and that from the original study, there was no problems with the development of No Frills. She further added that this project has been delayed several years. She does not understand why an appeal was filed directly to the OMB Board.

Discussion on why an appeal or extra conditions are now required as the trees were taken out with proper permissions, so why hold this against the owner now. It was confirmed that at the time, County permission was given as well. Colleen confirmed that the Township did support removal of the trees. It was reiterated that conditions or any concerns should have been raised then, not now.

Mr. Hibberd then indicated that whether the site was cleared or not, the site must verify elevations. Chris noted that if the NVCA were asked earlier in the review process, that

their comments would have been supplied earlier. Bob noted if a survey was done before the trees were cut, he assumed it may have met policies of the NVCA. Lee then noted that the retained portion behind No Frills and existing site seems to be the same mix as was on the front of the property. Bob then suggested to get on with the building and suggested faulting both parties. He agreed to another consent condition now, and expressed that hopefully another building season will not be lost. Lee noted a very slim possibility of flooding on this parcel, even if it had have been left alone completely, she added the only potential was that sometime in the next 100-500 years that this property may flood. Discussion on property damage, and people and risk to lives, was held.

Lee then stated that there seems to be a technicality and that this technicality may not have existed until the trees were removed and that there seems very little difference between this property and the No Frills site.

Bob noted that at an EDC meeting that the NVCA attended, attendees were told from initial time of property application that 30 days were given for NVCA approval. The general permitting process was discussed at this time with the EDC commented Mr. Hibberd, not this specific project. He further indicated that the NVCA commented at the earliest time they were asked to comment. Mr. Hibberd identified expectations of the Township's Official Plan and the Provincial Policy Statement which outlines where development can or cannot occur. The applicant, he added needs to demonstrate the expectations or need to see that these have been met. Mr. Hibberd noted if development occurs, this would appear contrary to the OP and PPS. He added that staff at NVCA are only empowered to act upon policy, if any deviation through this/these policies, then any applicant must deal with the Board of Directors of the NVCA. Applicant, Leesa Turnbull then asked if by adding the condition to the consent, whether the owner will have the full support to move this project forward. She added she wants assurance when she leaves today that their support may be expected in moving forward with this application. Mr. Hibberd noted that when this severance application process is met, then the applicant must deal with the NVCA process. The applicant added that she wants assurance of their support to move forward with this application.

Gary Bell, Skelton Brumwell, introduced himself as Planner for Canadian Tire and apologized for being late. Lee stated she understands the concerns of Leesa. Mr. Bell indicated that geotechnological information was provided by Canadian Tire. He also indicated that a productive meeting was held yesterday, attended by the landowner's representative, and the process and requirements were discussed. He noted that Canadian Tire had agreed to provide the 100 year floodway rationalization and they also agreed to supply this information for both the severed and retained portions. Mr. Bell indicated that this has been submitted to NVCA recently. Discussion on the establishing base data, pre-development of topography of land, and permit application was held. Mr. Bell requested, on behalf of Canadian Tire to please add the condition of the NVCA exactly as worded.

Colleen Healey then asked when this rationalization was received and suggested these dates may shed a clearer picture. Mr. Bell then informed of correspondence identified two

years ago, with requirements outlined. The particular drawing was provided just a couple of weeks ago, indicating the 1:100 year floodway portion. NVCA staff then indicated that rationalization of the whole property was required. Mr. Bell confirmed that Canadian Tire has agreed and Leesa has agreed to a complete rationalization needed, which was submitted on February 11th. Committee viewed drawings or fingers of floodway on the mapping provided. These fingers need to be rationalized to show where development may occur, indicated the NVCA. Mr. Bell assured that Canadian Tire will go through this process and establish this for the 3 ac parcel that Canadian Tire wants to develop. Bob asked whether the applicant would then be satisfied.

Colleen Healey, Manager of Planning and Development then asked is this the same process required a year ago, as it seemed asking for an exception when attending a meeting last fall, and that Canadian Tire did not want to talk to the NVCA then. She noted that at a site plan meeting last fall attended by County, NVCA, Township, CT representatives did not want to deal with NVCA issues at that time. Mr. Bell indicated that CT staff have changed since that time and that the Vice-President of Canadian Tire has now sent Mr. Bell to facilitate to adding the NVCA's clause as a condition. He requested that the clause now be added to the condition. Ms. Turnbull when asked, added that she would like some assurance that if the requirement of an additional condition were added, whether she could expect assurance that the application would move forward. Mr. Bell is aware more details are required through the process and application, and is prepared to go through and complete the process. Lee then asked the NVCA whether they agree with the same confidence. NVCA staff commented that they are committed to work through the process with decision makers, and now this must go through the NVCA's Board of Directors. NVCA staff is willing to ensure they will work together; and will work with Canadian Tire through the process. Lee noted she had hoped for more enthusiasm.

Lee noted she was happy to grant the condition, as the applicant is now requesting the condition be added and commented that at least good will is now shown towards the project. Mr. Tim Salkeld, Planner with the NVCA, indicated that the problem is geodetic, as property is lower than the mapping indicated, we don't know why, maybe because trees were removed. He outlined that staff must follow the PPS guidelines, and when something deviates from this, (as this is not flexible), staff must bring before the Board of Directors of NVCA. He added that staff cannot move forward but did meet with Canadian Tire and the applicant. He commented they would be working together to get in a good position to bring before their Board.

Lee then accepted this explanation and she added that semantics are guidelines, not rules, and Colleen noted this is part of the Planning Act. Lee stressed that her point is that guidelines are to guide not to say yes or no and that a certain flexibility is held within the Committee of Adjustment. She added she is now pleased to move forward, to work together and please everybody. Tim Salkeld then thanked the Committee.

Colleen added that the Planning Act does have reference of certain provincial legislation whether Provincial Regulation or PPS, Ontario legislated this piece of legislation (as

Statute), for example, no more lots can be granted in Agricultural lots, is now the law in the Province of Ontario.

Discussion then ensued on Greenland data and Mr. Bell indicated he will submit the rationalization and move forward from there indicating this has just been submitted. Colleen asked when this rationalization had been provided, and Mr. Bell noted this just has not been presented nor taken to the NVCA's Board yet. Mr. Bell noted he is experienced with Canadian Tire and similar development. Bob asked when will this be expected to go before the Board of Directors and Chris Hibberd noted this was up to the applicant. Mr. Bell added he would prefer to go to the Board of Directors than an OMB Board. Colleen then noted the previous CT representative was not willing to work with the NVCA and Mr. Bell indicated that that staff person is no longer working on the project. Mr. Bell's intent is to prepare and submit an application immediately, and will work with staff to facilitate a technical review of the submission, then a staff report on acceptance, and expect that this will be brought before their Board by April. The timeframe was discussed and Chris agreed he will work along with this timeline. Bob commented this answers the question, and stated perhaps the building will proceed this year. CT has instructed Mr. Bell to facilitate this submission as soon as possible to proceed.

Chair, Roy Perry asked if there were any other questions, and none were heard.

The Committee then agreed to the condition being added to Committee's decision.

The Committee Members then agreed to add the condition requested by the NVCA, to the Committee's previous decision.

B7 & B8/09 HARRINGTON
A9/09 8693 6th Line

Mr. Harrington attended the meeting. Colleen then read the Planning Report for the minor variance and the two severances. It was noted that the lots meet size requirements of the Township Zoning By-law, however, not lot frontage requirements. Neighbour concerns were noted concerning lot size, drainage not adequate, offends their community – however, Ms. Healey confirmed the lots were consistent with all Planning documents of the day. She further noted at this time, there is no protection for historical preservation at this time, and she would like to see this in the Township Official Plan to establish policies to protect historical buildings.

A letter received from Susan Antler was then read. Colleen agreed to looking forward to create a policy to preserve historical features. Colleen outlined for Committee's knowledge, that the first step is to create a list or inventory of important buildings, including a wide variety of structures, types of building, and this list may include scenic views. Colleen then suggested that the Historical Committee to perhaps start with Century farm homes. At this time, no specific piece of legislation has been put in place to dictate procedures for historical buildings. As the Official Plan will be reviewed this summer, it

would be important to bring comments before this summer, said Committee Member Lee Redmayne.

An additional email was received from Stephanie McCann and Steve Lawlor, and their email was read out loud. Their concern was for drainage, flash thaw, as water comes their way and indicated that there is already a drainage issue in this area and this was taken to the OMB years ago. Some discussion was held and Colleen then suggested to take the drainage concerns to the Chief Administrative Officer/Manager of Public Works.

The applicant then noted he had welcomed calls, wants to be part of community, and talk about any concerns. Mr. Harrington noted the property drains into a ravine, and noted the culverts are half plugged up, which backs onto the neighbour's property. It was noted that the new lots may not affect anyone's drainage. The applicant noted the three existing buildings on the property, and that he does not plan to tear down his house and reported on the condition of each. Discussion on the culvert was had and Colleen noted that the CAO's/ Manager of Public Works report may outline the size of the culvert. Mr. Harrington took 15 pictures which were provided to the Township of each culvert/ditch, within the village, and reported that only one is working at 40% effective. Mr. Harrington stated he is upset over upsetting his neighbours.

Roy asked for audience questions, none were heard.

No further comments were heard from the Committee, who then voted on the applications.

The Committee Members then approved the severance applications and minor variance, with conditions.

B2/10 PATTON POULTRY BREEDERS
6350 Scotch Line

Mr. Gilmore and owners (Jim and Martha Patton) attended the meeting on behalf of the application. Colleen Healey then reported on the staff report. The letter from Mr. Gilmore was circulated to the Committee. Mr. Gilmore indicated that the Leek family owns a number of properties and put the property up for sale. He indicated the Patton's (his clients) were cash crop and chicken farmers, residing to the west in Adjala-Tosorontio Township. Mr. Gilmore also added that the Leek's had kept the parcels in separate names so that the parcels would not merge. It was noted that the same corporation name had been used in purchasing each of these parcels, so his clients desired that these parcels remain separate, and to prevent merging, have applied for severance to prevent possible future merging.

Audience member Mr. McCarthy introduced himself, and asked where Lot 5 was located. Mr. Gilmore then pointed out which was Lot 5 (of the land holdings) on the map. Mr. Gilmore noted that when the properties were purchased, Lot 5 was a separate lot located across the road, so is not located adjacent any other land holdings by the owner.

Mr. McCarthy pointed out where he resides and asked why is title held in the corporation name? Discussion was had on merging of properties adjoining each other and if owned in the same name, these properties merge where they abut each other. It was further explained that should the Poultry Breeders wish to sell if the properties were merged, there would only be one lot. Mr. McCarthy then asked if the farming would be of chicken breeding and Mr. Gilmore indicated for cash crop farmers. Discussion on the Leek farm was held. No further questions were heard from the audience.

The Committee then voted on the severance application.

The Committee Members then approved the application for severance.

B3/10 NORTHERN DIVERSIFIED
 190 & 192 Mill Street

Colleen read the Planning Report. Mr. Charron, MCL Architects, provided additional information. Colleen Healey noted she was in favour of the easement. Committee Member Bob O'Brien asked why an easement was needed between the two parcels, if owned by the same owners? Colleen Healey commented the owners want to maintain an easement to share entrance and this was indicated on a map, where the house was pointed out. The applicants noted they want to share the same entrance and parking and convert the house into suites, for extended stays. It was noted that this was a permitted use in the Township's Zoning By-law. They don't want to merge the two parcels but must provide parking for each site. It was explained that the owners may sell one of the properties one day, and parking is a requirement. Lee asked where the easement is proposed, and this was shown as the shaded area on the map. It was noted that this may be sold in the future, and was confirmed that the parcels are presently owned by different numbered companies. Mr. Charron noted that there may be an element of control to bring everyone into one entrance. It was further noted that the County does want the owners to curb this entrance up presently in front of the house. It was noted that perhaps the owners may want to discuss this with the County or not, to ensure they maintain a right to the existing entrance. Discussion on the curb was held. Colleen confirmed that a letter was received yesterday from the County and their comments must be adhered to. All buildings are required to be 15 m setback from the County road allowance and the County wants the entrance curbed out. Discussion on this rationale was held. Colleen confirmed that an additional condition that County must be satisfied, may be added by Committee.

No audience members were in audience.

Committee members then voted on the application.

The Committee Members then agreed to approve the severance application with conditions.

Colleen announced the request of a deferral on the Validation of Title of 62 Brentwood Road.

OTHER BUSINESS:

No other business was heard.

ADJOURNMENT:

The meeting adjourned at 11:15 a.m.

Roy Perry, Chair

Bev Mansbridge, Secretary-Treasurer