



**Minutes**  
**Committee of Adjustment**  
**Municipality of West Grey**

**May 2, 2023, 2 p.m.**  
**West Grey municipal office, council chambers and virtual**

Committee members    Chair Tom Hutchinson  
 present:

Member Doug Hutchinson  
 Member Kevin Eccles  
 Member Scott Foerster  
 Member Joyce Nuhn  
 Member Geoffrey Shea

Committee members    Vice-Chair Doug Townsend  
 absent:

Staff members present: Laura Johnston, Chief Administrative Officer  
                                  Jamie Eckenswiller, Director of Legislative Services/Clerk  
                                  Lorelie Spencer, Manager of Planning and Development  
                                  Sile Ferguson, Communications Coordinator  
                                  Lisa Mulligan, Secretary-Treasurer, Committee of Adjustments

**1.     Call to order**

Chair Hutchinson called the meeting to order at 2:01 p.m.

Staff reviewed instructions for members of the public to participate via Zoom or telephone, and how to contact staff for assistance if disconnected. It was noted that this meeting will be livestreamed to the West Grey YouTube channel.

**2.     Purpose of meeting**

Secretary-Treasurer Mulligan advised that the purpose of this meeting is to allow the presentation of a minor variance application and a consent to sever application; and to allow interested members of the public the opportunity to ask questions or offer comments regarding the applications.

A public registry for the applications is available by email at [sferguson@westgrey.com](mailto:sferguson@westgrey.com) and if any member of the public would like to be notified in writing of the decision on one of the applications, they are to provide their name and mailing address by email or via the meeting chat function for the corresponding registry. This will entitle one to be advised of a possible Ontario Land Tribunal hearing in the event the decision on the application is appealed.

**3. Disclosure of pecuniary interest and general nature thereof**

There were no disclosures of pecuniary interest.

**4. Approval of minutes**

**Resolution: CA-230502-01**

**Moved by:** Member Scott Foerster

**Seconded by:** Member Kevin Eccles

"THAT the Committee of Adjustment hereby approves the minutes of April 4, 2023, as presented."

**Disposition: Carried**

**5. Minor variance application No. A02.2023 - 229 Forler Street**

**5.1 Planner L. Spencer - report**

Planner Spencer provided an overview of the application, property details, and provided a summary of the staff report which included a description of the policy framework, an overview of the facts of the application, comments from agencies, and a summary of the recommendation.

**5.2 Verbal comments**

**5.2.1 Committee members**

Committee inquired if there is water and sewer available in the location of the second dwelling and if a severance would be possible on the subject property.

Planner Spencer advised that in accordance with Bill 23 the residence must be connected to water and sewer services. An application to sever has not been submitted and currently is not the wish of the applicant.

### **5.2.2 Members of the public**

Staff reviewed instructions for members of the public to participate via Zoom.

There were no comments from members of the public.

## **5.3 Decision**

### **Resolution: CA-230502-02**

**Moved by:** Member Kevin Eccles

**Seconded by:** Member Joyce Nuhn

"THAT in consideration of staff report A02.2023 – PELESHOK, Ken and Shelly, the committee of adjustment approves the minor variance as it is considered to maintain the general intent and purpose of the official plan and zoning bylaw, is considered a desirable use of the property, and is minor in nature".

**Disposition: Carried**

## **5.4 Next steps**

Staff advised that the applicant will be notified of the conditional approval, and after the 20-day appeal period, should there be no objections, they can pursue their building permit.

## **6. Minor variance application No. A03.2023 - 495 Queen Street**

### **6.1 Planner L. Spencer - report**

Planner Spencer provided an overview of the application, property details, and provided a summary of the staff report which included a description of the policy framework, an overview of the facts of the application, comments from agencies, and a summary of the recommendation.

### **6.2 Verbal comments**

#### **6.2.1 Committee members**

Committee inquired if there will be tree removal required.

Planner Spencer advised there will be tree removal to accommodate development.

### **6.2.2 Members of the public**

Staff reviewed instructions for members of the public to participate via Zoom.

Shiroon Motay inquired as to what the recommendation is. Upon hearing the recommendation, Shiroon Motay has no objections.

## **6.3 Decision**

### **Resolution: CA-230502-03**

**Moved by:** Member Kevin Eccles

**Seconded by:** Member Doug Hutchinson

"THAT in consideration of staff report A03.2023 – RICE, Mitchell, the committee of adjustment approves the minor variance as it is considered to maintain the general intent and purpose of the official plan and zoning bylaw, is considered a desirable use of the property and is minor in nature".

**Disposition: Carried**

## **6.4 Next steps**

Staff advised that the applicant will be notified of the conditional approval, and after the 20-day appeal period, should there be no objections, they can pursue their building permit.

# **7. Consent to sever No. B09.2023 - 281320 Normanby - Bentinck Townline**

## **7.1 Planner L. Spencer - report**

Planner Spencer provided an overview of the application, property details, and provided a summary of the staff report which included a description of the policy framework, an overview of the facts of the application, comments from agencies, and a summary of the recommendation.

## **7.2 Verbal comments**

### **7.2.1 Committee members**

Committee inquired as to why staff are recommending denial, and why the applicant was not able to meet the condition deadlines for the previous application and are now starting over.

Planner Spencer advised that there will be an opportunity for the applicant to speak to limitations they had regarding conditions, and advised it was not a staff issue.

Planner Spencer advised that the position is a policy matter and staff's position based on the first application has not changed. There is an inability to determine if the aggregate has been depleted. There is a report that is quite dated that was not brought into evidence as part of the OLT, which represents whether the aggregate had been depleted entirely on site. Provincial Policy Statement in addition to the County of Grey Official Plan requires that aggregate be preserved for future extraction. There are several heritage features on site; the Conservation Authorities Act has changed the way Saugeen Valley Conservation Authority (SVCA) will be able to comment with respect to natural heritage features and that is why there is a difference in those opinions.

Committee inquired about the validity of the SVCA comments, noting that the comments received from the SVCA were made prior to the deadline.

Planner Spencer advised that the changes to the SVCA's ability to comment changed January 1, 2023, therefore these comments are a second set of comments that came in after January 1, 2023.

Planner Spencer advised that the comments from the time of the original application are under a different policy. There are natural heritage features that SVCA can no longer speak to.

Committee requested clarification of the county's rounding up or down of hectares.

Planner Spencer advised when considering under OPA 11 whether to prorate up or prorate down you must be within 15 percent. There are certain policies within the Official Plan that define the density; for example, there are policies for 20-hectare original crown surveys, and 40-hectare original crown surveys. There is no policy that relates directly to the subject lands based on its size from the crown survey therefore it needs to be prorated up or prorated down. In this case it is prorated down to be within percent, and that is where the density is limited, based on the original crown survey and the county plan.

### **7.2.2 Members of the public**

Staff reviewed instructions for members of the public to participate via Zoom.

There were no comments from members of the public online.

Glenn David, agent for the applicants noted that COVID had a large role in the delay as surveyors were booked for approximately year out, and everything was delayed. Mr. David stated that his client should have asked for an extension from the OLT.

Mr. David noted that the OLT advised his client to request an extension from the municipality.

Planner Spencer advised that the municipality received legal advice and have no jurisdiction to extend an order by the Ontario Land Tribunal, hence the application at hand.

Mr. David stated that he has been in contact with the Saugeen Ojibway Nations (SON) who have recommended an archeological company.

Committee inquired that on January 12, 2022, West Grey staff approved the location of the entrance and returned in the fall of 2022; when was the entrance put in?

Mr. David advised that the entrance was installed prior to the deadline, but he and the applicant did not receive confirmation that the file was complete.

Committee inquired as to whether the entrance has been installed and approved.

Planner Spencer advised that the application was received on November 12, 2021, for the entrance permit. Inspection is pending in order for the entrance to be approved.

Committee noted that many conditions have been fulfilled and inquired as to what conditions are still outstanding.

Planner Spencer advised that conditions were set out by the OLT and it is the responsibility of the applicant and or agent to fulfill the conditions. Some of the conditions have been fulfilled and the agent continued to complete them, however, some conditions were not fulfilled before the deadline. Planner Spencer advised the comments from SON are new comments for this application so there is no report.

Should Committee choose to approve the application it can be made a condition, and if a satisfactory archeological assessment can't be provided, then they would not be able to fulfill conditions and the consent would lapse again.

Planner Spencer advised every consent is granted with conditions, the planning act has changed and there is now two years to fulfill conditions where it previously was 12 months. Planner Spencer advised that an archeological study should be a condition of consent because SON has recommended that such a study take place.

Committee inquired as to whether the applicant can bring forward what has already been completed to this application as part of the application process.

Planner Spencer advised that this is a new application and it must be reviewed as of the policies in place at the time the application is received. The registered plan, and completion of entrance permit can be conducted and carried over. The parkland dedication fee has been paid.

Mr. David referenced county comments regarding the number of lots permitted. Mr. David inquired as to whether there will be new conditions added to the application after approval, if approved.

Planner Spencer advised that the conditions noted were imposed by the committee when the original application was brought forward and also identified and clarified through the OLT. The applicant and agent have the opportunity to appeal the conditions within 20 days of the notice of decision. Planner Spencer noted that the only new condition is the completion of stage I and II archeological study coming from the new SON comments.

Planner Spencer advised that from the date of approved decision applicants have two years to fulfill conditions.

### 7.3 Decision

**Resolution: CA-230502-04**

**Moved by:** Member Geoffrey Shea

**Seconded by:** Member Joyce Nuhn

"THAT in consideration of staff report B09.2023 – GREIN, Dean and KAUFMAN, Becky, the Committee of Adjustment grants provisional consent subject to the following conditions:

- Payment of any outstanding municipal taxes (if applicable);
- Payment of the zoning by-law amendment application fee;
- Receipt of a zoning by-law amendment;
- Payment of an entrance permit fee for the newly created parcel;
- Receipt of an acceptable entrance permit for the newly created parcel;
- Payment of the \$500.00 parkland dedication fee; and
- The provision of a favourable archaeological assessment to the satisfaction of the Saugeen Ojibway Nation and the Municipality of West Grey.

**Disposition: Carried**

### 7.4 Next steps

Staff advised that the applicant will be notified of the conditional approval, and they will have twenty-four (24) months to complete the conditions set out in the decision.

## 8. Consent to sever No. B11.2023 - 451 Countess Street South

### 8.1 Planner L. Spencer- report

Planner Spencer provided an overview of the application, property details, and provided a summary of the staff report which included a description of the policy framework, an overview of the facts of the application, comments from agencies, and a summary of the recommendation.



## 8.2 Verbal comments

### 8.2.1 Committee members

There were no comments from Committee members.

### 8.2.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom.

Shiroon Motay requested additional information on the application, and inquired as to why they were notified.

Planner Spencer advised the Planning Act requires when a consent to sever application comes forward, everyone a prescribed distance of the subject lands is notified of the meeting. Attendance is not required.

Shiroon Motay inquired as to what specifically the application is for.

Planner Spencer advised the application is requesting consent to create a new lot. It will facilitate the construction of a semi-detached dwelling on the property once the consent is granted.

Shiroon Motay had no objections and no further questions.

Dana Keiffer, Cobide Engineering, agent for the applicant, provided an explanation of this application and other applications that will be forthcoming.

Committee inquired the difference between a semi-detached and a duplex.

Planner Spencer advised that it is defined though the zoning bylaw by how the units are separated, vertically or horizontally.

## 8.3 Decision

### Resolution: CA-230502-05

**Moved by:** Member Doug Hutchinson

**Seconded by:** Member Scott Foerster

"THAT in consideration of staff report B11.2023 – JT EXCAVATING LTD. (Cobide Engineering Inc.), Committee of Adjustment provides provisional consent, subject to the following conditions:

1. Payment of any outstanding municipal taxes (if applicable);

2. Payment of the zoning by-law amendment application fee;
3. Receipt of a zoning by-law amendment;
4. Payment of an entrance permit fee for the newly created parcel;
5. Receipt of an acceptable entrance permit for the newly created parcel;  
and
6. Payment of the \$500.00 parkland dedication fee."

**Disposition: Carried**

#### **8.4 Next steps**

Staff advised that the applicant will be notified of the conditional approval, and they will have twenty-four (24) months to complete the conditions set out in the decision.

#### **9. Next meeting**

The next meeting is scheduled for June 6, 2023, at 2:00 p.m.

#### **10. Adjournment**

There being no other items on the agenda, Chair Hutchinson adjourned the meeting at 3:13 p.m.

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Chair Tom Hutchinson

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Secretary-Treasurer Lisa Mulligan