



Minutes
Committee of Adjustment
Municipality of West Grey

March 5, 2024, 2 p.m.
West Grey municipal office, council chambers and virtual

Members present: Chair Tom Hutchinson
 Vice-Chair Doug Townsend
 Member Kevin Eccles
 Member Scott Foerster
 Member Doug Hutchinson
 Member Joyce Nuhn
 Member Geoffrey Shea

Staff present: Jamie Eckenswiller, Director of Legislative Services/Clerk
 Kerri Mighton, Interim CAO/Director of Finance/Treasurer
 Karl Schipprack, Director of Infrastructure and Development/CBO
 David Smith, Manager of Planning and Development
 Tammy Wheeldon, Secretary-Treasurer
 Ashley Noble, Communications Coordinator

1. Call to order

Chair Hutchinson called the meeting to order at 2:00 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

The Secretary-Treasurer advised that the purpose of the meeting is to allow the presentation of one minor variance and two consent to sever applications; 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 communications@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 declarations of interest.

4. Approval of minutes

4.1 Minutes of February 6, 2024, Committee of Adjustment Hearing

COA-240305-001

Moved by: Vice-Chair Doug Townsend

Seconded by: Member Kevin Eccles

"THAT the Committee of Adjustment hereby approves the minutes of February 6, 2024, as presented."

Carried

5. Application No. B01.2024 and A01.2024 - Moore - 421272 Concession 6 NDR

5.1 Report from planning staff

The manager of planning 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 residents and a summary of the recommendation.

5.2 Verbal comments

5.2.1 Committee members

Committee inquired as to the definition of rural and required acreage respecting Crown land.

The Manager of Planning and Development explained original Crown land size and noted what may be permitted based on zoning.

Committee sought clarification on how a severance may affect livestock operations.

Mr. Smith explained minimum distance separation (MDS) summary reports, and how MDS may be affected with severances.

Committee inquired about the existing barn and horse track on the property and asked if it was still used.

Mr. Smith advised that it is used only as a walking track and the barn is currently not being used.

Committee inquired about the existing barn and if new owners would be permitted to have livestock.

Mr. Smith highlighted nutrient management and legislation requirements and advised that new owners would be permitted to have livestock.

5.2.2 Applicant/Agent and Members of the public

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

Angela and Daryl Braithwaite reiterated that they had submitted a letter outlining their concerns about lot sizes being reduced and the loss of agricultural farmland.

Ms. Wheeldon read out three letters from members of the public. The first letter was from Angela and Daryl Braithwaite in opposition to the application noting that the original parcels of agricultural land should be kept intact to protect the land. The second letter was from Jason and Theresa Wright who were in opposition to the consent because they believe that the 20-hectare parcels of agricultural land need to stay intact to protect them. The third letter was from Douglas and Susan Schaus who were in opposition to the application as they are concerned that the application could cause problems for existing agricultural operations.

Residents Jason and Teresa Emke spoke in opposition to the application, noting their concerns about the zoning terminology used for the application and asked for clarification.

The Manager of Planning and Development clarified the differences in the zoning terminology.

Ron Davidson, agent for the applicant, highlighted the guidelines of how a severance must conform with County of Grey's Official Plan (OP) and the Provincial Policy Statement. Mr. Davidson explained that

the County's OP has two categories of land, being prime agricultural (agricultural) and rural, and noted the difference between the two designations. Mr. Davidson explained original Crown parcels and their sizes as well as minimum distance separation, adding that the existing barn has been taken into consideration and will not affect existing properties and that new property owners must follow regulations if using the barn for livestock. Mr. Davidson highlighted the proposed lot line and why it was selected.

Vija Sebastian, resident, noted concerns with the severance and the separation of farmland.

Sharon Moore, applicant, spoke to committee about her application and the reasons why the severance should be granted.

Jason and Teresa Emke, residents, spoke to committee about the proposed lot line and asked that committee adhere to the existing bylaw respecting lot size.

Angela Braithwaite inquired as to when the last time the soil was tested for quality and how the quality of the soil was justified.

Mr. Smith explained how the provincial and federal governments produced soil maps for Ontario. This was accomplished through soil surveyors, aerial photos and test pits in various locations throughout counties. Soil maps were created and can be found now through the Canada Land Inventory (CLI). The soil was tested when the county map was created a number of years ago.

Respecting lot lines, Mr. Davidson advised that someone driving by would not be able to visually identify a property size by them.

Ms. Moore informed committee that she installed a fence a few years ago on the property.

5.3 Decision

Moved by: Member Kevin Eccles

Seconded by: Member Doug Hutchinson

"THAT in consideration of staff report 'B01.2024 and A01.2024', the committee of adjustment:

- 1. hereby grants provisional approval to consent Application B01.2024 for the creation of a new lot as shown on Schedule 'A' attached to this decision and subject to the following conditions:**

- a. **THAT the owner provide a property tax certificate or correspondence from municipal financial services, indicating that all property taxes have been paid up to date with respect to the property that is subject to this decision;**
 - b. **THAT this decision applies only to the Severed Lot as indicated on Schedule 'A' attached to and forming part of this Decision. The Severed Lot shall substantially conform with Schedule 'A';**
 - c. **THAT a Reference Plan (survey that is registered) be completed and a digital copy and a hard copy be filed with the municipal Planning Department, or an exemption from the Reference Plan be received from the Registrar;**
 - d. **THAT, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., Stamping of the deed));**
 - e. **THAT the owner provide a draft transfer prepared by a solicitor describing the legal description of the new lot;**
 - f. **THAT the owner pay a \$500 parkland dedication fee for the severed land in accordance with Section 51(1) of the Planning Act to the Municipality of West Grey;**
 - g. **THAT the Secretary-Treasurer of the Municipality of West Grey Committee of Adjustment provide written confirmation that a minor variance is in force and effect recognizing a reduced lot size; and**
2. **approves minor variance application A01-2024, to zoning bylaw 37-2006, as amended, for 421272 Concession 6 NDR, to facilitate the severance of an undersized 'R2 Restricted Rural' lot with a Minimum Lot Area of no less than 17 hectares, subject to the following conditions:**
- a. **THAT the owner provide a property tax certificate or, correspondence from Municipal Financial Services, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this Decision;**

- b. **THAT this Decision applies only to the Severed Lot as indicated on Schedule 'A' attached to and forming part of this Decision. Any other variances that may appear on the Schedule that are not listed in the written decision are NOT authorized; and**
- c. **THAT this Decision expires three years from the date of decision if the lot proposed in Provisional Consent B01.2024 has not been registered."**

COA-240305-002d

Moved by: Member Kevin Eccles

Seconded by: Vice-Chair Doug Townsend

"THAT item 2 of the main motion be amended to change 'not less than 17 hectares' to 'not less than 19.5 hectares'."

Defeated

COA-240305-003

Moved by: Member Kevin Eccles

Seconded by: Member Doug Hutchinson

"THAT in consideration of staff report 'B01.2024 and A01.2024', the committee of adjustment:

1. **hereby grants provisional approval to consent Application B01.2024 for the creation of a new lot as shown on Schedule 'A' attached to this decision and subject to the following conditions:**
 - a. **THAT the owner provide a property tax certificate or correspondence from municipal financial services, indicating that all property taxes have been paid up to date with respect to the property that is subject to this decision;**
 - b. **THAT this decision applies only to the Severed Lot as indicated on Schedule 'A' attached to and forming part of this Decision. The Severed Lot shall substantially conform with Schedule 'A';**
 - c. **THAT a Reference Plan (survey that is registered) be completed and a digital copy and a hard copy be filed with the municipal Planning Department, or an exemption from the Reference Plan be received from the Registrar;**

- d. **THAT, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., Stamping of the deed));**
 - e. **THAT the owner provide a draft transfer prepared by a solicitor describing the legal description of the new lot;**
 - f. **THAT the owner pay a \$500 parkland dedication fee for the severed land in accordance with Section 51(1) of the Planning Act to the Municipality of West Grey;**
 - g. **THAT the Secretary-Treasurer of the Municipality of West Grey Committee of Adjustment provide written confirmation that a minor variance is in force and effect recognizing a reduced lot size; and**
2. **approves minor variance application A01-2024, to zoning bylaw 37-2006, as amended, for 421272 Concession 6 NDR, to facilitate the severance of an undersized 'R2 Restricted Rural' lot with a Minimum Lot Area of no less than 17 hectares, subject to the following conditions:**
- a. **THAT the owner provide a property tax certificate or, correspondence from Municipal Financial Services, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this Decision;**
 - b. **THAT this Decision applies only to the Severed Lot as indicated on Schedule 'A' attached to and forming part of this Decision. Any other variances that may appear on the Schedule that are not listed in the written decision are NOT authorized; and**
 - c. **THAT this Decision expires three years from the date of decision if the lot proposed in Provisional Consent B01.2024 has not been registered."**

Carried

5.4 Next steps

Mr. Smith advised that there is an appeal period regarding consent applications, adding that after the appeal period has been completed and there are no appeals, the applicant is required to fulfill all the conditions that have been imposed within two years of the date of decision. If the conditions are completed within the two years, the severance is issued. If there is an appeal, then the appeal will be dealt with through the Ontario Land Tribunal.

Committee recessed from 3:43 p.m. to 3:51 p.m.

6. Application No. B03.2024 - Roberts - 404701 Grey Road 4

6.1 Report from planning staff

The manager of planning 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 residents and a summary of the recommendation.

6.2 Verbal comments

6.2.1 Committee members

Member Hutchison provided an overview of the history of the application.

There were no comments from the committee members.

6.2.2 Applicant/Agent and Members of the public

Christine Loft of Loft Planning, agent to the applicant, spoke to committee about the application and the conditions of the consent.

There were no comments from the members of the public.

6.3 Decision

COA-240305-00

Moved by: Member Kevin Eccles

Seconded by: Member Geoffrey Shea

"THAT in consideration of staff report 'B03.2024 – ROBERTS, Paul and Lorraine, the Committee of Adjustment hereby grants provisional approval to consent application B03.2024 for the creation of a new lot, and easement/right-of-way in favor of the retained lot, as shown on

Schedule 'A' attached to this decision and subject to the following conditions:

- 1. THAT the owner provide a property tax certificate or correspondence from Township Financial Services, indicating that all property taxes have been paid up to date with respect to the property that is subject to this decision;**
- 2. THAT this decision applies only to the severed lot as indicated on Schedule 'A' attached to and forming part of this Decision. The severed lot shall substantially conform with Schedule 'A';**
- 3. THAT a Reference Plan (survey that is registered) be completed and a digital copy and a hard copy be filed with the municipal planning department, or an exemption from the Reference Plan be received from the Registrar;**
- 4. THAT, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the notice of decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., Stamping of the deed));**
- 5. THAT the owner provide a draft transfer prepared by a solicitor describing the legal description of the new lot;**
- 6. THAT an easement in favour of the dominant land (retained portion) for driveway access being approximately 6 metres wide by 64 metres long as illustrated on Schedule 'A' is granted;**
- 7. THAT the owner enter into an agreement with the County of Grey, if deemed necessary by the county, to satisfy all the requirements, financial or otherwise of the County, which may include, but shall not be limited to, driveway access to, provision of roads, installation of services, facilities, drainage and the timing and payment of a development charge;**
- 8. THAT the owner pay a \$500 parkland dedication fee for the severed land in accordance with Section 51(1) of the Planning Act to the Municipality of West Grey;**
- 9. THAT the owner provide a draft transfer prepared by a solicitor describing the dominant and servient lands for the proposed easement;**

- 10. **THAT the owner provide information/documentation, to the sole satisfaction of the municipal building department, that the septic tile bed/distribution pipes are/will be wholly (100%) located within the lot boundaries of the retained lot;**
- 11. **THAT the owner provide information/documentation, to the sole satisfaction of the municipal building department, that the accessory building on the severed lot has been removed;**
- 12. **THAT the clerk of the municipality provide written confirmation that a zoning bylaw amendment is in force and effect recognizing either a reduced lot size and lot frontage or rezoning the lands to another appropriate zone."**

Carried

6.4 Next steps

Mr. Smith advised that there is an appeal period regarding consent applications, adding that after the appeal period has been completed and there are no appeals, the applicant is required to fulfill all the conditions that have been imposed within two years of the date of decision. If the conditions are completed within the two years, the severance is issued. If there is an appeal, then the appeal will be dealt with through the Ontario Land Tribunal.

7. Next meeting

The next meeting is scheduled for April 2, 2024, at 2:00 p.m.

8. Adjournment

There business on the agenda havening been completed, Chair Hutchinson adjourned the meeting at 4:06 p.m.

Chair Tom Hutchinson

Secretary-Treasurer