



Minutes

Committee of Adjustment

Municipality of West Grey

February 4, 2025, 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

Members absent: Member Geoffrey Shea

Staff present: Michele Harris, Chief Administrative Officer
 Jamie Eckenswiller, Director of Legislative Services/Clerk
 Karl Schipprack, Director of Community and Development
 Services/CBO
 David Smith, Manager of Planning and Development
 Kalind Patel, Planning Technician
 Ashley Noble, Communications Coordinator
 Krista House Langdon, Legislative Services Coordinator

1. Call to order

The Manager of Planning and Development called the meeting to order at 2:00 p.m.

2. Appointment of a chair and vice-chair

2.1 Appoint chair

The Manager of Planning and Development called for nominations for the position of chair of the Committee of Adjustment.

Member Townsend nominated Member Tom Hutchinson; Member Tom Hutchinson accepted the nomination.

The Manager of Planning and Development called for additional nominations; no further nominations were received.

There being no further nominations, Member Tom Hutchinson was acclaimed as chair of the Committee of Adjustment.

2.2 Appoint vice-chair

Chair Hutchinson called for nominations for the position of vice-chair of the Committee of Adjustment.

Member Eccles nominated Member Townsend; Member Townsend accepted the nomination.

Chair Hutchinson called for additional nominations; no further nominations were received.

There being no further nominations, Member Townsend was acclaimed as vice-chair of the Committee of Adjustment.

3. Purpose of meeting

The Manager of Planning and Development outlined the purpose of the meeting.

4. Disclosure of pecuniary interest and general nature thereof

Member Hutchinson declared a conflict with Item 6 because a relative of his is coached by Mr. R. Scriven. This conflict was declared during the discussion of Item 6.

5. Approval of minutes

5.1 Minutes of the Committee of Adjustment Hearing held on December 3, 2024

A typo was noted in the minutes of December 3, 2024; Road 35 was mistakenly labelled as Road 36.

COA-250204-001

Moved by: Member Foerster

Seconded by: Member Hutchinson

"THAT the minutes of the December 3, 2024, Committee of Adjustment hearing be approved as amended."

Carried

6. Application No. B21.2024 - 142239 Grey Road 9

This item was discussed after Item 8.

7. Application No. B33.2024 - 403741 Grey Road 4

7.1 Report from planning staff

The Manager of Planning and Development provided an overview of the application and property details and provided a summary of the staff report. Mr. Smith reviewed comments received and noted that no concerns were raised from the agencies or the public.

7.2 Verbal comments

7.2.1 Committee members

There were no comments from committee members.

7.2.2 Applicant/Agent and Members of the public

There were no public comments.

7.3 Decision

COA-250204-002

Moved by: Member Eccles

Seconded by: Member Townsend

"THAT in consideration of staff report 'B33.2024 – Zeh (Cuesta)', the Committee of Adjustment hereby grants provisional approval to consent application B33.2024 for the creation of one new lot subject to the following conditions:

- i. THAT the owner provides a property tax certificate or, correspondence from the West Grey finance department, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this decision;**
- ii. THAT this decision applies only to 'Severed Lot' as indicated on Schedule 'A' attached to and forming part of this decision. The severed lot shall substantially conform with Schedule 'A';**
- iii. THAT a Reference Plan (survey that is registered) be completed and a digital and hard copy be filed with the Secretary-Treasurer of the Committee of Adjustment, or an exemption from the Reference Plan be received from the Registrar. A draft copy of the**

Reference Plan shall be provided to the Secretary-Treasurer for review and approval prior to registration of the survey;

- iv. 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));
- v. THAT the owner provides a draft transfer prepared by a solicitor describing the legal description of the new lot;
- vi. THAT the owner pays 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;
- vii. THAT the Clerk of the Municipality of West Grey provides written confirmation that a zoning bylaw amendment is in force and effect for the severed lot."

Carried

7.4 Next steps

Should no appeals be filed, the applicant is required to fulfill all the conditions that have been imposed by Committee within the prescribed timeframe.

8. Application No. B30.2024 - 313237 Highway 6

8.1 Report from planning staff

The Manager of Planning and Development provided an overview of the application and property details and provided a summary of the staff report. Mr. Smith reviewed comments received and noted that no concerns were raised from the agencies or the public.

8.2 Verbal comments

8.2.1 Committee members

Committee members asked for clarification with respect to the size of the lots..

8.2.2 Applicant/Agent and Members of the public

Colin Lake, resident of West Grey, expressed concerns regarding the potential agricultural uses of the property.

Jane Lake, resident of West Grey, expressed concerns focusing on the removal of trees from the property.

Jani Brewer, agent for the applicant, spoke to the application.

Walter Schenkel, resident of West Grey, requested clarification regarding the zoning provisions related to the application.

David Kuepfer, applicant, spoke to the application and general plans for the property.

8.3 Decision

COA-250204-003

Moved by: Member Hutchinson

Seconded by: Member Eccles

"THAT in consideration of staff report 'B30.2024 – Kuepfer (Cuesta), the Committee of Adjustment hereby grants provisional approval to consent application B30.2024 for a lot addition subject to the following conditions:

- i. THAT the owner provides a property tax certificate or correspondence from the municipal finance department, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this decision;**
- ii. THAT this decision applies only to the 'To be severed and merged with Kuepfer Lot' as indicated on 'Schedule 'A' – Kuepfer (Cuesta)' attached to and forming part of this decision. The severed lands shall substantially conform with 'Schedule 'A' – Kuepfer (Cuesta)';**
- iii. THAT the application is for a lot addition only; and, that the lands to be severed as shown on the attached Schedule 'A' – Kuepfer (Cuesta)' be merged under the same ownership as the abutting lands being Lot 14, Plan 16M29, geographic township of Glenelg [150 Marshall Heights], and that Subsection (3) or (5) of Section 50 of the Planning Act, apply to any subsequent conveyance. The solicitor for the owner shall provide an undertaking to consolidate the PINS for the property parcels upon registration of the consent(s);**
- iv. THAT a Reference Plan (survey that is registered) be completed and a digital copy and a hard copy be filed with the Secretary-**

Treasurer of the Committee of Adjustment, or an exemption from the Reference Plan be received from the Registrar. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration of the survey;

- v. 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));**
- vi. THAT the owner provides a draft transfer prepared by a solicitor describing the legal description of the lot addition;**
- vii. THAT the owner apply for, and obtain approval, for a deeming bylaw under section 50(4) of the Planning Act, deeming Lot 14, Plan 16M29, geographic township of Glenelg [150 Marshall Heights] to the sole satisfaction of the Secretary-Treasurer of the Municipality of West Grey Committee of Adjustment; and**
- viii. THAT the Clerk of the Municipality of West Grey provides written confirmation that a zoning bylaw amendment is in force and effect and that the amendment include a clause prohibiting any future development on the lands 'To be severed and merged with Kuepfer Lot' as indicated on 'Schedule 'A' – Kuepfer (Cuesta)'."**

Carried

8.4 Next steps

Should no appeals be filed, the applicant is required to fulfill all the conditions that have been imposed by Committee prior to the consent being finalized.

6. Application No. B21.2024 - 142239 Grey Road 9

Application No. B21.2024 - 142239 Grey Road 9 was discussed at this time.

6.1 Report from planning staff

The Manager of Planning and Development provided an overview of the application and property details, summarized the staff report, and provided a summary of the recommendation.

Mr. Smith noted that this application was being brought forward after being deferred at the Committee of Adjustment meeting held on October 1, 2024.

Mr. Smith noted that a letter of objection was received from the adjacent property owner, but no comments were received from agencies.

6.2 Verbal comments

6.2.1 Committee members

Committee members inquired about the nature of certain planning language and expressed concerns that it may affect consistency in decisions.

Mr. Smith responded to questions posed by the committee.

6.2.2 Applicant/Agent and Members of the public

Kristen Loft, agent for the applicant, provided an overview of the application.

Robert Scriven, resident of West Grey, expressed concerns regarding the lot size created by the severance. Mr. R. Scriven noted that he had submitted written comments in opposition to the application.

Scott Patterson, agent for Robert Scriven, advised that a letter of opposition had been submitted regarding the application.

Member Hutchinson declared a conflict with Item 6 at this time as one of his relatives is coached by Mr. R. Scriven. Member Hutchinson left the Council Chambers and did not return.

Committee members asked if the proposed lot line could be adjusted to allow the severed lot to meet the minimum requirements and align with zoning policies.

William Scriven, resident of West Grey, expressed concerns regarding the application and noted that other parties had been advised against attempting a similar application in the past.

Council recessed at 3:55 p.m. and reconvened at 4:07 p.m.

Jason Martin, representative of the applicant, spoke to the application and advised that the applicant would be open to adjusting the lot line.

6.3 Decision

COA-250204-004

Moved by: Member Townsend

Seconded by: Member Eccles

"THAT in consideration of staff report 'B21.2024 – Martin and Brubacher', the Committee of Adjustment hereby defers application B21.2024 sine die."

Carried

9. Next meeting

The next meeting is scheduled for March 4, 2025, at 2:00 p.m.

10. Adjournment

The business on the agenda having been completed, Chair Hutchinson adjourned the meeting at 4:25 p.m.

Chair Tom Hutchinson

Secretary-Treasurer