

Township of McNab/Braeside
Committee of Adjustment

A Hearing of the Committee of Adjustment was held on March 27th, 2017 at 7:00 p.m. in the Municipal Office.

PRESENT: Geoff Booth Chairperson
 Vance Bedore Member

Committee member Jacqueline Asselin was absent this evening.

Disclosures of pecuniary interest and the general nature thereof.

Members were asked to state any financial interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Moved by Vance Bedore, seconded by Geoff Booth, that the February 27th, 2017 minutes be approved as circulated. **Carried.**

Hearings:

B-1/17 Martin Koshman

Martin Koshman was in attendance this evening to discuss this application.

Mr. Koshman provided a brief history of the property and advised that this issue had come to light when he had gone to sell one of the properties and become aware of the inadvertent merge of the two properties. Following a brief discussion with the Committee regarding the Township Planners recommendations that a Zoning Amendment and draft survey be conditions of the consent Mr. Koshman advised the process would become onerous and cost prohibitive, not worth the price of the lot and suggested there may be ways to proceed without these conditions. The Committee advised that they are a quasi-judicial body that make decisions under the Planning Act based on the information they have before them and based on the recommendations of the Township's Planner and Planning Advisory Committee.

Moved by Vance Bedore, seconded by Geoff Booth, that Application B-1/17 be approved as applied for subject to the conditions listed in the decision. **Carried.**

B-2/17 Doug & Julia McNab (Agent – ZanderPlan Inc.)

Tracy Zander, Agent for the Applicants, was in attendance this evening to discuss this application.

The Chairperson advised that the only issue with this application is the zoning as both the retained and proposed severed lands are currently zoned Agriculture and further advised that the proposed lot is quite large. Tracy Zander addressed the Committee and advised that the proposed severed parcel is slightly larger than the minimal lot usually severed for a surplus farm dwelling as the house is set quite far back from the road. Ms. Zander further advised that the majority of lands to be severed are not currently farmed.

Moved by Vance Bedore, seconded by Geoff Booth, that Application B-2/17 be approved as applied for subject to the conditions listed in the decision. **Carried.**

B-3/17 Creativity+ Inc.

Bruce Carruthers and Vadim Belotserkovsky were in attendance this evening to discuss this application.

The Chairperson advised that the lot will be slightly undersized according to the Planning Report. Vadim Belotserkovsky advised that it is actually slightly larger according to their calculations and the dimensions will reflect that on the survey. The Chairperson further advised that the Public Works Director has recommended that the Applicant provide a letter from a qualified Professional Engineer indicating that the post-development flows from the retained lands is equal or less than the pre-developed flow as outlined in the Stormwater Management Brief dated December 2014.

Moved by Vance Bedore, seconded by Geoff Booth, that Application B-3/17 be approved as applied for subject to the conditions listed in the decision. **Carried.**

Decisions:

B-1/17 Martin Koshman

Consent to sever a parcel of land approximately 45.7m frontage x 34m depth, 0.141 ha, irregular in shape for residential purposes, being Lot 6, Concession 14 (C), 10 and 20 Hill Road, Township of McNab/Braeside is granted to Martin Koshman on condition that:

1. The Applicants successfully obtain a Zoning Amendment to reduce the Severed lot area from 2,430m² to 1400m², the minimum side yard setback from 3.0 metres to 2.9 metres, the minimum front yard setback from the existing dwelling from 7.5 metres to 2.0 metres and to reduce the encroachment of the existing front porch to 1.8 metres from the front lot line; and to reduce the Retained lot area from 2,430m² to 1400m², the minimum lot frontage from 45 metres to 40 metres and reduce the minimum front yard setback for the existing dwelling from 7.5 metres to 6.0 metres.
2. A draft survey be provided that confirms the reductions required for the Zoning By-law Amendment.

3. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.
4. The original executed transfer (Transfer In Preparation) be presented to the Township.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

The Committee stated that:

- The general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49 once a zoning amendment has been obtained.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-2/17 Doug & Julia McNab (Agent – ZanderPlan Inc.)

Consent to sever a parcel of land approximately 120.0m frontage x 200.0 – 205.4m depth, 2.62 ha, for residential purposes, being Lot 16, Concession 7, 626 Mountainview Road, Township of McNab/Braeside is granted to Doug & Julia McNab on condition that:

1. The Applicants successfully obtain a Zoning Amendment for the retained lands to prohibit residential use.
2. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.
3. The original executed transfer (Transfer In Preparation) be presented to the Township.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

The Committee stated that:

- The general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49 once a zoning amendment has been obtained.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-3/17 Creativity+ Inc.

Consent to sever a portion of land 27.6m frontage, 45.2m in depth, approximately 0.306 ha, irregular in shape as a lot addition only is granted to Creativity+ Inc. This property is part of Lot 15, Concession 9, 775 Carmichael Road/Scheel Drive, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Bruce Carruthers. This severance is granted on condition that:

1. The Certificate of Consent attached to the deed/transfer shall include the following condition: *"The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Bruce Carruthers and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be conveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and this condition shall be entered into the parcel as a restriction."*
2. The applicant provide a letter from a qualified Professional Engineer indicating that the post-development flows from the retained land is equal or less than the pre-developed flow as outlined in the Storm Water Management Brief dated December 2014.
3. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.
4. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.

- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- It was noted by the Committee that the subject lands will comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49 and the use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

Delegations: Nil

Discussion: Nil

Correspondence:

2017 OACA Conference

The newsletter containing the information for the 2017 Ontario Association of Committees of Adjustment & Consent Authorities conference scheduled to be held in Ottawa from June 4th – 7th was circulated to the Committee members.

Unfinished Business: Nil

New Business: Nil

Next Meeting:

The next meeting will be held on May 15th, 2017.

Adjournment.

The meeting adjourned on a motion moved by Vance Bedore at 7:55 p.m.

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Chairperson

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Secretary