

THE CORPORATION OF THE TOWNSHIP OF HORTON

**PLANNING COMMITTEE**

September 16, 2008

There was a meeting of the Planning Committee in the Horton Community Centre on Tuesday September 16, 2008. Present were Chair Dave Bennett, Councillor Bob Kingsbury, Bill Winters, Mae Craig, Jim Ferguson, Mayor Robert A. Johnston, and Deputy Mayor Bob Hall.

1. CALL TO ORDER  
Chair Bennett called the meeting to order at 4:30 p.m.
2. DECLARATION OF PECUNIARY INTEREST  
There was no declaration of pecuniary interest expressed by members of the Committee.
3. MINUTES OF JULY 15, 2008 COMMITTEE  
Chair Bennett reviewed the Committee Meeting Minutes which had been approved by Council.
4. BUSINESS ARISING  
Consent B 81/08 McGonigal – Surveyor comments on need for Minor Variance  
After discussion the following resolution was put forward.

Moved by Bob Johnston, seconded by Bob Kingsbury

That Planning Committee recommends to Council that they support the proposal of Janet McGonigal to sever application B 81/08 on condition that a minor variance be applied to reduce the side yard setbacks.

**Carried.**

5. DELGATIONS  
4:35 Joel Brydges – Zoning Application for Outdoor Wood Furnace  
Mr Brydges did not attend.  
  
4:45 Marion Kauffeldt – Agreement to use Residence while New Resident Built  
Fred Hansma, of Hansma Construction was present representing Ms Kauffeldt. Mr Hansma reviewed Ms Kauffeldt's plan to construct a new residence, rather than repair her current residence. Once she is occupying her residence she has contracted with Mr Hansma to demolish the current house. He understood the need for an Agreement but asked the Committee to waive the need for security for financial reasons.

Chair Bennett said personally he is not in favour of waiving the deposit. The Township needs a security to ensure that ratepayers are not left with costs to remove an older house. It is difficult to say that security is not required in one instance but it is in another. He noted that the deposit is refundable as soon as the house is removed.

After discussion the following resolution was put forward.

Moved by Jim Ferguson, seconded by Bill Winters

That the Planning Committee recommend to Council that they enter into an Agreement with Marion Kauffeldt to permit the occupancy of her current residence while she constructs a new residence, and that a \$5,000 deposit be received prior to the issuance of the Building Permit to ensure that the old residence is demolished.

**Carried.**

At 5:00 p.m. the Committee recessed into a Committee of Adjustment Public Meeting. The Committee returned to the Planning Committee at 5:35 p.m. The same members present.

6. PETER PRINCE SEVERANCE – HUMPHRIES ROAD – DRAINAGE & LOT GRADING PLAN

Mr. Prince was present and submitted drawings prepared by his Engineer - Jp2g. Upon preliminary review of the drawings of the lot grading and lot drainage plan it appears to indicate what the Public Works Committee had asked for. He is supportive of an easement being granted to the Township on the drainage swale in Lot 4 adjacent to the boundary of Lot 3. The Committee Members supported releasing Parts 2, 3 and 5 from the lot grading and lot drainage plan requirements, as there are no drainage concerns on these lots.

The Drainage Plan for Lot 4 is referred to the Public Works Committee for their consideration.

7. STAFF REPORT ON URBANSKI/WAUGH AUTOMOTIVE GARAGE BUSINESS ON KNIGHT STREET

The CAO/Clerk reported that there was no written response from staff for this meeting, however the CBO and the Infrastructure Manager did meet with Nancy Bailey who requested a meeting of the three with Peter Urbanski to assist in the resolution of her concerns, that a non-conforming use has been expanded over time.

Chair Bennett said he visited the Urbanski property in the last few days and on the third visit this morning he finally met Mr Urbanski. Mr Urbanski will not remove the sign of a truck which is on the stockade fence. However, in looking at the property Chair Bennett believes that the shop and business has not increased since 1981, when the first Zoning By-law passes. He has knowledge of what the property and business was in 1981.

Mae Craig asked if there were any photos of the property in 1981. The CAO/Clerk did not have any at this time. It was agreed that the Committee support the meeting between Ms Bailey and Mr Urbanski with the Township Staff participating.

8. MILLER ESTATES MOBILE HOME PARK EXPANSION – COUNTY PLANNING COMMENTS

The CAO/Clerk reported that the County has now responded to his request for the process required for the approval of a five lot expansion to the Miller Estates Mobile Home Park. A Site Plan is required of the existing lots along with the five lot addition. This information has been forwarded to the applicant's agent in the area.

9. TERRY A. VERHELLE - REQUEST FOR CONDITIONAL BUILDING PERMIT TO CONSTRUCT BASEMENT

Mr Verhelle had requested permission for a conditional Building Permit to construct a basement on his lot prior to registration of the right-of-way as he has a house pending delivery. The Lawyer representing the ratepayers on the right of way question is not responding to him.

Chair Bennett reported that it is in the Landowners' control through their Lawyer, for the right of way at this time. Alternatively, he would support an Agreement with a \$10,000 security, similar to the requirements demanded of Wes Wallace, late last year.

The CAO/Clerk reported that the deed is in Mr Verhelle's wife's name and she had contacted the office informing us that she has not signed the deed over to Mr Verhelle at this time. The Committee agreed not to respond to the request.

10. APPLICATIONS RECEIVED FOR TWO VACANT COMMITTEE POSITIONS

Chair Bennett said the Township received an application from Rene Labreque, a lawyer on River Road and John Berkhout, former owner of Storyland.

Mayor Johnston reported that today he had received a resume from Bob Lockwood, owner of RONA in Horton Township, who express interest to be on the Committee. It was noted that the deadline for applications was Friday August 29, 2008. After discussion the Committee agreed to accept all three applications.

Moved by Mae Craig, seconded by Jim Ferguson

That Planning Committee recommends to Council that the vacant seats on Planning Committee be filled by Rene Labreque, John Berkhout and Bob Lockwood.

**Carried.**

The CAO/Clerk noted that a by-law will be prepared for the October 1, 2008 Council Meeting.

11. CONSENT APPLICATIONS

B85-08 Stephanie Jacob

The CAO/Clerk reported that the Planning recommendation on this application is negative as the lot does not meet the minimum distance separation formulas from the stable on the remnant parcel and from a neighbour's farm operation.

Moved by Mae Craig, seconded by Bill Winters

That Planning Committee recommends to Council that they not support approval of Consent Application B85/08.

**Carried.**

B86-90/08 Randy Gaddess

B91-94/08 Randy Gaddess

The CAO/Clerk reported that the Planning comment is favourable, providing the Township is supportive that Lots 4 & 5 in the first group of applications and the 4<sup>th</sup> lot in the second group of applications, will not cause undue hardship to the infrastructure of the Township and cause strip development. The Committee reviewed the applications and agreed that would not be the case. These applications were submitted to the Land Division Committee prior to the June 3, 2008 passing of our Lot Development Charge By-law which calls for payment of the lot development charge on the creation of the lot rather than on the issuance of the building permit.

Moved by Jim Ferguson, seconded by Mae Craig

That Planning Committee recommends to Council that they support Consent Applications B 86-90/08 and B 91-94-08 for Randy Gaddess to sever lots subject to the Township entering into a consent agreement with Mr Gaddess.

**Carried.**

B 95-99/08 Gerry & Mary Richards

The CAO/Clerk reported that the Planning Report from the County Planning Department noted that the Official Plan of the County suggests a noise attenuation study on any severance within 250 metres of a Provincial Highway. These lots would be within that setback from Highway 17. However, the CAO/Clerk noted that there are three or four houses presently located between these proposed lots and Highway 17 and there have not been any concerns raised by these residents about noise. The Committee therefore agreed that this was not a requirement. These applications were also submitted before the June 3, 2008 passing of the Lot Development Charge By-law.

Moved by Bill Winters, seconded by Jim Ferguson

That Planning Committee recommends to Council that they support application B 95-99/08 for Gerry & Mary Richards subject to the consent agreement being entered into with the Township of Horton.

**Carried.**

B114-08 Robert Sutherland & Marguerite Hyde

B115-117/08 Brian Sutherland

The three applications are for lot additions or right of way and the fourth application is the creation of a new lot. These applications were received by the Land Division Committee after the June 3, 2008 passing of the Lot Development Charge By-law.

Moved by Bob Hall, seconded by Mae Craig

That Planning Committee recommend to Council that they support the approval of Consents B114, 115, 116 & 117/08 for Sutherland/Hyde and Sutherland to sever two lot additions, one right of way, and one new lot subject to an agreement being entered into with the applicants that they will pay the Lot Development Charge of \$3122.00 as a condition of approval, prior to the issuance of the severance certificate.

**Carried.**

B130-132/08 Mark Virgin & Michelle Leavoy Virgin

The CAO/Clerk reported that this is a resubmission of three severances which lapsed. The Planning Report supports the applications.

Moved by Robert A Johnston, seconded by Jim Ferguson

That Planning Committee recommends to Council that they support application B130, 131 & 132/08 subject to the following conditions:

1. That the applicants enter into consent agreement with the Township
2. That the applicants have an engineer prepare a drainage plan, and
3. That the applicants enter into an agreement with the municipality to pay the lot development charge of \$3122.00 per lot, prior to the issuance of the certificate.

**Carried.**

B108/05 Gary Carty – Planning Justification Report

The CAO/Clerk reported that the Township recommend approval of Application B108-05 for Gary Carty on condition that a Planning Justification Report be completed. This Report has now been submitted to the municipality. The Committee briefly reviewed the Report, noting the recommendations.

Moved by Bob Hall, seconded by Bob Kingsbury

That Planning Committee recommend to Council that they support the recommendations made in the Planning Justification Report and recommend the Land Division Committee approve the application.

**Carried.**

12. COMMUNITY IMPROVEMENT PLAN (BROWNFIELDS)  
COUNTY OPA APPROVED

The CAO/Clerk presented a copy of the approval from the Ministry of Municipal Affairs to the County Official Plan Amendment which would permit the Township to pass a Community Improvement Plan. The Community Improvement Plan is required before the Township can enter into an Agreement for Brownfield properties.

Steve Pentz of Novatech Engineers and Planning who prepared the draft by-law will review the by-law once more, now that this approval has been received, and submit the by-law for consideration at the next Council meeting.

13. OTHER BUSINESS

There was no other business.

14. NEXT MEETING

After discussion the Committee agreed to have a joint meeting of the Planning Committee for regular business and for the second review of the Comprehensive By-law to be held Wednesday October 22, 2008 at 4:00 pm in the Fire Hall Meeting Room.

15. CONFIRMING RESOLUTION

Moved by Bob Hall, seconded by Jim Ferguson

That the Committee pass this confirming resolution to cover any actions or directions given during the open portion of this Committee Meeting which are minor in nature and which were not set out in By-law or Resolution.

**Carried.**

16. ADJOURNMENT

Moved by Mae Craig, seconded by Bill Winters

That this Planning Committee meeting be adjourned at 6:33 p.m.

**Carried.**

---

Chair

---

CAO/Clerk