

PLANNING COMMITTEE MEETING

September 21, 2010 - 4:00 p.m.

There was a Meeting of the Planning Committee held in the Municipal Council Chambers on Tuesday September 21, 2010. Present were Chair David Bennett, Jim Ferguson, Councillor Don Eady, Councillor Bob Kingsbury, David Brown, Bob Lockwood, Mayor Robert A. Johnston, John Berkhout, John Wilson and Deputy Mayor Bob Hall. Absent, Mae Craig who is on vacation.

1. CALL TO ORDER

Chair Bennett called the meeting to order at 4:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest made by the Committee Members.

3. MINUTES OF

- July 20, 2010 Committee Meeting,

Chair Bennett briefly reviewed the July 20, 2010 Meeting Minutes. There were no comments from the members; these minutes have been previously approved by council.

4. BUSINESS ARISING

Report on Annexation Meeting with Renfrew

Chair Bennett briefly reported that he met with the Town of Renfrew and informed them of the request we had received for Horton to annex back some land Renfrew received in the 1970's. The CAO/Clerk said that he has been contacted by Mayor Heins at The Town of Renfrew, who has invited us to a meeting with their ratepayers involved and dates available are October 4th or October 12th at 7:00 p.m. The council members agreed that October 4th was the suitable date.

Verhelle Security Agreement

The CAO/Clerk reported that the agreement has been sent out but neither the agreement nor the security deposit has been received.

5. DELEGATIONS

4:05 Allan Crankshaw – Lot frontage on corner lot

Mr. Crankshaw was present and read a statement that he had prepared. He said that he had found out that there are different rules between neighbors. His concern is that properties on corner lots have an advantage. The zoning by-law states the shortest frontage is considered the Lot frontage, the longest frontage is considered the side. If a person chooses to physically use the side for their frontage, as in the case of his neighbor who is side by side with his house, the neighbor's rear yard is adjacent to his side yard and different setbacks are permitted. He encouraged the Committee to consider amending the zoning by-law for lot frontage on corner lots so that the frontage that the property owner actually chooses to front his house on be the actual frontage.

Chair Bennett reviewed the concerns that Mr. Crankshaw has brought forward at a previous meeting, saying that the committee is now aware there is a problem for consideration; our planner has provided an explanation of why the definition is in the by-law and the two previous zoning by-laws. Mr. Crankshaw asked if a change in the zoning by-law definition would help others in the future. Chair Bennett suggested that possibly 50/50 some would benefit, where some would have a hardship.

David Brown asked what the next door neighbor is doing on the building that he has constructed without a permit and too close to the rear lot line. Mr. Crankshaw said that he

should have been told several months back about this issue and his concerns would have been cleared up back then. Bob Kingsbury said that he sympathizes with Mr. Crankshaw, there is a loophole that the adjoining owner is using, the lean-to building that was constructed last fall without a permit should come down and the committee should consider changing the by-law to define the frontage at the side chosen by the owner.

Don Eady agreed that there is a loophole; we need to build something into building permits for common sense to prevail.

Robert A. Johnston concurred, he agreed that if someone chooses a frontage that should become their frontage under the by-law.

Bob Hall questioned if the committee should look at property standards so buildings fit into the community. Mr. Crankshaw said that the building is now chipboard exterior but that may be covered in the future. His issue though is with different rules which put a rear yard next to his side yard when the two houses are side by side.

David Brown asked the CAO/Clerk to report to the committee on the building. The CAO/Clerk reported that after the last meeting he contacted the next door neighbor offering him the two options agreed to by the committee at the last meeting i.e. remove the whole lean-to building or cut the building back so that it meets with the set back requirement of one meter and apply for a building permit. The adjoining owner has now decided to cut the building back so that it does meet the one meter set back and that he is provided a commitment in writing that he will have this work done by November 30, 2010.

Chair Bennett asked if this commitment of November 30 is satisfactory with the committee and do we want the planner to review the lot frontage issue. John Wilson asked how many lots are in this situation in the Township. Mr. Crankshaw said approximately twenty in Cotieville; Chair Bennett said Thompsonhill would have some as well. Mr. Wilson asked how many more could be built on? Chair Bennett suggested two or three possibly. Bob Hall asked when did the township find out the building were constructed? Mr. Crankshaw said the buildings were built last fall and the town didn't know till he told the CAO/Clerk. John Wilson noted that this has happened once and we don't want this type of construction to happen again then we should make the neighbor tear the lean-to addition down.

Robert A. Johnston agreed, no permit, tear down. If he rebuilds with a permit then so be it. Chair Bennett suggested that we need to bring our Chief Building Official in to discuss options available to us under the Building Code Act. Bob Kingsbury says the committee should require the neighbor to remove the building, the CAO/Clerk cautioned the committee on that suggestion as the township has given two options and the neighbor has accepted one of those options, can we go back?

Chair Bennett asked about a shorter time frame for the building to be completed. After discussion the following Resolution was put forward.

Moved by John Berkhout 2nd by Bob Kingsbury

That planning committee requires Peter & Carol-Ann Smith to reconstruct their lean-to building by October 15, 2010, not their committed time of November 30, 2010.

Carried.

4:35 Judith Jeffery – Jp2g – George Leavoy Estate severances

Ms. Jeffery informed the Committee she was appearing on behalf of Jordy Leavoy who is dealing with the Estate of his father George Leavoy and has applied for three severances and a zoning amendment. Mr. Leavoy was present and he noted that the applications are for three new severances and it does not involve removing a right of way. However the

committee had requested the right of way concerns of the neighbors on Gagan Lane to be considered as part of the development proposal. When Jp2g received this request, they contacted the County Planning staff and were advised that it would “muddy the waters”, if they submitted an application to revise their application now to include a right of way. They do not need to move the right of way at this time and that’s why it’s not part of the application. In the future they may need to move it, at that time they will submit an application for consideration.

Chair Bennett explained that the neighbors on Gagan Lane have approached the Committee expressing their concerns that they will be left without a right of way or a right of way that is less than the right of way they now have. Ms Jeffrey said the right of way is on the title of the severances which means that it cannot be taken away unless all the neighbors agree. Chair Bennett asked if all the residents have been contacted and he suggested that there be a Site Meeting arranged. Ms Jeffery said that would be an appropriate step when they apply for the right of way in the future, if the Township or the neighbors want a meeting they will comply.

Chair Bennett said we owe this to the residents. Robert A Johnston noted that one of the neighbors Don Gagan was present and asked if he could speak – the Committee agreed.

Mr Gagan said that this was not the right time for a meeting as there are no cottagers there, next summer would be the appropriate time, or information could be mailed out to the entire neighborhood. He asked what happens to the retained land on the severance application?

Ms Jeffery said that the right of way is on the Land Title so that the right of way is covered there too. After Ms Jeffrey reviewed the procee Mr Gagan said he is somewhat reassured.

Jordy Leavoy said that when the severance process started, he did make contact with neighbors and suggested that it may be in their best interest if the right of way road was moved. However, now they have decided to leave the road in the current location. Mr Gagan said he is not concerned with the severances, just the future of their access road.

John Wilson noted that the suggested condition of approval refers to a Private Roads Agreement; would this resolve the concerns of the neighbors? Bob Kingsbury suggested getting all involved to meet to resolve the issues before the process started. Jordy Leavoy said it was not known if the road had to be moved, why deal with it unless it has to be moved in the future. Bob Kingsbury said road accesses are always a red flag. Ms. Jeffry said the neighboring property owners would have to sign off if the right of way was moved which could mean that the development could be left with two right of ways if one or two neighbors don’t sign off as the old one would have to remain.

Don Gagan asked what would happen if heavy construction equipment was brought in on the access road to construct a house, who repairs any damage? Ms. Jeffrey said the Private Road Agreement could include a clause that any damage caused in the construction of a house be repaired by the new home owner. Another property owner on the road Geoff Cafley, asked what is the potential that the road would never be removed? Mr. Leavoy said that’s it’s a good chance, but if the road is moved they would propose a road in a better condition wider, more sight lines on the corners etc. John Wilson said that the Committee can accept the location with a private road agreement. Bob Lockwood asked if the committee could deal with damage on the road by making it the responsibility of the new owner. Ms. Jeffery said that could be built into the private road agreement. Bob Lockwood asked if we should do this with a Private Road Agreement. Chair Bennett said he would support the suggestion. John Berkhout asked who maintains the road now. Don Gagan said the cottage owner’s group does. John Wilson asked the cottage owners if the road agreement including a damages clause was satisfactory. Don Gagan asked who implements the agreement. John Wilson said it would be stated in the agreement. Geoff Cafley said he

would support and Don Gagan did likewise. Don Eady suggested there could be a condition added to the building permit that the road has to be kept to the stated standard. Chair Bennett said that would be requirement of the Private Road Agreement, that couldn't be part of a Building Permit condition under the Building Code Act. Geoff Cafley asked if the road was to be changed could there be a meeting on site. Jordy Leavoy said yes. Judith Jeffrey confirmed that the Private Road Agreement is attached to the Title of the severances and the retained land.

Moved by John Berkhout, Seconded by Robert A. Johnston

The Planning Committee recommends to Council that they support consent application B94/10(1), B95/10(2) and B96/10(3) for the Estate of George Leavoy to create three new severances in part of lots 2 & 3 Concession 10 subject to the following Conditions:

1. Lot development Charge.
2. Zoning Amendment to change from RU to LSR.
3. That The Estate enters into a Private Road Agreement with the Township to ensure legal access to the proposed new lots.
4. The Estate prepares an elevation survey by an Ontario land Surveyor to identify the 75.5 meter contour line to show that development can occur on the proposed lots. The chief Building Official is to ensure there is a building envelope on the proposed lots.
5. That The Estate enters into a Development Agreement with the Township to ensure recommendations 4 and 5 of the Planning Justification Report are adhered to.

Carried.

5:00 Dwayne O'Grady – Zoning Amendment – no open frontage

The committee reviewed a report from Township staff on an issue of access that Mr. & Mrs. O'Grady have on the property they purchased from R.A. Jamieson adjacent to Gillan Road. The CN Trail runs between their property and Gillan Rd. which provides a barrier to their required access to Gillan Rd. Zoning By-law requires all properties to have frontage on an open maintained road for a building permit. Mr. O'Grady was present and requested the Township change the zoning by-law to permit a building permit on their land with access over the CN Trail to Gillan Rd. Chair Bennett asked if there would be a safety issue as this drive way would cross over our CN Trail which is a snowmobile trail in the winter. Michelle O'Grady said that normally two stop signs would be erected on each side of the drive way. David Brown asked if there would be any culvert required and Mr. O'Grady said that there are no plans yet, he has spoken with the County Roads for access and they are supportive. Bob Hall asked if the O'Grady's are aware that their property borders on an Industrial Zone, Box Grain Elevators and a sawmill with a wood yard.

Mr. O'Grady said yes he knows the area, he has heard from people and he has been inside the Grain Elevator in the past. John Wilson asked if there was any requirement for a legal comment on a right of way over our CN Trail for their driveway. Bob Kingsbury asked if approval would open up any precedence or concerns for other property owners. Chair Bennett suggested the CN Trail is a unique issue. Robert A. Johnston asked if the O'Grady's property had a strip of land between the Trail and Gillan Rd. The CAO/Clerk said he reviewed assessment mapping and the trail is tight to the road property line.

Moved by Jim Ferguson, Seconded by David Brown

Planning Committee recommend Council receive the Zoning Amendment Application of Dwayne and Michelle O'Grady and authorize the County Planning Department to prepare the notices and draft By-law and the Township Solicitor be asked for a legal review of the need for right of way access over our CN Trail.

Carried.

5:07 Harold Deacon – Parking on Site Plan Agreement

Chair Bennett reviewed the parking and notations that have been added to the draft site plan agreement following our July 20th Committee Meeting. David Brown asked if the cars parked behind Mr. Deacon's house are parts cars. Mr. Deacon said some are parts cars; some are waiting to be fixed. Bob Kingsbury said that at the last meeting that he suggested the best thing Mr. Deacon could do would be to clean up the property but that was not done. He is hearing from people that it will never be kept cleaned and doesn't have the confidence that it will be kept clean. He said he will not support the approval of the Site Plan Agreement. John Wilson asked if the Site Plan gives us teeth to keep the property clean, Chair Bennett said yes. Bob Hall asked when the Site Plan Agreement would be in place, CAO/Clerk said that a recommendation would come from this meeting to the October 5th Council meeting for the agreement to be executed. Robert A. Johnston noted that the Site Plan Agreement calls for seven parking spaces in a row at the back of the property and the cars are not in that formation, they should be. Mr. Deacon said he is waiting on more fill so that he can park cars back towards the trees. Robert A. Johnston said he is concerned that when the agreement is signed, that we will be constantly policing the agreement. Bob Lockwood said that parking should be done as laid out in the plan, should we not force that to take place. Bob Kingsbury asked how do we enforce the document, what teeth do we have to make Mr. Deacon do what's required.

Mr. Deacon said he is aware that he is subject to the agreement and to the fines that are involved. Chair Bennett said that there are seven parking spots at the back end of the property set out and with a few hours work the cars could be parked properly. He said that he is hearing from Mr. Deacon that he knows the site plan has to be followed but there is no time left to do this. He asked Mr. Deacon to explain to the committee how he is going to accomplish this. Mr. Deacon said that he has spoken with contractors to have more fill brought in to fill in the back yard and he has ordered two 45 yard loads of stone dust which will be put on the surface of the parking area front and back, but he can't do that until the parking area is ready.

Chair Bennett said that he is out of time; he needs to move forward on this now. Mr. Deacon asked if four or five vehicles lined up across the back is suitable. Chair Bennett said that what is acceptable is what is stated on the site plan. John Wilson noted that there are also seven spaces set out in the front yard for public and private parking. Chair Bennett asked if there is any way that the parking spaces can be identified for people to see where they should be parking. Dave Brown noted that the area in front of the recently planted cedar trees adjacent to Castleford Road has been filled in and then dug out. Mr. Deacon said that this to arrange drainage from the culvert outlet. John Berkhout asked if there was any possibility the agreement can have a clause with an expiry date so that if the agreement is not lived up to the agreement can be canceled; say in five years.

Mr. Deacon confirmed that when the agreement is signed he will live up to the terms of the agreement; his yard will be looking as it has to be. Bob Kingsbury said people are telling us that it will never be clean. Mr. Deacon said that he knows that if he is outside the agreement there is cost to the tax payer and ultimately to himself and he can't do that. Chair Bennett said that Mr. Deacon's first action is to make sure the rear yard parking is established. Mr. Deacon said the seven parking spots shown are a minimum but the CAO/Clerk and Robert A. Johnston said no, that the only parking permitted is on the spots that are showing. Bob Lockwood asked that the agreement is part of Commercial Zoning is it feasible to put a clause in the agreement that if the terms are not lived up to the Commercial Zoning is cancelled. Chair Bennett said that this would cancel the agreement but not the zoning which would leave the site as it is today. John Wilson suggested that Mr. Deacon install parking curbs to identify the parking area. Mr. Deacon said he is not one to throw money away, which means he will not do work outside the site plan. Bob Hall said he is not sure Mr. Deacon understands the site plan agreement. Mr. Deacon said yes he's sure that he knows it. Don Eady informed Mr. Deacon that council has previously agreed that he can have excess soil from at the land fill site providing he has a contractor pick it up. There

is no excuse not to get this parking area fixed now. Mr. Deacon said that he will contact a contractor tonight.

Moved by Robert A. Johnston, Seconded by Don Eady

The Planning Committee recommends to Council that they execute the Site Plan Agreement with Harold Deacon on October 5th, 2010 providing all conditions and terms of the site plan agreement are completed by that date including parking curbs. Inspection is to be carried out by Jeff Schruder prior to the council meeting.

Carried on Division.

Against - Bob Hall and Bob Kingsbury.

6. Janet McGonigal - Consent B84/10
- Zoning Amendment Application

The CAO/Clerk reported that Janet McGonigal has applied for a Consent Application that lapsed. The Zoning By-law has now has changed, the previous Zoning By-law in effect when the first applications were made required a half acre lot minimum, now a one acre lot minimum is required in the LSR Zone. This makes the requirement for a Zoning Amendment as the lot that is giving up a small strip of land is smaller than the one acre; it did meet the half acre requirement though. Councillor Eady suggested that as they applied for a minor variance with the previous application and as the zoning by-law is required now that the only be charged the difference of \$ 150.00 (\$500.00 - \$350.00). The reason that the application lapsed was because Mr. McGonigal was in a serious motor vehicle accident. Bob Hall suggested that consideration of a reduction in fee be because of the accident and not because of hardship. Robert A. Johnston agreed with the reduction as we changed the process after the severance started.

Moved by Don Eady, Seconded By John Wilson

That Planning Committee recommends to Council that they receive zoning amendment application for Janet McGonigal and request the County prepare the Notices and Draft Zoning By-law. Further that the application fee for this Zoning Amendment be set at \$150.00 being the difference between the minor variance they've paid for previously and the Zoning By-law fee.

Carried.

7. CORRESPONDENCE

COUNTY - AGGREGATE IMPACT ASSESSMENT – MEHLENBACHER

Robert A. Johnston reported that earlier today the Land Division Committee, of which he is the Chair, reviewed the application and the comments received from the neighbors on this application. He noted that the severance has been approved with ten conditions.

TRILLIUM FOUNDATION - APPLICATION DOCUMENTS

- REJECTION OF APPLICATION

David Brown reviewed his proposal to the Trillium Foundation for upkeep of the Martin Cemetery. His application has not been successful however he had a Plan B, he has access to 250 feet of free fencing materials and he can get enough people

8. PETER PRINCE – EADY ROAD SEVERANCES – FORCED ROAD

The CAO/Clerk informed the Committee, The Land Division Committee expressed concern that three of the five severances Peter Prince has been granted off the McCarroll farm on Eady Road do no front on the sixth concession. Mayor Robert A. Johnston reported that the road at one time did follow the sixth concession road allowance but it created a dangerous intersection and in the late 1950's was moved to its present location which is, actually a forced road running through a portion of the Prince property. The road is considered a forced road and does have status and cannot be removed from this corner of the Prince property as Township monies have been spent on it for maintenance. However when the road as located a Deed was never secured from the owners at that time.

Mr Prince has agreed to provide a written undertaking. He would deed the roadbed to the Township at the Township's cost.

Moved by Bob Lockwood, Seconded by John Berkhout

The Township accepts the undertaking from Peter Prince and advises the Land Division Committee that they have no concern with the location of the forced road and entrances for Building Permits.

Carried.

9. OTHER BUSINESS

The CAO/Clerk presented an application for Zoning Amendment from Allan Harris to rezone two acres recently purchased from Ernie Nesbitt on Pastway Road to permit the construction of a garage workshop prior to the construction of his house. This application was originally to be received before the package was created and sent to the committee on the weekend however it did not arrive here until this morning. The CAO/Clerk reported that Mr. Harris is a building contractor and wishes to construct a garage workshop first this fall. Chair Bennett asked if there was a deadline when the residence is to be constructed by. The CAO/Clerk reported that there is nothing in the application to that effect. The committee expressed concern that would possibly not be a house constructed as this zoning amendment would permit a standalone workshop garage. After discussion the committee decided to invite Mr. Harris to our next Planning meeting to discuss this concern.

10. NEXT MEETING –

The committee agreed that the next meeting will be Tuesday October 19, 2010 at 4:30 p.m. Bob Lockwood said he would not be available for this next meeting.

11. CONFIRMING RESOLUTION

Moved by John Wilson, Seconded by Dave Brown

That the Committee pass this confirming resolution to validate 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.

12. ADJOURNMENT

Moved by Bob Hall, Seconded by Jim Ferguson

That this Planning Committee Meeting be adjourned at 6:02 p.m.

Carried.

Chair

CAO/Clerk