

THE CORPORATION OF THE TOWNSHIP OF HORTON

COMMITTEE OF ADJUSTMENT

Public Meeting - September 17, 2013 - 5:00 p.m.

There was a public meeting of the Committee of Adjustment to hear Minor Variance Application No. A02/13 and Application No. A03/13 in the Municipal Council Chambers on Tuesday, September 17, 2013. Present were Chair Bob Kingsbury, Mayor Don Eady, Councillor Glen Campbell, Councillor Jamey Larone and Councillor Margaret Whyte. Also present were Committee Members Jim Ferguson, Mae Craig, David Brown, John Wilson, Bob Lockwood, and John Berkhout. Staff present was Mackie McLaren, CAO/Clerk and Rose Curley, Administrative Assistant.

1 CALL TO ORDER

Chair Kingsbury called the public meeting to order at 5:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by committee members or staff.

Application A02-13 – Castleford Excavating – (outdoor furnace setbacks)

3. PURPOSE OF PUBLIC MEETING

Chair Kingsbury informed the committee that 3270 River Road is zoned Commercial-Exception Eight (C-E8) under Comprehensive Zoning By-law 2010-14. Under General Provisions - Section 3.23 outdoor furnaces are permitted in the Commercial Zone with a minimum of 100 metres (300 ft.) from a lot line.

This application for Minor Variance is to reduce the 100 metres (300 ft.) setback from a lot line to 15 metres (50 ft.) to allow installation of an outdoor wood furnace.

4. METHOD OF NOTICE

The CAO/Clerk reported that as required by the Planning Act all property owners within 200 feet (60 metres) were mailed notice of this Public Meeting. This resulted in thirteen property owners receiving notice and in addition two agencies were also sent notice for their comments.

5. PERSONS REQUESTING NOTICE OF DECISION ARE TO SPEAK TO SECRETARY

The CAO/Clerk informed the Committee that anyone wishing to receive Notice of the Decision should make a request to him.

6. PUBLIC PARTICIPATION:

a) Questions
There were no questions.

b) Comments in Support
Mackie McLaren, CAO/Clerk said that he received a call from a neighbour, Lorne Hagerman, that said he was in favour of the application.

- c) Comments in Opposition
There were no comments in opposition.

7. QUESTIONS BY COMMITTEE MEMBERS

Mayor Eady noted that he is in favour of this application. Mr. Scheel has contacted his neighbours and has received their support. Councillor Larone said that he agrees with this application as it suits the property. He said that applications regarding outdoor furnaces should be reviewed by the Committee on a case by case basis.

8. DECISION

Moved by Jim Ferguson, Seconded by Margaret Whyte

That Application A02-13 be approved to reduce the 100 metres (300 ft.) setback from a lot line to 15 metres (50 ft.) to allow installation of an outdoor wood furnace.

Carried.

Application A03-13 – Richard Joseph Hughes (sleep cabin)

9. PURPOSE OF PUBLIC MEETING

Chair Kingsbury informed the Committee that 414 Garden Lake Trail is zoned Limited Service Residential. Under the Township of Horton Comprehensive Zoning By-law 2010-14 – Section 3.15.2(a) states “Notwithstanding the provisions of paragraph 3.15.1 of this subsection, a limited service dwelling may be erected or used on a lot in a Limited Service Residential (LSR) Zone provided such lot fronts along a private road which the subject lot and use are legally entitled to use for access. Section 2.167 requires that the right of way must be registered. This property does not have a registered right of way but the owners have provided a legal opinion that demonstrates a legal right of access exists.

The Minor Variance Application is to exempt the property from Section 3.15.2(a) and Section 2.167 of Horton Township Comprehensive Zoning By-law 2010-14 with respect to the requirement that the right of way be registered and to accept a legal right of access in its place.

10. METHOD OF NOTICE

The CAO/Clerk reported that as required by the Planning Act all property owners within 200 feet (60 metres) were mailed notice of this Public Meeting. This resulted in eight property owners receiving notice and in addition two agencies were also sent notice for their comments.

11. PERSONS REQUESTING NOTICE OF DECISION ARE TO SPEAK TO SECRETARY

The CAO/Clerk informed the Committee that anyone wishing to receive Notice of the Decision should make a request to him.

12. PUBLIC PARTICIPATION:

- a) Questions
There were no questions.

- b) Comments in Support
Mackie McLaren, CAO/Clerk said that he had received a letter from neighbours Sandra & Grant Feasby saying that they had no objections to this application.
- c) Comments in Opposition
There were no comments in opposition.

13. QUESTIONS BY COMMITTEE MEMBERS

Councillor Whyte asked if this minor variance is separate from the zoning amendment for a sleep cabin. Mackie McLaren, CAO/Clerk said that this is a separate item and that a building permit would not be issued until this minor variance has been approved.

Mr. McLaren told the committee that unfortunately Mr. Hughes' legal opinion was not received in time for this meeting as his lawyer was away.

14. DECISION

The Committee agreed to put Minor Variance Application A03/13 on hold until Mr. Hughes provides us with a legal opinion supporting his application.

Councillor Jamey Larone said that we should set parameters for a sleep cabin and asked Mackie McLaren, CAO/Clerk to research what criteria can be utilized to define sleep cabin requirements. Mr. McLaren said that he will check with County Planning and report back at the October 15, 2013 Planning Committee Meeting.

15. OTHER BUSINESS

- Application A11-12 – Terrence Verhelle

Mackie McLaren, CAO/Clerk reported that Application A11-12 is before the Committee again for a decision on this application. A copy of the application was included in today's Planning Committee Meeting package. The public meeting was held on February 21, 2012, however, at that time Mr. Verhelle did not have a legal opinion to support his application. The committee had put his application on hold until he could provide us with a lawyer's letter supporting his application. Mr. Verhelle has now provided a legal opinion from his lawyer that supports a legal right of access.

DECISION

Moved by Jim Ferguson, Seconded by Mae Craig

That application A11-12 be approved to exempt the property from Section 3.15.2(a) and Section 2.167 of Horton Township Comprehensive Zoning By-law 2010-14 with respect to the requirement that the right of way be registered and to accept a legal right of access in its place.

CONDITIONS:

- (1) That the applicant enters into an agreement with the Township which states that the Township has relied on the legal opinion submitted by the applicant's lawyer to grant this decision and whereby the owner releases the Township from any liability as a result of its reliance on this legal opinion. Further, that notice of this agreement be registered on title.
- (2) That the applicant is responsible for any legal fees pertaining to this application and agreement.

Committee of Adjustment Public Meeting 4
A02/13 – Castleford Excavating
A03/13 – Joseph Richard Hughes

Carried.

16. ADJOURNMENT

Moved by Mae Craig, Seconded by John Wilson

That this Public Meeting of the Committee of Adjustment be closed at 5:18 p.m.

Carried.

CHAIR

SECRETARY