

THE CORPORATION OF THE TOWNSHIP OF HORTON

COMMITTEE OF ADJUSTMENT

Public Meeting – October 15, 2013 - 5:00 p.m.

There was a public meeting of the Committee of Adjustment to hear Minor Variance Application No. A04/13 in the Municipal Council Chambers on Tuesday, October 15, 2013. Present were Committee Members: Chair Bob Kingsbury, Mayor Don Eady, Councillor Jamey Larone, Councillor Margaret Whyte, David Brown, Bob Lockwood, John Berkhout, Jim Ferguson and John Wilson. Staff: Mackie McLaren, CAO/Clerk and Rose Curley, Administrative Assistant. Absent: Councillor Glen Campbell, Mae Craig.

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 A04-13 – Joseph DeLeeuw -

3. PURPOSE OF PUBLIC MEETING

Chair Kingsbury informed the committee that 215 Larrys Lane is zoned Limited Service Residential. Section 3.3.5 of Horton Township's Comprehensive Zoning By-law 2010-14 requires that accessory buildings and structures shall not exceed 5.0 metres in height. Further, Section 3.3.3 states that an accessory building shall not be located within any minimum required front yard depth.

This application for Minor Variance is to:

- 1) Increase the minimum height of 5.0 metres for accessory buildings to 6.0 metres height; and
- 2) Reduce the minimum required front yard depth in a Limited Services Residential zone from 7.5 metres to 4.2 metres.

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 three 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

Mr. Malcolm, one of the property owners that were notified asked if this was the frontage on the waterfront. Mr. McLaren responded that no it was the frontage on the road side of the property. Mr. Malcolm said that he had no concerns then and would support the application. Mrs. Shirley Kasaboski another neighbour was present

and said that she also had no concerns and supported the application.

- b) Comments in Support
As noted above Mr. Malcolm and Mrs. Kasaboski support the application.
- c) Comments in Opposition
There were no comments in opposition.

7. QUESTIONS BY COMMITTEE MEMBERS

Councillor Larone said that he supports the application.

8. DECISION

Moved by Jamey Larone, Seconded by Jim Ferguson

That Application A04-13 be approved to:

- 1) Increase the minimum height of 5.0 metres for accessory buildings to 6.0 metres height; and
 - 2) Reduce the minimum required front yard depth in a Limited Services Residential zone from 7.5 metres to 4.2 metres.
- Carried.

9. OTHER BUSINESS

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

Mackie McLaren, CAO/Clerk reported that Application A03-13 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 September 17, 2013, however, at that time Mr. Hughes 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. Hughes 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 A03-13 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.

Carried.

16. ADJOURNMENT

Moved by Margaret Whyte, Seconded by John Berkhout

That this Public Meeting of the Committee of Adjustment be closed at 5:10 p.m.

Carried.

CHAIR

SECRETARY