

Committee of Adjustment Meeting Minutes

The Committee of Adjustment met in person in the Council Chambers on March 12, 2025 at 3:00 p.m.

Those in attendance were:

Chair: Chuck Arrand

Member: Marc Royal

Member: Ken Walker

Member: Gord Zeggil

Councillor: Robert McArthur

Regrets: None

Staff: Secretary Treasurer, Colin Ens Funk
Deputy Secretary Treasurer, Lori Kennedy
Community Planner, Danielle Waters
Manager of Planning, Rossalyn Workman

1. Call to Order

The Chairman called the meeting to order at 3:11 pm.

2. Minutes

3.1 Minutes of the Committee of Adjustment meeting held on February 12, 2025.

Resolution:

Moved by Robert McArthur, Seconded by Gord Zeggil, Be It Resolved That the Committee of Adjustment hereby approve the minutes dated February 12, 2025, as presented. Motion Carried.

3. Disclosure of Disqualifying Interest and General Nature Thereof

Robert Walker declared a disqualifying interest in item 4.2, Consents 24-B09 and 24-B10.

4. Applications

4.1 Minor Variance File 24-A18 – 221 Cherry Street (Phillips)

Motion to approve as written moved by Robert McArthur, Seconded by Marc Royal.

The Secretary described the purpose of the application. The Secretary advised that the staff recommendation is that the application is approved, with conditions.

The Secretary described how the procedurally, the public meeting for the application was heard at the February 12 meeting, and that this meeting will have no public comment on the file.

Councillor McArthur asked whether there were any additional comments from Planning staff. Planner Danielle Waters described how the opinion of staff has not changed; that they met with the neighbour to give more information on the Minor Variances and how staff evaluates them.

Resolution:

Moved by Robert McArthur, Seconded by Marc Royal. Motion failed.

The Chair asked for a motion to deny the application.

Resolution:

Moved by Gord Zeggil, Seconded by Robert McArthur, Be It Resolved That Minor Variance Application 24-A18 be denied. Motion Carried.

4.2 Consent File 24-B09 & 24-B10 – 2638 & 2720 Centre Line Road, 6718 County Road 9 (Miller)

Robert McArthur excused himself from the Council Chambers for the hearing of these applications.

The Secretary identified that it came to the attention of staff that the notices giving Notice of Hearing for this file were delayed by five days. Notice of Hearing was posted to the Township website and the sign was posted on the subject property as per the Planning Act requirements. The letters were sent to surrounding property owners five days late.

The Secretary indicated that Township Staff were comfortable presenting these applications, and that the Committee may decide whether to hear this application today, or defer the application to another date.

The Secretary then described the purpose of the applications. The Secretary advised that the staff recommendation for both Consent 24-B09 and Consent 24-B10 is that each application is approved, with conditions.

Planner Danielle Waters gave a presentation on the file.

The Chair asked whether this was a Housekeeping file. Planner Waters said, not necessarily; that the properties merged but the property owner did not want this, and that a validation of title would not work, and therefore the applicant has applied for the severances. Staff do have a historical record of the lots existing separately.

The Secretary read the motion for the file.

Motion to approve as written moved by Marc Royal, Seconded by Ken Walker.

David Scarsellone, representative for the applicant, gave a presentation on the files. He identified how there are now changes of use proposed, and that the lots will continue to be used for agricultural purposes. Mr. Scarsellone described that three lots meet the zoning requirements and intent and purpose of the Official Plan.

Member Zeggil asked whether the property abutting County Road 9 was subject to the Road Widening. Planner Waters clarified that the County only asked for an entrance permit, and did not request a road widening.

A resident, Tracy Huizinga joined online, and was interested to hear more about the presentation, specifically why it was being requested. The Chair described how the properties had been merged without the owner's request, and that these applications were to make the properties back to three properties, as they were historically. The neighbour was satisfied with this explanation.

Resolution:

Moved by Marc Royal, Seconded by Ken Walker, Be It Resolved That Minor Variance Application 24-B09 and 24-B10 be accepted as applied for, with conditions. Motion Carried.

4.3 Minor Variance File 25-A03 – 11 Wellington Street West (Hutchinson)

The Secretary identified that it came to the attention of staff that the notices giving Notice of Hearing for this file were delayed by five days. Notice of Hearing was posted to the Township website and the sign was posted on the

subject property as per the Planning Act requirements. The letters were sent to surrounding property owners five days late.

The Secretary indicated that Township Staff were comfortable presenting these applications, and that the Committee may decide whether to hear this application today, or defer the application to another date.

The Chair confirmed that the Committee members were comfortable hearing the file presently. No member raised an objection.

Planner Waters gave a presentation on the file.

The Secretary read the motion for the file.

Motion to approve as written moved by Gord Zeggil, Seconded by Ken Walker.

The Chair asked the applicant whether he had anything to add. The applicant said he did not have anything to add.

Robert McArthur asked the planners what the percentage of lot area coverage standard was, in general. Planner Waters confirmed that this application does not go over the maximum lot coverage requirements. Manager of Planning Rossalyn Workman clarified that lot coverage is analyzed as part of every application. Planner Waters stated that the allowable lot coverage for this property is 45%, and that the actual coverage is 23%.

Resolution:

Moved by Gord Zeggil, Seconded by Ken Walker, Be It Resolved That Minor Variance Application 25-A01 be accepted as applied for, with conditions.
Motion Carried.

5. New Business

The Chair discussed the procedure for voting on motions, and that the options available to the Committee are to accept the application as written, to not accept the application as written (to deny the application), or to defer the application.

The Secretary clarified that when the Committee denies a motion to accept the application as written, it does not mean that the application is denied; it means the motion has failed. That is why the Secretary needed a second motion for item 4.1; the motion to accept as written had failed, and so the Committee needed to move a motion denying the application.

The Chair requested that the Secretary write out alternate motions for the Committee members, in case the motion to approve the application fails.

Manager of Planning Rossalyn Workman added that the fourth option available to the Committee is to make an amended motion.

Marc Royal clarified that the Committee can put forward an amended motion, if they do not like the motion which is written. The Chair confirmed this procedure.

Marc Royal then asked if a person moves a motion to the floor, if they have to vote for the motion. The Chair answered in the negative, that Robert's Rules does not require this.

The Secretary added that together with Planner Danielle, they would be putting together a procedural by-law for the Committee of Adjustment, as there is no current procedural by-law. This by-law will include some of the procedures which were discussed.

Marc Royal asked why votes that are not in favour of a motion are not recorded. The Secretary explained that only the outcome of the motion is recorded, not the individual votes for each motion. They explained that if a member would like a recorded vote to be taken, they must ask for a recorded vote before the vote is taken.

The Chair and Member Royal discussed how past decisions of Committee which went against the recommendation of Staff have been successfully appealed to the OLT. Member Royal indicated his concern that the Committee would be replaced at the end of the term.

Manager Workman added that the recording of the meeting is also a record of proceedings.

The Chair asked whether the Committee would rather have a recorded vote for every motion, or merely a pass or fail vote of each motion. Councillor McArthur mentioned that asking for a recorded vote is a standard procedure.

7. Next Meeting – April 9, 2025

8. Adjournment

Resolution:

Moved by Gord Zeggil, Seconded by Robert McArthur, Be It Resolved, that the Committee of Adjustment hereby be adjourned at 3:52 p.m. Motion Carried.



Chuck Arrand, Chair



Colin Ens Funk, Secretary-Treasurer

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