

MINUTES OF THE TOWNSHIP OF NORTH HURON
COMMITTEE OF ADJUSTMENT



Date: Monday, May 1, 2017
Time: 7:03 p.m.
Location: HELD IN THE TOWNSHIP COUNCIL CHAMBERS

MEMBERS PRESENT: Reeve Neil Vincent
Deputy Reeve James Campbell
Councillor Ray Hallahan
Councillor Yolanda Ritsema-Teeninga
Councillor Trevor Seip
Councillor Brock Vodden
Councillor Bill Knott

STAFF PRESENT: Sharon Chambers, CAO
Kathy Adams, Director of Corporate Services / Clerk
Donna White, Director of Finance
Pat Newson, Director of Recreation and Facilities
Jeff Molenhuis, Director of Public Works
Kirk Livingston, CBO/Property Standards/Zoning
Richard Al, Manager of Employee and Business Services
Laura Young, Huron County Planner

OTHERS PRESENT: Denny Scott, Citizen
Kelsey Dunbar, Advance Times
Adam Bell, CKNX
Jason Coultres, Joan Vincent, Dan Bailey, Mike McDonald,
Michelle McDonald, Jeff Josling, Robert Wheeler, Melinda
Wheeler, Ken De Vries, Robb Fitch, Kelsey Long

1. Call to Order

Reeve Vincent called the meeting to order at 7:03 pm.

2. Disclosure of Pecuniary Interest

None disclosed.

3. Accept of Amend Agenda

COA04/17

MOVED BY: B. Knott

SECONDED BY: J. Campbell

THAT the Committee of Adjustment hereby accepts the agenda for the May 1, 2017 hearing as presented.

CARRIED

4. Committee of Adjustment – Authority

The Council of the Corporation of the Township of North Huron enacted By-law No. 05-2017 authorizing the appointment of the full Council to form the Committee of Adjustment.

Hence, it is by the authority of By-law No. 05-2017 and The Planning Act, R.S.O. 1990, as amended, that his Committee of Adjustment shall perform its responsibilities.

5. Appoint Secretary-Treasurer

The Council of the Corporation of the Township of North Huron hereby enacts By-law No. 05-2017 authorizing the appointment of the Clerk as Committee of Adjustment Secretary-Treasurer.

6. Statement of Precedent

“That any decision reached by this Committee tonight cannot be used to set a precedent.”

7. New Business

File A01-2017 Minor Variance Application

Plan 451 Lot 12, Wingham Ward, North Huron (449 Carling Terrace)

Applicant/Owners: Ken and Shelly De Vries

7.1 Purpose and Description

The purpose of this application is to seek relief from Zoning By-law 82-2008 for the Township of North Huron. The subject property is designated

Residential in the North Huron Official Plan and zoned R1-3- Residential Low Density Special Zone in the North Huron Zoning By-law.

The applicant is proposing to construct an above-ground swimming pool on their lot. The provisions set out in the North Huron Zoning By-law General Provisions for an accessory structure state that an accessory structure is to be located in the rear or interior side yard of a property and shall not be located closer to a street than the setback for the main building. This application is requesting a variance for the exterior side yard applicable to the setback from the street for the main building. In the R1 Zone, the exterior side yard setback is a minimum of 6 metres (19 feet 6 inches) from the street. The proposed Minor Variance seeks relief for 5.7 metres for the exterior yard setback required to satisfy Section 3.3.4 of the General Provisions for Accessory Structures section of the Zoning By-law, as the applicant proposes to construct the pool at a setback of 0.3 metres (1 foot) from the exterior side lot line.

7.2 Comments of the Huron County Planner

Laura Young, Huron County Planner presented details regarding the Minor Variance Application.

7.3 Comments of the Applicant and/or Agent

No comments were received.

7.4 Comments of Others

North Huron staff and commenting agencies were circulated with information on this application. Comments received from North Huron Public Works identified that the location of the existing fence is on Township property and for the fence to remain, an Encroachment Agreement is required to be entered into between the applicant and the Township. An Agreement is a recommended condition of this report. Comments received from the Risk Management Official determined that there are no apparent land use activities associated with threats to source water protection or prohibited uses. No comments were received from the public circulated on this application; comments may arise at the public meeting.

7.5 Committee of Adjustment Members' Questions and/or Comments

Committee members requested clarification on the proposed conditions and confirmed the applicant was informed about the proposed

Encroachment Agreement

7.6 Recommendation of the Huron County Planning & Development Department

Approval (with conditions) is recommended as outlined in the report from Laura Young, Huron County Planner.

7.7 Recommendation to Council from the Committee of Adjustment

	A. Effect of Public Comments on Decision of Council	B. Effect of Agency Comments on Decision of Council (e.g. Planning, Public Works, Health Unit)
1. Council agrees with effects of input as contained in the planning report	Council concurs with the planning report regarding the effect of public and agency comments on the decision.	Council concurs with the planning report regarding the effect of public and agency comments on the decision.
2. No comments received	No public comments were received on this application so there was no effect on the decision.	No agency comments were received on this application so there was no effect on the decision.
3. Supportive comments received	Public comments were received in support of the application, the effect of which resulted in a decision to approve the application.	Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.
4. Concerns raised were addressed through conditions to approval or changes to mapping or text amendment	Public comments were received on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).	Comments were received from agencies on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).
5. Concerns raised did not influence the decision	Public comments were received on the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.	Comments were received from agencies identifying the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.

6. Concerns raised did influence the decision	Public comments were received on the issue(s) of _____, the effect of which influenced the decision of Council to (approve/deny) the application.	Comments were received from agencies identifying the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.
7. Comments received in support and opposition to the application	Options from above 1A/3A/4A/5A/6A	Options from above 1B/3B/4B/5B/6B
8. Other	Additional wording deemed appropriate by Council	Additional wording deemed appropriate by Council

Council selected option 4A and 4B from the chart.

COA05/17

MOVED BY: B. Knott

SECONDED BY: Y. Ritsema-Teeninga

THAT the Committee of Adjustment hereby recommends to North Huron Council that the Minor Variance A01-2017 as it applies to Plan 451 Lot 12, Wingham Ward, North Huron (449 Carling Terrace), Applicant/Owners: Ken and Shelly De Vries; be approved with the following conditions:

- 1. The pool be located within the footprint contained on the sketch that accompanied the application;*
- 2. The pool maintains a distance of 1 metre from the fence;*
- 3. The fence is either removed to the satisfaction of the Chief Building Official or an Encroachment Agreement is entered into with the Township of North Huron; and*
- 4. The variance approval is valid for a period of 18 months from the date of the Committee’s decision.*

CARRIED

8. Ruling of the Committee of Adjustment

Minor Variance Procedure Following Public Meeting

The Secretary-Treasurer sends within 10 days a certified copy of the decision indicating the last day of Appealing to the Ontario Municipal Board (OMB) to:

- (a) The Applicant.
- (b) The Minister of Municipal Affairs & Housing, if requested.
- (c) Each person who appeared in person or by counsel at the Hearing and who filed with the Secretary-Treasurer a written request for Notice of the Decision.

IF NO APPEAL LODGED:

After the 20 day objection period has expired and no Appeal has been lodged, the decision of the Committee of Adjustment is final and binding. The Secretary-Treasurer shall notify the applicant.

IF A NOTICE OF APPEAL IS LODGED:

If within 20 days of the Committee of Adjustment making a decision, an Appeal is lodged with the Secretary-Treasurer outlining the reasons for such an Appeal and said Appeal is accompanied by the required fee of \$300.00, the Committee of Adjustment no longer retains jurisdiction over the application.

If a proper Appeal is lodged the Secretary-Treasurer is required to provide proper Notice to the Ontario Municipal Board (OMB).

9. Adjournment

COA06/17

MOVED BY: B. Vodden

SECONDED BY: Y. Ritsema-Teeninga

THAT there being no further business before the Committee of Adjustment, the Public Hearing be hereby Adjourned at 7:13 pm.

CARRIED

Neil Vincent, Reeve

Kathy Adams, Clerk