

**MINUTES
JANUARY 9, 2018
COMMITTEE OF ADJUSTMENT
TOWNSHIP OF RAMARA**

Minutes of the meeting of the Township of Ramara Committee of Adjustment held on Tuesday, January 9, 2018 at 9:30 a.m. in the Council Chambers, Administration Building, Brechin, Ontario.

Present:	Doug Cooper	Chair
	Richard Whitty	Member
	Florian Camartin	Member
	Randy Warren	Member
	Jennifer Stong	Assistant Secretary Treasurer
	Janice McKinnon	CAO
Regrets:	Mike Thompson	Member

1. OPENING THE MEETING

The Acting Chair called the meeting to order at 9:30 a.m.

2. ELECTION OF CHAIR

RESOLUTION NO. CA-01-2018

MOVED BY: Florian Camartin

SECONDED BY: Doug Cooper

THAT Randy Warren be appointed as Chair for the year 2018

CARRIED

3. CHAIRS INTRODUCTION

The Chair read the introduction in accordance with the requirements of the Planning Act.

4. DISCLOSURE OF PECUNIARY INTEREST

The Chair asked the Members if they had any pecuniary interest in the applications before them. There was none.

5. APPLICATIONS

5.1 MINOR VARIANCE FILE A-41/17

PROPERTY: Part of Lot 3, Concession G, Rama – known municipally as 2454 Concession Road F-G

An application has been made by Ken and Lori Pavely, owners and Cheryl Luckhardt, Cheryl Gibson Designs Inc, agent requesting a minor variance for the reduction in the minimum highwater mark setback to permit the construction of an 8.8m² addition to the dwelling and covered deck and steps. The proposal will require the following variances to Zoning Bylaw #2005.85, as amended:

SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
15(2)(f)	Setback from highwater mark (to addition)	15 m	7 m	8 m
2(37)	Setback from highwater mark (decking and steps)	13.5 m	5 m	8.5 m

The Committee received report BP-73-17, dated January 9, 2017. The Assistant Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations.

Cheryl Luckhardt, Cheryl Gibson Designs Inc., agent attended the hearing. She explained that the owners are aware of the flooding risk of the Black River, but that the previous owner indicated there had been no flooding on this property in the last forty years. She noted the applicants are wishing to add an entry and steps, which will all be constructed on piers.

Richard Whitty noted that the top of the land is approximately 8-10 feet above the current water level. He felt the elevation of the land would make flooding less likely and supported the variance.

Doug Cooper explained that in his experience, this property is approximately 2-3 feet higher than the water level in the spring and would believe the previous owner's statement that it hasn't flooded in 40 years. He advised the Committee that in summer months, there are rapids in this area and the water is so low a canoe needs to be lifted and carried. Mr. Cooper stated that there are no guarantees that the Black River will not flood.

Florian Camartin asked the Assistant Secretary Treasurer what an indemnification agreement entailed. She explained it to the Committee. He did not have concerns with flooding noting that there were nice spruce trees on the property which do not grow well in wet conditions.

Randy Warren had no concerns with the application. He noted the indemnification agreement is important since the Committee cannot guarantee there will never be flooding on the property.

Doug Cooper cautioned Ms. Luckhardt to advise the owners that the road floods in the spring and may become impassable.

RESOLUTION NO. CA-02-2018

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT, having determined that the requirements of Sec. 45 (5&6) of The Planning Act, R.S.O. 1990 as amended and Sec. 3 of O.Reg. 200/96 have been complied with, Minor Variance Application A-41/17 **BE APPROVED,**

for the following reasons:

- This variance is minor in nature;
- This variance would not offend the intent of the Official Plan;
- This variance would not offend the intent of the Zoning By-law;
- This variance is desirable for the continued use of this property for residential purposes.

CARRIED

6. MINUTES

RESOLUTION NO. CA-03-2018

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT the minutes of the December 5, 2017 hearing be approved as amended.

CARRIED

Mr. Camartin noted that he feels if the Committee of Adjustment sends a letter to Council that it should be seen by Council regardless if the concerns in the letter are addressed through the budget. Mr. Cooper agreed and noted since the Committee of Adjustment answers to Council their correspondence should reach Council.

7. NEW AND UNFINISHED BUSINESS

- 7.1 The Committee received the copy of the County of Simcoe Greenlands Designation and the recent example of Greenlands issues the Township is facing.

Doug Cooper had concerns that the Greenlands designation would not accommodate technical severances and feels it should be specified in the policies that technical severances are still permitted. He was concerned if this was removed and the Committee approved a technical severance the County would appeal the decision to the OMB.

Florian Camartin and Doug Cooper were very concerned with the policies outlined in the Greenlands designation and felt that this needs to be addressed at County Council.

Florian Camartin would like the Township policies and the County policies to be in line with each other.

Ms. Stong explained the Official Plan for the Township is currently being updated and will need to be in conformity with the County's new policies. She reminded the Committee that the Township's plans are out of date and will be reflective of the new changes from the County. Ms. Stong is going to review the County Official Plan for information on technical severances and provide it to the Committee.

- 7.2 The Committee received the memo from the Secretary Treasurer dated January 9, 2018 and the amended draft copy of the Draft Bylaw to Govern the Proceedings of the Committee of Adjustment for the Township of Ramara.

Doug Cooper was happy with the changes he suggested.

Mr. Camartin wanted to have "To Call for an in-camera session" added to 3.1.2.

Mr. Camartin had concerns with section 6.5.4 regarding the Secretary Treasurer having the authority to "correct a technical or typographical error, error in calculation or similar minor error made in the minutes or a decision." He wondered what defines something as minor.

Mr. Cooper agreed noting that in his opinion the Secretary Treasurer's role on the Committee is to provide accurate and up to date information to the Committee so the members of the Committee can fulfil their role. He added the Committee members are the ones to have opinions and make decisions. The Secretary Treasurer's job is not to be a Committee member regarding opinions or decisions. He was unsure of the statement, questioning what the difference between a minor or major error would be.

Florian Camartin did not feel comfortable with the statement.

Mr. Camartin wondered if under 9.2 restrictions of cell phone use should be added. Richard Whitty suggested cell phone use be added a reminder during the Chair's Introduction.

Mr. Cooper asked how cell phone use is addressed in Council.

Janice McKinnon advised there were no rules to forbid cell phones in the Council Chambers, and it would usually be up to the Chair to ask someone to turn their phone off. She agreed if the Committee felt necessary, it would be appropriate to add it into the Chair's Introduction. Ms. McKinnon explained the Township has a Procedural Bylaw regarding what warrants a Committee to go into closed session. She noted that no decisions can be made in closed session. Ms. McKinnon continued to advise the Committee the Secretary Treasurer's role is to accurately record decisions made by the Committee without comment or opinion. The Secretary Treasurer may need to make a typographical change in the minutes if, for example a plan number is written improperly. She confirmed there would be no changing of actual decisions.

The Assistant Secretary Treasurer confirmed with the Committee the only change required on the Bylaw was 3.1.2.

RESOLUTION NO. CA-04-2018

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT we receive the draft Bylaw to Govern the Proceedings of the Committee of Adjustment for the Township of Ramara prepared by the Secretary Treasurer;
AND THAT it be presented as amended to Council for consideration and adoption.

CARRIED

7.3 The Committee received the draft 2017 Year End Report to be submitted to Council for their consideration.

The Committee liked the format of the report and wanted to thank Deb McCabe and Jennifer Stong for their work on the report.

RESOLUTION NO. CA-05-2018

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT we receive the draft 2017 Year End Report prepared by the Secretary Treasurer;
AND THAT it be presented to Council/Committee at the January 15, 2018 Committee of the Whole meeting.

CARRIED

8. ADJOURNMENT

RESOLUTION CA-06-2018

MOVED BY: Florian Camartin

SECONDED BY: Richard Whitty

THAT, the meeting be adjourned. (10:45 a.m.)

Feb. 6/18

ADOPTED:


Randy Warren, Chair


Jennifer Stong
Assistant Secretary Treasurer