

**COMMITTEE OF ADJUSTMENT  
MINUTES  
March 26, 2021**

**Present:** Don Davis, Chair  
Scott Fisher, Member  
Kim Ogilvie, Member  
Joan Truax, Member  
Dan Tucker, Member

**Also Present:**

Carly Murphy, Planner  
Emma Perry, Planner III Nottawasaga Valley Conservation Authority  
Jared Vegter, Planning Assistant  
Aimee Powell, Manager of Planning and Development  
Elizabeth Davis, Building and Planning Coordinator  
Casey Van Kessel, Applicant  
Rodger Emms, Landowner  
Kevin McMath, Applicant  
Kristine Loft, Applicant  
Sandra Rizzardo, Landowner

The Chair, Don Davis, called the meeting to order at 10:00 a.m. and explained the meeting process and the time frame for appeals to those persons present. He advised that all statements and evidence given before the Committee are of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

**MINUTES:**

The November 2020 Committee of Adjustment Minutes were adopted.  
The February 2021 Committee of Adjustment Minutes were adopted.

**DISCLOSURE OF INTEREST:**

There was no disclosure of interest.

**APPLICATIONS:**

**A2/21**  
39  
Cunningham  
Drive

**MCMATH**  
Relief of Maximum Building Height

Applicant/Owner K. McMath attended the meeting.

The Staff Planning Report was presented by Carly Murphy.

The Applicant reiterated the nature and purpose of the minor variance and had no additional comments outside of supporting Staff's recommendation.

There were no other Department Comments.

There were no questions from the Committee.

There were no Audience questions heard.

**The Committee considered all comments received and weighed all evidence available and voted to APPROVE the minor variance application for relief of Maximum Building Height from 4.5m to 6.5m – 6.75m.**

**A3/21**

**SANDIEGO HOMES INC.**

25 Bank Street

Relief of Minimum Rear Yard Setback

Applicant K. Loft and Owner S. Rizzardo attended the meeting.

The Staff Planning Report was presented by Carly Murphy.

The Applicant provided further comment on the merits and nature of the application.

There were no other Department Comments.

There were no Audience questions heard.

**The Committee considered all comments received and weighed all evidence available and voted to APPROVE the minor variance application for relief of Minimum Rear Yard Setback from 7.5m to 7.08m.**

**A4/21**

**SANDIEGO HOMES INC.**

23 Bank Street

Relief of Maximum Lot Coverage

Applicant K. Loft and Owner S. Rizzardo attended the meeting.

The Staff Planning Report was presented by Carly Murphy.

The Applicant provided further comment on the merits and nature of the application.

There were no other Department Comments.

There were no Audience questions heard.

**The Committee considered all comments received and weighed all evidence available and**

**voted to APPROVE the minor variance application for relief of Maximum Lot Coverage from 45% to 45.8%.**

**A5/21**

**SANDIEGO HOMES INC.**

31 Bank Street

Relief of Minimum Rear Yard Setback

Applicant K. Loft and Owner S. Rizzardo attended the meeting.

The Staff Planning Report was presented by Carly Murphy.

The Applicant provided further comment on the merits and nature of the application.

There were no other Department Comments.

There were no Audience questions heard.

**The Committee considered all comments received and weighed all evidence available and voted to APPROVE the minor variance application for relief of Minimum Rear Yard Setback from 7.5m to 7.44m.**

**B2/21**

**EMMS**

**7994 9<sup>TH</sup> Line**

Severance

Applicant Casey Van Kessel attended the meeting.

The Staff Planning Report was presented by Carly Murphy.

The NVCA Comments were shared by Carly Murphy, recommending a deferral of the application.

The Applicant C. Van Kessel identified that the application has been under way for 3 years, describing the history of the house of Dr. Emms, explaining the need to move the house, approvals from the Township through a Garden Suite Temporary Zoning By-law, then describing the Official Plan Amendment process whereas no objections received, the permits were received and the house is now operational on the subject site.

The Applicant stated that the NVCA did not have prior opposition to the previous applications. The Applicant stated that the proposed development does not offend the 'development' that is already in place. The Applicant stated that the area subject to development is (allegedly) not located close to any potential hazards. The Applicant identified that the NVCA should conduct a site visit to assess on site conditions. The Applicant expressed concern that the comments of the NVCA were received too late for correction prior to this morning's meeting. The Applicant conclude expressing their wishes for a favorable response from the Committee.

The Chair asked the Applicant how long would the NVCA have been in receipt of this information to provide comment.

The Applicant advised that the NVCA should have known about this application for years.

Various Committee Members expressed their disagreement with the timing and nature of the NVCA's

comments.

A. Powell spoke clarifying that in accordance with the *Planning Act*, any Agency or member of the public can make comments, regardless of their nature, up until the end of the Hearing, noting specifically that the NVCA's comments were not untimely, were comprehensive and relevant to the request before the Committee of Adjustment.

A. Powell noted that the term 'development' was applicable to the request before the Committee as a Severance is a form of development.

E. Perry further explained the comments from the NVCA regarding the subject application, reviewed site-specific mapping with those in attendance and clarified the NVCA's right to provide comment on the application.

There was a lengthy discussion between C. Van Kessel and E. Perry on the NVCA comments and alterations to the proposed severance boundary.

C. Murphy clarified that should there be any alterations to the application that was currently before the Committee of Adjustment, Staff would have to re-evaluate the amended application for consideration and recommendation at a future meeting.

A. Powell clarified that the Chair could call a vote on the recommendation of the NVCA which was to defer the application, or call a vote to deny the application, or call a vote to approve the application with conditions. A. Powell noted that staff would work with the Applicant and the NVCA to draft new conditions given the comments provided by same, at the Hearing.

There were no other Department Comments.

There were no Audience questions heard.

The Chair took a vote on the deferral – no one supported a deferral.

The Chair took a vote to approve the application with conditions – passed.

**The Committee considered all comments received and weighed all evidence available, and voted to APPROVE the consent application for a lot addition with conditions.**

### **OTHER BUSINESS:**

There is no other business.

**ADJOURNMENT:**

The meeting adjourned at 11:10 am.

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Don Davis, Chair

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Carly Murphy, Planner  
Planning & Development Department

