



The Corporation of the Township of Brock

Committee of Adjustment Minutes

December 17, 2024

Virtual Meeting

Members present:	Mike Cole, Chair Ralph Maleus, Vice-Chair Gloria Stewart Kitty Bavington
Staff Present:	Billie Clark Building and Planning Assistant Robin Prentice, Director of Development Services / Secretary-Treasurer
Others Present:	Kurt Rushlow Judy Saunders
Regrets:	Negin Khorasani

1. Call to Order - 7:00 PM

M. Cole called the meeting to order at 7:00 PM and a quorum was present.

2. Introduction of Committee Members and Staff Present

3. Declaration of Conflict of Interest

None.

4. Confirmation of Minutes

Moved by	K. Bavington
Seconded by	G. Stewart

That the meeting minutes from November 19, 2024 be approved.

Carried.

5. Hearing of Applications

5.1 File No. A/12/24

Applicant / Owner: K. Rushlow

Address of Property: S11001 Acton Road

Purpose of the Application:

The purpose of the application is to reduce the side yard setbacks to facilitate the construction of a new dwelling on the existing undersized lot.

5.1.1 Staff Report to the Committee of Adjustment

Report No.: COA-2024-014

The Owner, K. Rushlow, outlined the application. Looking for relief for the south side that backs onto the adjacent property. There are a couple hundred feet of forest in between the Owner's property and the neighbour. Also requesting a relief for a metre on the north side, to make an aesthetically pleasing building, for the neighbours and the Owner.

M. Cole asked why the setbacks could not be met. K. Rushlow explained that based on the zone requirements, the proposed house would have a very awkward, ugly-looking design from an architectural perspective. That is the biggest challenge. Additionally, the grading goes uphill from Acton Road, so a reverse walk-out situation would be required, on top of a narrow barn-style design. The Owner is trying not to do that, if possible.

The Secretary-Treasurer, R. Prentice, outlined the staff report. No objections were received from Township staff or external agencies.

One member of the public was in attendance at the meeting.

M. Cole asked about the existing lot size and R. Prentice confirmed that it is Township staff's understanding that the lot was created prior to the zoning by-law and therefore, a building permit can be issued so long as all the other zone provisions can be met. In this case, the applicant is requesting a reduction in the side yard setback to get a house on the undersized lot but all other zone provisions are being met.

J. Gunn-Saunders, neighbour on the interior side, spoke and noted they are generally in favor. They asked if relief is being requested just for the house to be closer to the side lot lines or if the well and septic could be closer? R. Prentice clarified that the relief being requested is for the house itself.

K. Bavington, Committee member, noted the surrounding properties are narrower and generally comparable in size. She noted the approximate location of the septic system. House seems to be a good fit and no concerns at this time.

R. Maleus, Committee member, visited the property and noted the sloping lot. Appreciate what has been done recognizing the slope on the site and the proposal to move it closer to the south side given the grading on site.

M. Cole, Committee member, asked whether the Health Department has provided any preliminary comments on the septic system? K. Rushlow has had a preliminary septic design done but has not yet applied for a permit from the Health Department. R. Prentice confirmed that the Health Department was circulated on the minor variance application and noted no concerns other than permit requirement. M. Cole asked if the proposed variance would provide enough space for the septic system. K. Rushlow confirmed that there would be enough room to meet the required setbacks for the septic system. M. Cole attended the site and understands the concerns regarding the grading.

G. Stewart, Committee member, noted a concern about the location of the septic system, which seemed to be close to the road. She asked where the well would be located? The owner does not have a confirmed location for the well yet but has a well driller coming to the site to identify a location for the well. Would prefer to have the well located in the rear yard.

K. Bavington noted that regardless if the Committee approves the variances or not, the applicant is still required to get a well and septic permit before a building permit can be issued. K. Bavington also confirmed that no conditions were required for this application to which the Secretary-Treasurer confirmed that no conditions were requested by any agencies.

Decision:

Having reviewed and considered all the agency comments, written submissions and oral submissions, we move that Staff Report COA-2024-014 be received; and that the minor variance application to reduce the interior side yard setback from 8m to 3m and reduce the exterior side yard setback from 15m to 14m, be approved. The proposed application is considered minor in nature, is consistent with the general intent and purpose of the Official Plan and Zoning By-law and is considered desirable for this site.

Moved by R. Maleus

Seconded by K. Bavington

Carried.

6. Other Business

R. Prentice outlined the registration process for consents, noting that registration doesn't necessarily need to take place within the 2-year timeframe. The conditions are required to be fulfilled within 2 years and then another deadline is provided for registration. The Region used to provide another month for the Certificate Stamp to be issued and registration to take place.

M. Cole asked for confirmation that it is the Township that looks after the final sign-off. R. Prentice confirmed that, yes, at this time, since the Township has been delegated the consent applications. Staff works with Regional Legal to stamp the deed package and issue a certificate; the applicant is then responsible for having a lawyer complete the registration.

G. Stewart asked if there is a condition that the registration be approved? If you send a consent application to a lawyer's office, it might sit there or get misplaced – how can we verify that the registration has actually taken place?

R. Prentice noted that the easement from the last meeting is a bit of a different story because it involved Township lands, so staff are going to work closely to make sure it is registered on title before works begin. But on any other severances, there is no verification of registration. It is written into the letter that is provided to the applicant, which is consistent with what the Region did as well. Staff sign off that the certificate package is complete and ready to be registered, but it is up to the applicant and their lawyer to register the consent. That is why there are some cases where it isn't registered properly. It is not the Municipality's responsibility to ensure it gets registered.

M. Cole had a question regarding the easement application from November and whether consideration was given to putting a time limit on the easement. Just in case the Region ever decided to sell off the telecommunications company and it ended up being in the name of a private company. Maybe the Township wouldn't want the easement there at some point?

R. Prentice noted that it would depend on how the easement is registered and the agreement with the provider. If the conduit's there, it's there, and the Township would provide access to it. There will be an agreement to say what can and can't take place within the easement.

M. Cole requested some changes to the script document moving forward, regarding the preamble and the appeal process. R. Prentice agreed to update the language in the script in 2025 and encouraged the Committee members to send along any further comments regarding the script.

R. Prentice let the Committee members know that expense sheets for the second half of the year would be sent out by B. Clark.

7. Next Meeting

January 21, 2025 - 7:00 PM

8. Adjournment

Meeting adjourned at 7:24 PM.

Moved by R. Maleus

Seconded by G. Stewart

Carried.