



The Corporation of the Township of Dawn-Euphemia

- M I N U T E S -

Committee of Adjustment Meeting
 Tuesday, August 6, 2024
 6:00 pm, Dawn-Euphemia Township Office, 4591 Lambton Line

Chairman: M. McGuire

Committee Members: A. Gray
 P. LeBoeuf
 J. Meyer

Absent: A. Broad

Staff Present: D. Clermont, Secretary
 B. Stam, Deputy Clerk
 J. Collison, Compliance Coordinator

Public Present: Ed Stinson, Agent (via Zoom)
 Diane Bergsma, Applicant
 Allan Bergsma, Applicant
 Stanley Burrell
 Darlene Coke (via Zoom)

In accordance with Procedural By-Law 2022-31 S.3.4, Mark McGuire assumed the role of Chairman, in the absence of the Mayor. The meeting was called to order by Chairman McGuire at 6:00 pm.

Disclosure of Pecuniary Interest

No pecuniary interests were disclosed.

2024-11 Moved by Paul LeBoeuf- Seconded by Ann Gray

That the minutes of the July 15, 2024 Committee of Adjustment meeting be adopted. *Carried.*

Minutes, July 15 2024

Recorded Vote	
Vote	
-	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

Public Meeting: Consent Application B007-24
6:00 pm – 6:14 pm Applicant: Doug & Linda Crummy (Agent: Ed Stinson)

Chairman McGuire called the public hearing to order, to consider Consent Application B007-24 made by Douglas & Linda Crummy, requesting a severance of a 1.0 hectare (2.48 acres) of land from a farm parcel to create a residential in-fill lot and leaving a retained parcel of 17 hectares (42 acre), on lands described as Concession 7 N Part Lot 15 (known locally as 481 Dawn Mills Road), in the Township of Dawn-Euphemia,

The Secretary-Treasurer confirmed that notice of this public meeting had been given by mailing notice to required property owners within 60 meters (200 feet) of the subject property and required agencies, as well as posting the notice in the Municipal Office, and by having the subject property posted by the applicant.

Chairman McGuire confirmed that the following items of correspondence had been received regarding the subject application:

- a) Planning Report dated July 22, 2024 from Ezio Nadalin, County Planner (including comments from Dawn-Euphemia Public Works)
- b) Comment received June 19, 2024 from Greg Botting, County of Lambton Technician
- c) Septic Report dated July 12, 2024, from Corrine Nauta, County Building Services
- d) Comment dated July 17, 2024 from St. Clair Region Conservation Authority

The Secretary-Treasurer confirmed that no comments had been received from the public or the Dawn-Euphemia Fire Chief, adding that any recommendations presented in the Planner’s report had been included in the drafting of the decision for the Committee’s consideration.

The meeting was open to anyone wishing to speak in opposition to, or in support of, the application. Mr. Stanley Burrell asked about the tile to the drain that runs behind his property, which backs onto the proposed severed lot. His concern was that future buildings or trees on the residential portion could damage the tile. The Secretary-Treasurer answered that this would be an issue under the *Drainage Act*, and not relating to a severance, and to contact the Drainage Superintendent to discuss his concerns.

The details of the draft decision were reviewed, and a copy of which had been included in the Committee’s Agenda package.

Following the discussion, the Committee passed the following resolution:

2024-12 Moved by Jason Meyer – Seconded by Paul LeBoeuf

That consent application B007-24 made by Douglas and Linda Crummy requesting a severance of a +/- 2.48 acre (1.0 hectares) from a farm parcel described as Concession 7 N Part Lot 15, known locally as 481 Dawn Mills Road, in the Township of Dawn-Euphemia, be approved subject to the following conditions:

Decision B007-24

Recorded Vote	
Vote	
-	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration.
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.
3. That the retained parcel be re-zoned to “Agricultural – 2 (4) (A2(4)) Zone” and the severed parcel be re-zoned to the Residential - 4 (R4) Zone.
4. That both the retained land and the severed lot have adequate access to the road allowance subject to the approval of the appropriate road authority.
5. That the fee for the 911 address sign be paid and that the sign be placed on the retained farm parcel.
6. That the applicant enters into an agreement with the Township of Dawn-Euphemia for the costs associated with the re-apportionment of drainage assessments on the involved properties.

7. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents. *Carried.*

Public Meeting: Consent Application B002-24
6:15 pm – 6:27 pm Applicants: Allan & Diane Bergsma

Chairman McGuire called the public hearing to order, to consider Consent Application B002-24 made by Allan & Diane Bergsma, requesting a severance of a 1.95 acre (0.79 hectares) lot for Three Oaks Respite Cabin from a 97 acre (39.25 hectare) farm parcel described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, in the Township of Dawn-Euphemia.

The Secretary-Treasurer confirmed that notice of this public meeting had been given by mailing notice to required property owners within 60 meters (200 feet) of the subject property and required agencies, as well as posting the notice in the Municipal Office, and by having the subject property posted by the applicant.

Chairman McGuire confirmed that the following items of correspondence had been received regarding the subject application:

- a) Planning Report dated July 22, 2024 from Ezio Nadalin, County Planner
- b) Comment received June 19, 2024 from Greg Botting, County of Lambton Technician
- c) Septic Report dated July 12, 2024 from Corrine Nauta, County Building Services

The Secretary-Treasurer confirmed that no comments had been received from the public, Dawn-Euphemia Fire Chief, Dawn-Euphemia Public Works, or St. Clair Region Conservation Authority, adding that any recommendations presented in the Planner’s report had been included in the drafting of the decision for the Committee’s consideration.

The meeting was open to anyone wishing to speak in opposition to, or in support of, the application. The applicants requested clarification on the road widening required as a condition of the severance. No one spoke in favour or against the application. The details of the draft decision were reviewed, and a copy of which had been included in the Committee’s Agenda package.

Following the discussion, the Committee passed the following resolution:

2024-13 Moved by Paul LeBoeuf – Seconded by Ann Gray

That consent application B002-24 made by Allan and Diane Bergsma, requesting a severance of a 1.95 acre (0.79 hectares) lot from a 97 acre (39.25 hectare) farm parcel described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, be approved subject to the following conditions:

Decision B002-24

Recorded Vote	
Vote	
-	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration, clearly showing the proposed lot and associated utility easements contained therein.

2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.
3. In conjunction with the County of Lambton's long-term goal to widen the road allowance along this section of County Road 8 (Shetland Road) to a minimum 100 feet (30.4 metres), the County requests a 7 foot (2.13 metres approximate) road widening dedication along the east side of Part 1 of the most recent survey plan of survey for this property as provided with the application (Plan 25R-11253). Note that widening needs are identified uniform to the midpoint/centreline of the original road allowance. All survey and transfer of the land for road widening is at the sole cost of the applicant and all lands dedicated shall be free and clear of all encumbrances. This includes all mortgages, notices and other Municipal agreements etc. registered on the title to the lands.
4. That both the retained land and the severed lot have adequate access to the road allowance subject to the approval of the appropriate road authority.
5. That a permanent easement be obtained on the retained parcel, in order to permit continued access to the natural gas, waterline, and hydro-electrical services by the severed lot.
6. If applicable, that the applicant enters into an agreement with the Township of Dawn-Euphemia for the costs associated with the re-apportionment of drainage assessments on the involved properties.
7. That the septic system be clearly noted on the legal survey (should one be required), and a copy provided to the Lambton County Building Services Department.
8. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents. Carried.*

Public Meeting: Consent Application B006-24
6:28 pm – 6:32 pm Applicants: Allan & Diane Bergsma

Chairman McGuire called the public hearing to order, to consider Consent Application B006-24 made by Allan & Diane Bergsma, requesting a severance in favour of a permanent easement in order to recognize continued access for Three Oaks Respite Cabin to the natural gas, waterline and hydro-electrical services on the lands described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, in the Township of Dawn-Euphemia.

The Secretary-Treasurer confirmed that notice of this public meeting had been given by mailing notice to required property owners within 60 meters (200 feet) of the subject property and required agencies, as well as posting the notice in the Municipal Office, and by having the subject property posted by the applicant.

Chairman McGuire confirmed that the following items of correspondence had been received regarding the subject application:

- a) Planning Report dated July 22, 2024 from Ezio Nadalin, County Planner (including comments from Dawn-Euphemia Public Works)

The Secretary-Treasurer confirmed that no comments had been received from the public, St. Clair Region Conservation Authority, the Dawn-Euphemia Fire Chief, or Lambton County Public Works Department, adding that any recommendations presented in the Planner’s report had been included in the drafting of the decision for the Committee’s consideration.

The meeting was open to anyone wishing to speak in opposition to, or in support of, the application. Committee Member Jason Meyer asked the applicants about the depth the natural gas line. According to the applicants, it is approximately three feet deep. No one spoke in favour or against the application. The details of the draft decision were reviewed, and a copy of which had been included in the Committee’s Agenda package.

Following the discussion, the Committee passed the following resolution:

2024-14 Moved by Paul LeBoeuf – Seconded by Ann Gray

That consent application B006-24 made by Allan and Diane Bergsma, requesting a severance in favour of a permanent easement in order to recognize continued access to the natural gas, waterline, and hydro-electrical services on the lands described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, be approved subject to the following conditions:

Decision B006-24

Recorded Vote	
Vote	
-	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration.
2. That the permanent easement be registered on title, on the retained parcel, in order to recognize the continued access to the natural gas, waterline, and hydro-electrical services.
3. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents. Carried.*

Chairman McGuire advised the public of the appeal process.

2024-15 Moved by Ann Gray - Seconded by Jason Meyer

That the Committee of Adjustment for Consent Applications B007-24, B002-24, and B006-24 is hereby adjourned at this hour of 6:32 pm. *Carried.*

Adjournment

Recorded Vote	
Vote	
-	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

Donna Clermont, Secretary-Treasurer