



**TOWN OF WHITCHURCH-STOUFFVILLE  
COUNCIL PUBLIC HEARING MINUTES  
TUESDAY, JANUARY 23<sup>rd</sup>, 2001**

**COUNCIL CHAMBERS  
37 SANDIFORD DRIVE, 4TH FLOOR  
7:00 P.M.**

A Council Public Hearing was held at the municipal offices on the above date and time. All members of Council were present with the exception of Councillor Pliakes. Mayor Emmerson was in the Chair.

**CONFIRMATION OF AGENDA**

MOVED by Councillor Sherban  
SECONDED by Councillor Carroll

THAT the agenda be confirmed as circulated.

CARRIED.

**DECLARATIONS**

There were no declarations from members of Council.

**ADOPTION OF MINUTES**

MOVED by Councillor Dunkeld  
SECONDED by Councillor Dobrich

THAT the minutes of the Council Public Hearings held on October 3<sup>rd</sup>, 2000 be adopted as circulated.

CARRIED.

**ITEMS**

1. **ZONING BY-LAW AMENDMENT APPLICATION - CHARLES AND AGNES BENNETT  
Lot 2, Plan M-2033 - 5 Spruce Tree Lane  
Planning File No. ZBA2000.016 (C10-DV & D14)**

**NOTICE GIVEN:**

The Clerk advised the procedure by which notice was given.

**PURPOSE:**

The Planner advised that the purpose of the public hearing is to consider an application for a proposed zoning by-law amendment for lands situated in Lot 2, Plan M-2033 (5 Spruce Tree Lane). The application is to change the zoning on the subject property from Rural Residential 10 (RR10) to Rural Residential 2 (RR2) with a minimum lot size of 1.97 acres in order to permit the severance of the property into two lots. However, should the rezoning be approved as submitted, an Official Plan Amendment will be required. It was also noted that at the time the subdivision was built a cap of seventeen lots was established in the Official Plan.

The Planner advised that a letter had been received from the Lake Simcoe Region Conservation Authority advising that they had no objections, however, the lands are within a regulated and environmentally sensitive area. Correspondence was also received from the Development Technologist advising that any future septic systems would have to be installed in accordance with Part 8 of the Ontario Building Code.

**FURTHER NOTICE:**

The Mayor advised that any persons wishing further notice must write their name, address and phone number on the sheets provided in the lobby.

The Planner advised that the following correspondence had been received from area landowners outlining their concerns with regard to the potential impact on the environment; water quality; the number of lots having been capped at seventeen when the subdivision was built; and, that if the application is successful the possibility of further land divisions within the subdivision.

Norman & Katherine Jackson, 5556 Vivian Road  
Glenn & Darlene Avery, 15 Beech Tree Lane  
Robert & Judith Prince, 15 Spruce Tree Lane  
Derek & Pamela Fry, 6 Maple Bush Trail  
Heather Alway Lai; Marjorie & Allan Alway; and  
Ken, Chris, Tim & Jenny Lai, 1 Maple Bush Trail  
Gord & Yvonne Lyman, 15 Maple Bush Trail

Norman and Margaret Hachey, 30 Maple Bush Trail, this evening had submitted a letter of opposition to the proposed zoning amendment outlining their concerns that the impact this increased density will have from an ecological point of view and the pressure from other RR10 lot owners to subdivide which would result in dramatic changes to this unique community.

**GENERAL QUESTIONS:**

There were no general questions.

**IN SUPPORT:**

James Cuddie, 22 Maple Bush Trail, spoke in support, advising that although there were restrictions twenty-two years ago, similar changes had been approved along the Ninth Line where lots had been divided. He did not foresee any problems should the Bennett's application for a zoning amendment be approved.

**IN OPPOSITION:**

Jennifer Bowen, 5687 Vivian Road, spoke in opposition, citing that the reasons for capping at seventeen lots were more valid today than twenty-two years ago due to the sensitivity of the Oak Ridges Moraine. She noted that both sides of Vivian Road have been designated biologically sensitive areas; the Natural Feature & Greenlands Study classified this area as Unit 2 land which are assessed as having a high level of environmental significance. Ms. Bowen also pointed out that seven more property owners could request similar rezoning applications, and that approving this application would make a mockery of the Greenlands Study.

Helen Spring, 5874 Vivian Road, spoke in opposition, as follows:

- increased demand on aquifer
- safety concerns due to condition of Vivian Road
- hidden driveways along Vivian
- Oak Ridges Moraine
- the number of lots originally planned (54) were reduced to 17 following objections

Pudge Hartshorne 16495 Ninth Line, representing a Concerned Residents Group, spoke in opposition of the proposed amendment to the Official Plan and provided the Clerk with a copy of their presentation.

Jeff Silver, 5698 Vivian Road, spoke in opposition, advising that he bought his ten acre parcel five years ago and that he would like to see the country setting remain as is. He voiced concerns that if the application was approved this would bring about a domino effect, setting a precedent inasmuch as it would be difficult to refuse future applications.

**RESPONSE FROM THE APPLICANT:**

The applicant advised that he intends to live at 5 Spruce Tree Lane as long as his health permits and that he was applying for a change in zoning only to get one extra lot. Mr.

Bennett further advised that when he originally purchased his home he had asked the surveyor how the lot sizes were changed to reduce the number from 54 to 17, and was told that he just took an eraser and joined two lots together. Mr. Bennett advised that his lot was more than five acres in size with a frontage of more than 750 ft. frontage; it is on two levels with his house located on a plateau which then drops to a flat plain. He would like to see another home built nearby to have closer neighbours and also for the sake of security. He certainly did not want to devalue his property and did not want to upset his neighbours; he would just like the lots changed within the subdivision from 17 to 18. He did not want to start a domino effect and was confident the severance would produce two good lots. He had the same safety concerns with respect to Vivian Road and the driveway would be within the subdivision if it was restricted to this lot only.

MOVED by Councillor Carroll  
SECONDED by Councillor Dobrich

1. THAT the report on the proposed Zoning By-law Amendment application submitted by Charles and Agnes Bennett be received;
2. AND THAT the Owners be advised that an Official Plan Amendment application will be required.
3. AND THAT all public and agency comments be referred back to staff for a further report regarding the disposition of this matter.

CARRIED.

**2. ZONING BYLAW AMENDMENT APPLICATION - ANGELO AND ROSALIA CHIECO  
Part of Lot 20, Concession 7 - 4897 & 4923 Aurora Road  
Application File No. ZBA2000.017 (C10-DV & D14)**

**NOTICE GIVEN:**

The Clerk advised the procedure by which notice was given.

**PURPOSE:**

The Planner advised that the purpose of the proposed amendment is to permit the creation of a 0.70 hectare (1.75 acre) lot with the existing dwelling. The remainder of the property will remain zoned Rural (RU). No correspondence had been received from members of the public. The Lake Simcoe Region Conservation Authority by letter dated October 20th, 2000 had indicated that they have no objection to the Zoning By-law Amendment but have noted that because the property is within an area subject to the regulations of the Authority, a permit will be required from the LSRCA prior to any onsite works being undertaken on the property.

**FURTHER NOTICE:**

The Mayor advised that any persons wishing further notice must write their name, address and phone number on the sheets provided in the lobby.

**GENERAL QUESTIONS:**

Neil Grant, 46 Iroquois Drive, asked confirmation that only the subject parcel of land would change and also asked how the amendment would affect the balance of the lands. (Ans: This application deals exclusively with the existing residence, and any applications with respect to the balance of the lands would be subject to further public hearings.)

Wayne Court, 42 Iroquois Drive, asked if the Town has any proposals to continue Iroquois through to the Aurora Sideroad, and, would this application lend itself to future development. Mr. Court emphasized that he did not want to see Iroquois Drive opened to Aurora Road. (Ans: There is no application before the Town at this time for future development but the layout of Iroquois does facilitate an extension northerly. However, before this could occur it would have to come back to Council and go through the planning process. The Secondary Plan policies (Future Residential Area II) allow discussion to occur with respect to future growth, and the provisions and requirements are spelled out in the Ballantrae/Musselman Lake Secondary Plan.

**IN SUPPORT:**

There were no persons present who wished to speak in support.

**IN OPPOSITION:**

Richard Farmer, 39 Iroquois Drive, submitted a petition signed by residents living on the cul-de-sac, and spoke in opposition as follows:

- concerned redevelopment of land would result in a domino effect
- designated as a natural features area
- development and continuation of Iroquois Drive through to Aurora Road
- traffic already too busy

Lynda Warne, 42 Iroquois Drive, spoke in opposition, specifically does not want the zoning changed. She noted that they bought their property as it is located on a cul-de-sac and is opposed to continuation of Iroquois Drive through to Aurora Road.

Neil Grant, 46 Iroquois Drive, spoke in opposition, in particular the continuation of Iroquois Drive through to Aurora Road.

John Grabiec, 41 Iroquois Drive, spoke in opposition, advising that the area was a bird sanctuary, with lots of trilliums and mushrooms, and he did not want the area to change.

Dave Probert, 14377 McCowan Road, referred to the Ballantrae/Musselman Lake Natural Feature Enhancement area maps and noted that this is a special rural area and is a natural feature conservation area. He also noted that the subject lot is probably 40% to 50% woodlot and, together with the groundwater, it should be protected.

Susan Schader, 44 Iroquois Drive, advised she grew up in the area and in addition to being concerned about Iroquois Road being extended to Aurora Road, she had environmental concerns. The area is an ecological fragile area and she would like to see it continue to be one.

**RESPONSE FROM THE APPLICANT:**

Ken May, agent for the owners, advised that he had listened to all of the comments approximately eight months ago when he first met with Town staff. However, he wished it noted that this property is designated in the Secondary Plan for future residential and also designated as a future enhancement area. The plan brought forward is permitted subject to all the required studies being carried out on the whole of the property. At the moment his clients do not intend to hook up to Iroquois, however Council will ultimately dictate the road patterns.

Mr. May wished it noted that the proponents do not want to change the natural features. There is an existing house on the property which the tenant would like to purchase. They propose a lot somewhat larger which will maintain the existing tree lines along the rear of the residence; the existing driveway and also maintain the existing septic tank. It is now on municipal water and would continue to be. His clients are very much aware of the sensitivity of the property, and have no intention to bring forward an application for the balance of the property. However, it makes sense to look at the severance of the existing house which can be undertaken without the loss of one single tree and Iroquois Drive remaining as it is.

MOVED by Councillor Carroll

SECONDED by Councillor Sherban

1. THAT the report on the application to amend the Zoning By-law submitted by Angelo and Rosalia Chieco/File No. ZBA2000.017, be received;
2. AND THAT the Owners submit a revised plan to the Town showing the location of the septic tank, tile field and well;

3. AND THAT the Owners submit a Concept Plan which illustrates how the balance of the landholding will be developed, having regard to the integration of road and residential lotting with adjacent properties and Aurora Road;
4. AND THAT all comments be referred back to staff for a further report regarding the disposition of this matter.

CARRIED.

**3. LINDA WALTER - APPLICATION TO AMEND ZONING BY-LAW  
Part Lot 11, Concession 5 - 13867 Warden Avenue  
Planning File No. ZBA2000.003 (C10-DV & D14)**

**NOTICE GIVEN:**

The Clerk advised the procedure by which notice was given.

**PURPOSE:**

The Planner advised that the subject property is located at 13867 Warden Avenue and the application is to amend General Zoning By-law No. 87-34 from Rural (RU) to Rural Residential 3 (RR3) to permit the creation of a 2.12 hectare (5.25 acre) rural residential lot. A detached dwelling is located on the proposed remnant 2.10 hectare (5.20 acre) lot.

The Planner further advised that the Town is now in receipt of correspondence from the following area residents who are in support of the proposed Zoning By-law Amendment and the division of the property into two parcels:

- Ulla and Heikki Ylonen
- Ken and Debbi Lund

The Toronto Region Conservation Authority has forwarded a letter indicating that the Authority is not in support of the application as submitted in recognition of environmental features located in the immediate area. The owner has submitted an Environmental layout study, however, the Town's consultants, Gartner Lee Ltd., have not as yet submitted their assessment.

**FURTHER NOTICE:**

The Mayor advised that any persons wishing further notice must write their name, address and phone number on the sheets provided in the lobby.

**GENERAL QUESTIONS:**

Fred Robbins, 12392 Ninth Line, asked how far north of Bloomington Road was the subject property located. (Ans: Property located approximately 588 ft. north of Bloomington on east side of Warden Avenue)

**IN SUPPORT:**

Nick Matsoukas, 13805 Warden Avenue, advised he had no objection to the proposed amendment.

**IN OPPOSITION:**

There were no persons present who wished to speak in opposition.

**RESPONSE FROM THE APPLICANT:**

Howard Freidman, HBR Planning Centre, planning consultants for the proponent, advised that the comments from the Conservation Authority and all environmental issues have been and will continue to be discussed with his client. Therefore, his clients support the recommendations contained in the staff report and would welcome the opportunity to continue working with staff and the Conservation Authority.

MOVED by Councillor Bowes  
SECONDED by Councillor Carroll

1. THAT the Report on the application to amend the Zoning By-law submitted by Linda Walter be received;
2. AND THAT all agency and public comments be referred to Staff for a further report regarding the disposition of this matter.

CARRIED.

**CONFIRMATORY BY-LAW**

MOVED by Councillor Carroll  
SECONDED by Councillor Dobrich

THAT Confirmatory By-law 2001-46-MS read a first, second and third time.

CARRIED.

**ADJOURNMENT**

MOVED by Councillor Dobrich  
SECONDED by Councillor Sherban

THAT there being no further business, the Council Public Hearing be adjourned at 8:32 p.m.

CARRIED.

DATED at the Town of Whitchurch-Stouffville this        day of        , 2001.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk