

March 28, 2014

To: Patrick Hoy, Engineering Manager
Grey County, Ontario

Cc: Byron & Tammy Day
44 Bird Court, Cambridge, Ontario

From: Tim & Mary Yoworski
38 Viewmont Close, Kitchener, Ontario

Subject: Condition #8 pertaining to Severance (File # B25/13)

Patrick,

This letter pertains to the conversation we had on Wednesday March 26th regarding the provisional severance for lot #12, plan 557 (former township of Keppel).

As you know, the Committee of Adjustments for the Township of Georgian Bluffs has issued provisional consent for the severance as indicated by File # B25/13. There are 8 conditions listed within the provision of which 7 are acceptable. It is condition #8, pertaining to the release of 17 ft (5.18m) of land to the County which is of concern to both Mr. Day and myself.

It is understood that Grey Road 1 has a current width limitation of 66 feet and that the county wishes to expand to 100 feet (17 ft on each side of the road) for future works such as widening and utility management. While I understand the need for future widening (in order to be consistent with other county roads), it is also understood that there are no plans to widen Grey Rd 1 within the next 20 year planning period.

We are requesting that the County waive condition #8 and allow for the severance to proceed to completion per the criteria listed below.

**1) No prior knowledge for the 17ft release as condition of Severance.
(For all lots involved, not just lot 12)**

- a) Mr. Day and I started the discussion of the proposed severance of lot #12 with the Township of Georgian Bluffs on May 13, 2014. We met with Clinton Stredwich (Township Planner) and Bill Klingenburg (Chief Building Official) to understand

the process and required documentation for a severance to be granted. The meeting lasted for over an hour and Mr. Day and I were provided all of the details, relevant documents and fee schedules. There was no mention of a County requirement for releasing 5.18m (17 ft) of frontage.

- b) On June 28, 2013, Mr. Day and I met with Maclean Plewes of the Grey Sauble Conservation Authority (GSCA) to review the requirements of the severance from a GSCA stand-point. This meeting was recommended by Mr. Stredwich. Again, we were provided the position of the GSCA for the severance, but there was no mention of any County requirements.
- c) On October 04, 2013, I met with Jenn Burnett (planner for the Township) on providing and discussing the detailed plan of work for the construction on a new 4 season dwelling on lot 13 and partial lot 12. We discussed, in detail, the documentation required for the severance and planned to have the consent application reviewed at the December 11th Committee of Adjustments meeting. At this time, I was also made aware that both Mr. Day and I would need to file for a Zoning Amendment (a significant change to the current bylaw). We did not discuss any County requirements at that time.
- d) Due to issues pertaining to accuracy on the Zoning Amendment application (for both Mr. Day and myself) and the need for a Justification report, we missed the Committee of Adjustments meeting on Dec 11th. Committee meetings were rescheduled for Feb 12th, 2014 (for the Consent Application) and Feb 19, 2014 for the Re-zoning Amendment application.
- e) Mr. Day on February 17, 2014 received the provisional consent from the Township for the severance to proceed. He immediately called me to discuss the conditions. We were both shocked by condition #8 as we had no prior knowledge of the requirement. I contacted my lawyer of 25 years (Les Protopapas), who confirmed the requirement based upon personal experience. I believe you may know Les (a Grey Rd 1 resident) via his recent severance application.
- f) On February 25, 2014, Mr. Day and I both received letters indicating that the bylaws have been passed pertaining to rezoning. For me, Bylaw #16-2014 is in effect for lot 13 and part lot 12, plan 557. The purpose of this bylaw is to amend section 11.2 of the Zoning By-law which requires a minimum lot area of 43,562 sq. ft. and a minimum lot frontage of 118ft. With the addition of land from Severance Application B25/13, the lot area will increase by 19,375 sq. ft. and the frontage will increase to 114sq ft.
- g) Based on the calculations above (as part of the Zoning Amendment application), there is no provision at all which takes into account a requirement to deed 5.18m (17 ft) of frontage to the County within that application process. Section 11 (dimension of subject lands – entire property) of the Zoning By-Law Amendment

Application Information Package makes no reference to this requirement. Is the increased lot area as described above in section f) already taking into account the 17ft reduction? I believe not. If “yes”, why then was I not notified prior to this By-law being passed?

Final comment: It appears there is open communication between the Township and GSCA pertaining to development requirements. Both tend to use CC in e-mail communication. I am not sure why the county is not part of the communication trail. If Mr. Day and I had known the County’s position on severance (via written communication) early in the process, I am confident that Mr. Day would have refused to proceed with the severance option. I, in turn, would have changed my build plans to more appropriately suite the dimensions of my current property.

I strongly recommend a change to the Zoning Amendment Application process (section 11) in order to ensure “transparency of County requirements” for future residents of Georgian Bluffs within Grey County

2) Purpose of Severance for Lot #12

- a) Lot #12 is currently the property of Byron and Tammy Day. They also own lot #11. The sole purpose of the severance of lot #12 is to personally benefit myself and my family. I am a long time “seasonal” resident of Grey County (over 40 years) and started my deep admiration for this part of the province in the Durham/Hanover area. I purchased lot #13 approximately 10 years ago and have deeply enjoyed family time in a small 3 season Beaver cottage located right on the bay.

My wife and I started planning our retirement dream about 2 years ago. A major part of that plan involves demolishing the old Beaver cottage and building a new 4 season timber frame home. This home will be built by great people that I have met in the county over the years and people who I consider dear friends.

As my plans developed, Mr. Day offered to severe a portion of land on lot #12 in order to facilitate the building of our dream home. Giving up 24ft of lot #12 would provide sufficient space to build and not encroach on my neighbor to the south. That process and discussion started in March 2013 with subsequent discussions with the Township starting in May of that year,

A long story short.....Mr.Day really has nothing to gain from the severance. He is going through this entire process for my benefit. As such, he is very concerned with condition 8 (as am I) and does not wish to proceed unless the condition is waived. The 5.18m requirement affects lots 11, 12 and 13, not just lot 12 (as I was just made aware through our conversation with Jim Stevenson).

- b) I (along with Mr. Day) have been working with the Township and the GSCA for over 10 months. All along the way, I have been providing feedback on the timing for the start of the construction project. I had planned to start with excavation in late May or early June of this year. Timing was right on track, until now. Condition 8 is preventing Mr. Day from signing off. As a result, I cannot start the survey process. The GSCA requires a geodetic survey in order to ensure that all aspects of my project (septic, erosion control etc.) meet Ontario regulation 151/06 requirements as administered by the GSCA. Survey work was scheduled to start on April 1st. Survey work cannot start until the severance is complete.
- c) As the project was advancing according to plan (according to the township, the severance should go through without issue as 3 lots were merging to 2- better environmentally with 3 septic systems reducing to 2 and lot sizes were increasing as a result of the process), I started the timber frame portion of the project in late January. Pine timbers must be cut from the bush prior to sap running into the trunk of the tree. This is required in order to ensure that the timbers do not 'bleed' during processing. Currently all the timbers (via a mill located in Holland Centre) are cut and are currently being notched and planed by my timber frame contractor also located in Holland Centre. He is anticipating to start erecting the timber frame on a yet to be completed foundation in mid to late June.
- d) The main contractor (located in Durham, Ontario) was set to start excavation for the foundation in late May or early June depending on the result of the geodetic survey. The survey would have been completed by late April, giving approx. 4 to 6 weeks to address any issue prior to the start of construction. A development permit is required from the GSCA before construction can begin as I am sure you are aware.

3) Impacts of not waiving Condition 8

- a) As noted above, Mr. Day will not sign off on the severance unless condition 8 is waived. Mr. Day has no intention, at all, of giving up any land to the County at this time. Issues with a culvert located on Grey Rd 1, located between lots 11 and 12 have caused major issues during spring run-off or during times of heavy rain. This was noted in the Zoning Amendment justification report. I have attached the justification report for your review (under storm water/drainage plan).
- b) If the condition is not waived, the severance will not proceed and the newly created by-laws for lots 11 and 13 will be orphaned (?). As such, I will need to investigate the legal conditions surrounding the process for orphaning an existing, newly created bylaw.
- c) As such, I will not be able to build according to the site plan provided to the Township and the GSCA. I will need to start the process all over again (after

investing thousands of dollars with the Township) and try to work with the Township on building requirements and regulations on my current lot size.

- d) The township has confirmed that it will take several months (and I am sure more expense) to approve based upon my proposed building size. As such, my property will not develop as planned. I have attached the site plan for your review.
- e) Expenses I have incurred to date (as a result of Township approval) and proposed expenses should the severance not proceed:

1) Expenses already incurred (all cheques cashed):

- Zoning Amendment Application:	\$800
- Zoning Amendment – GSCA:	\$220
- Severance application (for Mr. Day):	\$850
- Severance Application – GSCA (for Mr. Day):	\$330
- Building permit:	\$4,234
- Demolition permit:	\$100

Total Expenses: \$6534

2) Expected expenses:

- Storage expense for all timber frame lumber: up to \$3000 depending on amount of time required to gain approval through the township
- Surcharge for contractors (timber frame and general) as a result of a significant delay: unknown at this time, but could be significant.
- Surcharge for survey: unknown at this time.

For the all of the reasons listed above, I am asking the County to waive condition 8 on provisional severance B25-13. This will allow my project to proceed (slightly behind schedule), if waived by the Committee of Adjustments on April 17th. I understand it will still require council approval on a meeting set for May 06th.

If not, then I will have very little option, but proceed down a path that in no way interests me. I will need to “make do” with the project and learn to accept it. I will need to, at the same time, incur significant added expense and significant time delay.

The County may take a position that this entire issue is my entire fault. I should not have started the process (timber frame work) before the severance was fully finalized. Mea Culpa...

I do, however, believe there is shared responsibility based upon my rationale noted in the “final comment” in section 1.

I have been a long time seasonal resident of this County, investing a lot of income into the County and all it has to offer. As such, I plan to retire within Grey County.

I would ask you to please give careful consideration to my request.

Sincerely,

Tim Yoworski
504715 Grey Rd 1
Township of Georgian Bluffs
Grey County, Ontario

Contractors involved in the build project on lot 13 (504715 Grey Rd 1)

Moggie Valley Timber
Holland Centre, Ont.
Contacts: Jerome Moran and Rob Beirnes

Rockwood Timber Frame and Tree Farm
Holland Centre, Ont.
Contact: Brad Moran

Candue Homes (general contractor)
Durham, Ont.
Contact: Don Tremble

Sills Excavating Inc.
Hanover, Ontario
Contact: Trevor Sills

October 31, 2013

Justification Report: Land Severance and Zoning By-Law Amendment

**Byron & Tammy Day
Tim & Mary Yoworski**

Purpose:

The purpose of this justification report relates to the severance of 3 lots into 2 larger lots within the Township of Georgian Bluffs. The severance will yield a lot addition for Tim and Mary Yoworski and a merger of the 2 remaining lots for Byron and Tammy Day. A new residential building will be constructed on the newly created lot for Tim and Mary Yoworski and a renovation/addition to an existing residence and garage for Byron and Tammy Day.

As a result of the newly created lots, the by-law according to 11.2 of the Comprehensive Zoning Bylaw #6-2003 will need to be amended. The minimum lot area (0.4 ha or 1 acres) will need to be amended for the new construction projects. The minimum lot frontage for Tim and Mary Yoworski will also need amendment as the new lot does not meet the 118ft minimum requirement. The construction of a new residence and/or the addition/renovation to an existing residence is a common and recognized process within a zoned residential area.

Property Description and Background:

The properties related to the severance and zoning amendment are located in Grey County, the Township of Georgian Bluffs (formerly Keppel) – lots 11, 12 and 13 of plan 557. Fire numbers are 50471X, 50471X and 504715 respectively. Byron and Tammy Day currently own lots 11 and 12. Tim and Mary Yoworski currently own lot 13.

The lot to be severed is lot 12. The proposal is seeking approval is to sever 24 feet of frontage (and related square footage) from lot #12 and add it (as a lot addition) to lot #13. The remaining portion of lot #12 (66 feet of frontage) will be merged with lot #11. A single drive will access the merged lot of 11 & 12 (one driveway decommissioned)

The creation of 2 larger lots will result in a lower lot coverage percentage and the decommissioning of the current septic system on lot #12 will result in improved environmental impact (2 septic systems with the proposal vs. the current 3).

Compliance with Policy:

Official Plan

The official plan designation is Inland Lake and Shoreline Residential (R2) and will remain as such. The OP permits low density residential development in this area and that will not change with this application.

Zoning

Section 11.2 of the Comprehensive Zoning Bylaw #6-2003 requires a minimum lot area of 0.4 ha or 1 acre for residential development. An amendment to 11.2 is required as the new lots will have the following lot areas respectively:

Lot #11:

Lot #13:

Section 11.2 also requires a minimum lot frontage of 118ft. Lot #13 will require amendment to 11.2 as the newly created lot will have a total frontage of 114.82 feet.

Storm water/drainage plan

There would appear to be a potential storm water issue with the existing culvert which is currently located between lots 11 and 12. The current culvert meets normal (seasonal) drainage requirements but could pose risk during severe weather (severe rain and heavy snow accumulation). While a majority of culverts have just been recently replaced on Grey Rd #1, this culvert still remains as original.

Servicing

The septic system on lot #12 will be decommissioned, along with current water supply (shore well). Hydro will be decommissioned on lot #12 and a single drive will provide access to the newly merged lots of 11/12.

New residential construction on lot 13 will be serviced by a new shore well, new septic system, existing hydro and driveway.

Summary

In summary, the proposal would appear to be consistent with the policies of the Official Plan and generally meets the intent of the zoning bylaw (with exceptions noted above). No negative impact would be experienced on abutting properties or the environment as a result of the developments proposed.

The detailed site plan attached to the application shows that all other provisions of the Comprehensive Bylaw are met.