

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 21, 2015

CASE NO(S): PL141006

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ellen Boyce
Appellant:	Suzanne Boyce
Appellant:	Carefree RV Resorts (Hidden Valley Park)
Appellant:	Gerry Livingston; and others
Subject:	By-law No. 1-Z-2014
Municipality:	Norfolk County
OMB Case No.:	PL141006
OMB File No.:	PL141006
OMB Case Name:	Boyce v. Norfolk (County)

Heard: October 14 and 15, 2015 in Simcoe, Ontario

APPEARANCES:

Parties

Counsel*/Representative

County of Norfolk ("County")

Peter Tice*

Claudia Unterstab ("Appellant")

Christine Meyer

atPlay Adventures Inc. ("Proponent")

Sharmini Mahadevan* and Peter Gross*

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO ON
OCTOBER 15, 2015 AND ORDER OF THE BOARD**

[1] The Proponent is the owner of an irregular parcel of land approximately 0.48 hectares in size along Erie Boulevard in the resort area of Long Point and wishes to continue to use the property for purposes of a motel. The motel proposed however, is

much larger and far more modern than the motel which previously existed on this site.

[2] The County's new Comprehensive Zoning By-law ("CZB") permits the motel use in s. 14.4 of the Special Provisions, allows height of 9 meters and, since the property abuts a channel, coverage of 30% is permitted.

[3] The Appellant's property is immediately east of the subject site and she has appealed ("Appeal") the provisions of s.14.4 as well as the height and coverage performance standards set out above.

[4] After hearing the evidence of Pamela Duesling, Senior Planner and Manager of Community Planning for the County, as well as evidence from the Appellant, the Parties engaged in negotiations concerning the Appeal. These discussions proved to be productive and resulted in a settlement.

[5] The agreement reached, among other things, revises s.14.4 and modifies the site plan obligations of the Proponent.

[6] In relation to the settlement, Ms. Duesling confirmed, that in her professional opinion, it was consistent with and conformed to all relevant policies and represented good planning. Ms. Duesling also confirmed that an Occupancy Permit for the development in question would not issue unless and until the County is satisfied as to the storm-water and sanitary servicing for the proposal.

[7] Accordingly, based on the agreement reached, the evidence I heard and the submissions of the Parties, on consent, it is ordered that:

- (a) Section 14.4 of the CZB is amended in accordance with page 1 of Attachment 1 annexed hereto ("Attachment 1") and, as amended, is approved.

(b) The site plan obligations of the Proponent are modified in accordance with page 2 of Attachment 1 and Exhibit 8a in this proceeding is amended accordingly.

[8] The Appeal has therefore been allowed in part.

[9] I shall remain seized of the Appeal going forward in the event any issues arise.

“Steven Stefanko”

STEVEN STEFANKO
VICE CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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