

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, JUNE 18, 2013 AT 7:00 P.M.

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Present: Chair Emily Silk  
Members Duane Goerke  
Mark Vandergeest  
Absent with Regrets: John Ferguson  
Ron Peters  
Staff: Secretary/Treasurer, Planner Katie Mandeville  
Director of Planning & Development Andrew Fyfe

**A. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. and explained the meeting process and the time frame for appeals to those persons present.

**B. APPOINTMENT OF DEPUTY SECRETARY-TREASURER**

The following motion was adopted:

Motion #13-09

MOVED by Mark Vandergeest and SECONDED by Duane Goerke

THAT the Committee of Adjustment for the Corporation of the Township of Severn appoints with immediate effect Andrew Fyfe, Director of Planning & Development for the Township of Severn, as Deputy Secretary-Treasurer to the Committee of Adjustment.

CARRIED

**C. DISCLOSURE OF PECUNIARY INTEREST**

NONE

**D. ADOPTION OF MINUTES**

The following motion was adopted:

Motion # 13-10

MOVED by Duane Georke and SECONDED by Emily Silk

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on May 21, 2013 be adopted as printed and distributed.

CARRIED

**E. NEW APPLICATIONS**

1. Minor Variance Application No.: A-11-13  
Applicant: David & Joanne Prowse  
Roll Number: 4351 050 003 97910 0000  
Municipal Address: 1767 Clare Island

The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:

**Proposal:**

- The 1.045 acre property currently contains a dwelling unit with a small shed.
- The owner wishes to construct a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport over the existing docks.

- The owners have requested the following variance in order to permit the construction of the boatport:
  1. A variance to permit a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport, whereas Zoning By-law 2010-65, Section 3.2.12.5 states a boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope and that the width of a boatport shall be 8.0 m for lots with greater than 60.0 m of water frontage.

**Agency Comments:**

The property owners have been granted approval from the Trent Severn Waterway.

The CBO has no objection to the proposed minor variance.

**Public Correspondence:**

Two letters were received at the public meeting from adjacent property owners.

- Karen Rathwell of 1767 Clare Island stated that she supports the building of a boat port for David and Joanne Prowse measuring 32' x 35' on the existing dock.
- Desmond von Teichman of 1787 Clare Island stated full support of their application to construct a boat port over their existing docks.

**Staff Report P13-055:**

*The Secretary/Treasurer provided a brief summary of the following staff report:*

**Background:**

County Official Plan:	Rural
Township Official Plan:	Shoreline Residential
Township Zoning:	Shoreline Residential Three (SR3) Zone

The subject property is located at 1767 Clare Island in Gloucester Pool in the geographic Township of Matchedash (**Appendix 1**). The 1.045 acre property currently contains a dwelling unit and a small shed as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport over the existing docks. The owners have requested the following variance in order to permit the construction of the boatport:

1. A variance to permit a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport, whereas Zoning By-law 2010-65, Section 3.2.12.5 states a boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope and that the width of a boatport shall be 8.0 m for lots with greater than 60.0 m of water frontage.

The proposed elevation drawings and plans for the proposed boatport are attached as **Appendix 3**.

The property was site inspected by planning & development staff prior to the writing of this report.

**Discussion:**

A discussion of the four tests for a Minor Variance as set out in Section 45(1) of the *Planning Act* follows.

***Is the general intent and purpose of the Official Plan maintained?***

The subject property is designated Shoreline Residential under the Township of Severn Official Plan. The objectives of the Shoreline Residential Area as stated in Section C7.1 of the Township's Official Plan are as follows:

***"C7.1 OBJECTIVES***

- a) To maintain the existing character of this predominantly low density residential area.*
- b) To protect the natural features and ecological functions of the shoreline area and the immediate shoreline.*
- c) To ensure that existing development is appropriately serviced with water and sanitary services."*

The construction of a boatport will not significantly impact the character or density of the area as there are similar structures, largely boathouses rather than boatports, within the immediate area. The natural features and ecological functions of the shoreline area will continue to be protected as the shoreline is heavily vegetated with numerous mature trees in place and the boatport will be constructed using the existing docking which will not disturb the lakebed. In staff's opinion he proposed boatport will not have a negative impact on the natural and ecological functions of the shoreline or existing character of the area.

***Is the general intent and purpose of the Zoning By-law maintained?***

The proposal appears to comply with all Zoning By-law requirements with the exception of the maximum boathouse envelope and width requirements.

Properties within the Shoreline Residential Three (SR3) Zone are permitted Shoreline Structures, specifically one boathouse/boatport is permitted if the property has a minimum of 30m of water frontage. The intent of this policy is to protect the natural shoreline from being over-built, that is too many and/or too large structures along the waterfront. The subject property has over 90m of frontage and is ¼ of an island in Gloucester Pool. There does not appear to be a threat of overbuilding this shoreline with the proposed boatport on the existing dock.

The shoreline structure restrictions in the by-law are mirrored from the Trent Severn Waterway (TSW) policies. Many municipalities do not govern in water or shoreline structures, particularly if they are on the Trent as approval is needed from the TSW regardless of the municipality's provisions. The property owners have applied and been granted approval from the TSW.

Based on site characteristics including the amount of frontage of the subject property, and supported by the approval from obtained the TSW, it is staff's opinion that the general intent and purpose of the by-law is being maintained.

***Is it minor?***

In the opinion of the Planning Department the requested variance is minor in nature because:

- a) The proposal will not significantly impact sightlines from any neighbouring properties due to the property being an island property and the orientation of the neighbouring cottages.
- b) The increased width of 1.14 m (3.74 ft.) and length of 0.36 m (1.18 ft.) will not be noticeable from the waterway or neighbouring properties.

***Is it desirable for the appropriate development or use of the land?***

The proposed development is appropriate and desirable development of the land as boathouses and boatports are common within Gloucester Pool and the property is large in size to avoid the overdevelopment of the shoreline. Furthermore, the site is well shielded from neighbouring properties with substantial tree coverage. The open-sided nature of a boatport further reduces the potential visual impact. The construction of the proposed larger boatport on the existing docking facilities would be consistent with the existing development on Gloucester Pool.

**Other Considerations:**

The Chief Building Official has no objection to the proposed minor variance.

**Recommendation:**

The Planning Department has no objections to the approval of this application, subject to the recommended conditions set out in **Appendix 4**, because the variance is minor in nature, is keeping with the general intent of the Official Plan and Zoning By-law and is desirable for the appropriate development and use of the land.

Respectfully submitted,

Katie Mandeville, BA, BURPI  
Planner

With the concurrence of,

Andrew Fyfe, M.A.  
Director of Planning & Development

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - The applicant, David Prowse was present to answer questions and added some background information. The original plan for a 40 x 40 boathouse had been given approval from the TSW years ago and now they had reapplied for the current proposal of a smaller boatport and have been given approval from TSW because all of the in water work was done under the previous TSW permit. The applicant also advised that they had brought letters from the adjacent property owners. The letters were submitted to the Secretary/Treasurer and summarized for the Committee.*

*The Chair asked if anyone in the audience had any comments on this application. Public comments were as follows: None.*

*The Chair asked if there were any other public comments. As none were forthcoming, the Chair declared the public portion of the meeting closed.*

*The Chair asked if the Committee had any comments on this application. Committee comments were as follows:*

- *Member Vandergeest commented that because the property was located on an island and there would be no visual impact he will support the application. He would have more of an issue if it was a shoreline property. He acknowledged the applicant's prior work and conversion to a boatport rather than a boathouse as more visually appealing.*

*As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicant was asked if he was aware of the proposed conditions and was in agreement with them. The applicant confirmed this. The Chair then called for a vote on the application.*

**DECISION – APPROVE  
Variance Application A-11-13 (Prowse)**

**THE PURPOSE and EFFECT** of the variance application is:

To request the following variance to the provisions of Zoning By-law 2010-65:

1. A variance to permit a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport, whereas Zoning By-law 2010-65, Section 3.2.12.5 states a boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope and that the width of a boatport shall be 8.0 m for lots with greater than 60.0 m of water frontage.

In order to permit the construction of a 9.14 m (30 ft.) by 10.36 m (34 ft.) boatport over the existing docks.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18<sup>th</sup> day of June, 2013:**

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.
2. That the existing vegetation on the property shall be preserved and enhanced as much as possible.
3. That the construction is in substantial compliance with the plans and drawings submitted with the Application

THE REASONS for the Committee's Decision are that the request is minor in nature, conforms to the general intent and purpose of the Zoning By-law and Official Plan and is desirable for the appropriate development or use of the land.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision.

**CARRIED**

<b>2. Minor Variance Application No.:</b>	<b>A-12-13</b>
<b>Applicant:</b>	<b>Capreit Apartments</b>
<b>Agents:</b>	<b>John Truong, Andrew Oliver</b>
<b>Roll Number:</b>	<b>4351 010 011 08300 0000</b>
<b>Municipal Address:</b>	<b>1347 Hilltop Road</b>

*The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:*

**Proposal:**

- Lot 102, located within Silver Creek Estates is currently vacant.
- The owner wishes to place a mobile home that is 19.8 metres (65 feet) in length by 4.6 metres (15 feet) in width to replace the previous mobile home which has been gone from the site for a couple of years.
- The owners have requested the following variance in order to permit the placement of the new mobile home on the existing lot:

1. A variance to permit a setback of 4.3 m (14 ft.) for a mobile home whereas Zoning By-law 2010-65 MHR Zone contains a minimum setback of 15m.

**Agency Comments:**

The Chief Building Official stated he had no objections to the proposed application.

**Public Correspondence:**

None

**Staff Report P13-56:**

*The Secretary/Treasurer provided a brief summary of the following staff report:*

**Background:**

County Official Plan: Rural  
Township Official Plan: Mobile Home Residential  
Township Zoning: Mobile Home Residential (MHR) Zone

The subject property is municipally known as 1347 Hilltop Road in the geographic Township of North Orillia (**Appendix 1**). Lot 102, located within Silver Creek Estates (**Appendix 2**) is currently vacant and the owners are wishing to place a new mobile home on the site that has been vacant for a couple of years following the removal of a similar mobile home.

The proposed site plan for Lot 102 is attached as **Appendix 3**.

The owner wishes to place a mobile home that is 19.8 metres (65 feet) in length by 4.6 metres (15 feet) in width on Lot 102 with a reduced setback of 4.3 metres (14 feet) from the rear of the proposed home to the mobile home park's property line. The owner's original intent was to place a longer home (21.3 m / 70 ft.) on the lot which had already been purchased for the property. Following discussions with Township staff a shorter home was obtained. It is staff's understanding that units of the same size of what was originally on the site and are currently on neighbouring sites are no longer considered to be the standard size in the industry and generally are not readily available.

As none of the sites around the perimeter of the property appear to have even half of the rear yard setback of 15m established in the by-law staff concludes that the by-law standard was intended to be applied to new mobile home parks and was not a reflection of the existing situation.

The following variance is requested in order to permit the placement of the new mobile home on the existing lot:

1. A variance to permit a setback of 4.3 m (14 ft.) for a mobile home whereas Zoning By-law 2010-65 MHR Zone contains a minimum setback of 15m.

The property was site inspected by planning & development staff prior to the writing of this report.

**Discussion:**

A discussion of the four tests for a Minor Variance as set out in Section 45(1) of the *Planning Act* follows.

***Is the general intent and purpose of the Official Plan maintained?***

The subject property is designated Mobile Home Residential under the Township of Severn Official Plan.

Mobile homes are a permitted use within the Mobile Home Residential designation so the placement of a new mobile home on the existing site conforms to the general intent and purpose of the Official Plan.

***Is the general intent and purpose of the Zoning By-law maintained?***

The proposal appears to comply with all Zoning By-law requirements with the exception of the Minimum Yard setback.

Individual sites within the mobile home park are not subject to setbacks for within the park, only on the exterior property lot lines of the entire park. The standard in the by-law is intended to minimize potential impacts on neighbouring uses and provide a buffer for park residents for activities on adjacent lands. At present the adjacent lands are a large country lot occupied by a single dwelling located a considerable distance from the Silver Creek Park. A proposed setback of 4.3 m in an area where the existing setbacks for other homes is similar to this proposed setback is therefore conforming to the general intent and purpose of the by-law.

***Is it minor?***

In the opinion of the Planning Department, the requested variance of reducing the existing the yard setback from 15m to 4.3m is minor as the park is existing and the proposal is maintaining a similar setback of the neighbouring lots. The proposed setback is approximately 1m less than the setbacks of its neighbours. It appears that the setbacks established along this exterior property line by the past mobile home on lot 102 and others on this street in question have been situated near or at this similar setback for the entire existence of the park.

***Is it desirable for the appropriate development or use of the land?***

The proposed development is appropriate and desirable development of the land as other mobile home sites within the park have a similar setback to this exterior property line. Furthermore, the site is well shielded from the neighbouring property with substantial tree coverage and the proposed development would be consistent with the existing development within the park.

**Other Considerations:**

John Stanton with C.T. Strongman Surveying Ltd confirmed that the site located at 1347 Hilltop Road (Lot 102) has a length, from the back of the curb to the property line, of 27.63 metres.

The Chief Building Official has no objection to the proposed minor variance.

**Recommendation:**

The Planning Department has no objections to the approval of this application, subject to the recommended conditions set out in **Appendix 4**, because the variance is minor in nature, is keeping with the general intent of the Official Plan and Zoning By-law and is desirable for the appropriate development and use of the land.

Respectfully submitted,

Katie Mandeville, BA, BURPI  
Planner

With the concurrence of,

Andrew Fyfe, M.A.  
Director of Planning & Development

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - John Truong and Carim Perez were present on behalf of the applicant to answer questions. John stated that this was the final lot to be developed in the park and Mr. Perez asked a question regarding the maintenance of trees on the property. The Secretary/Treasurer clarified the condition.*

*The Chair asked if anyone in the audience had any comments on this application. Public comments were as follows: None.*

*The Chair asked if there were any other public comments. As none were forthcoming, the Chair declared the public portion of the meeting closed.*

*The Chair asked if the Committee had any comments on this application. Committee comments were as follows: None.*

*As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The agents were asked if they were aware of the proposed conditions and they were in agreement with them. The agents confirmed this. The Chair then called for a vote on the application.*

**DECISION – APPROVE  
Variance Application A-12-13 (Capriet Apartments)**

**THE PURPOSE and EFFECT** of the variance application is:

To request the following variance to the provisions of Zoning By-law 2010-65:

1. A variance to permit a setback of 4.3 m (14 ft.) for a deck whereas Zoning By-law 2010-65 MHR Zone contains a minimum setback of 15m.

In order to permit placement of a mobile home that is 19.8 metres (65 feet) in length by 4.6

metres (15 feet) in width on Lot 102 with a reduced setback of 4.3 metres (14 feet) from the rear of the proposed home to the mobile home park's property line.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18<sup>th</sup> day of June, 2013:**

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.
2. That the existing vegetation on the property shall be preserved and enhanced as much as possible.
3. That the construction is in substantial compliance with the plans and drawings submitted with the Application

THE REASONS for the Committee's Decision are that the request is minor in nature, conforms to the general intent and purpose of the Zoning By-law and Official Plan and is desirable for the appropriate development or use of the land.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision.

**CARRIED**

<b>3. Consent Application No.:</b>	<b>B-10-13</b>
<b>Applicant:</b>	<b>Graham Harper</b>
<b>Roll Number:</b>	<b>4351 010 003 06101 0000</b>
<b>Municipal Address:</b>	<b>2181 Brennan Line</b>

*The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:*

***Proposal:***

- The property is located at 2181 Brennan Line
- Legally described as: Part of Lot 15, Concession 9, geographic Township of North Orillia.
- The property currently supports a dwelling and the active quarry to the rear of the lot.
- Requesting consent to sever a portion of the property containing the existing home having frontage of approximately 63.92m (200 ft.) on Brennan Line and an area of approximately 0.9ha (2.23 acres).
- The retained lands would have a frontage of approximately 177.48 m (582.3ft.) on Brennan Line and area of approximately 22.4 ha (55.33 acres).

**Agency Comments:**

The Chief Building Official stated he had no objections to the proposed application.

**County of Simcoe Planning:**

Thank you for circulating the County of Simcoe. The proposed application is seeking to create a 0.9 hectare (2.23 acre) residential lot from an existing 23.3 hectare (57.56 acre) parcel. The proposed residential lot is located within the Township's Rural designation and the Simcoe County's Official Plan (Schedule 5.2.1) identifies a licensed pit and high potential mineral aggregate resource on the majority of the subject property; therefore the County of Simcoe Official Plan Rural and Aggregate policies apply.

The County of Simcoe Official Plan (SCOP) outlines specific criteria for lot creation within an identified aggregate resource area, SCOP policy 4.4.2 states that "in areas adjacent to or in high potential mineral aggregate resource areas as shown on Schedule 5.2.1, development for alternate land uses, where permitted, should not preclude or hinder access to the resources. Such areas shall be protected to allow as much of the resource as is realistically possible to be made available for use".

In addition, section 2.5.1 of the Provincial Policy Statement speaks to the protection of aggregate resources for long-term supply. Furthermore, the County would require

consideration of section 2.5.2.5 which lists the criteria to be met for development adjacent to known aggregate resource deposits.

The County of Simcoe does not object to the proposed residential lot, provided it is in conformity with the local Official Plan's applicable policies and the retained lot is appropriately zoned to ensure the adjacent potential resource extraction would not be hindered, in order to maintain conformity with the County of Simcoe Official Plan and consistency with the Provincial Policy Statement.

Please forward a copy of the decision. If you require any further information, please do not hesitate to contact the undersigned at 705-726-9300 Ext. 1315. Thank you very much.

Sincerely,  
The Corporation of the County of Simcoe  
Rachelle Hamelin  
Planner III

**Public Correspondence:**

None.

**Staff Report P13-57:**

*The Secretary/Treasurer provided a brief summary of the following staff report:*

**Background:**

County Official Plan: Rural & Agricultural  
Township Official Plan: Rural, Licensed Pit or Quarry  
Township Zoning: M3, M3-1 and EP

The subject property is located at 2181 Brennan Line being Part of Lot 15, Concession 9 (N. Orillia) (**Appendix 1**). The property is approximately 23.3 ha (57.56 acres) in size with 177.48 metres (582.3 ft.) frontage on Brennan Line and currently supports a dwelling and the active quarry to the rear of the lot.

The applicant is requesting consent to sever a portion of the property containing the existing home. The proposed parcel would have frontage of approximately 63.92m (200 ft.) and an area of approximately 0.9ha (2.23 acres). The retained lands would have a frontage of approximately 177.48 m (582.3ft.) on Brennan Line and area of approximately 22.4 ha (55.33 acres).

The proposed severed parcel is currently occupied by a vacant dwelling. A licensed quarry is located on the rear of the property. It is under a Class "B" license which limits production to 20,000 tonnes per year. This is a relatively small-scale commercial operation which reflects the type of operation which produces cut architectural limestone. (**Appendix 2**)

A sketch of the proposed creation is attached as **Appendix 3**.

**Discussion:**

A discussion of the various planning documents that have bearing on this application follows. As the proposed lot already has a home on it, and lands under an Extractive Industrial (M3) zoning may not have a dwelling on them, no new building lot is being proposed. The general interpretation applied in these circumstances is that the proposed lot creation does not represent "development" in terms of applying planning policy.

***Provincial Planning Policies***

The Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement (PPS) are the principle mechanism for the delineation of provincial planning policies which apply in Severn Township. Both documents place substantial emphasis on directing development towards settlement areas.

***Growth Plan for the Greater Golden Horseshoe, as amended***

As this proposal does not create a new building lot and thus has no impact on population, the growth management issues which targeted by the Growth Plan are not a consideration.

***Provincial Policy Statement, 2005***

For the reasons outlined below, the subject property is not considered as "prime agricultural lands" and therefore the policies relating to "rural areas" in the PPS apply. Section 1.1.4.1 indicates that:

"In rural areas located in municipalities:



- (a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;
- (c) new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae;
- (d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”

Section 2.3 addresses the policy direction related to agriculture. As this property is in a “Rural” designation and the subject property is not and has not historically been used for agriculture for some time, there appears to be no conflict with the policies of Section 2.3. Additionally, there are no livestock facilities in proximity to the proposed severance.

Section 2.5.1 states that “Mineral aggregate resources shall be protected for long-term use.”

Typically, residential development adjacent to a quarry is not desirable due to the restrictions which need to be placed on the quarry in order to protect the residents from the negative impacts of blasting, rock crushing, etc. However the nature of this particular operation which is relatively small-scale in terms of its licensed capacity, restrictions on blasting and absence of crushing, minimizes the potential for potential conflicts between the residential use and the quarry operation. The MNR has advised that from their perspective, the proposed severance of the existing home is unlikely to impact the existing operation.

**County of Simcoe 2006 Official Plan (in effect)**

The County of Simcoe Official Plan defers to the Official Plan designation contained in the Township’s Plan (Rural).

Section 3.6.11 provides direction on the creation of lots in rural areas. In summary:

- lots should be restricted in size to conserve land for agricultural or environmental purposes - generally a maximum size of one hectare .
- The number of lots on the grid road system should be restricted in order to maintain the rural character and avoid strip development

The proposed lot is less than one hectare in size and as it contains an existing dwelling, will not affect the character of the area or facilitate strip development.

**Township of Severn Official Plan**

Section B8 provides the primary policy direction for the consideration of severances.

**“B8.2 NEW LOTS BY CONSENT**

**B8.2.1 General Criteria**

Prior to issuing provisional consent for a new lot for any purpose, the Committee of Adjustment shall be satisfied that the lot to be retained and the lot to be severed:

- a) front on and will be directly accessed by a public road that is maintained on a year-round basis or where the lot is on a private road, or water access only, Council has approved its creation;
- b) will not cause a traffic hazard;
- c) has adequate size and frontage for the proposed use in accordance with the Comprehensive Zoning By-law to ensure conformity with the local, county and provincial zoning/setback requirements and is compatible with adjacent uses;
- d) can be serviced with an appropriate water supply and means of sewage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan; and,
- g) will not have a negative impact on the ecological features and/or natural functions of any ecological feature in the area.
- h) consents in areas designated Agricultural Area will only be considered under the policies of Sections B8.2.2, B8.2.4 and B8.2.8 of this Plan.

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot in accordance with the Planning Act.”

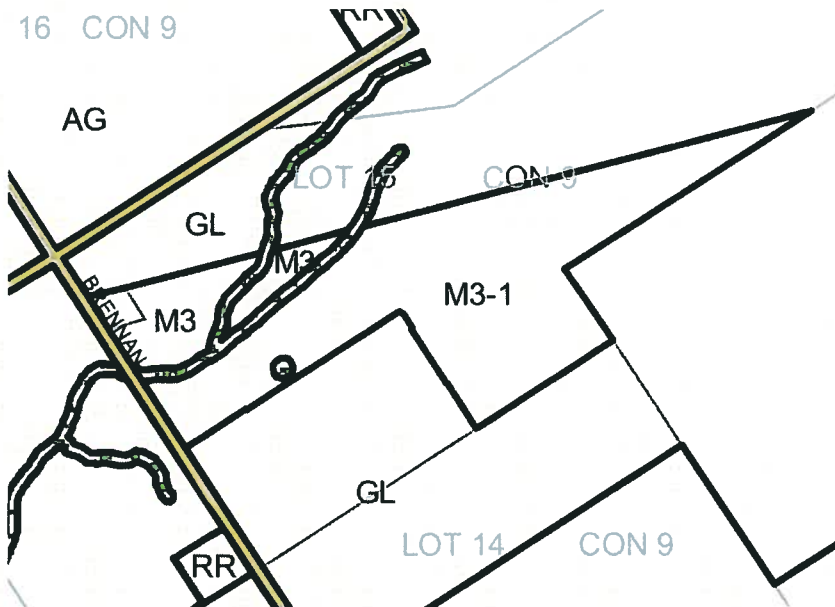
The location of the existing residence appears to satisfy all of the above considerations.

With regard to the issue of agricultural lands, the subject property is identified in the Canada Land Inventory (CLI) Soil Mapping as having Class 1,2, or 3 soils which are the primary factor in delineating “prime” agricultural areas. However, Schedule E of the Township’s Office Plan indicates that these lands are on the fringe of an area delineated as Class 1, 2 & 3 lands, but that historically they and the lands to the east and south have not been actively cultivated. Lands to the north and west have been used for hay. Cash cropping, which is typical of prime agricultural lands is not found in the area. To that extent there is evidence of agricultural activity, it appears to be restricted to pasturing and hay production, which is more reflective of class 4 to 7 lands. This type of variance between the CLI mapping and “on-the-ground” conditions is not uncommon in areas that have a lot

of glacial deposits. Proximity to the edge of the Canadian Shield is another factor that warrants treating CLI mapping with caution. It is assumed that these differences have resulted in subject lands being designated as "Rural" in the Township's Official Plan.

No new building lot will be created through this application.

**Township of Severn Zoning By-law 2010-65**



**Figure 1: Schedule D-3, Zoning By-law 2010-65**

The subject property is in the Extractive Industrial (M3) and Extractive Industrial Exception One (M3-1) Zone with sections of the property in the Environmental Protection (EP) Zone.

The requirement for Minimum Lot Area for lots in the M3 Zone is 4 ha (9.88 acres) and the Minimum Frontage is 40 m (131 ft.). The proposed retained lands would have a frontage of approximately 177.48 m (582.3ft.) on Brennan Line and area of approximately 22.4 ha (55.33 acres), far exceeding the minimum required lot area and frontage.

An accessory dwelling unit or dwelling unit is not a permitted use within the M3 Zone therefore staff are recommending a rezoning as a condition of provisional approval. The proposed severed parcel will have approximately 63.92m (200 ft.) of frontage and an area of approximately 0.9ha (2.23 acres) which exceeds the minimum lot area and lot frontage for the Rural Residential (RR) Zone.

The rezoning application shall also rezone the property located within the M3 Zone to the M3-1 Zone to reflect the special provision of prohibiting the use of explosives.

**Recommendation:**

The Planning Department has no objection to the approval of this application, subject to the recommended conditions set out in **Appendix 4**.

Respectfully submitted,

Katie Mandeville, BA, BURPI  
Planner

Andrew R. Fyfe, M.A.  
Director of Planning & Development

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant, Graham Harper was present to answer questions and stated that he had owned this property for 14 years and has never lived there, always rented it out. He stated that he was sure his neighbours would like someone to own the home to keep it up. Mr. Harper further added that he was planning on building a berm to make the property more appealing.*

*The Chair asked if anyone in the audience had any comments on this application. Public comments were as follows: None.*

*The Chair asked if there were any other public comments. As none were forthcoming, the Chair declared the public portion of the meeting closed.*

*The Chair asked if the Committee had any comments on this application. Committee comments were as follows:*

- *Member Vandergeest asked about the M3-1 zoning and for clarification on if a*

*dwelling was a permitted use.*

- *The Director of Planning & Development confirmed that the M3 and M3-1 Zone do not permit a dwelling and that staff are recommending rezoning the severed lands to the RR Zone.*
- *Member Goerke inquired how close the quarry could come to the dwelling.*
- *The Director of Planning & Development answered the question.*

*As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicant was asked if he was aware of the proposed conditions and was in agreement with them. The applicant confirmed this. The Chair then called for a vote on the application.*

**DECISION – APPROVE**  
**Consent Application B-10-13 (Harper)**

**THE PURPOSE and EFFECT** of the consent application is:

TO SEVER a portion of the property having frontage of approximately 63.92m (200 ft.) on Brennan Line and an area of approximately 0.9ha (2.23 acres).

The retained lands would have a frontage of approximately 177.48 m (582.3ft.) on Brennan Line and area of approximately 22.4 ha (55.33 acres).

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18<sup>th</sup> day of June, 2013:**

**DECISION: PROVISIONALLY APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration "in preparation" draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. That the lands shall be rezoned by way of a Zoning By-law Amendment, at the applicant's expense, as follows:
  - a. Rezone the severed lot to a Rural Residential (RR) Zone to recognize the existing use of the severed lands.
  - b. Rezone the retained parcel that is currently zoned M3 to the existing site specific M3-1.
4. A payment in lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Township of Severn in cash or certified cheque. The Township shall retain an appraiser, at the applicant's expense, to prepare the appraisal in accordance with Section 51.1(4) of the Planning Act if the value of the land cannot otherwise be agreed on.
5. A portion of property along Brennan Line shall be transferred to the Township of Severn as a road widening, at the applicant's expense, free and clear of all encumbrances, with the exact location and dimensions of the road widening to be determined on site by the Township's Director of Public Works, if applicable
6. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.

THE REASONS for the Committee's Decision are that the proposed consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2005 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

The Secretary/Treasurer is hereby authorized to sign documents on behalf of the Committee giving effect to this Decision.

**CARRIED**

**F. CORRESPONDENCE**  
NONE

**G. OTHER BUSINESS**

1. Training Opportunity

*The Secretary/Treasurer advised that the Township had received notice of a training opportunity hosted by the Town of Bradford West Gwillimbury if any members were interested in attending they are advised to notify the Secretary/Treasurer prior to the payment due date.*

**H. ADJOURNMENT**

*The following motion was adopted:*

*Motion # 13-11*

*MOVED by Mark Vandergesst and SECONDED by Duane Goerke*

*THAT the Committee of Adjustment meeting be adjourned at 7:30 p.m. on June 18, 2013. The Committee will reconvene at 7:00 p.m. on July 16, 2013 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.*

**CARRIED**



*Katie Mandeville, Secretary/Treasurer*



**TOWNSHIP OF SEVERN**  
P.O. Box 159, Orillia – L3V 6J3

Motion No.: COA 13-09

Date: June 18, 2013

MOVED BY

*M. Valiga*

CARRIED

WITHDRAWN

LOST

DEFERRED

SECONDED BY

*Dwaine Gault*

Signed

*Emily [Signature]*

THAT Andrew Fyfe, Director of Planning and Development be appointed Deputy Secretary Treasurer of the Committee of Adjustment of the Township Of Severn.



**TOWNSHIP OF SEVERN**  
P.O. Box 159, Orillia – L3V 6J3

Motion No.: COA 13-10

Date: June 18, 2013

MOVED BY

*Dennis G. ...*

CARRIED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
LOST \_\_\_\_\_ DEFERRED \_\_\_\_\_

SECONDED BY

*Emily ...*

Signed *Emily ...*

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on May 21<sup>st</sup> 2013 be adopted as printed and distributed.



**TOWNSHIP OF SEVERN**  
P.O. Box 159, Orillia – L3V 6J3

Motion No.: COA 13-11

Date: June 18, 2013

MOVED BY

*M. Kelly*

CARRIED

WITHDRAWN

LOST

DEFERRED

SECONDED BY

*Duane Gault*

Signed

*Emily [Signature]*

THAT the Committee of Adjustment meeting be adjourned at 7:30 p.m. on June 18, 2013. The Committee will reconvene at 7:00 p.m. on July 16, 2013 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.