

Public Correspondence:

None

Staff Report P13-040:

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 and Floodplain (FP) and Flood Fringe (FF) Lands

The subject property is located at 5294 Claresbridge Lane in the geographic Township of North Orillia (**Appendix 1**). The 0.47 acre property currently contains a dwelling unit with an attached deck and a garage as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct two accessory structures with a total 48.2 sq. m. (518.93 sq. ft.) addition onto the front of the existing dwelling on the property. The existing dwelling has a front yard setback of approximately 17.22 m (46.5 feet) from the Severn River at the closest point. The owners have requested the following variance in order to reconstruct the deck and add a porch:

1. A variance to permit a Minimum Front Yard setback of 13.36 m (43.83 ft.), whereas Zoning By-law 2010-65, Section 6, Table 6.1 states the Minimum Front Yard to be 20 m (66 ft) for the SR3 Zone.

This application appeared before Committee of Adjustment in April 2013 however at that time there was not a detailed survey showing the proposed accessory structures in relation to the Floodplain elevations. The home owner had Chuck Strongman prepare a new survey which demonstrates that the proposed accessory structures are located primarily outside of the Floodplain with a small portion of the proposed screened porch located within the Flood Fringe. Accessory structures and minor expansions to gross floor area are permitted within the Flood Fringe.

The proposed elevation drawings and plans for the proposed addition 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 according to available mapping is located within the Flood Plain Overly Designation, Section D of the Township's Official Plan. This section describes the floodline as the level of the 100-year flood or the County flood, whichever is greater. The policy states that "development and site alteration may be permitted within the flood fringe, subject to appropriate floodproofing".

The subject property is also 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 an addition to this dwelling will not significantly impact the character or density of the area as there are similar dwellings within the immediate area placed closer to the river than the proposed accessory structures. The natural features and ecological functions of the shoreline area will continue to be protected as the existing dwelling and proposed addition still allow for an over a 13 m buffer between development and the river.

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 Front Yard for the SR3 Zone.

The intent of front yard setbacks within the shoreline residential areas in the Zoning By-law is to

ensure adequate buffering between development and the shoreline in an effort to protect the natural environment. In this case the reduction of the setback still allows for this buffer thus maintaining the intent of the Zoning By-law.

Is it minor?

In the opinion of the Planning Department the requested variance is minor in nature because the property is already developed with a reduced front yard setback of 14.58 m / 47.83 ft. and is proposed to be decreased by 1.22m / 4 ft. this change will still maintain adequate buffering between the development and the waterway.

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

The existing dwelling is located further from the water than many other dwellings on Claresbridge Lane and has adequate vegetation to lessen the visual impact from neighbouring properties. The impact to waterway traffic will be unchanged from the current situation as the property is already developed with a dwelling, deck and garage all visible from the shore. Due to the character of the area the proposal is appropriate and desirable for the subject property.

Other Considerations:

The Chief Building Official (CBO) stated that given the new information on the survey he has no concerns with the proposal. Floodproofing provisions may be required for the new structures, this will be addressed prior to the issuance of a building permit.

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, are keeping with the general intent of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the land.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Gregory Corbett, M. PL, MCIP, RPP
Acting Director of Planning & Development

The Chair asked if the applicant or agent were present - the applicant was present to answer questions. The applicant stated that she was planning to extend a concrete pad that the current deck is placed on so this may increase the elevation even more resulting in the pad not being considered in the floodfringe.

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 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-03-13 (Pummell)**

THE PURPOSE and EFFECT of the minor variance application is:

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

1. A variance to permit a Minimum Front Yard setback of 13.36 m (43.83 ft.), whereas Zoning By-law 2010-65, Section 6, Table 6.1 states the Minimum Front Yard to be 20 m (66 ft) for the SR3 Zone.

In order to permit the construction of two accessory structures with a total area of approximately 48.2 sq. m. (518.93 sq. ft.).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 2013:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. 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

2. Consent Application No.:	B-06/07-12
Applicant:	David & Amy Darker
Roll Number:	4351 010 008 89410
Municipal Address:	1300 Torpitt Road

The Secretary/Treasurer of the Committee of Adjustment outlined the correspondence received as follows:

Public Correspondence:

None

Agency Comments:

None

The Acting Director of Planning & Development outlined the application to amend conditions to a previous granted consent as follows:

History:

- In 2009, the owners of property at 1300 Torpitt Road approached the Township with a proposal for the creation of three waterfront lots with the retained lands to be transferred to the Couchiching Conservancy.
- By resolution dated October 21, 2009, the proposal was approved for consideration by the Committee of Adjustment subject to a satisfactory Environmental Impact Study and under the condition that the retained lands be transferred to the Couchiching Conservancy.
- The Environmental Impact Study supported the creation of two out of the three lots and the Committee of Adjustment approved the creation of two lots with the retained lands being transferred to a nature conservancy as a conservation reserve by Decision dated June 19, 2012.
- The owners requested in February 2013 that the Committee of Adjustment agree to amend the original Condition 1 to reflect entering into a Conservation Easement Agreement with the Muskoka Conservancy rather than transferring land to the Couchiching Conservancy. This was denied by the Committee as there was no written confirmation that the Muskoka Conservancy would accept title to the lands and if not, the applicant's would then have 3 parcels, which was not the intent of the original decision.

Staff Report P13-041:

The Acting Director of Planning & Development provided a brief summary of the following staff report:

Background:

Provisional consent was granted by the Committee of Adjustment on June 19, 2012 for the division of the Darker property, located at 1300 Torpitt Road, into a total of three lots (Appendix "1"). Two of the proposed lots were intended for residential purposes and the third lot (retained) was to be conveyed to the Couchiching Conservancy as a conservation reserve. Since the Committee's decision to grant provisional consent, the applicants, through their agent, have been working to satisfy all of the conditions imposed by the Committee (Appendix "2").

As Committee is aware, the applicants have had difficulty satisfying some of the conditions of consent and have met with Township Council, the Committee of Adjustment and Township staff in an effort to resolve the issues to everyone's satisfaction. This has included attendance at the Committee of Adjustment meeting on February 19, 2013 to request that Condition 1 of the Committee's decision be revised to not require the conveyance of the retained lands to the Couchiching Conservancy, as the Conservancy would not agree to take title to the property. The requested revision to the Condition was to permit ownership of the retained lands to remain with the applicants and a Conservation Easement be registered on title of the property in favour of the Muskoka Conservancy. The Muskoka Conservancy was prepared to obtain a Conservation Easement but would not commit to taking title of the property until such time as a detailed on-site review of the property was undertaken, which could not occur until the spring/summer. This requested change to Condition 1 was denied by the Committee as there was no written confirmation that the Muskoka Conservancy would accept title to the retained lands and as such may result in the applicants having three parcels of land, which was not the intent of the original decision by the Committee.

Since the Committee's decision on February 19, 2013, the applicant's agent has meet with Township staff to investigate other options available and to discuss difficulties with satisfying some of the other conditions imposed. As a result of these discussions, the applicants' agent has submitted a request to make a presentation to the Committee at its May 21, 2013 meeting and requested that Conditions 1, 8, 11 and 13 be modified (Appendix "3").

Discussion:

The following provides a review of the requested changes to the conditions of provisional consent.

Condition 1

Existing Condition: That the Couchiching Conservancy shall provide written confirmation to the Township that it is satisfied with accepting title to the retained lands (being a parcel of land having frontage of approximately 545 m (1788 feet) on Torpitt Road and area of approximately 15 ha (37 acres)) and that the retained lands shall be transferred to the Couchiching Conservancy to be held by it, or a similar successor organization, in perpetuity, as a conservation reserve.

Proposed: The alternative being proposed is the elimination of the requirement that the Couchiching Conservancy accept title to the proposed retained lands. Instead, it is proposed that the retained lands and Proposed Lot 2 (severed lot B-06-12) be combined, with the previous retained lands being subject to a Conservation Easement in favour of a Conservancy. In effect, this eliminates proposed consent B-06-12, resulting in only Proposed Lot 3 (B-07-12) and the retained lands.

Comment: This would have the effect of reducing the number of lots being created to two (2) in total, with the portion of the lands that were determined to be of environmental significance subject to a conservation easement. This would ensure that the applicants do not retain title to 3 parcels, but rather just two (2) which is the intent of the approval granted by the Committee. In addition, it ensures that the environmentally significant portion of the property is protected by having it made subject to a conservation easement in favour of a Conservancy while addressing the issue that the Conservancies contacted were not willing to take title to the environmental lands at this time. In addition to the Conservation Easement, this portion of the property would still be required to be rezoned "Environmental Protection (EP)" in accordance with Condition 5, application for which has already been submitted to the Township and the Statutory Public Meeting held.

Condition 8

Existing Condition: That applications for Consents for rights-of-way for access to properties known municipally as 1166 and 1170 Apter Lane across Proposed Lot 3 shall be brought to the Committee of Adjustment at the applicant's expense.

Proposed: Reference to the properties be changed from 1166 & 1170 Apter Lane to 1166 & 1170 Otto Roehl Lane. In addition, the requirement for the application for rights-of-way be include as a provision in a consent agreement, rather than requiring the submission of the applications at this time.

Comment: The reference to Apter Lane in the condition is incorrect and access to the two lots is gained from Otto Roehl Lane. Correcting this is appropriate. As Proposed Lot 3 is a severed lot and subject to a consent application, the inclusion of the right-of-way can be included as a condition of that consent and included in the deed prepared for the proposed severed lot. This would eliminate the need for a separate application for the right-of-way.

Conditions 11 & 13

Existing Condition 11: That the owner shall submit an engineered Lot Grading Plan, in duplicate, for each of the proposed lots, to be approved by Township staff.

Existing Condition 13: That the property shall be developed under Site Plan Control including registration of a Site Plan Agreement on title. The Site Plan Agreement will incorporate the recommendations of the Environmental Impact Statement, peer review and response to peer review completed by Gray Owl Environmental Inc. and RiverStone Environmental Solutions Inc.

Proposal: Revise both conditions to indicate that the lands be subject to a consent agreement in accordance with Section 51(26) of the *Planning Act* and said consent agreement contain provisions requiring the submission of Lot Grading Plans for each of the proposed lots and that Site Plan Control be applied to each of the proposed lots.

Comment: At this time, details of the proposed development for each of the proposed lots are not known. As such, it would be appropriate to defer the submission of Lot Grading Plans and Site Plans until such time as the details of the proposed development of the lots is known and the Grading Plan and Site Plan can be more accurately and comprehensively prepared.

In accordance with Section 53(23) of the *Planning Act*, the Committee of Adjustment is authorized to change the conditions of a provisional consent at any time before a consent is given. The *Planning Act* further states that Notice is to be given of a change in conditions unless in the Committee's opinion, the change to conditions is minor. If Notice is given of the change in conditions, the one year to satisfy the conditions of consent starts from the date that Notice of the amended conditions is given.

Recommendation:

Planning Staff support the requested changes to conditions.

The effect of the change to Condition 1 is a reduction in the number of conveyable lots being created from three to two, which is in keeping with the intent of the Committee's original decision. The environmentally sensitive portion of the property will remain protected through Conditions 1 and 5, requiring that a Conservation Easement in favour of a Conservancy, be registered on that portion of the property and that the lands be rezoned "Environmental Protection (EP)".

The change to Condition 8 rectifies an error in the reference to specific properties and including the requirement for the right-of-way as a condition allows for its establishment without the need for an additional consent application.

Finally, the change to Conditions 8 and 11 are appropriate as they continue to require the submission of Grading Plans and Site Plan Approval for each lot and merely defer their submission until such time as the lots are to be developed.

The recommended revised conditions of provisional consent are set out in Appendix "4".

Respectfully submitted,

Gregory I. Corbett, M. PL, MCIP, RPP
Acting Director of Planning & Development

The Chair asked if the applicant or agent were present - the agent, Barry Peyton, Provista Group Inc. was present. Barry provided addition comments to summarize Greg's report and stated that there had been talks with the Nature Conservancy of Canada in addition to the Musoka and Couchiching Conservancy groups. Mr. Peyton further stated that he viewed this current proposal as a compromise as the Darker's would only be retaining two parcels and there would still be a Conservation Easement over the rear lands.

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 Ferguson asked if the Couchiching Conservancy was still interested.
- Mr. Peyton stated that they had changed their minds despite the Director still being in favour. The dump site is clean, without any leaching but they turned the site down anyway.
- Member Ferguson inquired as to adjusting the timing of fulfilling the conditions of the consent as they were told at the previous meeting that the 1 year time frame could not be lengthened.
- The Acting Director stated that if significant changes to the conditions are passed than the 1 year time frame starts again as notice is given, if minor changes then notice would not be given and thus the original 1 year time frame could not be changed. A major change to the conditions would mean that the notice needs to be given and then there is a risk of appeal in addition to the time starting again.
- Member Ferguson asked if 1 year from the current date would be enough time.
- The Acting Director stated that getting a conservancy group was timely and the 1 year is dictated under the Planning Act.
- Member Peters asked for clarification on the right of way in the altered conditions.
- The Acting Director clarified.

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

DECISION – APPROVE
Consent Application A-06/07-12 (Darker)

THE PURPOSE and EFFECT of the Changes of Condition is:

The owners are requesting at this time that the Committee of Adjustment agree to amend the original Conditions as follows:

1. Condition 1 be deleted in its entirety and replaced with the following:

“That Proposed Lot 2 be included as part of the retained lands and the Owners shall enter into a Conservation Easement with a Conservancy for that portion of the retained lands described as Parts 1 & 3, Plan 51R-28080 and Part 3, Plan 51R-38904.”

2. Condition 5 be amended to read as follows:

“The property shall be rezoned at the applicant’s expense to zone Proposed Lot 3 and a portion of the retained lands, being former Proposed Lot 2, “Shoreline Residential Three (SR3)” and the proposed conservation lands, being Parts 1 & 3, Plan 51R-28080 and Part 3, 51R-38904, to the “Environmental Protection (EP)” zone.”

3. Condition 6 be amended to delete reference to the plural and reference to Apter Lane, so as to read as follows:

“That application for Consent for right-of-way for access to the proposed lot over Otto Roehl Lane shall be brought to the Committee of Adjustment at the applicant’s expense.”

4. Condition 8 be amended to read as follows:

“That a right-of-way for access be granted over a portion of Proposed Lot 3 in favour of properties known municipally as 1166 and 1170 Otto Roehl Lane.”

5. Condition 9 be amended to read as follows:

“A portion of property along Torpitt Road shall be transferred to the Township of Severn as a road widening, at the applicant’s expense, free and clear of all encumbrances, if deemed necessary by the Township. The requirement for the road widening, and its exact location and dimensions to be determined on site by the Township’s Director of Public Works.”

6. Condition 11 be deleted in its entirety and replaced with the following:

"The Owner shall enter into a consent agreement with the Township of Severn, as authorized by Section 51(26) of the Planning Act. Said Agreement will contain provisions requiring:

- a. The submission of an engineered Lot Grading Plan, in duplicate, to be approved by Township staff, prior to development proceeding on each of the proposed lots;
- b. The proposed lots shall be developed under Site Plan Control including the registration on title of a Site Plan Agreement for each of the proposed lots prior to any development or site alteration. The Site Plan Agreements will incorporate the recommendations of the Environmental Impact Statement, peer review and response to peer review completed by Gray Owl Environmental Inc. and RiverStone Environmental Solutions Inc."

7. Condition 13 be deleted in its entirety.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITION:

1. All other conditions under B-06/07-12 remain.

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

E. NEW APPLICATIONS

1. Minor Variance Application No.:	A-06-13
Applicant:	Seeley Homes Ltd.
Roll Number:	4351 030 001 55826 0000
Municipal Address:	51 Donlands Court

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

Proposal:

- The 0.17 acre property located at the end of Donlands Court is currently vacant with the exception of a storm water management pond .
- The owners have requested the following variance in order to permit the construction of the new dwelling:
 1. A variance to permit a Front Yard setback of 5 m (16.4 ft.) whereas Zoning By-law 2010-65 R1 Zone contains a minimum Front Yard setback of 7.5 m (24.6 ft.).

Agency Comments:

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

Public Correspondence:

None

Staff Report P13-42:

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

Background:

County Official Plan: Settlement Area, Coldwater
Township Official Plan: Settlement Area, Coldwater
Township Zoning: Residential One (R1) Zone

The subject property is located at 51 Donlands Court in the geographic Township of Coldwater (**Appendix 1**). The 0.17 acre property located at the end of Donlands Court and is currently vacant with the exception of a storm water management pond as seen on the site plan attached as **Appendix 2**.

The following variance is requested in order to permit the construction of the new dwelling on the property:

1. A variance to permit a Front Yard setback of 5 m (16.4 ft.) whereas Zoning By-law 2010-65 R1 Zone contains a minimum Front Yard setback of 7.5 m (24.6 ft.).

The elevation drawing for the proposed house is attached as **Appendix 3**.

The property was site inspected by planning 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 Settlement Living Area under the Township of Severn Official Plan. A single detached dwelling is a permitted use in the Settlement Living Area and the objectives of the Settlement Living Area are to direct the focus of growth and development to these areas. This proposal therefore maintains the general intent and purpose of the Official Plan.

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

The intent of setback requirements in the Zoning By-law is to ensure adequate buffering between individual properties, waterways and roadways. In this proposal, the vacant property is complicated by not only the storm water management pond but also the turnaround for Donlands Court as well as a drainage easement to the rear of the property. The front yard setback is 7.5m in the R1 Zone and this is measured from the front (road side) lot line to the dwelling at the closest point. The closest point of the front lot line to the proposed dwelling is 5 m, located from the turnaround section of the roadway. The proposed dwelling is to be setback over 11m from the straight portion of Donlands Court allowing for an adequate buffer from the roadway.

All other provisions of the by-law will be followed with the proposal therefore the purpose and intent of the Zoning By-law is maintained.

Is it minor?

In the opinion of the Planning Department the requested variance of reducing the existing front yard setback from 7.5 m (24.6) ft. to 5 m (16.4 ft.), a difference of 2.5 m / 8.2 ft. is minor in nature due to the dwelling infringing on the turnaround portion of the roadway.

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

The existing lot is on a plan of subdivision and was always intended to have a new home constructed on the site. The proposed dwelling will visually appear to have a similar front yard setback as the homes on Donlands Court as the closest point is to the turnaround section of the roadway rather than the straight section meaning the home will appear on roughly the same line as the existing homes. Based on the existing development on Donlands Court and the character of the area the proposal is desirable development for the use of the subject lands.

Other Considerations:

The Director of Public Works commented on the application, "Please be advised that the reduced setback on the Donlands Court will not impact road operations. Therefore public works has no objection to this application"

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 variances are minor in nature, are keeping with the general intent of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the land.

Respectfully submitted,

With the concurrence of,

The Chair asked if the applicant or agent were present and had anything to add to what was presented - The applicant, Kevin Seeley from Seeley Homes Ltd. was present to answer questions and added that the rear of the property has a drainage easement and this contributed to the desire to move the home forward towards the street to allow for a backyard.

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 Peters asked about the survey, specifically the design of the slope of the front lot line with the circle (turn around) area.*
- *The applicant stated that he did not have any further insight into the survey.*
- *Member Ferguson commented that the drainage easement to the rear of the property is Medonte Drain #2 which runs from the old Elk farm on Dunns Line and the ditch on this property has a large area which drains through this easement.*
- *Member Peters inquired as to who owned the ditch and drainage pond.*
- *The Secretary/Treasurer advised that it is a drainage easement on the property so the ditch is owned by the property owner and maintained by the municipality. The pond is also owned by the property owner.*

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-06-13 (Seeley Homes Ltd.)

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 Front Yard setback of 5 m (16.4 ft.) whereas Zoning By-law 2010-65, R1 Zone contains a minimum Front Yard setback of 7.5 m (24.6 ft.).

In order to permit the construction of a new dwelling on the vacant property.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 2013:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. 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

2. **Minor Variance Application No.:** A-07-13
Applicant: Dianne Nasturizo
Roll Number: 4351 010 007 05800 0000
Municipal Address: 2491 Point Corazza Vista

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

Proposal:

- The 0.2 acre property currently contains a single detached dwelling.
- The owner wishes to construct a new 9.55 sq. m. (102.83 sq. ft.) addition onto the rear of the existing non-complying dwelling which is located 5.36 m (17.6 ft.) at the closest point to the rear property line and private road.
- The following variance is requested in order to permit the construction of the new addition:
 1. A variance to permit a Rear Yard setback of 3.72 m (12.2 ft.) whereas Zoning By-law 2010-65 allows for an expansion of a non-complying structure if the situation of non-compliance is not further increased.

Agency Comments:

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

Public Correspondence:

None

Staff Report P13-43:

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

Background:

County Official Plan: Severn West Shore Settlement Area
Township Official Plan: Settlement Area, Westshore
Township Zoning: Shoreline Residential Three (SR3)

The subject property is located at 2491 Point Corazza Vista in the geographic Township of North Orillia (**Appendix 1**). The 0.2 acre property supports an existing single detached dwelling as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new 9.55 sq. m. (102.83 sq. ft.) addition onto the rear of the existing non-complying dwelling which is located 5.36 m (17.6 ft.) at the closest point to the rear property line and private road.

The following variance is requested in order to permit the construction of the new addition:

1. A variance to permit a Rear Yard setback of 3.72 m (12.2 ft.) whereas Zoning By-law 2010-65 allows for an expansion of a non-complying structure if the situation of non-compliance is not further increased.

The elevation drawing for the proposed addition is 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 Settlement Living Area under the Township of Severn Official Plan. A single detached dwelling is a permitted use in the Settlement Living Area and the objectives of the Settlement Living Area are to direct the focus of growth and development to these areas. This proposal therefore maintains the general intent and purpose of the Official Plan.

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

The existing dwelling is a non-complying structure due to the existing reduced front yard, rear yard and interior yard setbacks. The proposal will not further reduce the front or interior yard setbacks and all other provisions of Zoning By-law appear to be in compliance.

The intent of setback requirements in the Zoning By-law is to ensure adequate buffering between individual properties, waterways and roadways. In this case, the existing dwelling is setback 1.5 m (5 ft.) from one interior side and 16.5 m (54 ft.) from the other side yard.

Due to the existing setbacks of the non-complying structure, the intent of the Zoning By-law is being maintained to buffer the existing neighbour, a relative of the applicant, the private, gated road and waterway from development.

Is it minor?

In the opinion of the Planning Department the requested variance of reducing the existing rear yard setback from 5.36 m (17.6 ft.) to 3.72 m (12.2 ft.), a difference of 1.64 m / 5.4 ft. is minor in nature because of the existing non-complying setbacks.

Furthermore, this proposal is minor because the property is unique in that the locked gate for the private road of Point Corazza Vista is located to the west of the subject property, meaning that the portion of private road to the rear of the property, which is where the further encroachment will occur is only used by the subject property owner and one neighbour to the north east whose land contains the private road.

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

Existing undersized lots are common within the waterfront area, therefore reduced setbacks or non-complying structures are also common. Over development of these undersized lots is not encouraged however due to the size of the addition (9.55 sq. m. / 102.83 sq. ft.) in question it is not threatening over development of the property.

Having a further reduced rear yard setback, especially in this property's unique situation of the private road with a locked gate the impact on surrounding neighbours and possible users of the road is very limited particularly if the existing vegetation is preserved and enhanced.

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 variances are minor in nature, are keeping with the general intent of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the land.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Gregory Corbett, M. PL, MCIP, RPP
Acting 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 was present to answer questions and had nothing to add.

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:

- The Chair asked for clarification on the right of way/access.*
- The Secretary/Treasurer provided clarification with the assistance of the aerial imagery on the screen that the access to the property is at the end of the private road, essentially past the end of the travelled private road as there is a small fence and gate at the end of the private road before this subject property.*
- Member Ferguson stated that he had climbed the fence to site inspect the property.*

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 she 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-07-13 (Nasturizo)

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 Rear Yard setback of 3.72 m (12.2 ft.) whereas Zoning By-law 2010-65 allows for an expansion of a non-complying structure if the situation of non-compliance is not further increased.

In order to permit the construction of a new 9.55 sq. m. (102.83 sq. ft.) addition onto the rear of the existing non-complying dwelling which is located 5.36 m (17.6 ft.) at the closest point to the rear property line and private road

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 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

3. Minor Variance Application No.:	A-08-13
Applicant:	Jessica Gunby
Roll Number:	4351 030 001 52800 0000
Municipal Address:	27 Gray Street

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

Proposal:

- The 0.42 acre property currently contains a single detached dwelling and two accessory structures.
- The owner wishes to construct a new accessory apartment.
- The following variance is requested in order to permit the construction of the new accessory apartment:
 1. A variance to permit an 86.9 sq. m. (936 sq. ft.) accessory apartment whereas Zoning By-law 2010-65 restricts accessory apartments to a maximum floor area of 35% (58 sq. m. / 624 sq. ft.) of the floor area of the principal dwelling unit or 60 sq. m (645.9 sq. ft.), whichever is the lesser.

Agency Comments:

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

Public Correspondence:

Three letters were received all stating that the undersigned "*had no concern with the proposed addition for an apartment proposed by Jessica*". These letters were from:

- Alma Andrews, 22 Grey Street
- Kevin Cherewaty, 29 Gray Street
- Grace Willmott, 25 Gray Street

Staff Report P13-45:

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

Background:

County Official Plan: Settlement Area, Coldwater
Township Official Plan: Settlement Area, Coldwater
Township Zoning: Residential One (R1) Zone

The subject property is located at 27 Gray Street in the geographic Township of Coldwater (**Appendix 1**). The 0.24 acre property currently supports a single family dwelling and two accessory structures evident on the site plan attached as **Appendix 2**.

The following variance is requested in order to permit the construction of the new accessory apartment:

1. A variance to permit an 86.9 sq. m. (936 sq. ft.) accessory apartment whereas Zoning By-law 2010-65 restricts accessory apartments to a maximum floor area of 35% (58 sq. m. / 624 sq. ft.) of the floor area of the principal dwelling unit or 60 sq. m (645.9 sq. ft.), whichever is the lesser.

The property was site inspected by planning and 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 Settlement Living Area under the Township of Severn Official Plan. The objectives of the Settlement Living Area are to direct the focus of growth and development to these areas by creating opportunities for various forms of residential intensification and encouraging a variety of housing types to house persons with diverse social and economic backgrounds, needs and desires.

A single detached dwelling is a permitted use in the Settlement Living Area and an accessory apartment is permitted as a complementary use subject to Section B6 of the Official Plan. Section B6 Accessory Dwelling Units speaks to permitting "*the conversion of individual dwelling units to accommodate an accessory dwelling unit... being one that is considered secondary and incidental to the existing individual dwelling unit.*" Guidelines for the provisions of establishing General Zoning By-law provisions are given which discusses: permitting one accessory apartment, the apartment remaining accessory, designed in order to maintain the character of the home and neighbourhood, and that the accessory apartment shall not encroach on setbacks and shall comply with the Ontario Building Code and Fire Code.

This proposal for a single storey accessory apartment will be accessory to the principal dwelling unit as the main portion of the house is a prominent historical two storey, plus basement brick home constructed in 1890, similar to others on the street and the accessory apartment will replace and expand an existing non-original rear portion of the home.

This proposal maintains the general intent and purpose of the Official Plan in that growth will be focused to the settlement area providing a residential intensification by providing a mixture of housing types with an accessory apartment that will be secondary to the main dwelling unit.

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

The property is zoned Residential One (R1) which permits a single detached dwelling and two dwelling units.

Section 3.1 Accessory Apartments deals with accessory apartments and establishes more specific policies than the general guidelines set out in the Official Plan. The policies stem from the guidelines and contain provisions including: what properties may contain an accessory apartment, a minimum and maximum size in addition to maintaining the character and street façade of the dwelling as well as the character of the surrounding neighbourhood. Provisions are also established for meeting all other township by-laws as well as health and safety standards. The proposed accessory apartment meets all provisions of the by-law with the exception of the maximum size and therefore the purpose and intent of the Zoning By-law is maintained.

Is it minor?

In the opinion of the Planning Department the requested variance of increasing the maximum permitted size for an accessory apartment on this property is minor in nature as the proposal

complies with all other provisions of the accessory apartments section of the Zoning By-law and the provisions of the R1 Zone.

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

Settlement areas as the Official Plan states are designed to accommodate growth and a range of housing options. This property is located on an arterial street in Coldwater in the heart of not only the settlement area but also in an area with many historical homes. Altering the historical façade of this or any historical home is not encouraged as it would alter the character of the area in a negative way. This proposal however is to replace and expand a non-original addition to the rear of the building with a similar looking addition that will contain the accessory apartment. Given the location of this property and specifics of this proposal it is appropriate and desirable redevelopment and use of the land.

Recommendation:

The Planning Department has no objections to the approval of this application, subject to the recommended conditions set out in **Appendix 3**, 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,

With the concurrence of,

Katie Mandeville, BA, BURPI
Planner

Gregory Corbett, M. PL, MCIP, RPP
Acting 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 was present to answer questions and stated that both the PPS and Growth Plan encourage and support growth in settlement areas and encourage the development of affordable housing.

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 Ferguson asked about the capacity for water and sewer within Coldwater. He indicated that Committee should receive an update on the capacities within the serviced areas.*
- *The Secretary/Treasurer stated that the Director of Public Works did not have an objection to the application, indicating there are no capacity issues.*
- *The Acting Director of Planning & Development stated that reports recently went to Council regarding the capacity so that information could be provided to the Committee members for information at a future meeting.*

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 she 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-08-13 (Gunby)**

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 an 86.9 sq. m. (936 sq. ft.) accessory apartment whereas Zoning By-law 2010-65 restricts accessory apartments to a maximum floor area of 35% (58 sq. m. / 624 sq. ft.) of the floor area of the principal dwelling unit or 60 sq. m (645.9 sq. ft.), whichever is the lesser.

In order to permit the construction of a new accessory apartment.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 2013:

DECISION: **APPROVED**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. 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

4. **Minor Variance Application No.:** A-09-13
Applicant: Bradley Gibson
Agent: Peter Wassenaar
Roll Number: 4351 010 008 61200 0000
Municipal Address: 3203 Crescent Bay Road

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

Proposal:

- The 0.15 acre property currently contains a single detached dwelling with an attached front deck.
- The owner wishes to construct a 10.9 sq. m. (117.7 sq. ft.) addition onto the front of the existing non-complying deck which is located 8.23 m (27 ft.) at the closest point to the water. The property currently has lot coverage of 18% (1,275 sq. ft.).
- The following variances are requested in order to permit the construction of the deck enlargement:
 1. A variance to permit a Front Yard setback of 6.86 m (22.5 ft.) for a deck whereas Zoning By-law 2010-65 SR2 Zone contains a minimum Front Yard setback of 20m.
 2. A variance to permit lot coverage of 20% whereas Zoning By-law 2010-65 SR 2 Zone permits a maximum lot coverage of 15%.

Agency Comments:

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

Public Correspondence:

None

Staff Report P13-45:

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 Two (SR2)

The subject property is located at 3203 Crescent Bay Road in the geographic Township of North Orillia (**Appendix 1**). The 0.15 acre property supports an existing single detached dwelling as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a 10.9 sq. m. (117.7 sq. ft.) addition onto the front of the existing non-complying deck which is located 8.23 m (27 ft.) at the closest point to the water. The property currently has lot coverage of 18% (1,275 sq. ft.) and will need to increase the lot coverage allowable

to 20% (1,392 sq. ft.) to allow for the new deck expansion.

The following variances are requested in order to permit the construction of the new deck addition:

1. A variance to permit a Front Yard setback of 6.86 m (22.5 ft.) for a deck whereas Zoning By-law 2010-65 SR2 Zone contains a minimum Front Yard setback of 20m.
2. A variance to permit lot coverage of 20% whereas Zoning By-law 2010-65 SR 2 Zone permits a maximum lot coverage of 15%.

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 the deck expansion by 4.5 feet will not negatively impact the existing natural features and ecological functions of the shoreline area as the property is already developed within the front yard setback and efforts to preserve and enhance the natural vegetation will be maintained. Maintaining the existing character of the area will be achieved as the area is predominately low density residential and a deck expansion will not change this characteristic.

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 Front Yard and Lot Coverage. The following table illustrates the requirements of the Shoreline Residential Two (SR2) Zone relating to this proposal, the existing development and how the proposal compares with the requirements:

By-law Provision	By-law	Existing	This Proposal
Maximum Lot Coverage	15%	18%	20%
Minimum Required Yards			
Interior (side)	3 m	3 m	3 m
Front (water)	20 m	8.23 m / 27 ft.	6.86 m / 22.5 ft.
Rear (road)	7.5 m	21.9 m	21.9 m
Maximum Building Height	9 m	Less than 9 m	Less than 9 m

The intent of setback requirements from waterways in the Zoning By-law is to ensure that new development does not crowd the waterfront and allows for vegetation within the waterfront area. The intent of maximum lot coverage percentages is to achieve a similar goal in addition to allowing for proper drainage and vegetation growth. The reduced setback will be buffered by existing trees and vegetation on the adjacent residential properties, one of which is vacant and the other has a similar setback.

Is it minor?

In the opinion of the Planning Department the requested variance of reducing the existing front yard setback from 8.23 m (27 ft.) to 6.86 m (22.5 ft.), a difference of 1.37 m / 4.5 ft. is minor in nature because of the existing deck setback.

Furthermore, this proposal is minor because the existing lot coverage of 18% allows 1,275 sq. ft. of coverage, an increase in lot coverage to 20% allows for 1,392 sq. ft. which will permit the deck to increase from 7.33 ft. in width to 11.83 ft. to allow for the property owners to better utilize the deck.

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

The proposed development is appropriate and desirable development of the land as existing undersized lots are common within the shoreline area. Therefore, reduced setbacks or increased lot coverage are also common as the current provisions in the SR2 zone are intended for a 60m wide lot that is almost an acre in size. Over development of these undersized lots is not encouraged however due to the size of the deck addition (10.9 sq. m. / 117.7 sq. ft.) in question it is not threatening over development of the property.

Other Considerations:

Under the current deck is partly enclosed and used as a storage area. The Planning Department is recommending a condition prohibiting the enclosed storage area from expanding with the expansion of the deck. The decision document also specifically states that the variance requested applies to a reduced front yard setback for a deck.

Recommendation:

The Planning Department has no objections to the approval of this application, subject to the recommended conditions set out in **Appendix 3**, because the variances are minor in nature, are keeping with the general intent of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the land.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Gregory Corbett, M. PL, MCIP, RPP
Acting Director of Planning & Development

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent and applicant were present. The agent stated that the existing shed area under the deck will be removed. He believes the space was originally used as a sunroom however the current owners have never used it and wish for it to be taken down.

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 Peters asked if the new deck portion would be the same height as the existing.*
- *The agent confirmed that the height would be the same as the existing.*

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The agent 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-09-13 (Gibson)**

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 Front Yard setback of 6.86 m (22.5 ft.) for a deck whereas Zoning By-law 2010-65 SR2 Zone contains a minimum Front Yard setback of 20 m.
2. A variance to permit lot coverage of 20% whereas Zoning By-law 2010-65 SR2 Zone permits a maximum lot coverage of 15%.

In order to permit the construction of a 10.9 sq. m. (117.7 sq. ft.) addition onto the front of the existing non-complying deck which is located 8.23 m (27 ft.) at the closest point to the water. The property currently has lot coverage of 18% (1,275 sq. ft.) and will need to increase the lot coverage allowable to 20% (1,392 sq. ft.) to allow for the new deck expansion.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 2013:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. 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

5. **Consent Application No.:** **B-09-13**
 Applicant: **Steven Parkes**
 Agent: **James Lewis**
 Roll Number: **4351 003 02400 0000**
 Municipal Address: **2547 Telford Line**

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 2547 Telford Line
- Legally described as: Part of W ½ Lot 12, Concession 8, geographic Township of North Orillia
- Requesting consent to sever a portion of the property having frontage of approximately 60.96 m (200 ft.) on Telford Line and area of approximately 3.035 ha (7.5 acres) to add to the adjacent property at 2609 Telford Line which is also owned by Steven Parkes.
- The retained lands would have a frontage of approximately 494.12 m (1,621.14 ft.) on Telford Line and area of approximately 36.421 ha (90 acres).

Agency Comments:

The Chief Building Official stated he had no objection to the application as there is adequate space for a septic on the retained and severed lands.

The Director of Public Works stated that a road widening had already been taken.

County of Simcoe Planning:

Thank you for circulating the County of Simcoe. The applicant is seeking a boundary adjustment to create an approximate 4 hectare (9.88 acres) parcel. The retained parcel is proposed to be approximately 36.4 hectares (90 acres). The parcel proposed to be created is located within the local municipality's Rural designation and is subject to the Rural and General policies of the Simcoe County Official Plan (SCOP).

County Official Plan policy 3.3.4 states "consents for the purpose of boundary adjustments and consolidation of land holdings are permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan. All lots created shall conform to all applicable municipal policies and bylaws".

County Official Plan policy 3.6.11 states that lots created in the Rural designation should be restricted in size in order to conserve other lands in larger blocks for agricultural or environmental purposes. Consent lots should be developed to an approximate maximum size of one hectare except where larger sizes may be suitable because of environmental constraints or design considerations.

Therefore, the County of Simcoe does not object to the proposed application, however

encourage the applicants to revise the lot size and provide the justification, to the County's satisfaction, as to how the proposed lot size meets the intent of the rural lot creation policy and maintains conformity with the County of Simcoe Official Plan.

Please forward a copy of the decision. If you require any further information, please do not hesitate to contact me.

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

Public Correspondence:

None

Staff Report P12-046:

The Secretary-Treasurer provided a brief summary of the following Staff Report:

Background:

County Official Plan: Rural
Township Official Plan: Agriculture, Rural, Greenland
Township Zoning: Rural

The subject property is located at 2547 Telford Line in the geographic Township of North Orillia (Appendix 1). The property is approximately 39.46 ha (97.5 acres) in size with 555.08 m (1,821.14 ft.) frontage on Telford Line and currently supports a dwelling and various farm buildings.

The applicant is requesting consent to sever a portion of the property having frontage of approximately 60.96 m (200 ft.) on Telford Line and area of approximately 3.035 ha (7.5 acres) to add to the adjacent property at 2609 Telford Line which is also owned by the Parkes. The retained lands would have a frontage of approximately 494.12 m (1,621.14 ft.) on Telford Line and area of approximately 36.421 ha (90 acres).

A sketch of the proposal is attached as Appendix 2.

Discussion:

A discussion of the various planning documents that have bearing on this application follows.

Provincial Policy Statement, 2005

The subject property is classified as having Class 1, 2 or 3 soil under the Canada Land Inventory mapping. As such, it constitutes a "prime agricultural area" as defined in the Provincial Policy Statement, 2005 (PPS), being "*areas where prime agricultural lands predominate*" (Section 2.3.1, PPS).

The definition of "prime agricultural lands" in the PPS is as follows:

"Prime agricultural land: means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection."

Section 2.3.4 of the PPS deals with lot creation and lot adjustments. Section 2.3.4.2 states that "Lot adjustments in *prime agricultural areas* may be permitted for legal or technical reasons". The PPS defines "legal or technical reasons" as follows:

"Legal or technical reasons: for the purposes of policy 2.3.4.2, means severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot."

The proposed lot addition may be considered as a minor boundary adjustment for purposes of the PPS as a new lot will not be created.

Growth Plan for the Greater Golden Horseshoe, as amended

The Growth Plan is silent on the issue of boundary adjustments on prime agricultural land although the Plan attempts to protect agricultural land through its growth policies.

County of Simcoe 2006 Official Plan (in effect)

Section 3.3.3 of the County of Simcoe Official Plan states that "consents for the purpose of boundary adjustments and consolidation of land holdings are permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan."

Once again, this proposal does not result in the creation of a new lot and therefore satisfies the intent of this policy.

Township of Severn Official Plan

Section B8.2.2 of the Township's Official Plan states as follows:

"B8. 2.2 Boundary Adjustments

A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan."

The subject proposal is a lot addition and therefore no new building lot will be created through this application.

Township of Severn Zoning By-law 2010-65

The subject property is in the Rural (RU) Zone which is described in Section 5.1 of Zoning By-law 2010-65 as a "Rural Area with varied Agricultural potential".

The requirement for Minimum Lot Area for lots in the Rural Zone is 10 ha (24.7 acres) and the requirement for Minimum Lot Frontage is 60 m (200 feet). As such, the retained lands exceed the requirements for Minimum Lot Area and Minimum Frontage.

The severed lands will be joined to the adjacent property at 2609 Telford Line which currently does not meet the Minimum Lot Frontage or Minimum Lot Area for the Rural Zone. Although this existing lot is undersized as it exists today, it is deemed to conform under Zoning By-law 2010-65:

3.19.1 Existing Undersized Lots

a) Where a lot, having a lesser lot area or lot frontage than that required herein:

- i) is held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-law; or*
- ii) is created as a result of an expropriation; or*
- iii) is created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway;*

then the said lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions herein respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure thereupon, provided that all other applicable provisions of this By-law are complied with and provided that a sewage disposal system (where required) can be installed on the lands.

Furthermore, Section 3.19.1 b) states "where lands are added to an existing undersized lot that complied with a) above, the resulting lot shall be deemed to comply with a) above". The proposed lot addition appears to conform with Zoning By-law 2010-65 under the Existing Undersized Lots provisions. The use of the lot addition is for a hobby farm which conforms to the Rural (RU) Zoning.

Other Considerations

A Minimum Distance Separation (MDS) II report was submitted as part of this application and the proposed horses/farm operations will not be problematic for this site. The recommendations in the MDS II report will need to be followed as part of the process for obtaining a building permit on the site.

Recommendation:

The Planning Department has no major objection to the approval of this application, subject to the recommended conditions set out in Appendix 3.

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

Gregory Corbett, M. PL, MCIP, RPP
Acting Director of Planning & Development

The Chair asked if the applicant or agent were present and had anything to add - the agent was present and clarified that the lot addition was for the purpose of a hobby farm. The agent also commented on the County of Simcoe correspondence.

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 Ferguson asked staff if they could clarify the County's comments.*
- *The Secretary/Treasurer and Acting Director of Planning attempted to provide clarification on the comments.*
- *The Chair asked if there was an appetite to differ the application.*
- *The Acting Director stated that he did not believe the County would alter their comments.*

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

DECISION – APPROVE
Consent Application B-09-13 (Parkes)

THE PURPOSE and EFFECT of the consent application is:

TO SEVER a portion of the property having frontage of approximately 60.96 m (200 ft.) on Telford Line and area of approximately 3.035 ha (7.5 acres) to add to the adjacent property at 2609 Telford Line which is also owned by the Parkes.

The retained lands would have a frontage of approximately 494.12 m (1,621.14 ft.) on Telford Line and area of approximately 36.421 ha (90 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 21st day of May, 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. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. That the severed lands shall merge with the property municipally known as 2609 Telford Line, legally described as Part 1 Plan 51R-35074. The owners' solicitor shall take all necessary steps to ensure that the parcels merge under the Planning Act.
5. That the owners' solicitor shall provide an undertaking to register an Application to Consolidate Parcels in order to merge the severed lands with the adjoining lands and to provide the Township with a copy of the registered Application within three months of the date of registration of the Transfer of the severed lot.

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**

NONE

H. **ADJOURNMENT**

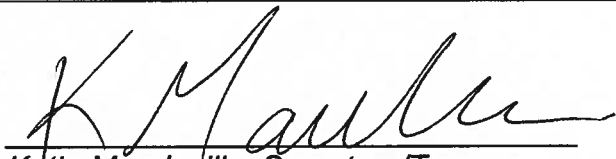
The following motion was adopted:

Motion # 13-08

MOVED by Ron Peters and SECONDED by Duane Goerke

THAT the Committee of Adjustment meeting be adjourned at 8:15 p.m. on May 21, 2013. The Committee will reconvene at 7:00 p.m. on June 18, 2013 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

A handwritten signature in cursive script, appearing to read 'K. Mandeville', written over a horizontal line.

Katie Mandeville, Secretary/Treasurer