

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, NOVEMBER 19, 2013 AT 7:00 P.M.

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Present:      Chair                                      Ron Peters

                  Members                                     John Ferguson  
  Emily Silk  
  Mark Vandergeest  
  Doug Hamilton

Staff: Secretary/Treasurer, Planner      Katie Mandeville  
          Director of Planning                    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. DISCLOSURE OF PECUNIARY INTEREST**

None

**C. ADOPTION OF MINUTES**

*The following motion was adopted:*

Motion # 13-22

*MOVED by Mark Vandergeest and SECONDED by John Ferguson*

*THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on October 15, 2013 be adopted as printed and distributed.*

**CARRIED**

**D. ADJOURNED APPLICATIONS**

1.   **Consent Application No.:**                                      **B-02-12**  
      **Applicant:**    **Tinney, Stuart**  
      **Roll Number:**    **4351 050 001 16000 0000**  
      **Municipal Address:**    **1330 Taylor Line**

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

**Proposal:**

- É The property is located at 2181 Brennan Line
- É Legally described as: Part of Lots 2 & 3, Concession 2, geographic Township of Matchedash.
- É The property currently supports a dwelling.
- É Requesting consent to sever a portion of the property having frontage of approximately 61 m (200 ft.) on Taylor Line and an area of approximately 0.81 ha (2 acres).
- É The retained lands would have a frontage of approximately 172 m (564 ft.) on Taylor Line, 257 m (843 ft.) on Laughlin Falls Road and area of approximately 26.5 ha (65.4 acres).
- É The new lot was originally proposed for a location in the south-east corner of the Tinney property.
- É The application was deferred in February 2012.
- É The application has been revised to create a severed parcel on the other side of the existing dwelling

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-103:**

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

**Background:**

County Official Plan:	Greenlands
Township Official Plan:	Greenlands
Township Zoning:	Agricultural (AG)

The subject property is legally described as Part of Lots 2 & 3, Concession 2, geographic Township of Matchedash, now in the Township of Severn, municipally known as 1330 Taylor Line (refer to key map at **Appendix 1**).

The subject lands have frontage of approximately 257 m (843 feet) on Laughlin Falls Road, frontage of approximately 233 m (764 feet) on Taylor Line, and an area of approximately 27.3 ha (67.4 acres).

The applicant is requesting consent to sever a portion of the property having frontage of approximately 61 m (200 ft.) on Taylor Line and an area of approximately 0.81 ha (2 acres). The retained lands would have a frontage of approximately 172 m (564 ft.) on Taylor Line, 257 m (843 ft.) on Laughlin Falls Road and area of approximately 26.5 ha (65.4 acres). The new lot was originally proposed for a location in the south-east corner of the Tinney property (see **Appendix 2**). Due to concerns over the ability to satisfy the requirements of the Township's Official Plan which limit the creation of new lots in rural areas to *filling situations*, the application has been revised to shift the proposed lot to the north-eastern corner of the property, adjacent to the existing residential lots fronting on Laughlin Falls Road (**Appendix 3**).

**Discussion:**

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

***Provincial Policy Statement, 2005***

The subject property is identified in the Canada Land Inventory Soil Mapping as having Class 5, 6 or 7 soils. Section 2.3.1 of the Provincial Policy Statement states that *prime agricultural areas* are areas where *prime agricultural lands* predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority. 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."*

The subject property is historically been used for agriculture. There are active agricultural uses in the area, which can be expected to include some raising of livestock. However, the associated agricultural outbuildings are all in excess of 700 metres away and are not of a size which could accommodate the number of livestock which would raise potential issues of MDS compliance.

***Growth Plan for the Greater Golden Horseshoe, 2006, as amended, January 2012***

Section 2.2.9 provides direction on development within rural areas. New *multiple lots and residential units* are to be directed towards settlement areas. Direction is not provided with regard to the creation of single lots.

***County of Simcoe Official Plan, 2007***

The property is located within the *Greenlands* designation of the County of Simcoe Official Plan.

Section 3.7.6 of the County Official Plan permits the creation of new residential lots by the consent process subject to the submission of an Environmental Impact Study (EIS) confirming that the proposed lot development would not have a negative impact on the natural features and/or associated ecological functions. The need for, extent and scope of the EIS is to be determined through consultation with County and Township staff. In this case, County and Township planning staff conducted a site visit of this property in the summer of 2011. At that time, it was determined, and the applicant was advised, that an EIS would not be required for the proposal if the proposed lot was located in the area of the new house, which had already been cleared as was the majority of the remainder of the property. In this regard, the applicant was advised that the north limit of the proposed lot should be 120 m from the residential lot at the southeast corner of the intersection of Taylor Line and Laughlin Falls Road. The application was revised to shift the proposed lot to this area and an EIS submitted in support of the application.

Section 3.7.9 of the County Official Plan states residential lots may be created by consent within the Greenland designation, subject to conformity to various other policies in the Official Plan. One such policy referenced is Section 3.6.11, which states:

*"In rural areas ... lots may be created by consent according to the following guidelines:*

- a) Lots 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.*
- b) The number of lots on the grid road system should be restricted in order to maintain the rural character and road function and to avoid strip development.*
- c) In defined geographic areas where the lot pattern is dominated by existing non-farm lots configures in a strip development pattern, infill lots or small groups of lots may be appropriate."*

The size of the proposed lot is 0.81 ha and therefore is in compliance with this policy. %Strip development+ is defined as three non-farm lots within 200 metres along a road. The subject lot does not therefore constitute strip development. Although there is a group of rural residential lots at the intersection of Taylor Line and Laughlin Falls Road, the proposal is to the south and would not constitute infilling in this %strip+.

### **Township of Severn Official Plan**

The subject property is designated Greenlands in the Township of Severn Official Plan. Section C1.3.2 of the Township's Official Plan only permits development within the Greenlands designation subject to an Environmental Impact Study. Discussion of the requirement for an EIS is set out above.

Section B8.2.6 of the Township's Official Plan indicates that

%The creation of a new infilling lot in the Rural and Greenlands designation may be permitted, provided:

- a) The lot is located between two existing residences which are situated on the same side of the road and are generally separated by not more than 150 metres apart; ð
- c) The proposed lot will conform to the Minimum Distance Separation One Formula; ð +

In this case, the revised proposal does meet the criteria for an infill lot and as stated previously, no potential MDS have been identified.

### **Environmental Screening Report**

An Environmental Screening Report was prepared by River Stone Environmental Solutions and submitted on behalf of the applicant. The report examined the property with regard to the Endangered Species Act and the Provincial Policy Statement (PPS) and related documents. The property was investigated to determine the potential for habitat for Species at Risk and to identify and delineation the nature and location of the wetland on the site. Based on this site investigation, mitigation measures were recommended which included the identification of an appropriate development envelope and the retention of buffer areas for the identified environmental features, including the channelized watercourse associated with the Municipal Drain which extends across the property. These recommendations can be implemented through a combination of zoning provisions and requirements imposed through a Consent Agreement.

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

The property is zoned Agricultural (AG) under Township of Severn Zoning By-law 2010-65. The

Minimum Lot Area in the AG Zone is 40 ha and the Minimum Lot Frontage is 60 m. Both the severed and retained lot meet the frontage requirement but both are undersized for the AG Zone. Should the Committee approve this application the Planning Department recommends including a condition that the severed lot be rezoned to a Rural Residential (RR) Zone and the retained lot be rezoned to a Rural (R) Zone to recognize the reduced lot size and better reflect the limited agricultural potential of the property.

**Recommendation:**

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

Respectfully submitted,

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 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:*

- É *Ralph Hardy, 1153 Wainman Line, owns lots adjacent to the subject property. Stated that there is a ridge that all the water comes off onto the swamp, when originally severed the lots on Laughlin Falls Road at first the Township would not allow for a driveway on Taylor Line. He then made a deal for to exchange lands for addition to the road allowance to enable getting an entrance.*
- É *The Director of Planning & Development advised that there is a standard requirement for Lot Grading Plans prior to the building permit being issued to ensure there will not be drainage issues negatively impacting adjacent properties.*
- É *Ray (Romain) Van Vlaenderen, 1356 Taylor Line stated that he believed the proposed driveway area is dangerous. He has no disagreement with the building but the unsafe driveway, Canada Post took him off the Rural Route due to unsafe conditions. Additionally, in the spring the entire area flood as the ditch along Taylor Line has never been cleaned.*

*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:*

- É *Member Ferguson stated that he likes to see things square, why could the lot not be longer to square off the space?*
- É *The Director of Planning & Development stated that the lot size cannot be increased due to the maximum lot size provisions within the County Official Plan.*
- É *Member Ferguson inquired as to if there could be additional lots developed in this area in the future for further infilling?*
- É *The Director of Planning & Development stated that the Official Plan policies would need to change to allow for that. The current policy allows for one since 1994 in addition to needing to meet the 150m separation gap.*
- É *Member Vandergeest referenced the environmental report submitted with the application and stated that he believes the rezoning in the conditions should also incorporate the EP from the report that was identified. Additionally, he inquired as to why in the previous planning report was the owner asked to do an EIS and MDS calculations but an MDS was not completed?*
- É *The Planner advised that previous Planning Staff were not able to do MDS calculations in house, but rather needed the applicants to provide this information. With the addition of Andrew Fyfe (and his MDS calculation abilities) to staff, applicants are no longer asked to provide this information.*
- É *The Director of Planning & Development discussed the requirement under PPS for MDS calculations and that he looked at the area, there are three barns within the 1 km, the closest is 700m, others 800m, they are typical bank barns, using MDS calculations the required separation distance is less than 400m.*
- É *Member Vandergeest inquired about the Consent Agreement*

- É *The Director of Planning & Development stated that a Consent Agreement is registered on title unless both parties (township and property owner) agree to remove it.*
- É *Member Ferguson asked Mr. Hardy (neighbour who spoke first) if he believes the water flows from east to west? And stated that he was not aware of a municipal drain in this area.*
- É *Mr. Hardy stated that he believed all the drainage in the area goes though there (the subject lands) and believes Township looks after it on this property.*
- É *Member Ferguson stated that he was not aware of this municipal drain, advised that the Township staff should investigate this as he believes this is an old 'ward drain'.*
- É *Mr. Hardy advised that the drain is part of the 'Vivian Drain'.*
- É *The Chair stated that he believed any drainage issues would be addressed with the standard Lot Grading Plan.*
- É *Member Vandergeest questioned the wording of recommended condition #4 as it seemed different than the wording typically used.*
- É *The Planner advised that this was old wording and the normal wording had now been incorporated into the decision document.*

*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-02-12 (Tinney)**

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

To request consent to sever the property having frontage of approximately 67 m (220 ft.) on Taylor Line and area of approximately 0.82 ha (2 acres).

The retained lands would have a frontage of approximately 166 m (544 ft.) on Taylor Line, 257 m (843 ft.) on Laughlin Falls Road and area of approximately 26.5 ha (65.4 acres).

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19<sup>th</sup> day of November, 2013:**

**DECISION: PROVISIONALLY APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the severed and retained lands shall be rezoned to appropriate zones, at the owners expense, in order to recognize the reduced lot areas. The owner shall make an Application for Zoning By-law Amendment and pay the applicable fee and deposit.
2. 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.
3. A copy of the electronic registration ~~in~~ preparation+draft deed for the grant of right-of-way 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.
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. The Owner shall enter into a Consent Agreement, such Agreement to include provisions regarding the location of a building envelope, setbacks from the wetland and watercourse, and retention of natural vegetation, in accordance with the recommendations contained in the report prepared by River Stone Environmental Solutions, dated October 2013.
6. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
7. That all fees and disbursements (legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the owner.
8. That the location of an entrance to the severed lands shall be within one (1) metre of the property to the north as decided upon by the Department of Public Works.

9. The Conditions set out herein shall be completed within one year of the date of this Decision

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-22-13  
**Applicant:** Ron Thomson  
**Roll Number:** 4351 050 006 19801 0000  
**Municipal Address:** 1518 Laughlin Falls Road

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

### **Proposal:**

- É The 1.4 acre property currently contains a dwelling with an attached garage and small accessory structure.
- É The owner wishes to construct a new 37.2 sq. m. (400 sq. ft.) accessory building towards the front of the property.
- É The owners have requested the following variance in order to permit the construction of the new accessory structure:
  1. A variance to permit a decreased front yard setback of 8.8 m (29 ft.) whereas the Rural Residential (RR) Zone contains a minimum front yard setback of 15 m (49.2 ft.).

### **Agency Comments:**

None

### **Public Correspondence:**

None

### **Staff Report P13-104:**

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

### **Background:**

County Official Plan: Rural  
Township Official Plan: Rural  
Township Zoning: Rural Residential (RR)

The subject property is located at 1518 Laughlin Falls Road in the geographic Township of Matchedash (**Appendix 1**). The 1.4 acre property currently contains a dwelling unit with an attached garage and a small accessory structure as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new 37.2 sq. m. (400 sq. ft.) accessory building towards the front of the property.

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

1. A variance to permit a decreased front yard setback of 8.8 m (29 ft.) whereas the Rural Residential (RR) Zone contains a minimum front yard setback of 15 m (49.2 ft.).

The proposed elevation drawings and plans for the proposed garage 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 located within the Rural designation of the Township of Severn Official Plan. The intent of this designation, according to section C6.1 of the Official Plan is to: *protect the rural character of the Township and maintain those elements which contribute to the open space character of the countryside*. In terms of this application, the property is already developed for a rural residential use and therefore the addition of this proposed accessory structure will not contradict the Official Plan policies.

***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 front yard setback. The following table illustrates the requirements of the Rural Residential (RR) Zone and Accessory Structure provisions relating to this proposal and how the proposal compares with the requirements:

<b>By-law Provision</b>	<b>By-law</b>	<b>This Proposal</b>
<b>Rural Residential (RR) Zone:</b>		
Maximum Lot Coverage	15%	< 5%
Minimum Required Yards		
Front	15 m	<b>8.8 m</b>
Rear	15 m	> 40 m
<b>Accessory Structure Provisions:</b>		
Maximum Lot Coverage	5%	< 5%
Minimum Required Yards		
Interior (side)	1.5 m	> 35 m
Max Building Height	5 m	< 5 m

Front yard setbacks are established to allow for buffering between residential structures and uses and roadways or waterways. Setting structures back from the road way, particularly a municipal roadway decreases the likelihood of damage from a roadway use such as an accident or snow build up as well it allows the municipality to adequately maintain the road allowance. The subject property contains a dwelling unit approximately 10.4 metres (34 feet) from the municipal road allowance. The applicants are requesting to build an accessory structure 5 feet closer to the road allowance than the house. The proposed accessory building meets the general intent and purpose of the zoning by-law.

***Is it minor?***

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

- a) The accessory structure will be setback 8.8 m (29 ft.) from the municipal road allowance, allowing for adequate buffering between the proposed structure and roadway activities.
- b) Due to the location of the existing dwelling, septic and well the accessory structure location is limited.
- c) Tree coverage on the property is extensive and the proposed location would result in clearing a minimal amount of vegetation from the property.

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

Neighbouring properties have dwellings and accessory structures with similar setbacks to the proposed application so this proposal will not be out of character with the surrounding rural residential area.

**Other Considerations:**

The Building and Public Works Departments have reviewed the proposal and have no objections.

**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,

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 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:*

É *Member Ferguson inquired as to if the proposed accessory structure was big enough.*

É *The applicant advised that it was all he needed.*

*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-22-13 (Thomson)**

**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 decreased front yard setback of 8.8 m (29 ft.) whereas the Rural Residential (RR) Zone contains a minimum front yard setback of 15 m (49.2 ft.).

The owner wishes to construct a new 37.2 sq. m. (400 sq. ft.) accessory building towards the front of the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19th day of November, 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**



2. **Minor Variance Application No.:** A-27-13  
**Applicant:** Jonathan Dykstra  
**Agent:** Madeline Dykstra  
**Roll Number:** 4351 010 007 02100 0000  
**Municipal Address:** 3857 Wood Avenue

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

**Proposal:**

- É The approximately 0.162 acre property is occupied by an existing single detached dwelling, detached garage and boathouse, all of which will remain except the dwelling will be demolished.
- É The existing dwelling is located approximately 13.4 m (44 ft.) from the water and the attached deck is approximately 11.4 m (37.4 ft.) from the water
- É The owners have requested the following variances in order to permit the construction of a new dwelling:
  1. A variance to permit a Minimum Front Yard setback of 12.72 m (41.75 ft.) to the main dwelling wall and 10.72 m (35.17 ft.) to an open deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR1 Zone.
  2. A variance to maintain their accessory structure lot coverage of 13.5% whereas Zoning By-law 2010-65, Section 3.2.8 sets the maximum lot coverage of accessory structures at 5%.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-105:**

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

**Background:**

County Official Plan: Rural (in effect), Urban Area (under appeal)  
Township Official Plan: Settlement Living  
Township Zoning: Shoreline Residential One (SR1)

The subject property is located at 3857 Wood Avenue in the geographic Township of North Orillia (**Appendix 1**). The approximately 0.162 acre property is occupied by an existing single detached dwelling, detached garage and boathouse, all of which will remain except the dwelling will be demolished as seen on the site plans attached as **Appendix 2**.

The owner wishes to construct a new dwelling on the property. The existing dwelling is located approximately 13.4 m (44 ft.) from the water and the attached deck is approximately 11.4 m (37.4 ft.) from the water. The owners would like to put the new dwelling in the same general area as the existing one.

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

1. A variance to permit a Minimum Front Yard setback of 12.72 m (41.75 ft.) to the main dwelling wall and 10.72 m (35.17 ft.) to an open deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR1 Zone.
2. A variance to maintain their accessory structure lot coverage of 13.5% whereas Zoning By-law 2010-65, Section 3.2.8 sets the maximum lot coverage of accessory structures at 5%.

The proposed plan for the dwelling is attached as **Appendix 3**.

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. 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 Township 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 two requested variances. The following table illustrates the requirements of the Shoreline Residential One (SR1) Zone relating to this proposal and how the proposal compares with the requirements:

<b>By-law Provision</b>	<b>By-law</b>	<b>Existing</b>	<b>This Proposal</b>
Maximum Lot Coverage	30%	24%	28%
Minimum Required Yards			
Front (water)	20 m	13.4 / 11.4 m	<b><u>12.72 / 10.72 m</u></b>
Rear	7.5 m	22 m	17.27 m
Interior Side (N.)	1.5 m	1.89 m	1.68 m
Interior Side (S.)	1.5 m	3.16 m	2.8 m
Accessory Structure Maximum Lot Coverage	5 %	13.5 %	<b><u>13.5 %</u></b>

The intent of setback requirements from the water in the Zoning By-law is to ensure protection of the natural shoreline and ecological functions prevalent in this area. This proposal, although for a decreased front yard setback, utilizes an existing dwelling footprint. The property is already developed for a residential use and by utilizing the existing dwelling footprint the natural shoreline and ecological functions of this property will not be further altered. The intent of a maximum lot coverage for accessory structures is to ensure that properties do not become cluttered with small accessory structures, this property currently contains a garage, boathouse and decking all of which is of typical size for the shoreline residential area.

***Is it minor?***

In the opinion of the Planning Department the requested variances are minor in nature as the proposed dwelling, although having a larger footprint than the existing dwelling is basically utilizing the same footprint. The proposed dwelling will have a slightly decreased setback than the existing due to the meandering shoreline. The variance requests to maintain the existing accessory structure lot coverage and the proposed front yard setback are minor in nature as the property is already developed and the existing footprint will be largely utilized.

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

Redevelopment of older cottages or dwellings within the waterfront area is a common practice and adds to the quality of development within the Township. This waterfront area is designated as a settlement area as the property is on full municipal services. Due to the full services of this property as well as the existing development the proposed new dwelling setback, similar to what is existing and maintaining the current accessory structure lot coverage is appropriate and desirable development of the lands.

**Other Considerations:**

Public Works and the Building Departments have stated they have no comments regarding the proposed 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 variance is believed to be minor in nature, is in 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 agent 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: None.*

*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 she 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**  
**Variance Application A-27-13 (Dykstra)**

**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 Minimum Front Yard setback of 12.72 m (41.75 ft.) to the main dwelling wall and 10.72 m (35.17 ft.) to an open deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR1 Zone.
2. A variance to maintain their accessory structure lot coverage of 13.5% whereas Zoning By-law 2010-65, Section 3.2.8 sets the maximum lot coverage of accessory structures at 5%.

The owner wishes to construct a new dwelling on the property and retain their existing accessory structure lot coverage.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19th day of November, 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. Minor Variance Application No.:</b> | <b>A-28-13</b>                           |
| <b>Applicant:</b>                         | <b>Michelle Hunter</b>                   |
| <b>Agents:</b>                            | <b>Earle Graham &amp; Chris Marchant</b> |
| <b>Roll Number:</b>                       | <b>4351 050 003 86400 0000</b>           |
| <b>Municipal Address:</b>                 | <b>3290 Seydel Lane</b>                  |

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

**Proposal:**

- É The subject property is located at 3288 Seydel Lane (the ~~Severed Lands~~ from application B-03-13 Seydel / Graham, 3290 Seydel Lane)
- É The approximately 1.34 acre property is currently vacant with the exception of a septic which use to service 3290 Seydel Lane
- É The owner wishes to construct a new dwelling utilizing the existing septic.

É The owners have requested the following variance in order to permit the construction of the new dwelling:

1. A variance to permit a Minimum Front Yard setback of 17 m (55.77 ft.) to the main dwelling wall and 16 m (52.5 ft.) to an attached deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) for the Shoreline Residential Three (SR3) Zone.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-106:**

*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)

The subject property is located at 3288 Seydel Lane (the Severed Lands from application B-03-13 Seydel / Graham, 3290 Seydel Lane) in the geographic Township of Matchedash (**Appendix 1**). The approximately 1.34 acre property is currently vacant with the exception of a septic which use to service 3290 Seydel Lane as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a dwelling on the property utilizing the existing septic.

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

1. A variance to permit a Minimum Front Yard setback of 17 m (55.77 ft.) to the main dwelling wall and 16 m (52.5 ft.) to an attached deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) for the Shoreline Residential Three (SR3) Zone.

The proposed plan for the dwelling is attached as **Appendix 3**.

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 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 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 applicants are requesting the variance in order to utilize an existing septic system on the property. The proposed dwelling will be situated far enough from the water's edge to ensure that the natural features and ecological functions of the shoreline are not impacted. During staff's recent site visit it was noted that numerous new trees have been planted within the proposed front and side yard setbacks, this addition of vegetation is an indication of the applicant's desire to preserve and enhance the natural functions of the shoreline while buffering the new development from the water. Maintaining the existing character of the area will be achieved as the new dwelling will have a compatible appearance in terms of its neighbours and views from the water.

***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 setback. The following table illustrates the requirements of the Shoreline Residential Three (SR3) Zone relating to this proposal and how the proposal compares with the

requirements:

By-law Provision	By-law	This Proposal
Maximum Lot Coverage	15%	< 6%
Minimum Required Yards		
Front (water)	20 m	<b>17 m / 16 m</b>
Interior (sides)	3 m	11.7 m / 19.4 m
Max Building Height	9 m	< 9 m

The intent of setback requirements from the water in the Zoning By-law is to ensure protection of the natural shoreline and ecological functions prevalent in this area. As previously discussed the proposed setbacks will still allow for the natural and ecological functions to continue.

***Is it minor?***

In the opinion of the Planning Department the requested variance is minor in nature as the proposed setbacks are 3 metres and 4 metres less than the permitted 20 metres. The property is quite large with varying topography and utilizing the existing septic system will allow for the development envelope to stay within one area rather than disturb the natural setting of different parts of the property.

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

The neighbouring properties to this proposed dwelling have comparable setbacks from the water. The property is heavily vegetated with mature trees and the property owners have recently added several new trees to increase the tree coverage on all sides of the proposed dwelling. Due to the new and existing vegetation as well as the comparable setbacks proposed the proposed dwelling is appropriate and desirable use of the land.

**Other Considerations:**

The Building and Public Works departments stated they have no comments regarding the proposed new dwelling.

**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 agent, Chris Merchant was present 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: None.*

*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  
Variance Application A-28-13 (Hunter / Graham)**

**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 Minimum Front Yard setback of 17 m (55.77 ft.) to the main dwelling wall and 16 m (52.5 ft.) to an attached deck, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) for the Shoreline Residential Three (SR3) Zone.

The owner wishes to construct a dwelling on the property utilizing the existing septic.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19<sup>th</sup> day of November, 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**

**4. Minor Variance Application No.:** A-29-13  
**Applicant:** Andrew & Anne Hyndman  
**Agents:** White Contracting & Barging  
**Roll Number:** 4351 050 009 47100 00000  
**Municipal Address:** 3425 Russell Drive

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

**Proposal:**

- É The approximately 0.41 acre property is occupied by an existing single detached dwelling and three accessory structures, all of which will remain except the dwelling will be demolished
- É The existing dwelling is located approximately 13.9 m from the water and the attached deck is approximately 10.5 m from the water. The owners would like to put the new dwelling in the same footprint as the existing.
- É The owners have requested the following variance in order to permit the construction of the new dwelling:
  1. A variance to permit a setback of 13.9 m (45.6 ft.) to the main dwelling wall and 10.5 m (34.45 ft.) to an attached deck from the water, whereas Zoning By-law 2010-65, Section 3.33.8 states that buildings or structures, unless specifically permitted in this By-law, shall be setback a minimum of 20.0 metres from any navigable watercourse.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-107:**

*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 3425 Russell Drive in the geographic Township of Matchedash (**Appendix 1**). The approximately 0.41 acre property is occupied by an existing single detached dwelling and three accessory structures, all of which will remain except the dwelling will be demolished as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new dwelling on the property. The existing dwelling is located approximately 13.9 m from the water and the attached deck is approximately 10.5 m from the water. The owners would like to put the new dwelling in the same footprint as the existing.

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

1. A variance to permit a setback of 13.9 m (45.6 ft.) to the main dwelling wall and 10.5 m (34.45 ft.) to an attached deck from the water, whereas Zoning By-law 2010-65, Section 3.33.8 states that buildings or structures, unless specifically permitted in this By-law, shall be setback a minimum of 20.0 metres from any navigable watercourse.

The proposed plan for the dwelling is attached as **Appendix 3**.

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 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:

***7.1 OBJECTIVES***

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

The construction of a new dwelling on this property will not significantly impact the character or density of the area as the existing cottage has been on the property for over 40 years and the new dwelling is to be built on the existing footprint. Replacing the existing cottage will not negatively impact the existing natural features and ecological functions of the shoreline area as the property is already developed with the proposed setbacks. Rebuilding within the same footprint will ensure ongoing protection of the natural and ecological functions of the immediate shoreline 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 requested variance. The following table illustrates the requirements of the Shoreline Residential Two (SR2) Zone relating to this proposal and how the proposal compares with the requirements:

<b>By-law Provision</b>	<b>By-law</b>	<b>Existing</b>	<b>This Proposal</b>
Maximum Lot Coverage	15%	12%	12.6%
Minimum Required Yards			
Front	20 m	> 20 m	> 20 m
Rear	7.5 m	> 7.5 m	> 7.5 m
Interior Side (E.)	3 m	4.04 m	4.04 m
Interior Side (W.)	3 m	9.1 m	4.06 m
Special Setback Requirements Watercourses	20 m	10.5 m / 13.9 m	<b>10.5 m / 13.9 m</b>

The intent of setback requirements from the water in the Zoning By-law is to ensure protection of the natural shoreline and ecological functions prevalent in this area, this is typically implemented through the front yard setback however in some situations, such as this property, the closest point to the water could be through a lot line and not the front yard setback. This proposal, although for a decreased front yard setback, utilizes an existing dwelling footprint. The property is already developed for a residential use and by utilizing the existing dwelling footprint the natural shoreline and ecological functions of this property will not be further altered.

***Is it minor?***

In the opinion of the Planning Department the requested variance is minor in nature as the proposed dwelling, although having a larger footprint than the existing dwelling is maintaining the setbacks from the waterfront in all directions and will not significantly alter the lot coverage or general character of this low density shoreline residential area.

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

Redevelopment of older cottages or dwellings within the waterfront area is a common practice and adds to the quality of development within the Township. Due to the irregular shoreline of the property the closest point to the water is through an interior side yard to a small inlet of Gloucester Pool. Visually from the water and adjacent properties the proposed setback will not be noticeable as there is a large front yard between the dwelling and the main waterfront of the subject property and the proposed dwelling will replace an existing older dwelling.

**Other Considerations:**

Public Works and the Building Departments have stated they have no comments regarding the proposed 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 variance is believed to be minor in nature, is in 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 agents and applicants were both present 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:*

*É Member Silk commented that she was in favour of the application as they will be maintaining the existing footprint.*

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

**DECISION – APPROVE  
Variance Application A-29-13 (Hyndman)**

**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 13.9 m (45.6 ft.) to the main dwelling wall and 10.5 m (34.45 ft.) to an attached deck from the water, whereas Zoning By-law 2010-65, Section 3.33.8 states that buildings or structures, unless specifically permitted in this By-law, shall be setback a minimum of 20.0 metres from any navigable watercourse.

The owner wishes to construct a dwelling on the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19<sup>th</sup> day of November, 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**

5. **Minor Variance Application No.:** **A-30-13**  
**Applicant:** **James & Cara Wiles**  
**Roll Number:** **4351 010 008 61700 0000**  
**Municipal Address:** **3221 Crescent Bay Road**

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

**Proposal:**

- É The approximately 0.32 acre property is occupied by an existing single detached dwelling, boathouse and garage, all of which will remain.
- É The existing non-complying dwelling is located approximately 12.2 m from the water and the proposed addition will be located further from the water and is less than the 40% expansion permitted under Zoning By-law 2010-65. The current lot coverage on the property is 17%.
- É The owners have requested the following variance in order to permit the construction of the new addition:
  1. A variance to permit lot coverage of 22% (3,045 sq. ft.), whereas Zoning By-law 2010-65, Section 6, Table 6.2 states that the maximum lot coverage for the Shoreline Residential Two (SR2) Zone is 15%.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-108:**

*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 3221 Crescent Bay Road in the geographic Township of North Orillia (**Appendix 1**). The approximately 0.32 acre property is occupied by an existing single detached dwelling, boathouse and garage, all of which will remain as seen on the site plan attached as **Appendix 2**.

The owners wish to construct an addition onto the side of existing dwelling on the property. The existing non-complying dwelling is located approximately 12.2 m from the water and the proposed addition will be located further from the water and is less than the 40% expansion permitted under Zoning By-law 2010-65. The current lot coverage on the property is 17%.

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

1. A variance to permit lot coverage of 22% (3,045 sq. ft.), whereas Zoning By-law 2010-65, Section 6, Table 6.2 states that the maximum lot coverage for the Shoreline Residential Two (SR2) Zone is 15%.

The proposed plan for the dwelling is attached as **Appendix 3**.

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 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 onto the existing dwelling will not significantly impact the character or density of the area as the existing cottage has been on the property for over 60 years. Adding onto the side of the dwelling will not negatively impact the existing natural features and ecological functions of the shoreline area as the property is already developed and although the proposed addition is not the full 20 m back it is set back further than the existing dwelling and still allows for protection of the immediate shoreline 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 requested variance. The following table illustrates the requirements of the Shoreline Residential Two (SR2) Zone relating to this proposal and how the proposal compares with the requirements:

<b>By-law Provision</b>	<b>By-law</b>	<b>Existing</b>	<b>This Proposal</b>
Maximum Lot Coverage	15%	17%	<b>22%</b>
Minimum Required Yards			
Front	20 m	12.2 m	12.2 m
Rear	7.5 m	> 20 m	> 20 m
Interior Side (N.)	3 m	1.2 m	1.2 m
Interior Side (S.)	3 m	> 15 m	4.5 m

The intent of maximum lot coverage percentages is to ensure there is sufficient property left uncovered for proper drainage and vegetation growth. It is important to consider lot sizes for lot coverage variances, the intent of the lot coverage percentage in the by-law is to be used with the minimum lot size of 0.99 acres, meaning that properties that are smaller than the now standard typically have a difficult time maintaining the permitted lot coverage as the size of the lot in this situation is less than half.

***Is it minor?***

In the opinion of the Planning Department the requested variance is minor in nature as the proposed addition is located slightly further from the waterfront and will not significantly alter the lot coverage or general character of this low density shoreline residential area.

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

Redevelopment of older cottages or dwellings within the waterfront area is a common practice and adds to the quality of development within the Township. In particular the updating of waterfront septic systems is good for the environment, especially within the shoreline area. The property is small for today's standards and the increased lot coverage is not abnormal for the private services waterfront area. The proposed addition is appropriate and desirable use of the land.

**Other Considerations:**

The Director of Public Works has stated he has no comments regarding the proposed application.

The Building Department commented that permits have been issued for the strengthening and repair of the existing dwelling and a new septic system which will be substantially better and located in a more ideal location than the existing dated septic. The department has no other comments on 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 believed to be minor in nature, is in 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 applicants were present and had anything to add to what was presented -the applicants were present 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:*

- É *Member Ferguson asked if the existing shed was to be removed.*
- É *The applicant advised that he has no plans to remove the existing shed, but could if the Township tells him to as it is handy right now with the construction.*
- É *Member Ferguson advised that he was not suggesting the applicant remove the shed, only that it is likely on the road allowance and the applicant would need a demolition permit.*
- É *The applicant confirmed he was aware of the need for a permit.*

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

**DECISION – APPROVE  
Variance Application A-30-13 (Wiles)**

**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 lot coverage of 22% (3,045 sq. ft.), whereas Zoning By-law 2010-65, Section 6, Table 6.2 states that the maximum lot coverage for the Shoreline Residential Two (SR2) Zone is 15%.

The owner wishes to construct an addition onto the side of existing dwelling on the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19<sup>th</sup> day of November, 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**

6. **Minor Variance Application No.:** A-31-13  
**Applicant:** Maria & Gino Gizzarelli  
**Agent:** Crew Docks & Construction  
**Roll Number:** 4351 050 003 89200 0000  
**Municipal Address:** 3588 Maileys Road

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

**Proposal:**

- É The 4 acre property supports an existing single detached dwelling with attached decking and a newly constructed boat port.
- É The owner wishes to construct a 27.87 sq. m. (300 sq. ft.) sleeping cabin within the required front yard.
- É The owners have requested the following variance in order to permit the construction of the new sleeping cabin:
  1. A variance to permit a Front Yard setback of 17 m (56 ft.) for a sleeping cabin whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-109:**

*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)

The subject property is located at 3588 Marr Lane in the geographic Township of Matchedash (**Appendix 1**). The 4 acre property supports an existing single detached dwelling with attached decking and a newly constructed boat port as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a 27.87 sq. m. (300 sq. ft.) sleeping cabin within the required front yard.

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

1. A variance to permit a Front Yard setback of 17 m (56 ft.) for a sleeping cabin whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m.

The proposed sleeping cabin plan is attached as **Appendix 3**.

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 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 sleeping cabin will not negatively impact the existing natural features and ecological functions of the shoreline area as the property currently contains an existing non-complying dwelling located approximately 50 feet from the shoreline. The terrain of the proposed setback from the sleeping cabin to the water is very steep and rocky; this natural environment will be maintained as the location for the proposed cabin is a flat rock area with very little vegetation. The proposed sleeping cabin will not affect the density of development and is in keeping with the character of this predominately seasonal residential 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 Minimum Front Yard. The following table illustrates the requirements of the Shoreline Residential Three (SR3) 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%	< 5%	< 5%
Minimum Required Yards			
Interior (side)	3 m	> 30 m	> 30 m
Front (water)	20 m	15 m (dwelling)	<b>17 m</b>
Rear (road)	7.5 m	> 30 m	> 30 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 reduced setback will be buffered by existing trees and vegetation and will not alter the natural functions of the shoreline.

**Is it minor?**

In the opinion of the Planning Department the requested variance of reducing the existing front yard setback from 20 m (66 ft.) to 17 m (56 ft.) a difference of 3 m (10 ft.) is minor in nature due in part to the existing dwelling setback of 15 m (50 ft.).

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

The proposed sleeping cabin is appropriate and desirable development of the land as the property is well vegetated and the proposed sleeping cabin location will not result in the removal of numerous trees or blasting. The character of this area is that of primarily seasonal, small cottage country type development; this proposal is in keeping with that existing character.

**Other Considerations:**

The Director of Public Works stated that he has no comment on the application.

The Building Department stated that they have no comment regarding the setback of the proposed sleeping cabin but would like to remind the applicants that the septic will need to be reviewed to ensure capacity for the sleeping cabin; this will happen 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, 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 applicants were present and had anything to add to what was presented -the applicants were present 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: None.*

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

**DECISION – APPROVE  
Variance Application A-31-13 (Gizzarelli)**

**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 17 m (56 ft.) for a sleeping cabin whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m.

The owner wishes to construct a new sleeping cabin in the front yard.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19<sup>th</sup> day of November, 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>7. Consent Application No.:</b>	<b>B-23-13</b>
<b>Applicant:</b>	<b>Earl &amp; Eunice Gerber</b>
<b>Roll Number:</b>	<b>4351 050 005 32501 0000</b>
<b>Municipal Address:</b>	<b>2186 Sherwood Forest Lane</b>

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

**Proposal:**

É The property is located at 2186 Sherwood Forest Lane

- É Legally described as: Part of Lot 16, Concession 9, geographic Township of Matchedash.
- É The property currently supports a dwelling and two accessory structures.
- É Requesting consent to sever a portion of the property having frontage of approximately 60 m (196.8 ft.) on the Severn River and area of approximately 0.04 ha (0.99 acres) .
- É The retained lands would have a frontage of approximately 81 m (265.7 ft.) on the Severn River and area of approximately 0.41 ha (1.02 acres).

*The Secretary/Treasurer advised Committee that as per Planning Report P13-110, Council had not yet endorsed the application to be considered by Committee of Adjustment however Staff felt the public meeting should be held and would recommend a defer on the vote of the application following the statutory public meeting.*

**Agency Comments:**

The Secretary/Treasurer summarized a letter from Parks Canada, Trent-Severn Waterway which stated they had no concern with the application. The letter further stated the need for permits for in water work as well as commented on fill (made land).

**Public Correspondence:**

None

**Staff Report P13-110:**

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

**Background:**

County Official Plan:	Rural
Township Official Plan:	Shoreline Residential, Environmental Protection and Deer Wintering
Township Zoning:	Shoreline Residential Three (SR3) and Environmental Protection (EP)

In June 2013, planning staff became aware of previous discussions that had taken place between the Gerbers and previous planning staff regarding a potential severance application for 2186 Sherwood Forest Lane (**Appendix 1**). The Gerbers stated that 2-3 years ago they were advised that an environmental study would need to be undertaken in order to apply for a severance on their property due to both a Deer Wintering Area and an Environmental Protection Area on the property.

The Gerbers had been in contact with River Stone Environmental Solutions Inc. regarding the environmental work a couple of a years ago and were now in a position to pursue the necessary environmental study to apply for the severance. Planning Staff advised that this would still need to occur and would be available to discuss parameters of the study needed with River Stone. A favourable Scoped Environmental Impact Assessment was submitted to the Township with the consent application for a new shoreline residential lot at 2186 Sherwood Forest Lane.

The subject lands have frontage of approximately 141m (462.6 ft.) on the Severn River and area of approximately 0.81 ha (2 acres). The applicants are requesting consent to sever a portion of the property having frontage of approximately 60 m (196.8 ft.) on the Severn River and area of approximately 0.04 ha (0.99 acres). The retained lands would have a frontage of approximately 81 m (265.7 ft.) on the Severn River and area of approximately 0.41 ha (1.02 acres). A sketch of the proposed severance is provided as **Appendix 2**.

The Gerbers are proposing to create a single shoreline residential lot, the existing dwelling, accessory structures and septic will remain on the retained lands. The subject property is shoreline residential in character and is currently accessed via a private road (Sherwood Forest Lane). According to Section B1.4 (d) of the Township Official Plan:

*“Prior to development and/or site alteration occurring, and before any land subdivision or consent for a land severance is permitted, or any amendment to a zoning by-law is made, it shall be established to the satisfaction of the Township and all other bodies having jurisdiction, that:*

*d) The land fronts on an improved public road, on a road which is maintained by the Township and which meets municipal standards, or in the case of residential development on existing lots on a private road in accordance with the relevant policies of this Plan. Limited creation of new lots on private roads will be considered only in shoreline residential designation areas, but only subject to Council approval;”*

Furthermore, Section B8.2.1(b) of the Township Official Plan states:

*“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;”*

The application has been put forth to the Planning & Development Committee and Council for endorsement to Committee of Adjustment.

**Discussion:**

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

***Provincial Planning Policies***

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

Section 2.2.2 Managing Growth

1. Population and employment growth will be accommodated by .
  - i. directing development to *settlement areas*, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in *settlement areas*”.

**Provincial Policy Statement (PPS), 2005**

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;
- (d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.+
- (g) recreational, tourism and other economic opportunities should be promoted.+

The application is consistent with the applicable provincial policy as the proposal is the creation of one infilling lot within the rural area resulting in limited residential development; the proposal is compatible with the rural landscape and relates to the water-oriented recreational use associated with Gloucester Pool.

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

Section 3.6.11 In rural areas, country residential development through subdivision by Plan, rather than consent, is preferred. However, lots may be created by consent according to the following guidelines+(summarized):

- a) Lots should be restricted in size to conserve land for agricultural or environmental purposes - generally a maximum size of one hectare .
- b) 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 is not on an existing grid road system, furthermore it will not affect the character of the shoreline rural area.

***Township of Severn Official Plan***

The subject property is currently designated as Shoreline Residential with a portion of the property designed as an Environmental Protection Area and the entire property is identified as a Deer Wintering Area in the Township’s Official Plan.

Section C1.3.2 Limitations to Development and Site Alterations of the Township Official Plan states:

*“Development and site alteration is not permitted in Areas of Natural and Scientific Interest, significant woodlands, significant wildlife habitat, significant valley lands, environmentally sensitive areas, or major lake, river and creek systems unless it has been demonstrated in an Environmental Impact Study prepared to the satisfaction of the Township in consultation with appropriate agencies, that there will be no negative impacts on the natural features”*

River Stone Environmental Solutions Inc. provided a Scoped Environmental Impact Assessment for the Gerber property which identified the environmentally sensitive area surrounding an intermittent watercourse on the property as well as provided site alteration suggestions to be followed to ensure no negative impacts. Planning staff has confidence in the report submitted and believes that the environmental recommendations can be incorporated into a consent agreement as a condition of severance to ensure conformity.

As per Section C7 of the Township’s Official Plan, low density residential uses are permitted with new development occurring through minor infilling by consent, provided the existing character of the area is maintained. The subject proposal is in keeping with the Township’s Official Plan policy as it provides for low-density development in the form of a single residential lot.



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

This proposal meets the criteria set forth for minimum lot size and frontage as per the Township Zoning By-law. According to Township Zoning By-law 2010-65, in the Shoreline Residential Type Three (SR3) Zone, a minimum lot area of 4,000 square metres and frontage of 60 metres is required for any newly created lot. Taking this into consideration, both the proposed severed and retained lands will meet the requirements as are set forth in the lot requirements of the Zoning By-law for shoreline residential uses.

The Environmental Protection (EP) Zone on the property is in place to protect an intermittent watercourse running into the Severn River. This watercourse is located at the far side of the proposed retained parcel and according to the report submitted by River Stone will not be negatively impacted by a severance.

**Other Considerations**

The Director of Public works stated he has no comments regarding this proposed severance application.

The Building Department has stated they have no objection to the proposed severance as there is adequate area on both the proposed retained and severed parcels for septic systems.

**Recommendation:**

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

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 - the applicants were present.*

*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:*

- É *Member Vandergeest inquired as to if the applicants had a right of way to access their property over Sherwood Forest Lane.*
- É *The applicants advised that they had not yet looked into the legality of the right of way.*
- É *The Director of Planning & Development advised that due to the existing situation they likely have a right to access their property even if it is not registered on title, however it may not be the case for subsequent owners of the severed lands.*
- É *The Chair asked if the frontages for the proposed severed and retained lands had been confirmed*
- É *The Director of Planning & Development advised that the frontages will be confirmed by a surveyor as per the normal procedure for severances.*

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

*The following motion was adopted:*

**Motion # 13-23**

**MOVED by John Ferguson and SECONDED by Mark Vandergeest**

**THAT Application No. B-23-13 (Gerber) be adjourned to a future Committee of Adjustment meeting pending the endorsement of the application by Council in accordance with the**

CARRIED

E. **REPORTS FROM OFFICIALS**

None

F. **CORRESPONDENCE**

None

G. **OTHER BUSINESS**

1. **Request to Amend Conditions of:**

*Consent Application No.:*

**B-05-13**

*Applicant:*

**Shane & Kirsty Spencer**

*Roll Number:*

**4351 010 009 17901 0000**

*Municipal Address:*

**3152 Muskoka Street**

**Correspondence:**

*The Secretary/Treasurer read in full and provided paper copies to the Committee Members of:*

- É A letter from Shane & Kirsty Spencer dated November 18, 2013
- É An email response to the Spencer's from the Director of Planning & Development dated November 18, 2013 addressing issues raised in the letter.
- É An email response from Shane & Kirsty Spencer dated November 18, 2013 in response to the email from the Director of Planning & Development.

**Staff Report P13-111:**

*The Director of Planning & Development provided a brief summary of the following Staff Report:*

**Background:**

Provisional consent was granted by the Committee of Adjustment on February 19, 2013 for the division of the Spencer property, located at 3152 Muskoka Street (**Appendix 1**) for a total of two lots, 1 severed and 1 retained (**Appendix 2**).

Since the Committee's decision on February 19, 2013, the applicants have been working to satisfy all of the conditions imposed by the Committee (**Appendix 3**) including a Zoning By-law Amendment which has been appealed to the Ontario Municipal Board (OMB).

The OMB and the applicant through discussions with Township staff have requested amending the conditions in order to extend the decision of the Committee to allow the OMB to make a decision regarding the Zoning By-law Amendment prior to the expiration of the provisional consent approval. Through these discussions it was noticed that a standard cash in lieu of parkland condition was omitted from Committee's original decision.

**Discussion:**

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

**New Condition 6**

*Proposed:* 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.

*Comment:* The Township's standard procedure when creating a new lot through consent is to include a condition under Section 51 of the Planning Act to ask for cash in lieu of parkland.

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:**

The original decision of Committee did not include the standard condition regarding parkland dedication; Planning Staff recommend it be added for consistency with other consent applications granted for the creation of new residential lots.

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

Respectfully submitted,

Katie Mandeville, BA, BURPI  
Planner

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

*The Chair asked if the Spencer's were present and had anything they would like say. Kirsty Spencer addressed the Committee and stated that she had looked on the Township's website, Town Hall section for the minutes and had found that no other consents had a parkland conditions. In 2012, November Committee of Adjustment had parkland on one application and two in October both had condition however the one in September did not have it.*

*The Secretary/Treasurer clarified that not all consent applications have the condition, only lots which are new development, in other words consent applications for right of ways or lot additions would not have the condition as they were not new lots.*

*The Chair also stated that there had been some staffing changes within the past couple of years which may have resulted in some negligence of a condition.*

*Member Ferguson inquired as to if Council had turned down the zoning by-law amendment.*

*The Director of Planning & Development stated that Council did not make a decision.*

*Kirsty Spencer stated that the OMB said municipalities usually do not have an issue extending the time period.*

*Member Ferguson inquired as to if Committee could add another condition.*

*The Director of Planning & Development stated that Committee can add a condition that is related to the application as they see fit.*

*Member Ferguson inquired as to how to do this as simple as possible.*

*The Director of Planning & Development suggested imposing a condition such as restricting a development envelope or entrance location.*

*Member Ferguson stated that he would like to see a different condition added other than parkland.*

*Kirsty Spencer advised that at the February meeting Public Works had supported the application and the planning department has support the application.*

*Member Ferguson inquired as to if a condition related to the property such as the frog pond that was discussed at the public meeting when provisional approval was granted.*

*Member Vandergeest stated that he did not want to set a precedent for every application that cannot do everything in one year can amend the conditions to allow for more time.*

*The Director of Planning & Development stated that the OMB is booked up and a hearing schedule is too long, what is happening is staff recommends that the decision be made by the appropriate body, in this case the OMB rather than allow the provisional consent to lapse.*

*Member Ferguson inquired as to an appetite for deferral to ensure that a precedent was not being established and for staff to consider an alternate condition.*

*The Chair called for a vote.*

*The following motion was adopted:*

*Motion # 13-24*

*MOVED by Mark Vandergeest and SECONDED by Emily Silk*

*THAT B-05-13 (Spencer) Amend Conditions be adjourned to the next Committee of Adjustment meeting.*

***CARRIED***

#### **H. ADJOURNMENT**

*The following motion was adopted:*

*Motion # 13-25*

*MOVED by Doug Hamilton and SECONDED by Emily Silk*

*THAT the Committee of Adjustment meeting be adjourned at 8:48 p.m. on November 19, 2013. The Committee will reconvene at 7:00 p.m. on December 17, 2013 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.*

***CARRIED***

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*Katie Mandeville, Secretary/Treasurer*