

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, OCTOBER 15, 2013 AT 7:00 P.M.

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Present: Chair Ron Peters  
Members John Ferguson  
Emily Silk  
Mark Vandergeest  
Douglas 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 motions were adopted:

Motion # 13-19

MOVED by John Ferguson and SECONDED by Mark Vandergeest

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on August 20, 2013 be adopted as printed and distributed.

CARRIED

Motion # 13-20

MOVED by Mark Vandergeest and SECONDED by Emily Silk

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on September 17, 2013 be adopted as printed and distributed.

CARRIED

**D. ADJOURNED APPLICATIONS**  
NONE

**E. NEW APPLICATIONS**

1. Minor Variance Application No.: A-23-13  
Applicant: J. Brady Storey  
Roll Number: 4351 010 008 14800 0000  
Municipal Address: 3300 Aldershott Place

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

**Proposal:**

- É The 0.38 acre property contains a dwelling and two accessory structures
- É The owner wishes to reconstruct a non-complying accessory structure that was damaged beyond repair during the process of replacing the existing foundation. The structure has an interior (side) yard setback of 1.1 m (3.5 ft.) and is part of the 7%

(992 sq. ft.) total in accessory structure lot coverage.

É The owners have requested the following variance:

1. A variance to permit the reconstruction of a non-complying structure whereas Zoning By-law 2010-65, Section 3.19.2 restricts the reconstruction to those structures destroyed by fire or natural disaster.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-094:**

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

**Background:**

County Official Plan: Greenland  
Township Official Plan: Settlement Area (Westshore), Greenland  
Township Zoning: Shoreline Residential One (SR1)

The subject property is located at 3300 Aldershott Place in the geographic Township of North Orillia (**Appendix 1**). The 0.38 acre property is contains a dwelling and two accessory structures as seen in **Appendix 2**.

The owner wishes to reconstruct a non-complying accessory structure that was damaged beyond repair during the process of replacing the existing foundation. The structure has an interior (side) yard setback of 1.1 m (3.5 ft.) and is part of the 7% (992 sq. ft.) total in accessory structure lot coverage.

The following variance is requested in order to permit the reconstruction:

1. A variance to permit the reconstruction of a non-complying structure whereas Zoning By-law 2010-65, Section 3.19.2 restricts the reconstruction to those structures destroyed by fire or natural disaster.

The structure will maintain the height, size and footprint of the previously existing non-complying structure which is pictured in **Appendix 3**. The plan for the proposed building can be seen on **Appendix 4**.

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 in the Settlement Area of Westshore and is designated Greenland under the Township of Severn Official Plan. The purpose of settlement areas is to protect and enhance the character of existing settlement areas and to maintain them as diverse, livable, safe, thriving and attractive communities. The Greenland designation is intended to include components of the Natural Heritage System designated by the County of Simcoe Official Plan. Replacing a previously existing structure with the same footprint will not negatively impact the natural heritage features of the area and will not affect the character of the community.

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

The proposal is to replace what was a previously existing building that predated Zoning By-law 2010-65. The general intent and purpose of the Zoning By-law is to establish uses, setbacks and restrictions to ensure properties are not negatively impacted by the neighbouring properties to ensure appropriate development of properties. The previously existing structure had a decreased interior yard setback of 1.1 m (3.5 ft.) and contributed to a total accessory structure lot coverage of 7% (992 sq. ft.). Replacing this accessory structure with one that has the same footprint will still allow for an adequate buffer between the two shoreline residential properties and will not contribute to the over development of the property.

***Is it minor?***

The proposal to reconstruct the previously existing accessory structure to have an interior (side) yard setback of 1.1 metres and 2% over in accessory lot coverage is minor in nature as the structure existed for many years in the same footprint the effect on adjacent property owners or the natural heritage features of the property will not change.

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

The proposal is appropriate use of the land as the accessory structure is accessory to the main residential use and the property is already fully developed. The structure is located towards the rear of the property which decreases the environmental impacts and is situated in an existing development envelope.

**Recommendation:**

The Planning Department has no objections to the approval of this application, subject to the recommended conditions set out in **Appendix 5**, 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,

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 has 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 Vandergeest inquired as to the use of the building.*
- É *The planner advised that they had site inspected the property and were granted entrance to the building and it appeared to be a sleeping cabin.*
- É *Member Vandergeest inquired as to if a Bunkie was allowed.*
- É *The Director of Planning & Development stated that a Bunkie is not permitted in the SR1, however the use of the building as a sleeping cabin prior to the demolition makes the structure non-conforming. The reconstruction of a non-conforming structure is permitted under the By-law; the non-complying aspects for setbacks and coverage are before the Committee tonight.*
- É *The applicant advised that prior to purchasing the property in July it had been used as a sleeping cabin.*

*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-23-13 (Storey)**

**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 the reconstruction of a non-complying structure, whereas Zoning By-law 2010-65, Section 3.19.2 restricts the reconstruction to those structures destroyed by fire or natural disaster.

The owner wishes to reconstruct a non-complying accessory structure that was damaged beyond repair during the process of replacing the existing foundation. The structure has an interior (side) yard setback of 1.1 m (3.5 ft.) and is part of the 7% (992 sq. ft.) total in accessory structure lot coverage.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of October, 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 plan 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-24-13  
**Applicant:** Debbie & Donald Ford  
**Roll Number:** 4351 050 003 86700 0000  
**Municipal Address:** 3284 Driftwood Lane

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

**Proposal:**

- É The approximately 0.37 hectare (0.92 acres) property is occupied by an existing single detached dwelling, detached garage and small three accessory structures, all of which will be demolished with the exception of the garage.
- É The owner wishes to construct a new dwelling on the property. The existing dwelling is located approximately 9.17 m (30.1 ft.) from the water to the deck and is located over the northern property line. The owners would like to put the new dwelling in the same general area as the existing, however they would like to correct the encroachment and push the dwelling away from the water an additional 8.53 m (27.3 ft.).
- É 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 17.7 m (58 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR3 Zone.
  2. A variance to permit Lot Coverage of 18% (329.38 sq. m.) within the first 60 m, whereas Zoning By-law 2010-65, Section 6, Table 6.2 c) sets the maximum lot coverage within the first 60 m to be 15% for the SR3 Zone.
  3. A variance to permit a height of 9.5 m (31.1 ft.) and 11.8 m (38.7 ft.) for an architectural detail (as shown on the plan) whereas Zoning By-law 2010-65, Section 6, Table 6.2 restricts the height to a maximum of 9 m for the SR3 Zone.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-095:**

*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 3284 Driftwood Lane in the geographic Township of Matchedash (**Appendix 1**). The approximately 0.37 hectare (0.92 acres) property is occupied by an existing single detached dwelling, detached garage and small three accessory structures, all of which will be

demolished with the exception of the garage 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 9.17 m (30.1 ft.) from the water to the deck and is located over the northern property line. The owners would like to put the new dwelling in the same general area as the existing, however they would like to correct the encroachment and push the dwelling away from the water an additional 8.53 m (27.3 ft.).

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 17.7 m (58 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR3 Zone.
2. A variance to permit Lot Coverage of 18% (329.38 sq. m.) within the first 60 m, whereas Zoning By-law 2010-65, Section 6, Table 6.2 c) sets the maximum lot coverage within the first 60 m to be 15% for the SR3 Zone.
3. A variance to permit a height of 9.5 m (31.1 ft.) and 11.8 m (38.7 ft.) for an architectural detail (as shown on the plan) whereas Zoning By-law 2010-65, Section 6, Table 6.2 restricts the height to a maximum of 9 m for the 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'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 new dwelling on this property will not affect the density of the area as the existing cottage has been on the property for over 50 years and the new dwelling is to be placed with a similar footprint. The natural features and ecological functions of the shoreline area that currently exist will continue to be protected and the buffer area between the waterfront and the dwelling is increasing as the proposed dwelling is set back an additional 8.53 m (27.3 ft.) than the existing dwelling. The proposal includes the installation of a new septic system located over 60 m from the shoreline which is good for the environment and of particular importance within the shoreline development area. The character of the Gloucester Pool area is one of redevelopment as the existing seasonal dwellings age and people desire more permanent residences. The proposed dwelling will not have a negative impact on the natural and ecological functions of the shoreline or existing character of the area.

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

The proposal appears to comply with all Zoning By-law requirements with the exception of the three requested variances. 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:

<b>By-law Provision</b>	<b>By-law</b>	<b>Existing</b>	<b>This Proposal</b>
Maximum Lot Coverage within the first 60 m	15%	< 15%	<b><u>18%</u></b>
Minimum Required Yards			
Front (water)	20 m	9.17 m	<b><u>17.7 m</u></b>
Rear	7.5 m	> 60 m	> 60 m
Interior Side (N.)	3 m	Over lot line	4.75 m
Interior Side (S.)	3 m	16.95 m	5.25 m
Max Building Height	9 m	< 9	<b><u>9.5 m / 11.8 m</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, creates a much larger setback than what currently exists. The maximum building height is intended to ensure buildings are low in profile, but moving the dwelling

away from the water the proposed dwelling will appear lower in profile than a taller building close to the water. The property owners are requesting a variance in height, which is measured from the average finished grade at the front (water side) of the building of 0.5 m for the main dwelling and an additional 2.3 m for a small architectural feature which will not greatly affect the massing of the building. As this property is long and narrow, the proposed first 60 m of lot coverage of 18% (329.38 sq. m.) is equal to less than 10% lot coverage of the entire property.

***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 correcting an existing encroachment and pushing the dwelling back an additional 8.5 m. Looking at the lot coverage of the entire property, the variance request is minor in nature. The overall height variance for the property is 0.5 m without the architectural feature, the zoning by-law allows for height exceptions for such things as a: belfry, chimney, antennas, water tank or heating/cooling mechanics of a building. The architectural feature on the plans provided is quite small and will not have a lot of impact on the overall building massing.

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

The existing cottage was built over 50 years ago at which time it was common practice to place dwellings closer to the water or lot lines as a preferred location on the property as there were not policies to dictate where a building could be located. Redevelopment of older cottages or dwellings within the waterfront area is a common practice and adds to the quality of development within the Township. The sides and rear of the property are well vegetated and the reconstruction will not have an impact on the surrounding properties. The new proposed dwelling will be more visible from the water due to exposed rock located at the front of the property where there is not a lot of vegetation. This rock and the terrain of the property is also why, as in many areas within the township, it is difficult to build further from the water as the property drastically slopes from the water to the rear property lot.

**Other Considerations:**

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

The Building Department stated they have no concerns with the proposed development as there is space for a new septic location to the rear of the property.

The Fire Department would like to remind the property owners that their driveway should be 4 metres in clearance width and overhead to allow for adequate access as well as a turnaround should the driveway be longer than 90m. If this cannot be accommodated the Fire Department has suggested that other considerations could be the installation of a residential sprinkler system.

**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 applicants were present to answer questions and stated they were grateful for the fire department's comments.*

*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 *The Chair commented that he believed this to be a win-win application as they are moving further away from the water.*

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-24-13 (Ford)**

**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 17.7 m (58 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 m (66 ft.) for the SR3 Zone.
2. A variance to permit Lot Coverage of 18% (329.38 sq. m.) within the first 60 m, whereas Zoning By-law 2010-65, Section 6, Table 6.2 c) sets the maximum lot coverage within the first 60 m to be 15% for the SR3 Zone.
3. A variance to permit a height of 9.5 m (31.1 ft.) and 11.8 m (38.7 ft.) for an architectural detail (as shown on the plan) whereas Zoning By-law 2010-65, Section 6, Table 6.2 restricts the height to a maximum of 9 m for the SR3 Zone.

The owner wishes to construct a new dwelling on the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of October, 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, particularly within the first 60m from the shore.
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-25-13</b>
<b>Applicant:</b>	<b>Michael &amp; Louise Jackson</b>
<b>Roll Number:</b>	<b>4351 010 007 17247 0000</b>
<b>Municipal Address:</b>	<b>2355 Stockdale Road</b>

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

**Proposal:**

- É The 0.97 acre property currently contains a dwelling unit with an attached garage.
- É The owner wishes to construct a new 133.8 sq. m. (1440 sq. ft.) accessory building towards the rear west side of the property.
- É The following variance is requested in order to permit the construction of the new accessory structure:
  1. A variance to permit a decreased interior (side) yard setback of 5 m (16.4 ft.) whereas the Rural (RU) Zone contains a minimum interior yard setback of 15 m (49.2 ft.)

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report P13-096:**

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

**Background:**

County Official Plan: Rural  
Township Official Plan: Settlement Living Special Policy Area  
Township Zoning: Rural (RU)

The subject property is located at 2355 Stockdale Road in the geographic Township of North Orillia (**Appendix 1**). The 0.97 acre property currently contains a dwelling unit with an attached garage as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new 133.8 sq. m. (1440 sq. ft.) accessory building towards the rear west side 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 interior (side) yard setback of 5 m (16.4 ft.) whereas the Rural (RU) Zone contains a minimum interior 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 Settlement Living Special Policy Area within the Township of Severn Official Plan. The purpose of this designation is to identify lands which may eventually be used for residential development should municipal services extend to this area. In terms of this application, the property is already developed for a 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 interior yard setback. The following table illustrates the requirements of the Rural (RU) Zone and Accessory Structure provisions relating to this proposal and how the proposal compares with the requirements:

By-law Provision	By-law	This Proposal
<b>Rural (RU) Zone:</b>		
Maximum Lot Coverage	10%	< 10%
Minimum Required Yards		
Interior (side)	15 m a)	<b>5 m</b>
Front	15 m	> 20 m
Rear	15 m	16 m
<b>Accessory Structure Provisions:</b>		
Maximum Lot Coverage	5%	< 5%
Minimum Required Yards		
Interior (side) *	1.5 m	4.88 m
Rear *	7.5 m	21 m
Max Building Height	5 m	< 5 m

\* The exceptions for accessory structures only apply to Residential Zones.

- a) Reduced to 6.0 m for Accessory Dwelling Unit and Detached Dwelling

The description of the Rural (RU) Zone within Zoning By-law 2010-65 is that of a Rural Area with varied Agricultural Potential. The requirements for a property that is zoned Rural (RU) are a

minimum lot area of 10 hectares and minimum frontage of 60 metres. Although the property has over 65 m of frontage the area of this property is only 0.97 acres or 0.36 hectares, therefore the property is an existing undersized lot. If the property were zoned Rural Residential (RR) as many lots of similar size and within a rural location are, the interior yard setback would be reduced to 1.5 m for an accessory structure.

Interior yard setbacks are established to allow for buffering between neighbouring property owners and uses. Typically accessory structures within the Rural Zone would be those of an agricultural or rural nature in addition to a residential type garage or shed. The proposed setback of 5 m (16.4 ft.) will allow for adequate space between the proposed accessory structure and the neighbouring property line. 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 5 m (16.4 ft.) from the property line allowing for adequate buffering between properties.
- b) Due to the topography and tree coverage the accessory structure will not be clearly visible from the neighbouring properties.

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

The proposed garage will not be clearly visible from the neighbouring properties as the property has sufficient tree coverage and location of the neighbour's homes on their own properties. Neighbouring properties have large accessory structures situated with similar sized setbacks to the proposed application so this proposal will not be out of character with the surrounding area.

**Other Considerations:**

The Building Department and Public Works 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 5**, 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 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 *The Chair commented that the site plan does not show the rear setback as perpendicular to the lot line.*

*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-25-13 (Jackson)**

**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 interior (side) yard setback of 5 m (16.4 ft.) whereas the Rural (RU) Zone contains a minimum interior yard setback of 15 m (49.2 ft.).

The owner wishes to construct a new 133.8 sq. m. (1440 sq. ft.) accessory building towards the rear west side of the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15<sup>th</sup> day of October, 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-25-13  
**Applicant:** Kathy Esson  
**Roll Number:** 4351 010 009 17502 0000  
**Municipal Address:** 3270 Muskoka Street

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

**Proposal:**

- É The 0.25 acre property currently contains a dwelling and a shed.
- É The owner wishes to construct a new 14.9 sq. m. (160 sq. ft.) accessory building (carport) on the existing driveway of the property.
- É The following variance is requested in order to permit the construction of the new accessory structure:
  1. A variance to permit a decreased interior (side) yard setback of 0.61 m (2 ft.) whereas the Residential One (R1) Zone contains a minimum interior yard setback of 1.5 m (4.9 ft.).

**Agency Comments:**

None

**Public Correspondence:**

The Secretary/Treasurer read aloud and distributed copies to the Committee Members a letter and diagram from Helen Dixon, 3274 Muskoka Street opposing the application and recommending conditions, should the application be granted.

**Staff Report P13-097:**

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

**Background:**

County Official Plan: Settlement Area  
Township Official Plan: Settlement Area (Washago)  
Township Zoning: Residential One (R1)

The subject property is located at 3270 Muskoka Steet in the geographic Township of North Orillia (**Appendix 1**). The 0.25 acre property currently contains a dwelling and a shed as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new 14.9 sq. m. (160 sq. ft.) accessory building (carport) on the existing driveway of the property.

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

1. A variance to permit a decreased interior (side) yard setback of 0.61 m (2 ft.) whereas the Residential One (R1) Zone contains a minimum interior yard setback of 1.5 m (4.9 ft.).

The plan for the proposed carport 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 located in the Settlement Living Area of Washago under the Township of Severn Official Plan. The purpose of settlement areas is to protect and enhance the character of existing settlement areas and to maintain them as diverse, livable, safe, thriving and attractive communities. A decreased interior yard setback for a residential accessory structure does not offend this general intent and purpose.

***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 interior yard setback. The following table illustrates the requirements of the Residential One (R1) 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>Residential One (R1) Zone:</b>		
Maximum Lot Coverage	30%	< 30%
Minimum Required Yards		
Interior (side)	1.5 m	<b>0.61 m</b>
Front	7.5 m	> 25 m
Rear	7.5 m	> 18 m
<b>Accessory Structure Provisions:</b>		
Maximum Lot Coverage	5%	< 5%
Minimum Required Yards		
Interior (side)	1.5 m	0.61 m
Rear	7.5 m	>18 m
Max Building Height	5 m	< 5 m

Interior yard setbacks are established to allow for buffering between neighbouring property owners and uses. The proposed setback of 0.61 m (2 ft.) will still allow for some space between the proposed accessory structure and the neighbouring property line. 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. The design of the dwelling and topography of the land leaves little place for a garage or carport type accessory structure to be built on the property.

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

As seen on the original survey (**Appendix 2**) of the property, a shed previously occupied a similar footprint as the proposed carport. In fact, the corner of the shed actually encroached onto the neighbouring property. The original shed was likely constructed without consideration to lot lines as is commonly seen within areas with narrow lots. If the open-sided nature of the proposed carport is maintained, this will minimize the potential impact on the adjacent property. The placement of accessory structures with reduced setbacks, such as the proposed application are common so this proposal will not be out of character with the surrounding area and is felt to be appropriate use of the land.

**Other Considerations:**

Public Works and the Building Department have reviewed the proposal and have no comments.

**Recommendation:**

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

Respectfully submitted,

Katie Mandeville, BA, BURPI  
Planner

With the concurrence of,

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

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant 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:*

- É *Member Silk stated she was concerned with the interior setback if it were to ever be enclosed.*
- É *The Director of Planning & Development stated that he had discussed the footings with the building department and that hand excavation should allow for avoiding the tree roots. This could be included as a condition.*
- É *The Chair stated that the proposal is only for footings, not a regular foundation therefore he does not think a condition is necessary.*
- É *Member Hamilton stated that it looks as if the tree was already pruned back.*

*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.*

<p><b>DECISION – APPROVE</b> <b>Variance Application A-26-13 (Esson)</b></p>
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**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 interior (side) yard setback of 0.61 m (2 ft.) whereas the Residential One (R1) Zone contains a minimum interior yard setback of 1.5 m (4.9 ft.).

The owner wishes to construct a new 14.9 sq. m. (160 sq. ft.) accessory building (carport) on the existing driveway of the property.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15<sup>th</sup> day of October, 2013:**

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.

2. That the existing vegetation is preserved and enhanced as much as possible.
3. That the construction is in substantial compliance with the plans and drawings submitted with the Application, in that the carport remains ~~open-sided~~.

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**

**E. REPORTS FROM OFFICIALS**

None

**F. CORRESPONDENCE**

None

**G. OTHER BUSINESS**

None

**H. ADJOURNMENT**

*The following motion was adopted:*

*Motion # 13-21*

*MOVED by Mark Vandergeest and SECONDED by John Ferguson*

*THAT the Committee of Adjustment meeting be adjourned at 7:45 p.m. on October 15, 2013. The Committee will reconvene at 7:00 p.m. on November 19, 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*