

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, SEPTEMBER 17, 2013 AT 7:00 P.M.

Present: Chair Ron Peters

*Members John Ferguson
Emily Silk
Mark Vandergeest*

*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 # 13-17

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.

DEFERRED

D. ADJOURNED APPLICATIONS

1. *Consent Application No.: B-05/06/07/08-09*
Applicant: BRAMER, Tobias & SCHILLING, Marliese
Agent: Morgan Planning & Development Inc.
Roll Number: 4351 010 010 00600 0000
Municipal Address: 4089 Digby Drive

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

Proposal:

- É These applications were provisionally approved in December 2012 by Committee subject to 10 conditions. The provisional approval consisted of:

Application	Area	Frontage on Berkshire Woods
B-05-09	2260 sq. m.	42.7 m
B-06-09	2010 sq. m.	37.8 m
B-07-09	2050 sq. m.	30.1 m
B-08-09	2400 sq. m.	30.7 m
Retained	3690 sq. m.	45.068 m

- É Morgan Planning & Development Inc. has been working to fulfill the 10 conditions on behalf of the applicants.
- É Request before Committee to alter 1 condition and delete 1 condition.

Agency Comments:

None

Public Correspondence:

None

Staff Report P13-080:

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

Background:

Provisional consent was granted by the Committee of Adjustment on December 18, 2012 for the division of the Bamer/Schiling property, located at 4089 Digby Drive (**Appendix 1**) for a total of five lots, 4 severed and 1 retained (**Appendix 2**). These proposed severances are to be incorporated into the adjacent Locke Subdivision.

Since the Committee's decision on December 18, 2012, the applicants, through their agent, have been working to satisfy all of the conditions imposed by the Committee (**Appendix 3**). As these severances are so closely tied to the Locke Subdivision, the two developments have been working together in an effort to resolve the conditions of both the subdivision agreement and provisional consent approval.

The applicant's agent has had numerous discussions with Township staff to discuss difficulties with satisfying some of the conditions imposed. As a result of these discussions, the applicant's agent has submitted a request to the Committee requesting that Conditions 2 and 4 be modified (**Appendix 4**).

Discussion:

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

Condition 2

Existing Condition: That the property shall be rezoned to a Residential Type One Exception 22 (R1-22) Zone, at the applicant's expense, in order to recognize a Minimum Lot Frontage of 30 m and a Minimum Lot Area of 2000 sq.m. for the retained and severed lots. A Hold (Hold 20) provision shall be placed on the zoning in order that no development shall proceed on the subject properties until the Hold is removed on the Locke Subdivision.

Proposed: That the property shall be rezoned to a Residential Type One Exception 22 (R1-22) Zone, at the applicant's expense, in order to recognize a Minimum Lot Frontage of 30 m and a Minimum Lot Area of 2000 sq.m. for the retained and severed lots.

Comment: Since the provisional approval was granted by Committee, the Locke Subdivision has progressed and the Holding Zone on the Locke Subdivision was removed through By-law 2013-58 passed by Council on July 4, 2013. As the holding provision is no longer on the Locke Subdivision, it is no longer necessary to include a holding provision to the zoning of the severed lands.

Condition 4

Existing Condition 4: That the owner shall provide a detailed site plan as well as a detailed drainage plan to the Township prior to the construction of any part of the sewage system.

Proposal: Remove this condition in its entirety.

Comment: At this time, details of the proposed development (including septic systems) for each of the proposed lots are not known. As such, it would be appropriate to defer the submission of drainage plans and site plans until such time as the details of the proposed development of the lots is known and the Grading Plan and Site Plan can be more accurately and comprehensively prepared. Furthermore, a Lot Grading Plan and detailed Site Plan are a standard requirement for obtaining a building permit for a new home within the Township.

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

Recommendation:

Planning Staff support the requested changes to conditions.

Altering Condition 2 allows for the Township to process the Zoning By-law Amendment without the added stage of placing a hold on the properties only to then remove the hold as the holding condition has been satisfied as the development on the Locke Subdivision has progressed past the holding zone.

Removing Condition 4 is appropriate as the submission of Lot Grading Plans and Site Plans for each lot will continue to be required by the Township and the change merely defers their submission until such time as the lots are to be developed.

The recommended revised conditions of provisional consent are set out in **Appendix 5**.

Respectfully submitted,

With concurrence of,

Katie Mandeville
Planner

Gregory I. Corbett, M. PL, MCIP, RPP
Township Planning Consultant

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent, Josh Morgan, Morgan Planning & Development Inc. 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 he was aware of the proposed conditions and was in agreement with them. The agent confirmed this. The Chair then called for a vote on the application.

**DECISION – APPROVE
Consent Application B-05/06/07/08-09 (Bramer & Schilling)**

THE PURPOSE and EFFECT of the Changes of Condition is:

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

1. Condition 2 be amended to read as follows:

That the property shall be rezoned to a Residential Type One Exception 22 (R1-22) Zone, at the applicant's expense, in order to recognize a Minimum Lot Frontage of 30 m and a Minimum Lot Area of 2000 sq.m. for the retained and severed lots.+
2. Condition 4 be deleted in its entirety

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All other conditions under B-05/06/07/08-09 remain.

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

under the exclusive consideration of Section 51 of the Act.

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

CARRIED

E. NEW APPLICATIONS

1. **Minor Variance Application No.:** **A-19-13**
Applicant: **Jane Buch & Jonathan Breakell**
Roll Number: **4351 040 009 39000 0000**
Municipal Address: **2799 Copelands Lane**

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

Proposal:

- É The 2 acre property currently contains a dwelling unit and a detached garage.
- É The owners wish to construct a new dwelling on the property utilizing the footprint of the existing dwelling. The existing dwelling wall is located approximately 14.26 m (46.78 ft.) from the high water level (front yard setback).
- 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 11.82 m (38.78 ft.) to a covered deck and 14.26 m (46.78 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) for the SR3 Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report P13-081:

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 2799 Copelands Lane in the geographic Township of Tay (**Appendix 1**). The approximately 0.8 hectare (2 acres) property is occupied by an existing single detached dwelling and detached garage as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct a new dwelling on the property utilizing the footprint of the existing dwelling. The existing dwelling is located approximately 14.26 m (46.78 ft.) from the high water level (front yard setback) to the main dwelling wall.

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 11.82 m (38.78 ft.) to a covered deck and 14.26 m (46.78 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) 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 significantly impact the character or density of the area as the existing cottage has been on the property for over 80 years and the new dwelling is to be built on the existing footprint utilizing a relatively new septic system that has never been connected to the existing dwelling. 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. The new deck will be 3.24 metres closer to the shore than the existing dwelling which should not change the ecological functions of this property and shoreline. Maintaining the existing character of the area will be achieved as the new cottage 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	Existing	This Proposal
Maximum Lot Coverage	15%	< 15%	< 15%
Minimum Required Yards			
Front (water)	20 m	14.26 m	<u>11.82 m / 14.26 m</u>
Rear (road)	7.5 m	> 25 m	> 25 m
Max Building Height	9 m	< 9	< 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. The front yard setback is measured from the high or regulated water level which in this case is the 177.4 contour. The applicant has submitted a sketch prepared by a surveyor which includes the high water level and this is where the front yard setback is measured from. Water levels on Georgian Bay are currently at an all-time record low however it is important to understand this proposal from the high water level rather than the existing water level which visually, and in reality, creates a much larger setback than that which is proposed.

Is it minor?

In the opinion of the Planning Department the requested variance is minor in nature as the proposed dwelling, although having a slightly larger footprint than the existing dwelling due to the addition of a covered deck at the front, is maintaining nearly an identical footprint to the existing structure. An existing, never been used septic system located directly behind the existing dwelling footprint does not allow for the new building to be located further from the water while maintaining a similar footprint. Other possible locations on the property would cause a greater impact on the ecological functions of the shoreline as the remainder of the property is not currently developed.

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

The existing cottage was built over 80 years ago at which time it was common practice to place dwellings closer to the water and in an ideal 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. Furthermore, the existing dwelling is a safety concern as the dwelling is not safe for habitation and likely could not be renovated to allow for habitation.

Other Considerations:

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

The building department has commented as follows:

The Township does not have any records on the sewage system at 2799 Copelands Lane. During the site inspection a raised septic bed and concrete septic tank were observed on the property. Prior to issuing a building permit the property owners will be required to verify that this system is sized for the proposed building size; if the system is not, it will need to be modified to the proper size. It appears that there is adequate area to do so on the property.

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 applicants were present to answer questions and advised the committee of the following regarding the septic system:

É Had Pepi (a local septic installer) out to inspect the existing system and stated that the system was okay.

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

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

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

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicant was asked if 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-19-13 (Buch & Breakell)**

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 11.82 m (38.78 ft.) to a covered deck and 14.26 m (46.78 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states the Minimum Front Yard to be 20 m (66 ft.) for the SR3 Zone.

The owner wishes to construct a new dwelling on the property utilizing the footprint of the existing dwelling.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 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-20-13
Applicant: Erin Banville
Agent: Peter Koliviras
Roll Number: 4351 010 009 00400 0000
Municipal Address: 3361 McClelland Road

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

Proposal:

- É The 0.38 acre property currently contains a dwelling and detached garage.
- É The owner wishes to construct an 81 sq. m. (871.91 sq. ft.) deck onto the front of the existing dwelling to replace and enlarge the existing deck.
- 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 Front Yard setback of 15 m (49 ft.) for an open deck whereas Zoning By-law 2010-65 states a deck may encroach by 3.5 m into the required (20 m) setback.

Agency Comments:

None

Public Correspondence:

The Secretary/Treasurer summarized one letter stating “there is no reason why this minor variance should not be granted”. The letter was from:

- É Rob Vincent, 3381 McClelland Road

Staff Report P13-082:

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 3361 McClelland Road in the geographic Township of North Orillia (**Appendix 1**). The 0.38 acre property supports an existing single detached dwelling and detached garage as seen on the site plan attached as **Appendix 2**.

The owner wishes to construct an 81 sq. m. (871.91 sq. ft.) deck onto the front of the existing dwelling to replace and enlarge the existing deck.

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

1. A variance to permit a Front Yard setback of 15 m (49 ft.) for an open deck whereas Zoning By-law 2010-65 states a deck may encroach by 3.5 m into the required (20 m) setback.

A variance from the maximum accessory structure lot coverage is not needed as the proposed deck is less than 1 m above finished grade and therefore does not count towards lot coverage.

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

Discussion:

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

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

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

7.1 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 deck will not negatively affect the existing natural features and ecological functions of the shoreline area as the property is already developed. The new deck will only be two metres closer to the shore than the previous deck which should not change the ecological functions of this property and shoreline. Maintaining the existing character of the area will be achieved as the area is predominately residential with accessory structures such as decks, garages and docks. The deck will be less than 1m above finished grade and not enclosed or covered which will create a compatible look from the water.

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

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. Zoning By-law 2010 states that a deck may encroach by 3.5 m into the required front yard provided that the deck is less than 2.5m above the average finished grade. The intent of this provision is to allow for low profile decks closer to the water (or lot lines) as low profile structures do not have the same visual effect of creating a sense of overdevelopment. Lot coverage is not calculated for this proposal as the deck is low in profile with a height of 0.61 m (2 ft.) above the finished grade. Due to the low profile of the proposed deck and that the property is already developed and had a similar deck footprint, this application maintains the general intent and purpose of the by-law.

Is it minor?

In the opinion of the Planning Department, the requested variance to reduce the existing front yard setback for a low profile, unenclosed, uncovered deck to 15 m is minor in nature.

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

The proposed development is appropriate and desirable development of the land as the area is predominately residential with a commercial marina a couple of properties away. The neighbouring residential properties have similar setbacks with decks between the dwelling and water. The property is not over-developed and allowing for an increased encroachment of 2.5 m will not change the character of the area.

Other Considerations:

The building and public works departments have no objection to 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 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 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:

- É *Member Vandergeest commented that in the future property owners should always consult with the building department prior to construction as this type of application puts Committee in an awkward position.*
- É *The agent stated that the contractor had misinformed them that they did not require a building permit.*

É Member Ferguson inquired as to the location of a drainage pipe in close proximity to this property.

É The agent stated he was not aware of any drainage features.

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-20-13 (Banville)

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 15 m (49 ft.) for an open deck whereas Zoning By-law 2010-65 states a deck may encroach by 3.5 m into the required (20 m) setback.

The owner wishes to construct an 81 sq. m. (871.91 sq. ft.) deck onto the front of the existing dwelling to replace and enlarge the existing deck.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 2013:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

CARRIED

3. Minor Variance Application No.:	A-21-13
Applicant:	Rusty & Kelly Hastings
Roll Number:	4351 050 005 16100 0000
Municipal Address:	4368 Marr Lane

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

Proposal:

- É The 0.77 acre property contains an existing single detached dwelling and three small accessory structures.
- É The owner wishes to construct an 8.92 sq. m. (96 sq. ft.) covered addition onto the front of the existing non-complying deck which is located 10.97 m (36 ft.) at the closest point to the water.
- É The owners have requested the following variances in order to permit the construction of the new deck addition:
 1. A variance to permit a Front Yard setback of 9.1 m (30 ft.) whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m

Agency Comments:

None

Public Correspondence:

The Secretary/Treasurer summarized one letter stating that the undersigned had “discussed with the Hastings their wishes to complete a six foot addition on the front deck with a covered porch”, signed by:

- É John Farrell, 4384 Marr Lane
- É Bruce Chappel, 4376 Marr Lane
- É Nancy Mear, 4356 Marr Lane

Staff Report P13-083:

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 4368 Marr Lane in the geographic Township of Matchedash (**Appendix 1**). The 0.77 acre property supports an existing single detached dwelling as seen on the site plan attached as **Appendix 2** in addition to three small accessory structures.

The owner wishes to construct a 8.92 sq. m. (96 sq. ft.) covered addition onto the front of the existing non-complying deck which is located 10.97 m (36 ft.) at the closest point to the water.

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 9.1 m (30 ft.) whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m

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

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

The construction of the covered deck expansion by 6 feet will not negatively impact the existing natural features and ecological functions of the shoreline area as the property is already developed within the front yard setback and efforts to preserve and enhance the natural vegetation not be affected. The proposed deck expansion 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%	< 15%	< 15%
Minimum Required Yards			
Interior (side)	3 m	> 3 m	> 3 m
Front (water)	20 m	10.97 m / 36 ft.	9.1 m / 30 ft.
Rear (road)	7.5 m	> 7.5 m	> 7.5 m
Maximum Building Height	9 m	< 9 m	< 9 m

The intent of setback requirements from waterways in the Zoning By-law is to ensure that new development does not crowd the waterfront and allows for vegetation within the waterfront area. The reduced setback will be buffered by existing trees and vegetation on the adjacent residential properties.

Is it minor?

In the opinion of the Planning Department the requested variance of reducing the existing front yard setback from 10.97 m (36 ft.) to 9.1 m (30 ft.), a difference of 1.87m / 6 ft. is minor in nature because of the existing deck setback. The deck addition which will be covered with the extension of the roof life will permit the property owners to increase the deck width from 8 feet to 14 feet, allowing for an increase in the utilization of the deck.

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

The proposed development is appropriate and desirable development of the land as the dwelling and existing attached deck already has a reduced setback. Existing reduced setbacks are common within the shoreline area and in particular, within the former Township of Matchedash. 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 building department and public works department have stated they do not have any objections to the application.

Recommendation:

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

Respectfully submitted,

Katie Mandeville, BA, BURPI
Planner

With the concurrence of,

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 other than that he spoke to the 1 other neighbour who did not sign the letter and they had no issues with the application.

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 expressed his support for the application as there is no impact on neighbouring properties.*
- É Member Vandergeest asked staff if there should be a condition added regarding obtaining a building permit.*
- É Staff advised that the applicants' are well aware of the need for a permit and have already been in talks with the Township regarding one.*

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-21-13 (Hastings)**

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 9.1 m (30 ft.) whereas the Shoreline Residential Three (SR3) Zone contains a minimum front yard setback of 20 m for a covered deck only.

The owner wishes to construct a 8.92 sq. m. (96 sq. ft.) covered addition onto the front of the existing non-complying deck which is located 10.97 m (36 ft.) at the closest point to the water.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 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

Secretary/Treasurer advised that B-14-13 and B-15-13 would be heard together as the applications relate to providing access to one property; however there would be two separate decisions.

- | | | |
|----|---------------------------------|---|
| 4. | Consent Application No.: | B-14-13 |
| | Applicant: | Patrica Burrows |
| | Agent: | Coote, Hiley, Jemmett Ltd. |
| | Roll Number: | 4351 050 002 50303 0000 |
| | Municipal Address: | 4053 Delta Road |
| 5. | Consent Application No.: | B-15-13 |
| | Applicant: | Severn Delta Cottagers Association |
| | Agent: | Coote, Hiley, Jemmett Ltd. |
| | Roll Number: | 4351 050 002 50320 0000 |
| | Municipal Address: | Not assigned |

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

Proposal:

- É The lands are legally described as: Part of Lots 4 & 5, Concession 14, geographic Township of Matchedash.
- É The properties are both vacant with the exception of portions of Delta Road and Riverview Drive.
- É Requesting consent to grant a right of way having width of approximately 6 m (19.2 feet) to legalize an existing driveway providing access to 4110 Riverview Drive.
- É These applications are resubmissions of B-16-11 and B-17-11 which were approved by Committee on September 20th, 2011 but subsequently lapsed as all the conditions were not fulfilled within one year.

Agency Comments:

None

Public Correspondence:

None

Staff Report P12-084:

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

Background:

County Official Plan: Greenlands
Township Official Plan: Greenlands
Township Zoning: Shoreline Residential Three (SR3) and Greenlands (GL)

The subject properties are located on Delta Road in the former Township of Matchedash (**Appendix 1**).

The two applications for Consent (B-14-13 and B15-13) relate to the same matter and the owners have retained one agent to deal with the applications. They are resubmissions of previous applications B-16-11 and B-17-11 which were approved by the Committee on September 20th, 2011. The Consents subsequently lapsed as all of the conditions imposed by the Committee were not satisfied within the one year period established in the decisions.

The purpose of the applications is to obtain consent to grant a right-of-way having width of approximately 6 m (19.2 feet) to legalize an existing driveway access leading from the intersection of Riverview Drive and Delta Road to the Dawbon property at 4110 Riverview Drive. The approximate path of the proposed right-of-way is shown on the sketch attached as **Appendix 2** and crosses properties owned by Patricia Burrows and the Severn Delta Road Cottagers Association.

Discussion:

The driveway access to 4110 Riverview Drive from the intersection of Riverview Drive and Delta Road was constructed several years ago and is in active use. From an emergency services perspective, it is beneficial to have access to properties by road, even if there is existing water access.

Planning staff have site inspected the property and have no objection to the grant of right-of-way as proposed subject to the recommended conditions. The Township Fire Chief expressed support for the width of the proposed right-of-way as it provides legal access for emergency personal in a right-of-way that is wide enough for an emergency response. The planning department also supports the width of the proposed right-of-way.

Recommendation:

The Planning Department has no objection to the approval of this application, subject to the recommended conditions set out in **Appendix 3**. Right-of-ways are not governed under the Provincial Policy Statement, 2005 or the County and Township Official Plans or the Township's Zoning By-law.

Respectfully submitted,

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 applicant or agent were not present. The Secretary/Treasurer advised that the agent had contacted her stating that he would not be attending, staff advised that they did not foresee any issues.

The Chair asked if anyone in the audience had any comments on this application. Public Comments were as follows:

- É *Mr. Blake Dawbon stated that he is the benefitting property owner and wanted to inform Committee that the reason for the previous application expiring was due to the previous property owner's (his mother) death.*

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 Secretary/Treasurer advised that Mr. Dawbon would be working to fulfill the conditions and that the agent was aware of the recommended conditions prior to the meeting. The Chair asked Mr. Dawbon if he was aware of the proposed conditions and was in agreement with them, he confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Consent Application B-14-13 (Burrows)

THE PURPOSE and EFFECT of the consent application is:

TO obtain consent to grant a right-of-way over a portion of the owner's property as follows:

A strip of land approximately 6 metres (19.2 feet) in perpendicular width across Part of Lot 5, Concession 14, geographic Township of Matchedash, substantially as shown as %Severance A+ on the Sketch for Consent Application Purposes attached as Schedule A to this Decision.

The said right-of-way to be added to and appurtenant to the following property:

Municipal Address: 4110 Riverview Drive

Roll Number: 4351 050 002 45000

Legal Description: PIN 58602-0349 (LT) being Part of Lot 5, Concession 14, geographic Township of Matchedash

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the right-of-way shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary-Treasurer of the Committee. The draft reference plan shall be provided to the Secretary-Treasurer for approval prior to registration.
2. A copy of the electronic registration %a 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.
3. That the owner's solicitor shall ensure that the right-of-way is legally added and appurtenant to the property known municipally as 4110 Riverview Drive.
4. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
5. Section 50 of the Planning Act, R.S.O. 1990, shall apply to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.
6. 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.
7. 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

DECISION – APPROVE

Consent Application B-15-13 (Severn Delta Road Cottagers Association)

THE PURPOSE and EFFECT of the consent application is:

TO obtain consent to grant a right-of-way over a portion of the owner's property as follows:

A strip of land approximately 6 metres (19.2 feet) in perpendicular width across Part of Lot 5, Concession 14, geographic Township of Matchedash, substantially as shown as %Severance B+ on the Sketch for Consent Application Purposes attached as Schedule A to this Decision.

The said right-of-way to be added to and appurtenant to the following property:

Municipal Address: 4110 Riverview Drive

Roll Number: 4351 050 002 45000

Legal Description: PIN 58602-0349 (LT) being Part of Lot 5, Concession 14, geographic Township of Matchedash

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the right-of-way shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary-Treasurer of the Committee. The draft reference plan shall be provided to the Secretary-Treasurer for approval prior to registration.
2. A copy of the electronic registration %a 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.
3. That the owner's solicitor shall ensure that the right-of-way is legally added and appurtenant to the property known municipally as 4110 Riverview Drive.
4. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
5. Section 50 of the Planning Act, R.S.O. 1990, shall apply to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.
6. 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.
7. 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

6. Consent Application No.:	B-16-13
Applicant:	Shelley Tushinski
Agent:	Andrea Bird
Roll Number:	4351 050 003 84200 0000
Municipal Address:	1990 Westwinds Lane

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 1990 West Winds Lane
- É Legally described as: Part Lot 18, Concession 1, geographic Township of Matchedash.
- É The property currently supports a single detached dwelling with accessory structures.
- É Requesting consent to sever a portion of the property without frontage on Westwinds Lane or Gloucester Pool an area of approximately 0.07 ha (0.18 acres) to be added as a lot addition to the side of 1976 Westwinds Lane (Bird property) to accommodate an existing driveway encroachment.
- É The retained lands would have a frontage of approximately 70.1 m (230 ft.) on Gloucester Pool and area of approximately 1.02 ha (2.53 acres).

Agency Comments:

None

Public Correspondence:

None

Staff Report P12-085:

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

Background:

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

The subject property is located at 1990 Westwinds Lane, being Part Lot 18, Concession 1, geographic Township of Matchedash (**Appendix 1**). The property is approximately 1.09 ha (2.69 acres) in size with 70.1 m (230 ft.) frontage on Gloucester Pool and supports a single detached dwelling with accessory structures.

The owner is requesting consent to sever a portion of the property without frontage on Westwinds Lane or Gloucester Pool to be added as a lot addition to the side of 1976 Westwinds Lane (Bird property) to accommodate an existing driveway encroachment. The proposed parcel would have no frontage and an area of approximately 0.07 ha (0.18 acres). The retained lands would have a frontage of approximately 70.1 m (230 ft.) on Gloucester Pool and area of approximately 1.02 ha (2.53 acres).

A sketch of the proposed lot addition is attached as **Appendix 2**.

Planning and Development staff site inspected the property prior to the writing of this report.

Discussion:

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

Provincial Policy Statement, 2005

As no new building lot is being created, lot line adjustments are generally not considered as %development+and the application of provincial policies is not a consideration. The only direction on lot line adjustments is found in Section 2.3.4 of the PPS which states that %ot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*+. The PPS defines *legal or technical reasons* as follows:

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

The proposed lot addition would be considered as a minor boundary adjustment for the purposes of the PPS as a new lot will not be created. As the subject lands are under a Rural designation, the potential concerns regarding changes in lot size are less significant than they are for prime agricultural lands.

Growth Plan for the Greater Golden Horseshoe, as amended

The Growth Plan is silent on the issue of boundary adjustments.

County of Simcoe 2006 Official Plan (in effect)

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

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

Township of Severn Official Plan

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

B8.2.2 Boundary Adjustments

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

The subject proposal is a lot addition to enlarge an existing lot, no new building lot will be created through this application. The use on both the affected properties is residential and transferring the proposed property between the lots will not affect the viability of the residential use of the properties.

Township of Severn Zoning By-law 2010-65

The subject property is in the Shoreline Residential Three (SR3) Zone. The requirement for Minimum Lot Area for lots in the SR3 Zone is 4000 sq. m. (0.99 acres) and the requirement for Minimum Lot Frontage is 60 m (200 feet). As such, the retained lands exceed the requirements for minimum lot area and minimum frontage.

The severed lands will be added as a lot addition to 1976 Westwinds Lane which currently has approximately 30 m (100 ft.) of frontage and 3237.6 (0.8 acres) and is zoned Shoreline Residential Three (SR3). The property is currently an existing undersized lot according to Section 3.19 of Zoning By-law 2010-65, allowing for more property to be added to this existing undersized lot will allow for the provisions of Zoning By-law 2010-65 to be more easily followed as they are based on the minimum lot and frontage requirements.

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

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 - the agent 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 expressed her support for the application due to legalizing the driveway.*
- É *The Chair inquired as to how much space would be given outside of the driveway.*
- É *Ms. Andrea Bird confirmed that there would be adequate space on the other side of the driveway so as to not encroach onto the neighbouring property.*

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
Consent Application B-16-13 (Tushinski)

THE PURPOSE and EFFECT of the consent application is:

To request consent to sever a portion of the property without frontage on a municipal road to be added as a lot addition to the 1976 Westwinds Lane. The proposed parcel would have no frontage on Gloucester Pool or Westwinds Lane and an area of approximately 0.07 ha (0.18 acres).

The retained lands would have a frontage of approximately 70.1 m (230 ft.) on Gloucester Pool and area of approximately 1.02 ha (2.53 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17th day of September, 2013:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed and retained parcels shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~in~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. That the severed lands shall merge with the property municipally known as 1976 Westwinds Lane, legally described as Con 1, Pt Lot 18. The ownersqsolicitor shall take all necessary steps to ensure that the parcels merge under the Planning Act.
5. That the ownersqsolicitor shall provide an undertaking to register an Application to Consolidate Parcels in order to merge the severed lands with the adjoining lands and to provide the Township with a copy of the registered Application within three months of the date of registration of the Transfer of the severed lot.

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

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

CARRIED

E. REPORTS FROM OFFICIALS

None

F. CORRESPONDENCE

None

G. OTHER BUSINESS

1. Training Reminder . OACA Seminar, Horseshoe Resort, This Friday Sept. 20th

H. **ADJOURNMENT**

The following motion was adopted:

Motion # 13-18

MOVED by Mark Vandergeest and SECONDED by Emily Silk

THAT the Committee of Adjustment meeting be adjourned at 7:48 p.m. on September 17, 2013. The Committee will reconvene at 7:00 p.m. on October 15, 2013 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer