

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, DECEMBER 16, 2014 AT 7:00 P.M.

Present: Chair Mark Vandergeest

*Members Douglas Hamilton
John Ferguson
Emily Silk
Ronald Peters*

*Staff: Director of Planning Andrew Fyfe
Secretary/Treasurer, Planner Katie Mandeville
GIS Assistant Lauren Millar*

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 # 14-30

MOVED by Douglas Hamilton and SECONDED by John Ferguson

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on October 21, 2014 be adopted as printed and distributed.

CARRIED

Chair Vandergeest wished to express thanks on behalf of the committee to Secretary/Treasurer and Planner Katie Mandeville, Director of Planning Andrew Fyfe and GIS Assistant Lauren Millar for running and organizing the meetings this year.

Chair Vandergeest also wanted to recognize the retiring committee members, Ronald Peters and John Ferguson, and thank them for their contributions, and for sharing their abundant knowledge of the township with the other members.

D. ADJOURNED APPLICATIONS

1. *Consent Application No.: B-12-14 (Kenning)*
Applicant: Michael Kenning
Roll Number: 4351 020 008 15900 0000

Municipal Address:

1251 Dunns Line

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

Proposal:

- The subject property is legally described as Part of Lot 22, Concession 14, municipally known as 1251 Dunns Line.
- The subject lands have frontage of approximately 670.6 metres (2,200 ft.) on Dunns Line and an area of approximately 40.5 ha (100 acres).
- The applicant originally requesting consent to sever a portion of the property having frontage of approximately 426.8 metres (1,400 ft.) on Dunns Line and area of approximately 34.4 ha (85 acres) to add to an adjacent property at 1449 Upper Big Chute Road for a farm consolidation.
- The retained lands would have a frontage of approximately 243.9 m (800 ft.) on Dunns Line and area of approximately 6.1 ha (15 acres).
- This application was adjourned at the July 15, 2014 Committee of Adjustment meeting and again at both the August 19th and September 16th, 2014 meetings.
- County and Township staff met the applicant and potential future property owner on site and discussed options which may satisfy the Provincial, County and Township planning policies and work for the prospective farm purchaser and applicant. After much discussion with all the parties, staff have proposed an alternative.
- Staff believe a revised severance size of approximately 2.054 ha (5.1 acres) with 110 metres (360 ft.) of frontage on Dunns Line is appropriate and satisfies the planning policy framework.

Agency Comments:

The Secretary/Treasurer advised that there were no new comments for this meeting, previous comments were read and submitted for the application at previous meetings.

Public Correspondence:

None

Staff Report D14-040:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present and explained the back and forth over portions of land to sever. The applicant asked about the concrete foundation behind the existing outbuildings and that he had been discussing rebuilding this structure with the Chief Building Official.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

The Chair asked if the Committee had any comments on this application. Committee

comments were as follows:

- Member Ferguson stated he was in favour of the revised proposal
- Chair Vandergeest inquired on if there should be a condition added to the severance regarding decommissioning of existing out buildings.
- The Director of Planning advised that this condition is only recommended if the agricultural operation was home to livestock and would no longer be permitted livestock under MDS calculations.
- Chair Vandergeest clarified that the committee was voting on the revised proposal.

The Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicant was asked if he was aware of the proposed conditions and was in agreement with them. The applicant confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Consent B-12-14 (Kenning)

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having frontage of approximately 560 metres (1,837 ft.) on Dunns Line and area of approximately 38.45 ha (94.9 acres) for a farm consolidation.

The retained lands would have a frontage of approximately 110 metres (360 ft.) on Dunns Line and area of approximately 2.054 ha (5.1 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. That the retained lands shall be rezoned by way of a Zoning By-law Amendment, at the applicant's expense so as to:
 - . place the severed lands into a zone to restrict the uses of the property to farm and prohibit a dwelling.
 - . place the retained lands in an appropriate zone which reflects the lot area and future use of the lands.
4. 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 2014 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

E. NEW APPLICATIONS

- | | |
|-------------------------------------|--------------------------------|
| 1. Variance Application No.: | A-28-14 |
| Applicant: | Patrick Fobert |
| Roll Number: | 4351 040 009 47028 0000 |
| Municipal Address: | 3930 Darling Island Rd. |

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

Proposal:

- The approximately 1.3 acre property located at 3930 Darling Island Road in the geographic Township of Tay is currently vacant with the exception of a small accessory structure and boatport. The boatport was constructed with Minor Variance A-08-14, and a condition of the variance was a requirement to build a dwelling within two years.
- The applicant would like permission to construct a dwelling with the front porch encroaching into the front yard setback
- The following variances are requested in order to permit the construction of the new dwelling:
 1. A variance to permit an unenclosed porch and steps with a height of 3.3 metres (10.7 ft.) to project 3.5 metres (11.4 ft.) into the required front yard whereas Section 3.2.16 of Zoning By-law 2010-65 states that unenclosed porches and steps may project into any required front yard a maximum distance of 3.5 metres, as long as the structures are not more than 2.0 metres above finished grade.
 2. A variance to permit a maximum dwelling height of 9.5 metres (31.2 ft.) whereas Zoning By-law 2010-65, Section 6 states that the maximum height for the SR3 Zone is 9 metres.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-047:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what

was presented - the applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. 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:

- Chair Vandergeest stated that he appreciates the plan put forward and the follow through from the previous variance.

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-28-14 (Fobert)

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit an unenclosed porch and steps with a height of 3.3 metres (10.7 ft.) to project 3.5 metres (11.4 ft.) into the required front yard whereas Section 3.2.16 of Zoning By-law 2010-65 states that unenclosed porches and steps may project into any required front yard a maximum distance of 3.5 metres, as long as the structures are not more than 2.0 metres above finished grade.
2. A variance to permit a maximum dwelling height of 9.5 metres (31.2 ft.) whereas Zoning By-law 2010-65, Section 6 states that the maximum height for the SR3 Zone is 9 metres.

The following variances are needed in order to permit the construction of a new dwelling.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

2. Variance Application No.:	A-29-14
Applicant:	Debra Cameron
Agent:	Wayne Turner
Roll Number:	4351 050 000 404201 0000
Municipal Address:	3840 Elva Lane

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

Proposal:

- É The approximately 0.53 acre property located at 3840 Elva Lane in the geographic Township of Matchedash is occupied by a dwelling, accessory structure and docking.
- É The applicant would like to replace the non-complying docking facilities exactly as the structures exist today in terms of size and setbacks
- É The following variances are requested in order to permit the construction of the replacement docking:
 1. A variance to permit a maximum dock envelope of approximately 8.2 metres (27 ft.) by 11 metres (36 ft.) whereas Zoning By-law 2010-65, Section 3.2.12.6 c) states that docking facilities must fit within a 8.0 metre by 10.0 metre envelope adjacent to the shore.
 2. A variance to permit docking with a projected setback of 1.3 metres (4.3 ft.) whereas Zoning By-law 2010-65, Section 3.2.12.6 b) states be setback a minimum of 4.5 metres from the straight line projection of the lot line into the water from the shoreline.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-048:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. 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.

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-29-14 (Cameron)

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit a maximum dock envelope of approximately 8.2 metres (27 ft.) by 11 metres (36 ft.) whereas Zoning By-law 2010-65, Section 3.2.12.6 c) states that docking facilities must fit within a 8.0 metre by 10.0 metre envelope adjacent to the shore.
2. A variance to permit docking with a projected setback of 1.3 metres (4.3 ft.) whereas Zoning By-law 2010-65, Section 3.2.12.6 b) states be setback a minimum of 4.5 metres from the straight line projection of the lot line into the water from the shoreline.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

3. Variance Application No.:
Applicant:
Roll Number:

A-30-14
John Robinson
4351 010 000 94560 0000

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

Proposal:

- É The approximately 0.23 acre property located at 3583 Riverdale Drive in the geographic Township of North Orillia supports an existing single detached dwelling with an attached deck and a septic.
- É The owners wish to construct an addition onto the side of the existing non-complying dwelling.
- É The home is located 1.52 meters (5 ft.) from one interior lot line and the addition, which will contain a garage with living space above is proposed to be built on the other side of the dwelling.
- É The following variance is requested in order to permit the construction of the new addition:
 1. A variance to permit an interior (side) yard setback of 1.57 metres (5.16 ft.) whereas Zoning By-law 2010-65 states that the minimum interior yard setback for the Shoreline Residential Two (SR2) Zone is 3 metres (9.8 ft.).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-049:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

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

- *Member Peters commented that ties to the lot line on the extension should be measured at a 90 degree angle.*

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-30-14**

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit an interior (side) yard setback of 1.57 metres (5.16 ft.) whereas Zoning By-law 2010-65 states that the minimum interior yard setback for the Shoreline Residential Two (SR2) Zone is 3 metres (9.8 ft.).

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

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

4. Variance Application No.:	A-31-14
Applicant:	Robert Stevenson
Agent:	Wayne Turner
Roll Number:	4351 050 000 49740 0000
Municipal Address:	1425 Gloucester Pool

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

Proposal:

- É The approximately 1.6 acre property located at 1425 Gloucester Pool, accessible via an unnamed private lane off of Little Chute Landing, in the geographic Township of Matchedash is currently occupied with a dwelling and small accessory structure in addition to the existing docking.
- É The applicant would like to construct a new access ramp in order to achieve adequate water depth for a new boatport.
- É The following variances are requested in order to permit the construction of the new access ramp and the new boatport:

1. A variance to permit an access ramp to be 14 metres (46 feet) long whereas Zoning By-law 2010-65, Section 3.2.12.5 f) states the boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope adjacent to the shore.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-050:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. 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.

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-31-14 (Stevenson)**

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit an access ramp to be 14 metres (46 feet) long whereas Zoning By-law 2010-65, Section 3.2.12.5 f) states the boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope adjacent to the shore.

The following variances are requested in order to permit the construction of the new access ramp.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

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|-------------------------------------|----------------------------------|
| 5. Variance Application No.: | A-32-14 |
| Applicant: | John and Teresa Rodrigues |
| Roll Number: | 4351 050 005 18101 0000 |
| Municipal Address: | 4215 Smith Lane |

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

Proposal:

- The approximately 1 acre property located at 4215 Smith Lane currently supports an existing single detached dwelling, a boathouse and numerous other accessory structures.
- The owner wishes to construct a new 133.8 square metres (1,440 sq. ft.) dwelling to replace the existing 69 square metres (750 sq. ft.) seasonal residence.
- The existing residence is located approximately 7.6 metres (25 feet) from the water at the closest point.
- The following variance is requested in order to permit the construction of the new accessory structure to replace the existing dwelling:
 1. A variance to permit a front yard setback of 7.6 metres (25 feet), whereas Zoning By-law 2010-65, Table 6.2 states the front yard setback is 20 metres for the Shoreline Residential Three Zone.

Agency Comments:

None

Public Correspondence:

An email was received, Tuesday December 16th 2014, from Dave and Nancy Carefoote, 4217 Smith Lane, in support of the request for minor variance.

Staff Report D14-053:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. 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:

- *Chair Vandergeest reminded the applicant to obtain a demolition permit before starting applying to reconstruct the dwelling.*
- *The applicant stated that he already had a demolition permit.*

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-32-14 (Rodrigues)

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit a front yard setback of 7.6 metres (25 feet), whereas Zoning By-law 2010-65, Table 6.2 states the front yard setback is 20 metres for the Shoreline Residential Three Zone.

The following variances are requested in order to permit the construction of the new home to replace the existing dwelling.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

6. **Variance Application No.:** A-33-14
Applicant: Rusty and Kelly Hastings
Agent: DTS and Associates
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 the correspondence received, as follows:

Proposal:

- É The 0.77 acre property located at 4368 Marr Lane in the geographic Township of Matchedash supports an existing single detached dwelling as seen on the site plan in addition to three small accessory structures.
- É The owner wishes to construct a new boatport to replace the existing docking facilities on the property.
- É The existing dock is a T-shape that fits within a 24 feet by 28 feet envelope, the fingers of the dock are 6 feet in width.
- É The proposed docking to support the boatport fits within a 26 feet by 29 feet envelope with fingers which are 5 and 5.5 feet in width.
- É The following variance is requested in order to permit the construction of the new boatport:
 1. A variance to permit a 5.9 metre (19.25 ft.) in width boat port (excluding docking) whereas Zoning By-law 2010-65 states that a boat port is restricted to a maximum of 5.5 metres (18 ft.) in width for a property with 30.0 metres . 60.0 metres of frontage.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-054:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. 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.

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-33-14 (Hastings)

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit a 5.9 metre (19.25 ft.) in width boat port (excluding docking) whereas Zoning By-law 2010-65 states that a boat port is restricted to a maximum of 5.5 metres (18 ft.) in width for a property with 30.0 metres . 60.0 metres of frontage.

The following variance is requested in order to permit the construction of the new boatport.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

7. Variance Application No.:	A-34-14
Applicant:	William Currie
Agent:	A & A Services
Roll Number:	4351 040 009 47020
Municipal Address:	3900 Darling Island Road

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

Proposal:

- É The approximately 1.28 acre property located at 3900 Darling Island Road in the geographic Township of Tay is occupied by an existing single storey detached dwelling, boathouse and a detached garage
- É The following variance is requested in order to permit the construction of the

sleeping cabin:

1. A variance to permit a sleeping cabin with a maximum gross floor area of 36.3 square metres (391 sq. ft.) whereas Zoning By-law 2010-65 states that a sleeping cabin cannot exceed a maximum gross floor area of 28.0 square metres (301.4 sq. ft.).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-055:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the agent was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

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

- *Member Hamilton asked if septic issue raised by the Building Department should be a condition.*
- *The Secretary/Treasurer responded that it should be a condition for the building permit so it is not needed for the variance.*

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-34-14 (Currie)**

THE PURPOSE and EFFECT of the application is:

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

1. A variance to permit a sleeping cabin with a maximum gross floor area of 36.3 square metres (391 sq. ft.) whereas Zoning By-law 2010-65 states that a sleeping cabin cannot exceed a maximum gross floor area of 28.0 square metres (301.4 sq. ft.).

The following variance is requested in order to permit the construction of the new sleeping cabin.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

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 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

8. Consent Application No.:	B-18-14 and B-24-14
Applicant:	Nancy Wiley and Carol Kelly
Roll Number:	4351 020 008 12800 0000
Municipal Address:	1277 and 1281 Anderson Line

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

Proposal:

- É The subject lands have frontage of approximately 615 metres (2,017.7 ft.) on Anderson Line and an area of approximately 34.4 ha (85 acres). The applicants are requesting to sever two surplus farm dwellings from the property.
- É Under application B-18-14 the request for consent is to sever a portion of the property consisting of a surplus farm dwelling, having frontage of approximately 47 metres (154 ft.) on Anderson Line and an area of approximately 0.58 ha (1.4 acres).
- É Application B-24-14 is a request for consent to sever a portion of the property having frontage of approximately 75 metres (246ft.) on Anderson Line and area of approximately 0.6 ha (1.5 acres).
- É The retained lands, should both applications be permitted by the Committee would have a frontage of approximately 480 metres (1,575 ft.) on Anderson Line and an area of approximately 33.22 hectares (82.06 acres).
- É The retained lands will be part of a farm consolidation with 1332 Dunns Line.

Agency Comments:

None

Public Correspondence:

County of Simcoe provided comments for both applications which the Secretary/Treasurer summarized for the Committee and members of the public. The

County did not object to the applications and supported staffs recommended condition for the rezoning application.

Staff Report D14-051:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicants were present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

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

- *Member Ferguson inquired about the possibility of creating an infilling lot between one of the proposed lot and neighbouring property.*
- *The Planner explained that an infilling lot would not be permitted due to the current Official Plan policies and the restrictive zoning to prohibit development.*
- *Chair Vandergeest stated that this is a unique situation with two dwellings and there are significant financial gains as a result of these applications.*
- *Member Vandergeest asked if there was any way to collect parkland from the creation of these lots.*
- *The Director of Planning stated that there was no ability, as we are not creating new development, the number of dwellings stays the same.*
- *Chair Vandergeest asked if farm land is considered commercial?*
- *The Director of Planning stated that it is not considered commercial in terms of parkland.*
- *Member Vandergeest asked the reason for the triangular division of land?*
- *The Director of Planning stated that the unusual shape of the proposed severance is to allow for the maximum amount of worked farm land to be included with the farming operation and the un-used lands to be with the dwelling to allow for area for a replacement septic system and well.*
- *Member Ferguson commented that part of Medonte drain #2 could be subject to maintenance costs.*
- *Chair Vandergeest suggested the applicants inquire with the health unit and MOE about obligations for a shared well.*

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 Secretary/Treasurer advised the Committee that there are two separate decisions and the Committee should vote separately on them. The Chair then called for a vote on each of the applications.

DECISION – APPROVE
Variance Application B-18-14 (Wyley & Kelly)

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having frontage of approximately 47 metres (154 ft.) on Anderson Line and area of approximately 0.58 ha (1.4 acres).

The retained lands (should application B-24-14 be approved) would have a frontage of approximately 480 metres (1,575 ft.) on Anderson Line and an area of approximately 33.22 hectares (82.06 acres). The retained lands will be part of a farm consolidation.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the severed lands shall be rezoned to a site specific Rural Residential (RR) Zone, at the owners expense, in order to recognize the reduced lot frontage and intended use of the lands. The retained lands shall also be rezoned to a site specific Agricultural (AG) Zone to prohibit residential development of the cultivated lands. The owner shall make an Application for Zoning By-law Amendment and pay the applicable fee and deposit, if required.
2. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee.
3. A copy of the electronic registration ~~to~~ 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.
4. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
5. 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.
6. 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 2014 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

**DECISION – APPROVE
Variance Application B-24-14 (Wyley & Kelly)**

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having frontage of approximately 75 metres (246ft.) on Anderson Line and area of approximately 0.6 ha (1.5 acres).

The retained lands (should application B-18-14 be approved) would have a frontage of approximately 480 metres (1,575 ft.) on Anderson Line and an area of approximately 33.22 hectares (82.06 acres). The retained lands will be part of a farm consolidation.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the severed lands shall be rezoned to a site specific Rural Residential (RR) Zone, at the owners expense, in order to recognize the reduced lot frontage and intended use of the lands. The retained lands shall also be rezoned to a site specific Agricultural (AG) Zone to prohibit residential development of the cultivated lands. The owner shall make an Application for Zoning By-law Amendment and pay the applicable fee and deposit, if required.
2. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee.
3. A copy of the electronic registration ~~to~~ 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.
4. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
5. 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.
6. 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 2014 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

9. **Consent Application No.:**
Applicant:
Roll Number:
Municipal Address:

B-19-14
Tom Taylor
4351 050 000 11460 0000
2748 Upper Big Chute Road

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

Proposal:

- É The subject lands located at Concession 2, South Part Lot 7, geographic Township of Matchedash, have frontage of approximately: 230 metres (754.5 ft.) on Irish Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and an area of approximately 37.35 ha (92.3 acres).
- É The property is split into two legal parcels by a rail line; the parcel to which this application applies contains accessory structures with the main dwelling and farm buildings on the other parcel.
- É The applicant is requesting consent to sever a portion of the property having no road frontage and an area of approximately 0.05 ha (0.13 acres).
- É The severed lands will be added to 2856 Upper Big Chute Road to correct an existing lot line encroachment.
- É The retained lands would have the frontages listed above and area of approximately 37.3 ha (92.17 acres).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-052:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

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

The Chair asked 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 agent confirmed this. The Chair then called for a vote on the application.

**DECISION – APPROVE
Variance Application B-19-14(Taylor)**

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having no road frontage and an area of approximately 0.05 ha (0.13 acres) to be added to 2856 Upper Big Chute Road as a lot addition.

The retained lands would have the frontage of approximately: 230 metres (754.5 ft.) on Irish Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and area of approximately 37.3 ha (92.17 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~in~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. That the severed lands shall merge with the property municipally known as 2856 Upper Big Chute Road. 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

10. Consent Application No.:	B-23-14
Applicant:	Mark and Marnie Powell
Roll Number:	4351 010 011 24101 0000
Municipal Address:	4048 Hampshire Mills Line

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

Proposal:

- É The approximately 4.04 ha (10 acres) property located at 4048 Hampshire Mills Line, being East Part Lot 1, Concession 6, geographic Township of North Orillia has 193.48 metres (634 ft.) of frontage on Hampshire Mills Line.
- É The largely treed property contains a residential dwelling.
- É The owner is requesting consent to sever a portion of the property having 30.48 metres (100 ft.) of frontage and an area of approximately 0.26 hectares (0.64 acres); these lands will be added to the neighbouring property (4086 Hampshire Mills Line) as a lot addition.
- É The retained lands would then have frontage of approximately 163 metres (535 ft.) and an area of approximately 3.78 hectares ha (9.34 acres).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-056:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present but had nothing to add.

The Chair asked if anyone in the audience had any comments on this application.

- *William McCrimmon and Ann MacDiarmid from 4086 Hampshire Mills Line stated they were both in favour of the application since they are the owners of the adjacent property benefiting from the added lands.*

As no more were forthcoming, the Chair declared the public portion of the meeting closed.

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

- *Member Ferguson inquired about a former proposed industrial park in the area.*
- *Director of planning explained that Stewart Construction has put a road in and the lands are zoned industrial, and that the consent would not affect the industrial uses on the land in the future.*

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 B-23-14 (Powell)**

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having 30.48 metres (100 ft.) of frontage and an area of approximately 0.26 hectares (0.64 acres); these lands will be added to the neighbouring property (4086 Hampshire Mills Line) as a lot addition.

The retained lands would then have frontage of approximately 163 metres (535 ft.) and an area of approximately 3.78 hectares ha (9.34 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~to~~ 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. The owners shall apply for a minor variance to reflect the deficient lot area of the retained lands, 4048 Hampshire Mills Line.
5. That the severed lands shall merge with the property municipally known as 4086 Hampshire Mills Line. The ownersqsolicitor shall take all necessary steps to ensure that the parcels merge under the Planning Act.
6. 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 2014 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

E. REPORTS FROM OFFICIALS

NONE

F. CORRESPONDENCE

1. **Request to Amend Conditions of:**
Consent Application No.: B-17-13
Applicant: Edward and Mary Chmiel
Agent: Lisa Welch Madden Law Firm
Roll Number: 4351 050 005 25300 0000
Municipal Address: 1720 Earl Haid Avenue

The Secretary/Treasurer of the Committee of Adjustment outlined the correspondence from Lisa Welch Madden, requesting an amendment to the conditions of provisionally approved consent application B-17-13 in order to allow more time for the property owners to satisfy the conditions.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-058:

The Director of Planning provided a brief summary of the staff report.

The Chair stated that this request is not subject to a public meeting but noted that the property owners were in attendance.

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

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 amended condition and were in agreement with them. The applicant confirmed this. The Chair then called for a vote on the request to amend the conditions using the conditions recommended by staff.

**DECISION – APPROVE
Consent Application B-17-13**

THE PURPOSE and EFFECT of the application is:

Committee of Adjustment agrees to amend the original conditions of the provisionally approved consent application by:

Replacing condition number four (4) with the following:

4. The Owner shall enter into a License Agreement with the Municipality which provides for:
- i) a one year term
 - ii) indemnification of the Municipality
 - iii) removal of the holding tank at the applicant's expense upon construction of the new system or expiry of the license, whichever comes first.

- iv) all expenses to be the responsibility of the applicants
- v) the posting of securities for the removal of the tank in the amount of \$2,500.

The Committee has considered the amendment application and, based upon the evidence provided, issues the following Decision on the 16th day of December, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITION:

1. All other conditions under B-17-13 remain.

THE REASONS for the Committee's Decision are that the proposed amendment to conditions of the provisionally approved consent is in keeping with the Township's Official Plan, is consistent with the 2014 Provincial Policy Statement and the Planning Act, as amended.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

G. **OTHER BUSINESS**
NONE

H. **ADJOURNMENT**

The following motion was adopted:

Motion # 14-31

MOVED by Ronald Peters and SECONDED by John Ferguson

THAT the Committee of Adjustment meeting be adjourned at 8:30 p.m. on December 16th, 2014. The Committee will reconvene at 7:00 p.m. on January 20, 2015 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer