

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, JULY 15, 2014 AT 7:00 P.M.

Present: **Chair** *Mark Vandergeest*

Members *Douglas Hamilton*
 John Ferguson
 Emily Silk
 Ron Peters

Staff: *Secretary/Treasurer, Planner* *Katie Mandeville*
 GIS Technician *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 # 14-16

MOVED by Emily Silk and SECONDED by John Ferguson

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on June 17, 2014 be adopted as printed and distributed.

CARRIED

D. NEW APPLICATIONS

1. Minor Variance Application No.: **A-16-14**
Applicant: **Allan & Lori Oliver**
Roll Number: **4351 050 003 47701 0000**
Municipal Address: **1894 Henry's Landing**

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

Proposal:

É The 1.12 acre property is located at 1894 Henrys Landing and is currently occupied by a dwelling.

- É The applicant would like to reconstruct a portion of the dwelling which was damaged this past winter. As part of the reconstruction the applicants would like to make this part of their home, a two-storey structure with a garage on the first level rather than the existing single storey.
- É The following variance is requested in order to permit the reconstruction and enlargement of a portion of the dwelling located 5.6 metres from the municipal road allowance:
1. A variance to permit a front yard setback of 4.3 metres (14.25 ft.) to a covered deck and 5.6 metres (18.5 ft.) to the main dwelling wall whereas Zoning By-law 2010-65 states that the minimum front yard setback is 7.5 metres (24.6 ft.).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-025:

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 to answer questions.

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.

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 were in agreement with them. The applicant confirmed this. The Chair then called for a vote on the application.

**DECISION – APPROVE
Variance Application A-16-14 (Oliver)**

THE PURPOSE and EFFECT of the variance 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 4.3 metres (14.25 ft.) to a covered deck and 5.6 metres (18.5 ft.) to the main dwelling wall whereas Zoning By-law 2010-65 states that the minimum front yard setback is 7.5 metres (24.6 ft.).

The variance is needed in order to permit the reconstruction and enlargement of a portion of the dwelling located 5.6 metres from the municipal road allowance.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of July, 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.

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-17-14**
Applicant: **Chris Mercer**
Roll Number: **4351 010 001 11700 0000**
Municipal Address: **1362 Thorburn Road**

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

Proposal:

- É 1.118 acre property is located at 1362 Thorburn Road and is currently occupied by a dwelling and three accessory structures.
- É The applicant would like to construct a new accessory structure being a pre-fab steel building as replacement for one that was damaged by the snow this past winter.
- É The following variance is requested in order to permit the construction of the new accessory structure:
 1. A variance to permit an accessory structure with a size of 185 square metres (2,000 square feet) and 115% of the gross floor area of the home whereas Zoning By-law 2010-65 states that the maximum size of an accessory building within a residential zone should not exceed the lesser of 75% of the gross floor area of the home or 110 square metres.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-026:

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 to answer questions and stated that he is willing to discuss the location of the septic with the building department.

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

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

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

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

**DECISION – APPROVE
Variance Application A-17-14 (Mercer)**

THE PURPOSE and EFFECT of the variance application is:

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

1. A variance to permit an accessory structure with a size of 185 square metres (2,000 square feet) and 115% of the gross floor area of the home whereas Zoning By-law 2010-65 states that the maximum size of an accessory building within a residential zone should not exceed the lesser of 75% of the gross floor area of the home or 110 square metres.

The following variance is needed in order to permit the construction of the new accessory structure.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of July, 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.

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-18-14**
Applicant: **Scott Campbell**
Agent: **Taylor Docks**
Roll Number: **4351 050 003 9800 0000**
Municipal Address: **2105 Deer Island**

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

Proposal:

- É The 2 acre property is located at 2105 Deer Island and is currently occupied by a dwelling and numerous accessory structures.
- É The applicant would like to construct a balcony on the existing 2nd storey of a non-complying and non-conforming in-water boathouse that predates zoning controls in the Township.
- É The following variance is requested in order to permit the construction of the balcony:
 1. A variance to permit a 5.1 square metres (55 square feet) balcony onto the 2nd storey of an in-water boathouse, whereas under Zoning By-law 2010-65 an accessory structure is not permitted to be used for human habitation or to be greater than one storey. The expansion of non-conforming or non-complying structures requires the approval of a minor variance under By-law 2010-65.

Agency Comments:

None

Public Correspondence:

One letter of correspondence was received from Debbie Jones who was not able to attend the hearing but wanted to write in support of the application.

Staff Report D14-027:

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 and applicant were not present.

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

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

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

- É Member Peters conveyed that he supported the idea to defer the application pending comments from the Trent Severn Waterway.
- É Member Ferguson inquired about approval from the Trent Severn Waterway if any onus would fall back on the Township once the variance was either approved or denied.
- É The Planner stated that TSW has the ultimate authority and that the Township cannot issue a building permit until such time as the TSW approves the construction.
- É Member Hamilton inquired as to who approved the construction that was currently being done.
- É The Planner advised the Committee that the current renovations had a TSW permit and a Township issued building permit.

As there was no further discussion and the Committee had expressed a desire to adjourn the application the Chair called for a vote on the motion.

The following motion was adopted:

Motion # 14-17

MOVED by John Ferguson and SECONDED by Ron Peters

THAT Application No. A-18-14 (Campbell) be adjourned to a future Committee of Adjustment meeting, pending comments from the TSW.

CARRIED

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|---|-----------------------------------|
| 4. Minor Variance Application No.: | A-19-14 |
| Applicant: | Robert Scale |
| Agent: | Larry and Jennifer Verdonk |
| Roll Number: | 4351 050 002 44300 0000 |
| Municipal Address: | 4020 Delta Road |

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

Proposal:

- É The 0.88 acre property is located at 4020 Delta Road and contains a dwelling with associated accessory structures.
- É The property is approximately 3,575 square metres (0.88 acres) in size with 30 metres (100 ft.) of frontage on the Severn River.

- É The owner has been granted provisional approval for consent application B-09-14 to sever a portion of the property with no frontage on the Severn River and area of approximately 1,175 square metres (0.29 acres) to be added to the adjacent property at 8503 Severn River.
- É The retained lands containing the existing dwelling and accessory structures would have a frontage of approximately 30 metres on the Severn River and area of approximately 2,400 square metres (0.59 acres).
- É A condition of the provisionally approved application is to obtain a minor variance to reflect the decrease in lot area of the retained lands, from 0.88 acres to 0.59 acres. The following variance is requested in order to fulfill a condition of provisionally approved consent application B-09-14:
 1. A variance to permit a minimum lot area 2,400 square metres (0.59 acres), whereas Zoning By-law 2010-65 states the minimum lot area required under the Shoreline Residential Three (SR3) Zone is 4,000 square metres (one acre).

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-028:

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 and applicant were not present to answer questions. The Secretary/Treasurer advised that the agent stated she would not be in attendance but did agree to the recommended conditions.

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 then called for a vote on the application.

**DECISION – APPROVE
Variance Application A-19-14 (Scale)**

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 lot area 2,400 square metres (0.59 acres), whereas

Zoning By-law 2010-65 states the minimum lot area required under the Shoreline Residential Three (SR3) Zone is 4,000 square metres (one acre).

The following variance is requested in order to fulfil a condition of provisionally approved consent application B-09-14.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of July, 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.

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

CARRIED

5. Consent Application No.:	B-12-14
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(s) and the correspondence received, as follows:

Proposal:

- É The subject property is legally described as Part of Lot 22, Concession 14, municipally known as 1251 Dunns Line.
- É 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).
- É The applicant is 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.
- É 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).

Agency Comments:

None

Public Correspondence:

The Secretary/Treasurer summarized a letter received from the County of Simcoe which had previously been circulated to all Committee members as well as the applicant.

Staff Report D14-029:

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 to answer questions. The applicant confirmed that the consent is not for farm consolidation, rather a downsizing to a 15 acre farm so he can get into horses and live in the country. The applicant stated that the property previously housed an elk farm near the rear of the property. The lands are not adequately farmed due to poor drainage, trees and stumps from the past farm use. The applicant wants to farm 15 acres himself in the future.

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

- Jamie Tofflemire, 1449 Upper Big Chute Road asked “what is the difference between this application and the one approved a year ago.”*
- The Planner, though the Committee advised that the previous farm consolidation that occurred on 1449 Upper Big Chute Road was different because the retained lands from the severance only included enough land to contain the dwelling, buildings and septic systems as per the provincial policy direction.*
- Mr. Tofflemire asked if there could be site visit arranged with the County staff to explain the reasoning behind the consent application.*

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

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

- Member Ferguson stated that 1251 Dunns line is within the Medonte Drain area and stated his support for a farm consolidation but would like to see a smaller parcel and would therefore be in favour of a deferral.*
- Mr. Tofflemire acknowledged that he had prior knowledge of the drainage area.*
- Member Peters expressed his support for a deferral.*
- The Chair stated that he supports extending the farming operation to the full amount of farm land, leaving just the buildings and would be in favour of deferring the application to avoid the OMB.*

As there was no further discussion and the Committee had expressed a desire to adjourn the application the Chair called for a vote on the motion.

The following motion was adopted:

Motion # 14-18

MOVED by Emily Silk and SECONDED by Ron Peters

THAT Application No. B-12-14 (Kenning) be adjourned to a future Committee of Adjustment meeting, pending further comments from the County of Simcoe and results from a site meeting as requested by the applicant.

CARRIED

6. Consent Application No.:	B-13-14
Applicant:	William Darker
Agent:	HGR Graham Partners, C. Firth
Roll Number:	4351 010 008 89400 0000
Municipal Address:	1132 Grandview Lodge Road

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 130 metres (426.5 ft.) on Sparrow Lake and an area of approximately 13.5 ha (33.4 acres).
- É The applicant is requesting consent to create a right-of-way over a portion of the property identified as Part 3 on Plan 51-15706, the private road of Otto Roehl Lane in order to create vehicular access to the newly created residential lot from application B-05/06-12 (Darker).
- É As part of the associated applications to sever the (neighbouring) Darker property, approval was obtained (B-08-12) for the creation of a right-of-way over Otto Roehl Lane. Unfortunately that application was inadvertently brought forward under the name of the benefiting property rather than the owner of the lands the private laneway travels across. This did not become apparent until the survey was submitted to the Municipality and the related deed could not be stamped for registration.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-030:

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 and applicant were both present to answer questions.

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 and applicant were asked if they were aware of the proposed conditions and were in agreement with them. The agent confirmed this. The Chair then called for a vote on the application.

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

THE PURPOSE and EFFECT of the application is:

Consent to create a right-of-way over a portion of the property identified as Part 3 on Plan 51-15706, the private road of Otto Roehl Lane in order to create vehicular access to the newly created residential lot from application B-05/06-12 (Darker).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of July, 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 if one does not exist 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 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.
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 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 documents on behalf of the Committee giving effect to this Decision.

CARRIED

E. REPORTS FROM OFFICIALS

NONE

F. CORRESPONDENCE

1. Letter from HGR Graham Partners, C. Firth re: B-13-14 fee

The Secretary/Treasurer advised the Committee that the author of the correspondence was present should the Committee have any questions.

The Chair asked if the Committee had any comments regarding the correspondence:

É Member Ferguson stated that fees to be collected should be a council issue.

É The Chair stated he would not be in favour for reduced fees because the applicant submitted the application and the onus is on the applicant to provide the correct information. The application lapsed so this is a new application.

É Members Peters, Hamilton and Silk all stated their support for reducing the fee as it was a shared responsibility.

The following motion was adopted:

Motion # 14-19

MOVED by Ronald Peters and SECONDED by Emily Silk

THAT the Committee of adjustment endorse a reduced fee of \$500 for application B-13-14 due to shared responsibility for the error with the original application.

CARRIED

G. OTHER BUSINESS

NONE

H. ADJOURNMENT

The following motion was adopted:

Motion # 14-20

MOVED by Douglas Hamilton and SECONDED by Ronald Peters

THAT the Committee of Adjustment meeting be adjourned at 8:00 p.m. on July 15, 2014. The Committee will reconvene at 7:00 p.m. on August 19, 2014 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer