

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, May 20, 2014 AT 7:00 P.M.

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Present: Chair Mark Vandergeest

Members John Ferguson  
Emily Silk  
Ron Peters

Staff: Director of Planning Andrew Fyfe  
Secretary/Treasurer, Planner Katie Mandeville

**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 # 14-09

MOVED by John Ferguson and SECONDED by Emily Silk

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on April 15, 2014 be adopted as printed and distributed.

CARRIED

**D. ADJOURNED APPLICATIONS**

1. **Minor Variance Application No.:** A-03-14  
**Applicant:** Lisa McKinzey  
**Agent:** Cary Farelli  
**Roll Number:** 4351 010 006 22100 0000  
**Municipal Address:** 3929 Menoke Beach Road

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

**Proposal:**

- É The approximate 0.254 acre property is located at 3929 Menoke Beach Road and currently contains a detached dwelling and two accessory structures.

- É The owner wishes to demolish the two existing accessory structures which are located 3.2 metres (10.4 feet) from the road allowance at the closest point and build one new accessory structure. The property currently has a lot coverage of 22% and an accessory lot coverage of 9%.
- É The following variances are requested in order to permit the construction of the new 111.1 metres square (1,196 square feet) garage:
  1. A variance to permit a maximum lot coverage of 28%, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states that the maximum lot coverage shall be 15%.
  2. A variance to permit accessory structure lot coverage of 15%, whereas Zoning By-law 2010-65, Section 3.2.8 states the maximum accessory lot coverage shall be 5%.
  3. A variance to permit a maximum accessory building size of 111.1 metres (1,196 square feet), whereas Zoning By-law 2010-65 states the maximum accessory building size to be the lesser of 75% of the home's GFA (101 metres square) or 110 metres square.
  4. A variance to permit a rear yard setback of 4.5 metres (15 feet), whereas Zoning By-law 2010 states the minimum rear yard setback of an accessory structure to be 7.5 metres.
- É The application was deferred following the public meeting on March 18, 2014 due to uncertainty over the location of the existing septic system.
- É The Building Department has now provided the following comment regarding clearances from the existing septic to the proposed garage:
- É The Township building inspector inspected the exposed bed on April 25, 2014 and observed that the proposed garage is to be located approximately 10 metres from the last clay tile run. This clearance exceeds the minimum required under the Ontario Building Code.

**Staff Report D14-012:**

*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 and agent were not present to answer questions. The Secretary-Treasurer advised the Committee that both the agent and applicant were working out of town but were aware of the comments received in the staff report and the proposed conditions.*

*The Chair advised that a public meeting was already held on this application.*

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

*The Chair then called for a vote on the application.*

**DECISION – APPROVE  
Variance Application A-03-14 (McKinzey)**

**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 maximum lot coverage of 28%, whereas Zoning By-law 2010-65, Section 6, Table 6.2 states that the maximum lot coverage shall be 15%.
2. A variance to permit accessory structure lot coverage of 15%, whereas Zoning By-law 2010-65, Section 3.2.8 states the maximum accessory lot coverage shall be 5%.
3. A variance to permit a maximum accessory building size of 111.1 metres (1,196 square feet), whereas Zoning By-law 2010-65 states the maximum accessory building size to be the lesser of 75% of the home's GFA (101 metres square) or 110 metres square.
4. A variance to permit a rear yard setback of 4.5 metres (15 feet), whereas Zoning By-law 2010 states the minimum rear yard setback of an accessory structure to be 7.5 metres.

The owners wish to construct a new 111.1 metres square (1,196 sq. ft.) garage.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of May, 2014:**

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.
2. That the applicants verify the required clearances from the existing septic system to the proposed garage location prior to the issuance of a building permit.
3. That the existing vegetation on the property shall be preserved and enhanced as much as possible.
4. That the construction is in substantial compliance with the plans and drawings submitted with the Application.

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

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

**CARRIED**

<b>2. Minor Variance Application No.:</b>	<b>A-06-14</b>
<b>Applicant:</b>	<b>Darren Weeks</b>
<b>Roll Number:</b>	<b>4351 050 006 63000 0000</b>
<b>Municipal Address:</b>	<b>2636 Janes Lane</b>

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

**Proposal:**

- É The approximately 10 acre property is occupied by a dwelling and two accessory buildings.
- É The applicant would like to build a new large accessory structure to accommodate his vehicles, boats and equipment used privately for tree and road maintenance.
- É The following variances are requested in order to permit the construction of the new storage building / accessory structure:
  1. A variance to permit a height of 6.62 metres, whereas Zoning By-law 2010-65, Section 3.2.6 states the maximum accessory structure height is 5 metres.
  2. A variance to permit a maximum accessory building size of 232.3 square metres (2500 square feet), whereas Zoning By-law 2010-65 states the maximum accessory building size to be the lesser of 75% of the home's GFA (78 sq. m.) or 110 metres square.

*The Planner stated that this is an adjourned application which was adjourned to wait for better weather conditions for the Committee members to access the property through the private road. A staff report was not prepared for this meeting.*

*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 advised that the application was adjourned following the public meeting.*

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

- É *Member Peters stated that he didn't believe this proposal would be an eye sore as he visited the site and therefore will now be supporting the application.*
- É *Member Ferguson stated that he would be supporting the application based on the fact that the owner's things will be in the garage, enforced by the Township's clean and clear by-law.*
- É *The applicant questioned the timing of variances as he is considering applying for another in the future for his home.*
- É *The Chair advised that the application timing depends on weather and ability to travel on private roads.*

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

**DECISION – APPROVE**  
**Variance Application A-06-14 (Weeks)**

**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 height of 6.62 metres, whereas Zoning By-law 2010-65, Section 3.2.6 states the maximum accessory structure height is 5 metres.

2. A variance to permit a maximum accessory building size of 232.3 square metres (2500 square feet), whereas Zoning By-law 2010-65 states the maximum accessory building size to be the lesser of 75% of the home's GFA (78 sq. m.) or 110 metres square.

The owner wishes to construct a new accessory structure / storage building.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of May, 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**

## **E. NEW APPLICATIONS**

1. **Minor Variance Application No.:** *A-07-14*  
**Applicant:** *Sherry Snider*  
**Agent:** *Crew Docks*  
**Roll Number:** *4351 040 009 44901 0000*  
**Municipal Address:** *2512 Baguley Road*

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

### **Proposal:**

- É The approximately 0.82 acre property is occupied by a dwelling.
- É The applicant would like to construct a new access ramp in order to achieve adequate water depth for a new boatport accessory structure.
- É The following variances are requested in order to permit the construction of the new access ramp for the new boatport:
  1. A variance to permit an access ramp to be 16.2 metres (53 feet) long whereas

Zoning By-law 2010-65, Section 3.2.12.5 states the boatport shall fit within a 8.0 m by 10.0 m rectangular area or envelope adjacent to the shore.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-013:**

*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 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:*

- É Member Peters asked the agent if the building department had been present to inspect prior to the decking added.*
- É The agent advised that they had not.*
- É The Chair stated that as a general comment an application in the future may not be approved and it is therefore risky to proceed with construction without the approvals.*
- É Member Peters stated that this type of applications puts the Committee and the Township in a bad position.*
- É Member Peters further expressed the rationale for why Committee may defer or ask that applications pertaining to the waterfront are not dealt with in the winter as the Committee members cannot see the shoreline or sightlines.*

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

**DECISION – APPROVE  
Variance Application A-07-14 (Snider)**

**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 access ramp to be 16.2 metres (53 feet) long whereas Zoning By-law 2010-65, Section 3.2.12.5 states the boatport shall fit within a 8.0 m

by 10.0 m rectangular area or envelope adjacent to the shore.

The owner wishes to construct a new access ramp for a new boatport.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of May, 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**

<b>2. Minor Variance Application No.:</b>	<b>A-08-14</b>
<b>Applicant:</b>	<b>Patrick Fobert</b>
<b>Agent:</b>	<b>Crew Docks</b>
<b>Roll Number:</b>	<b>4351 040 009 47028</b>
<b>Municipal Address:</b>	<b>3930 Darling Island Road</b>

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

**Proposal:**

- É The approximately 1.3 acre property is currently vacant with the exception of a small accessory structure.
- É The applicant would like to construct a new access ramp in order to achieve adequate water depth for a new boatport accessory structure.
- 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 and boatport on a property that does not have a dwelling whereas Zoning By-law 2010-65, Section 3.2.4 states that no accessory building or structure shall be erected on any lot until the principle building has been erected.
  2. A variance to permit an access ramp to be 16.2 metres (53 feet) long whereas

Zoning By-law 2010-65, Section 3.2.12.5 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 D14-014:**

*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 to answer questions. The agent advised that a building permit for a main dwelling would be submitted within 2 years.*

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

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

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

- É Member Ferguson asked why the Township would allow an accessory structure before the main dwelling.*
- É The Director of Planning & Development stated that the accessory structure seems to have been there for some time and the recommended condition is included to prevent this from continuing.*
- É Member Ferguson inquired as to how the Township could get rid of the dock if a building permit for the dwelling is not submitted.*
- É The Director of Planning & Development stated that the Building department would issue an order or take legal action.*
- É The Chair stated that this is necessary for water depth as he noted while visiting the site.*
- É The Chair further stated that he spoke with the property owner while on site and the owner stated that they were going through the process to have a home built on the site.*
- É The Chair spoke to the agent and advised that the comments about the previous application applied to this application as well.*

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



**DECISION – APPROVE**  
**Variance Application A-08-14 (Fobert)**

**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 access ramp and boatport on a property that does not have a dwelling whereas Zoning By-law 2010-65, Section 3.2.4 states that no accessory building or structure shall be erected on any lot until the principle building has been erected.
2. A variance to permit an access ramp to be 9.1 metres (30 feet) long whereas Zoning By-law 2010-65, Section 3.2.12.5 states the boatport shall fit within an 8.0 m by 10.0 m rectangular area or envelope adjacent to the shore.

The owner wishes to construct a new access ramp for a new boatport.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of May, 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 a building permit for a principle dwelling on the property be issued within 2 years of the date of the decision of the Committee of Adjustment.
4. 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**

- |   |                                 |
|---|---------------------------------|
| <b>3. Minor Variance Application No.:</b> | <b>A-09-14</b>                  |
| <b>Applicant:</b>                         | <b>Conrad &amp; Donna Huber</b> |
| <b>Agent:</b>                             | <b>Total Living Concepts</b>    |
| <b>Roll Number:</b>                       | <b>4351 040 009 44905 0000</b>  |
| <b>Municipal Address:</b>                 | <b>2596 Baguley Road</b>        |

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

***Proposal:***

- É The approximately 0.84 acre property is currently occupied by a dwelling with an attached garage and decks.
- É The applicant would like to reconstruct the entire front deck and add a Muskoka room to replace part of the existing deck.
- É The following variance is requested in order to permit the construction of the new Muskoka room:
  1. A variance to permit a new Muskoka room approximately 16 metres from the water replacing a portion of an existing deck (with a setback of approximately 17 metres) whereas Zoning By-law 2010-65 states that all buildings and structures shall be setback a minimum of 20.0 metres from any navigable watercourse

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-015:**

*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 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:*

- É *Member Silk stated that she would be supporting this application as it is minor in nature and maintaining an existing footprint.*
- É *The Chair also stated he was in favour of the application.*

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

**DECISION – APPROVE  
Variance Application A-08-14 (Fobert)**

**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 new Muskoka room approximately 16 metres from the water replacing a portion of an existing deck (with a setback of approximately 17 metres) whereas Zoning By-law 2010-65 states that all buildings and structures shall be setback a minimum of 20.0 metres from any navigable watercourse.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of May, 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**

4. **Minor Variance Application No.:** **A-10-14**  
**Applicant:** **Allan Hewett**  
**Roll Number:** **4351 050 003 50700 0000**  
**Municipal Address:** **1893 Island Road**

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

**Proposal:**

- É The approximately 1.19 acre property is currently occupied by a dwelling and three small accessory structures.
- É The applicant would like to construct a sleeping cabin with an attached covered deck
- É The following variance is requested in order to permit the construction of the new sleeping cabin:
  1. A variance to permit a front yard setback of 6.7 metres (22 feet) to a covered deck and 10.4 metres (34 feet) to the sleeping cabin whereas Zoning By-law 2010-65 states that the front yard setback for the Shoreline Residential Three (SR3) zone to be 20 metres (66 feet).

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-016:**

*The Director of Planning & Development provided a brief summary of the staff report. The Director stated that the Planning department believes the requested variance should be minimized as a greater setback is possible.*

*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 stated that the terrain would make the deck significantly elevated if the location was moved. He further stated that the septic bed should be located away from the lake and that the by-law keeps separation from existing neighbours. The applicant stated that he would be retaining the vegetation between the proposed cabin and shore as well as neighbouring property.*

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

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

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

- É The Chair inquired as to the under construction structure on the property.*
- É The applicant advised that the structure was like that when they purchased the property and asked for the clarification between the structure and the proposed variance.*
- É The Chair stated that in reviewing an application the Committee and staff review the entire property.*
- É The Director of Planning & Development stated that the structure looked reasonably recent and that if there was an intent to build a garage or something this would need to be looked at in terms of lot coverage, number of buildings and other relevant by-law provisions.*
- É Member Ferguson stated that he would be in favour of a deferral.*
- É The Director of Planning & Development stated that based on the site, planning staff are not convinced of the need for this location. Further information regarding the septic location in relation to the cabin and a possible follow up site visit with the applicants may be necessary.*
- É Member Ferguson further stated he would recommend that the applicant have further discussions with staff.*
- É Member Silk stated she was in favour of a deferral so a better location could be looked at for the sleeping cabin.*
- É Member Peters stated that he would like to see a better site plan or existing survey of the property used that included good dimensions to the property limits.*
- É The Chair expressed his support for a deferral as he walked to the proposed*

- location and noticed that there may be better suited areas for the structure.*
- É *The Chair also asked that building department staff look at the half built structure to determine what this is and if it leads to another variance.*
- É *The Director of Planning & Development stated that if there is an intent to further the structure that it should be confirmed to be structurally sound.*

*The Chair called for a vote on a motion to adjourn the application.*

*The following motion was adopted:*

*Motion # 14-10*

*MOVED by John Ferguson and SECONDED by Emily Silk*

*THAT Application No. A-10-14 be adjourned to a future Committee of Adjustment meeting, pending further discussions with planning staff, a better site plan and to work with the building and planning staff to determine driveway area structure, location of a tile file (future) and different cabin location possibilities.*

*CARRIED*

- 5. Minor Variance Application No.: A-11-14**  
**Applicant: Heather Metcalfe**  
**Roll Number: 4351 040 007 08200 0000**  
**Municipal Address: 2961 Fesserton Sideroad**

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

**Proposal:**

- É *The property is approximately 13.05 ha (32.25 acres) in size with 30 metres (100 ft.) of frontage on Fesserton Sideroad. The property contains a dwelling with numerous accessory structures.*
- É *The owner has been granted provisional approval for consent application B-05-14 to sever a portion of the property with frontage of approximately 15 metres on Fesserton Sideroad and area of approximately 0.79 hectares (1.95 acres) to be added to the adjacent property at 2963 Fesserton Sideroad. The retained lands under B-05-14 would have a frontage of approximately 15 metres on Fesserton Sideroad and area of approximately 12.22 hectares (30.2 acres).*
- É *A condition of the provisionally approved application is to obtain a minor variance to reflect the decrease in lot frontage of the retained lands, from 30 metres to 15 metres.*
- É *The following variance is requested in order to fulfill a condition of provisionally approved consent application B-05-14:*
  1. *A variance to permit a minimum lot frontage of 15 metres whereas Zoning By-law 2010-65 states that the minimum lot frontage required under the Rural (RU) Zone is 60 metres.*

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-017:**

*The Director of Planning & Development 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 not present to answer questions.*

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

*É Geoffrey Klassen, 2963 Fesserton Sideroad addressed the Committee and stated that this issue is a civil matter which is not resolved and he would like the application to be deferred.*

*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 Director of Planning & Development stated that the Planning Act requirements had been fulfilled and that the Committee may decide on the application however due to this property owner receiving the lot addition he would recommend Committee defer the application.*

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

*É Member Peters stated he was in favour of a deferral.*

*The Chair called for a vote on a motion to adjourn the application.*

*The following motion was adopted:*

*Motion # 14-11*

*MOVED by Ronald Peters and SECONDED by Emily Silk*

*THAT Application No. A-11-14 be adjourned to a future Committee of Adjustment meeting, pending further information / clarification on the lot adjustment.*

*CARRIED*

**6. Consent Application No.:**

**Applicant:**

**Agents:**

**Roll Number:**

**B-06-14**

**Silver Spring View Estates**

**Dan Kirby, Kirby Law & Josh Morgan,**

**Morgan Planning**

**4351 010 010 30701 0000**

**Municipal Address:** 4493 Fairgrounds Road  
**Consent Application No.:** B-07-14  
**Applicant:** Silver Spring View Estates  
**Agents:** Dan Kirby, Kirby Law & Josh Morgan,  
Morgan Planning  
**Roll Number:** 4351 010 010 30700 0000  
**Municipal Address:** 4511 Fairgrounds Road

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

**Agency Comments:**

A letter from the County of Simcoe dated May 20, 2014 was read in full and distributed prior to the meeting to Committee members and the applicant's agents. The letter indicated the County of Simcoe would like the applications deferred to a future Committee of Adjustment meeting.

**Public Correspondence:**

None

*The Director of Planning & Development outlined the application, as follows:*

**Proposal:**

- É The subject land consists of three "parcels", being Part Lot 4, Concession 3, geographic Township of South Orillia.
- É Two parcels front on Fairgrounds Road (#4493 & #4511), each having an area of 10.5 hectares (26 acres) and 151 metres (495 feet) of frontage. The third parcel is #4436 Uthoff Line and has a frontage of 302 metres (990 feet) and a lot area of approximately 21 ha (52 acres) in size. There are dwellings located at 4511 Fairgrounds Road and 4436 Uthoff Line; 4493 Fairgrounds Road is currently vacant.
- É The current owner acquired the properties as three separate parcels in 1988. Subsequently, the Land Registry combined them into one parcel as they were abutting parcels in common ownership. This occurred notwithstanding the presence of dwellings on two of the parcels, their historical status as individual lots, and the creation of the parcel at 4493 Fairgrounds by Consent in 1975.

**Staff Report D14-018:**

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

*The Director of Planning & Development also commented on the County of Simcoe's correspondence and provided background with regard to technical severances and if development was being created.*

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant's agents were present to answer questions. Dan Kirby addressed the Committee and provided some background on the files. The applicant was also present and spoke of the plans for the retained lands on Uthoff Line which will be to clean up the site and transfer the property to a family member.*

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

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

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

- É The Chair expressed support for the deferral pending further comments from the County.*
- É Member Ferguson stated that he was not in favour of a deferral as he does not believe this would result in the application changing.*
- É Member Peters expressed his agreement with Member Ferguson, believes that the applications can be dealt with this evening.*
- É Member Silk stated she was uncertain that the County comments would result in further information.*
- É Josh Morgan advised that no new development will be permitted as there are no new building lots being created. As a planner he understands the reservations of creating a new parcel within the Rural and Agricultural.*
- É Mr. Morgan further requested that B-06-14 be dealt with as once a consent, always a consent, if there is Committee hesitation on approving both applications.*
- É The Chair advised that he is in support of a deferral for further County comments.*

*As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decisions. The agents 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 B-06-14.*

**DECISION – APPROVE**  
**Consent Application B-06-14 (Silver Spring View Estates)**

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

Consent to sever a portion of the property with frontage of approximately 151 metres on Fairgrounds Road and area of approximately 10 Hectares which has merged on title with 4436 Uthoff Line and 4511 Fairgrounds Road since the original consent was granted in 1975.

The retained lands, 4436 Uthoff Line, would have a frontage of approximately 296 metres on Uthoff Line and area of approximately 17 hectares. If concurrent application B-07-14 is not approved for 4511 Fairgrounds Road the retained lands would have a frontage of approximately 296 metres on Uthoff Line and 154 metres on Fairgrounds Road and area of approximately 28 hectares.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20<sup>th</sup> day of May, 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. If a reference plan exists of the severed parcel a copy may be deposited with the Secretary/Treasurer.
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.

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**

*The Chair called for a vote on a motion to adjourn the application B-07-14.*

*The following motion was adopted:*

*Motion # 14-12*

*MOVED by Emily Silk and SECONDED by Ronald Peters*

*THAT Application No. B-07-14 be adjourned to a future Committee of Adjustment meeting, pending further comments from the County of Simcoe planning staff.*

**CARRIED**

**E. REPORTS FROM OFFICIALS**

*NONE*

**F. CORRESPONDENCE**

*NONE*

**G. OTHER BUSINESS**

*NONE*

## H. ADJOURNMENT

*The following motion was adopted:*

*Motion # 14-08*

*MOVED by Emily Silk and SECONDED by Mark Vandergeest*

*THAT the Committee of Adjustment meeting be adjourned at 8:50 p.m. on May 20, 2014. The Committee will reconvene at 7:00 p.m. on June 17, 2014 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.*

***CARRIED***

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*Katie Mandeville, Secretary/Treasurer*