

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

Present: Chair Mark Vandergeest

Members Douglas Hamilton
John Ferguson
Emily Silk
Ronald Peters

Staff: 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 # 14-25

MOVED by John Ferguson and SECONDED by Emily Silk

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on August 19, 2014 be adopted as printed and distributed.

CARRIED

D. **ADJOURNED APPLICATIONS**

1. 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).*
- É *This application was adjourned at the July 15, 2014 Committee of Adjustment meeting by Motion No.: COA 14-18 "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".*
- É *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.*
- É *Staff believe a revised 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.*
- É *This application was adjourned for a second time at the August 19, 2014 Committee of Adjustment meeting by Motion No.: COA 14-22 "THAT Application No. B-12-14 (Kenning) be adjourned to a future Committee of Adjustment meeting pending the applicant creating a revised lot line fabric with altered setbacks from the existing accessory structures to the County staff for comment."*
- É *A letter of correspondence was received last evening (Monday, September 16th, 2014) from the applicant requesting the application be adjourned to a future Committee of Adjustment.*

Agency Comments:

An email from Tiffany Thomson, Planner at the County of Simcoe was received (as well as sent to the applicant) and summarized as follows for the Committee: Our comments would still remain the same in asking for a reduced lot area of approximately 2 ha.

Public Correspondence:

None

Staff Report:

The Planner stated that staff did not prepare a report as the application and information from the previous staff report D14-031 had not changed.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - applicant was not present.

The Chair advised that the application was previously adjourned following the mandatory public meeting under the Planning Act and therefore a public meeting was not necessary.

The Chair asked if the Committee had any comments on this application or if there was

an appetite to defer the application as per the applicant's request.

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

The following motion was adopted:

Motion # 14-26

MOVED by Ronald Peters and SECONDED by Douglas Hamilton

THAT Application No. B-12-14 (Kenning) be adjourned to a future Committee of Adjustment meeting, pending additional information from the owner, as per the owner's request submitted September 15th, 2014.

CARRIED

2. Consent Application No.:	B-17-14
Applicant:	Kory Myers & Crystal Watson
Agent:	Robert Watson
Roll Number:	4351 020 0008 15200 0000
Municipal Address:	1591 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, West Part Lot 19 & 20, Concession 14, geographic Township of Medonte, now in the Township of Severn, municipally known as 1591 Dunns Line.
- É The subject lands have frontage of approximately 192m (631 ft.) and an area of approximately 14.2 ha (35 acres).
- É The applicant is requesting consent to sever a portion of the property for a new residential lot having frontage of approximately 91.5m (300 ft.) on Dunns Line and area of approximately 0.8 ha (2 acres).
- É The retained lands would have an area of approximately 13.4 ha (33 acres) and frontage of approximately 100.5 m (331 ft.).
- É The “parent lands”, 1607 Dunns Line (a portion of the proposed severed lands) was previously merged on title with 1591 Dunns Line (the subject lands).
- É This application was adjourned at the August 19, 2014 Committee of Adjustment meeting by Motion No.: COA 14-23 “THAT Application No. B-17-14 (Watson) be adjourned to a future Committee of Adjustment meeting pending further information on the application”.
- É County and Township staff have discussed the policies and received further information from the applicant which satisfy the Provincial, County and Township planning policies.

Agency Comments:

An email from Tiffany Thomson, Planner at the County of Simcoe was summarized for the Committee as follows:

With the subject lands referred to as farm lands, the creation of the proposed lot would not offend the County’s strip development policy. Therefore the County does not object to the approval of the severance application conditional upon the proposed lot maintain a minimum lot area of 1 hectare as per the County’s rural policies. The County would also encourage the Committee to impose a condition to merge the roll numbers and PINs to provide clarity of ownership of the subject lands for future conveyances.

Public Correspondence:

None

Staff Report D14-041:

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, Robert Watson was present to answer questions.

The Chair advised that the application was previously adjourned following the mandatory public meeting under the Planning Act and therefore a public meeting was not necessary.

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

- É The Chair stated that the cash in lieu of parkland condition should be waved as this could have been submitted as a technical severance and the Committee has not imposed parkland on technical severances in the past.*
- É Member Ferguson stated that he would like staff’s opinion on the condition.*
- É The Secretary/Treasurer advised that the Chair is correct, this has been the Committee’s standard practice and staff likely recommended the condition in error.*
- É The Chair asked the Secretary/Treasurer to remove the condition from the decision.*

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.

<p>DECISION – APPROVED Consent Application B-17-14 (Watson)</p>
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THE PURPOSE and EFFECT of the application is:

Consent to sever lands with a frontage of approximately 91.5 metres (300 ft.) on Dunns Line and area of approximately 0.8 hectares (2 acres) to create a new residential lot.

The retained lands containing the existing home will have an area of approximately 13.4 hectares (33 acres) and frontage of approximately 100.5 metres (331 ft.) on Dunns Line.

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

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the severed lands shall be rezoned to the Rural Residential (RR) Zone, at the owners expense, in order to recognize the reduced lot area, frontage and intended use of the 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. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
3. A copy of the electronic registration %a 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 Committees 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. Minor Variance Application No.: | A-24-14 |
| Applicant: | Graham Banks |
| Roll Number: | 4351 050 003 91200 0000 |
| Municipal Address: | 3772 East Shore Road
(formerly 2821 Gloucester Pool) |

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

Proposal:

- É The 1.6 acre property located at 3772 East Shore Road (formerly 2821 Gloucester Pool) in the geographic Township of Matchedash is currently occupied by an existing single detached dwelling, septic and boathouse.
- É The intent is that the existing home will be replaced with a larger dwelling and in addition to a detached garage and sleeping cabin.
- É The owner wishes to construct a new dwelling on the property utilizing the existing dwelling footprint. The existing dwelling is located approximately 9 m (29.5 ft.) from the water.
- É The owner is also proposing a garage that will be built into the side of a steep hill leading down to the water, the garage will essentially have a walkout basement which will require the owners to obtain a height variance for the front (water) side of the building. The upper storey would be used to accommodate vehicles and lower level for snowmobiles and recreational equipment common in the rural/waterfront area.
- É The following variances are requested in order to permit the construction of the new dwelling and detached garage:
 1. A variance to permit a Minimum Front Yard setback of 9 metres (29.5 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 metres (66 ft.) for the SR3 Zone.
 2. A variance to permit an accessory structure height of 8.1 metres (26.6 ft.) for a detached garage whereas Zoning By-law 2010-65, Section 3.2.6 restricts the height to a maximum of 5 metres.

Agency Comments:

None

Public Correspondence:

Letters written in support of the application were received and read in full for the Committee from:

- É Ms. Anne Rogers, 2833 Gloucester Pool
- É Mr. Philip More, 2809 Gloucester Pool
- É Ms. Carrie Rickert, 3675 East Burrows Bay Road

Staff Report D14-042:

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 added that he had purchased the property in 1990 and has been taking a long time planning the redevelopment of the property as he is looking to retire here. Mr. Banks stated that he is committed to the property and making everything look great; he provided some further details regarding the garage placement on the steep slope and the more distant timeline for the proposed dwelling. Mr. Banks stated that he was open to the Committee's comments regarding the application.

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

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

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

- É Member Peters inquired as to how there were dimensions on the site plan for a dwelling when it sounds as if the applicant has not decided on the exact dwelling.*
- É The applicant stated that he replaced the septic a few years ago and sized it for a 2,400 square foot dwelling so he is not looking for anything larger.*
- É Member Peters stated that the driveway is quite steep and recommended that the applicant keep that in mind the fire department's comments and consider them while redeveloping the property.*
- É The applicant stated that although he is sure the fire department is excellent at their job he would not imagine the arrival time could save the dwelling and is far more concerned about the potential for a bush fire and losing the trees.*

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-24-14 (Banks)

THE PURPOSE and EFFECT of the application is:

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

1. AA variance to permit a Minimum Front Yard setback of 9 metres (29.5 ft.) to the main dwelling wall, whereas Zoning By-law 2010-65, Section 6, Table 6.2 establishes a Minimum Front Yard of 20 metres (66 ft.) for the SR3 Zone.
2. A variance to permit an accessory structure height of 8.1 metres (26.6 ft.) for a detached garage whereas Zoning By-law 2010-65, Section 3.2.6 restricts the height to a maximum of 5 metres.

The variances are needed in order to permit the construction of a new dwelling and a new accessory structure.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of September, 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. **Minor Variance Application No.:** A-25-14
Applicant: Mary Katherine & David Hughson
Roll Number: 4351 020 008 14701 0000
Municipal Address: 1438 Dunns Line

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

Proposal:

- É The 1.74 acre property located at 1438 Dunns Line in the geographic Township of Medonte is currently occupied by a dwelling and an accessory structure.
- É The applicant would like to construct a new accessory structure shop/garage.
- É The following variances are requested in order to permit the construction of the new accessory structure:
 1. A variance to permit a maximum height of 7.3 metres (24 feet.) for a garage whereas Zoning By-law 2010-65, Section 3.2.6 states that the maximum height of an accessory structure is 5 metres (16.4 feet).
 2. A variance to permit an accessory structure with a size of 152 square metres (1,640 square feet) 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 D14-043:

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:

- É The Chair inquired as to the purpose of the accessory structure.
- É The Applicant stated that he does mechanical repairs and the majority of his business is done at the owner's place there equipment is located.
- É The Chair asked planning staff if the applicant would require a rezoning to conduct a business out of the accessory structure.
- É The Planner advised the Committee that is he was using the structure for his personal use and parking his vehicles in the structure a rezoning is not required; to run a business a rezoning would be required.
- É The Chair stated that he believed 7m is high for a residential property and that this building is more of an agricultural size, it is particularly concerning given the proposed setback to the neighbour's home.
- É Member Ferguson stated that the applicant's neighbour is not present to voice an objection, however that could just be for today.
- É Member Peters inquired as to if the building needed to be that close to the property line.
- É The applicant stated that he has spoken to his neighbour and that their garage is adjacent to the lot line, rather than their house. The neighbour's only concern was that the wood furnace would be located on the opposite side to their home.
- É The applicant requested staff to show the pictures and site plan so that the applicant could more clearly identify the neighbour's 2 storey garage that is adjacent to the lot line and the lack of windows on the side of the neighbour's home.
- É Member Hamilton inquired as to why the height was needed.
- É The applicant stated that he wanted to have a hoist to lift vehicles.
- É The Chair inquired as to if there was an appetite to add conditions related to the person use of the proposed garage as well as a requirement that the applicant's obtain a demolition permit for the existing shed.
- É Committee agreed to add the conditions suggested by the Chair.

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-25-14 (Hughson)

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 height of 7.3 metres (24 feet.) for a garage whereas Zoning By-law 2010-65, Section 3.2.6 states that the maximum height of an accessory structure is 5 metres (16.4 feet).
2. A variance to permit an accessory structure with a size of 152 square metres (1,640 square feet) 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 a new accessory structure to replace an existing garage.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of September, 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 and drawings submitted with the Application.
4. That the proposed accessory structure be limited to personal use.
5. That the applicant obtain a permit to demolish and/or relocate the existing accessory structure.

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.	<i>Minor Variance Application No.:</i>	<i>A-26-14</i>
	<i>Applicant:</i>	<i>William Smith</i>
	<i>Roll Number:</i>	<i>4351 010 009 06600 0000</i>
	<i>Municipal Address:</i>	<i>4012 Canal Road</i>

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

Proposal:

- The 0.46 acre property is located at 4012 Canal Road in the geographic Township of North Orillia and is currently occupied by a single detached dwelling and two accessory buildings.

- The existing home is located 12.97 metres at the closest point to the Severn River.
- The owners are proposing to rebuild a small section of the home plus an addition of 15 square metres (162.75 sq. ft.).
- The following variance is requested in order to permit the construction of the new addition:
 1. A variance to permit a front yard setback of 11.18 metres (36.66 feet), whereas Zoning By-law 2010-65, states the front yard setback for the SR2 zone is 20 metres (66 feet).
 2. A variance to permit an interior (side) yard setback of 2.03 metres (6.58 feet) whereas Zoning By-law 2010-65 states the minimum interior yard for the SR2 zone is 3 metres (9.8 feet).
 3. A variance to permit a setback of 3 metres (9.8 feet) from the Environmental Protection (EP) Zone whereas Zoning By-law 2010-65 states that no building or structure shall be erected within 10.0 metres of an Environmental Protection (EP) Zone, outside of the Settlement Areas.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-044:

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 to answer questions and stated that he had spoken to his neighbours and they didn't feel it would impact them.

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

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 complimented the applicant on his beautiful property and landscaping.*

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

**DECISION – APPROVE
Variance Application A-26-14 (Smith)**

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 11.18 metres (36.66 feet), whereas Zoning By-law 2010-65, states the front yard setback for the SR2 zone is 20 metres (66 feet).
2. A variance to permit an interior (side) yard setback of 2.03 metres (6.58 feet) whereas Zoning By-law 2010-65 states the minimum interior yard for the SR2 zone is 3 metres (9.8 feet).
3. A variance to permit a setback of 3 metres (9.8 feet) from the Environmental Protection (EP) Zone whereas Zoning By-law 2010-65 states that no building or structure shall be erected within 10.0 metres of an Environmental Protection (EP) Zone, outside of the Settlement Areas.

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

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

E. REPORTS FROM OFFICIALS

NONE

F. CORRESPONDENCE

NONE

G. OTHER BUSINESS

NONE

H. ADJOURNMENT

The following motion was adopted:

Motion # 14-27

MOVED by Douglas Hamilton and SECONDED by Ronald Peters

THAT the Committee of Adjustment meeting be adjourned at 7:57 p.m. on September 16, 2014. The Committee will reconvene at 7:00 p.m. on October 21, 2014 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer