

Proposal:

- É The applicants own two adjacent properties and recently appeared before Committee of Adjustment for a lot addition application to transfer property from 4236 Canal Road which is currently vacant to 4226 Canal Road.
- É 4226 Canal Road is approximately 0.46 acres and contains an existing seasonal dwelling with a small accessory structure.
- É The following variance are requested in order to permit the construction of the new dwelling utilizing the existing setback on 4226 Canal Road:
 1. A variance to permit a front yard setback of 12.1 metres, whereas Zoning By-law 2010-65, Table 6.2 states the front yard setback is 20 metres for the Shoreline Residential Two Zone.
 2. A variance to permit a maximum lot coverage of 16% (298 sq. m.), whereas Zoning By-law 2010-65, Table 6.2 states the maximum lot coverage is 15% for a property with private services in the Shoreline Residential Two Zone.
- É 4236 Canal Road is currently vacant.
- É The property owners have also requested a variance for 4236 Canal Road as a condition of the provisionally approved consent application B-03-14 in order to recognize the deficient lot frontage and area of the retained lands; specifically:
 1. A variance to permit a minimum lot frontage of 47.9 metres and a minimum lot area of 0.52 acres, whereas Zoning By-law 2010-65 states the minimum lot frontage to be 60 metres and the minimum lot area to be 4000 metres square for a property within the Shoreline Residential Two Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-008:

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 not present to answer questions. The Secretary-Treasurer added that the applicants were present last meeting with Consent application B-03-14 and advised the Committee of their intention to apply for these variances.

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 Secretary/ Treasurer advised the

Committee of that there would be two decision documents to represent the two different properties. The Secretary/Treasurer also advised that the applicants were made aware of the two decisions and the recommended conditions. The Chair then called for a vote on the application.

**DECISION – APPROVE
Variance Application A-05-14 (McIntyre)**

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 frontage of 47.9 metres and a minimum lot area of 0.52 acres, whereas Zoning By-law 2010-65 states the minimum lot frontage to be 60 metres and the minimum lot area to be 4000 metres square for a property within the Shoreline Residential Two Zone.

This will satisfy a condition of provisionally approved application B-03-14 (lot addition) to recognize the deficient lot frontage and area of the retained lands.

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

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

**DECISION – APPROVE
Variance Application A-05-14 (McIntyre)**

THE PURPOSE and EFFECT of the variance application is:

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

1. A variance to permit a front yard setback of 12.1 metres, whereas Zoning By-law 2010-65, Table 6.2 states the front yard setback is 20 metres for the Shoreline Residential Two Zone.
2. A variance to permit a maximum lot coverage of 16% (298 sq. m.), whereas Zoning By-law 2010-65, Table 6.2 states the maximum lot coverage is 15% for a property with private services in the Shoreline Residential Two Zone.

The owners wish to construct a new dwelling utilizing the existing dwelling setback.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of April, 2014:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
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

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

The Secretary/Treasurer of the Committee of Adjustment outlined the application(s) and 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.

Agency Comments:

None

Public Correspondence:

The Secretary/Treasurer summarized two letters provided by the applicant stating that "I do not have any objections. I support Mr. Weeks in his efforts to improve his property".

The letters were from:

- É Kate Murkams, per: John Marusic, 2658 Janes Lane
- É Linda Hancick, 2524 Janes Lane

Staff Report D14-009:

The Director of Planning 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 had two written letters from two neighbours with no objections. He further stated that he wants the building to clean up his yard.

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 for clarification of the height of the building for the houseboat.*
- É *The applicant advised that he needs a 16 foot door, gives him and 18 foot ceiling height.*
- É *Member Ferguson inquired as to if the applicant had any intentions of storing anything other than his own personal items.*
- É *The applicant advised that he intends to only store his own items and maybe his neighbour's snowmobile.*
- É *The applicant further told Committee of his duties with the road association for Janes Lane in that he fills pot holes and does summer maintenance of the road.*
- É *Member Ferguson inquired as to if staff could ensure all of the equipment would be stored under one roof, if this could be done through the site plan control process.*
- É *Member Ferguson stated that he has concerns with the application as he did not site visit the property and would like to see the application deferred to a later date for spring weather and road conditions.*
- É *The applicant states that he would lose his deposit for his contract to build as the contract locked him into a certain amount of time.*
- É *Member Ferguson stated that if this waterfront property only had 2 acres it*

would be different rules; however some of the rules should apply even though it is 10 acres.

- É The applicant stated that is he is looking at a \$125,000 investment for putting everything indoors in order to save time and money.
- É Member Vandergeest stated his support for a deferral for a site visit in order to look at the impact on the neighbouring properties and become more familiar with the property.
- É Member Peters inquired as to the length of the private lane.
- É The applicant provided some insight as to the status and location of Janes Lane.
- É Member Peters stated that he was in support of a deferral.
- É Member Silk also stated her support for a deferral.

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

The following motion was adopted:

Motion # 14-04

MOVED by Mark Vandergeest and SECONDED by John Ferguson

THAT Application No. A-06-14 be adjourned to a future Committee of Adjustment meeting, pending a site visit by Committee members.

CARRIED

3. Consent Application No.:	B-04-14
Applicant:	Stuart Tinney
Roll Number:	4351 030 001 91700 0000
Municipal Address:	11 Sturgeon Bay Road

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

Proposal:

- É The property is approximately 1235 square metres (0.305 acres) in size with 29.24 metres on Bush Street and 40.28 metres on Sturgeon Bay Road.
- É The property has an existing dwelling and is serviced by full municipal services.
- É The owners are requesting consent to sever a portion of the property having frontage of approximately 20.14 metres on Sturgeon Bay Road and area of approximately 630 square metres. The retained lands containing the existing dwelling would have a frontage of approximately 20.14 metres on Sturgeon Bay Road and 29.24 metres on Bush Street and area of approximately 605 square metres.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-010:

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 had nothing to add.

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

- É Mike Brandon, 2 Bush Street stated he supported Stuart as the garage was an eyesore.*
- É Chelsy Burlison, 13 Sturgeon Bay Road stated that she has concerns over how close the house will be to the property line. She also stated that her sump-pump runs close to the lot line and believes that once they put in a foundation the water will run back onto her property. She further elaborated that it appears to be a hand dug ditch at the lot line where the drainage flows.*
- É The Director of Planning responded to the concerns of the neighbour and stated that the minimum required yard setback is 1.5 metres and in terms of drainage a lot grading plan will need to be provided by an OLS or engineer done at the building permit stage. Mr. Tinney may wish to discuss drainage with the engineer in order to ensure that he is keeping the foundation dry.*

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 stated that he believes there is a drainage swale that runs behind the homes on Bush Street.*
- É The applicant advised that he will satisfy any drainage requirements.*
- É Member Ferguson inquired as to the capacity for the water and sewage within Coldwater.*
- É The Director of Planning stated there is capacity for 175 units for the sewage plant however they have had drainage issues during the recent high water events.*

As there was no further discussion, the Chair asked the Secretary/Treasurer to review the proposed conditions of the decisions. 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 applications.

**DECISION – APPROVE
Consent Application B-04-14 (Tinney)**

THE PURPOSE and EFFECT of the application is:

To request consent to sever a portion of the property having frontage of approximately 20.14 metres on Sturgeon Bay Road and area of approximately 630 square metres.

The retained lands containing the existing dwelling would have a frontage of approximately 20.14 metres on Sturgeon Bay Road and 29.24 metres on Bush Street and area of approximately 605 square metres.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of April, 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. A payment of 5% in lieu of parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act, acceptable to the Township of Severn, in cash or cheque. The Township shall retain an appraiser, at the applicant's expense, to prepare the appraisal in accordance with the provisions of the Planning Act if the value of the land cannot otherwise be agreed on.
5. That the owner shall enter into a Service Connection Agreement with the Township of Severn with respect to the severed lot and shall pay the required security deposit.
6. That the applicant shall obtain and close a demolition permit for the deck/addition and garage that are indicated on the site plan as ~~to~~ be removed

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

4. Consent Application No.:	B-05-14
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 and outlined the correspondence received, as follows:

Proposal:

- É The property currently contains a dwelling with numerous accessory structures.
- É The subject lands have a total frontage of approximately 30 metres and area of approximately 13.05 ha.
- É Consent to sever a portion of the property with frontage of approximately 15 m metres on Fesserton Sideroad and area of approximately 1.95 acres to be added to the adjacent property at 2963 Fesserton Sideroad.
- É The retained lands would have a frontage of approximately 15 metres on Fesserton Sideroad and area of approximately 30.2 acres.

Agency Comments:

None

Public Correspondence:

None

Staff Report D14-011:

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 she has put effort in to upgrading the cabin and that it shouldn't be an over use of the property, the added property is so someone can potentially add a septic. The Chair inquired with the applicant as to the irregular lot lines. The applicant stated that they follow a natural feature.

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

- É *John Beighton, 2975 Fesserton Sideroad stated that he had concerns regarding the existing lot line and how many times the cottage had been added to over the years. Mr. Beighton also presented some historical information on the property relations, fence issues, surveys and an MTO road widening.*
- É *Member Peters stated that a surveyor will make the lot line and this should aid in the historic lot line issue.*
- É *The Director of Planning suggested that Mr. Beighton provide the planning department with copies of his paper work to provide to the surveyors.*
- É *Mr. Brighton provided a copy.*

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

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

- É *Member Vandergeest stated that after hearing some of the concerns he is in favour of this application as this will allow for the land locked parcel to expand and a proper survey to done.*
- É *Member Ferguson stated that he is in support of the application as it will resolve some of the confusion over the location of the cottage as it will all be documented by an OLS.*

É Member Silk expressed her support of the application due the potential for an access and the lot line/survey issues.

É Member Peters 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 decisions. 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 applications.

DECISION – APPROVE
Consent Application B-04-14 (Tinney)

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property with frontage of approximately 15 m metres on Fesserton Sideroad and area of approximately 1.95 acres to be added to the adjacent property at 2963 Fesserton Sideroad.

The retained lands would have a frontage of approximately 15 metres on Fesserton Sideroad and area of approximately 30.2 acres.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of April, 2014:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel and associated right of way shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. 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 frontage of the retained lands, 2961 Fesserton Sideroad.
5. That the severed lands shall merge with the property municipally known as 2963 Fesserton Sideroad, 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.
7. That the ownersq solicitor shall provide an undertaking to register a right of way over the existing driveway in favour of 2961 Fesserton Sideroad in conjunction with the

consent for the lot line adjustment.

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

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

CARRIED

E. REPORTS FROM OFFICIALS

NONE

F. CORRESPONDENCE

NONE

G. OTHER BUSINESS

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 8:11 p.m. on April 15, 2014. The Committee will reconvene at 7:00 p.m. on May 20, 2014 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer