

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, MARCH 18, 2014 AT 7:00 P.M.

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Present:      Chair                                      Douglas Hamilton  
                  Members                                     John Ferguson  
  Emily Silk  
  Mark Vandergeest  
  Ron 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 # 14-03  
  
MOVED by Mark Vandergeest and SECONDED by Emily Silk  
  
THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on February 18, 2014 be adopted as printed and distributed.  
  
CARRIED

**D. ADJOURNED APPLICATIONS**  
NONE

**E. NEW 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 0.254 acre property currently contains a single detached dwelling and two accessory buildings.
- É The owner wishes to demolish the two existing accessory structures which are located 3.2 metres (10.4 feet) from the road allowance and build one new accessory structure.
- 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.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-005:**

*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 and had nothing to add.*

*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 Vandergeest expressed concern over the unknown location of the septic system and suggested a deferral to ensure the location.*
- É *Member Ferguson inquired if there was a future intent to tear down the house? He further inquired as to the age of the home.*
- É *The agent stated that the cottage is older and they have no intent to take it down.*

- É *Member Ferguson inquired as to the location of neighbouring wells and if they were drilled.*
- É *The agent advised that the neighbouring wells are drilled and 30 plus feet from the septic systems.*
- É *Member Ferguson advised of his support for a deferral based on the location of the system.*
- É *The agent advised he could located the septic and wells for the Committee.*
- É *Member Vandergeest stated his support for the application to be deferred to ensure septic location and adequate area.*
- É *Committee and the planner discussed the building permit process for a new accessory structure and single family dwelling pertaining to a septic review.*
- É *The planner stated that a septic review would be done at the time a permit was applied for to ensure proper clearances.*
- É *The agent stated that the distance from the road would not change if the septic location was an issue, the building would be shrunk to accommodate the proper clearances.*
- É *Member Peters stated he was not in support of a deferral of the application.*
- É *Member Vandergeest brought forward a motion to defer the application.*
- É *The Chair called for a vote on the motion.*

*The following motion was adopted:*

*Motion # 14-04*

*MOVED by Mark Vandergeest and SECONDED by Emily Silk*

*THAT Application No. A-03-14 be adjourned to a future Committee of Adjustment meeting, pending information pertaining to the septic system location.*

*CARRIED*

**2. Minor Variance Application No.:** **A-04-14**  
**Applicant:** **Michael Pollice**  
**Roll Number:** **4351 010 008 69110 0000**  
**Municipal Address:** **1583 Port Stanton Parkway**

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

**Proposal:**

- É *The approximately 1.36 acre property is occupied by the old Stanton house and two accessory buildings.*
- É *As part of the proposed redevelopment of the property to a residential use with a new dwelling, the owners wish to retain two existing accessory structures and build a new garage.*
- É *The owner has requested the following variances in order to permit the construction of the new 114 metres square (1,228 square feet) garage:*
  1. *A variance to permit accessory structure lot coverage of 7.5%, whereas*

Zoning By-law 2010-65, Section 3.2.8 states the maximum accessory lot coverage shall be 5%.

2. A variance to permit a maximum accessory building size of 114 metres (1,228 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 or 110 metres square.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D14-006:**

*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 the covered shuffleboard area may come down and they have already installed a new septic system near the proposed garage location at the back of the lot.*

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

- É *Mr. Tom Stanton, 1577 Port Stanton Parkway addressed the Committee stating that he use to own the Stanton House property and has known the applicant's family for years. Mr. Stanton stated that he wanted to come in support of the family and is very pleased to have Mike and his family as neighbours.*

*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 expressed his support for the application.*

*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-04-14 (Pollice)**

**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 accessory structure lot coverage of 7.5%, whereas Zoning By-law 2010-65, Section 3.2.8 states the maximum accessory lot coverage shall be 5%.

2. A variance to permit a maximum accessory building size of 114 metres (1,228 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 or 110 metres square.

The owners wish to construct a new 114 metres square (1,228 sq. ft.) garage.

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18<sup>th</sup> day of March, 2014:**

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.
2. The owner must ensure required clearance to sewage system prior to the issuance of a building permit for the garage.
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>3. Consent Application No.:</b> | <b>B-03-14</b>                        |
| <b>Applicant:</b>                  | <b>Glenn &amp; Elizabeth McIntyre</b> |
| <b>Roll Number:</b>                | <b>4351 010 009 09500 0000</b>        |
| <b>Municipal Address:</b>          | <b>4236 Canal Road</b>                |

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

**Proposal:**

- É The property is currently vacant.
- É The subject lands are 0.26 hectares (0.65 acres) in size with 60.4 metres (198.2 ft.) of frontage on the Severn River.
- É The owner is requesting consent to sever a portion of the property with frontage of approximately 12.5 m (41 ft.) on the Severn River and area of approximately 0.05 ha (0.13 acres) to be added to the neighbouring property at 4226 Canal Road which is also owned by the applicants.
- É The retained lands would have a frontage of approximately 47.9 m (157 ft.) on the Severn River and area of approximately 0.21 ha ( 0.52 acres).

**Agency Comments:**

A letter was received from the Trent Severn Waterway stating there was no concern with the application.

**Public Correspondence:**

None

**Staff Report D14-007:**

*The Planner provided a brief summary of the staff report.*

*The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicants were present to answer questions and stated that they have plans to build on the property which is receiving the lot addition and will be submitting a variance application for the next meeting but are unable to attend.*

*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 decisions. The applicants were asked if they were aware of the proposed conditions and were in agreement with them. The applicants confirmed this. The Chair then called for a vote on the applications.*

**DECISION – APPROVE  
Consent Application B-01-14 (Boyd)**

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

To request consent to sever a portion of the property having frontage of more than 100 m (328 ft.) on Jeremy Road and area of approximately 4.9 ha (12 acres).

The retained lands would have a frontage of approximately 20 m (66 ft.) on the Jeremy Road turn- around and area of approximately 15 ha (37 acres).

**The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18<sup>th</sup> day of February, 2014:**

**DECISION: PROVISIONALLY APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A reference plan of the severed parcel shall be prepared and duly registered by an

Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.

2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. The owners shall apply for a minor variance to reflect the deficient lot frontage and area of the retained lands, 4236 Canal Road.
5. That the severed lands shall merge with the property municipally known as 4226 Canal Road, PIN 58604-0052. The owners/solicitor shall take all necessary steps to ensure that the parcels merge under the Planning Act.
6. That the owners/solicitor shall provide an undertaking to register an Application to Consolidate Parcels in order to merge the severed lands with the adjoining lands and to provide the Township with a copy of the registered Application within three months of the date of registration of the Transfer of the severed lot.

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

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 # 14-05*

*MOVED by John Ferguson and SECONDED by Mark Vandergeest*

*THAT the Committee of Adjustment meeting be adjourned at 7:40 p.m. on March 18, 2014. The Committee will reconvene at 7:00 p.m. on April 15, 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*