

community of Severn Falls within an area containing both residential and commercial uses

- É The property was at one time a commercial operation with rental cabins or cottages and at some point changed to owner occupied dwelling units.
- É The time of the conversion of the property and associated cottages from commercial to residential is unknown; however zoning was established in the former Township of Matchedash in 1978.
- É The conversion is believed to have occurred prior to this year to have legal non-conforming status as the current use was not permitted under the former Matchedash Zoning By-law.
- É One of the property owners has applied for a minor variance to enlarge his existing dwelling, consent was given from the other dwelling owners as they are all listed as the registered owners.
- É The existing non-complying dwelling is located approximately 7.3 metres (24 feet) from the side lot line and 12.2 metres (40 feet) from the water.
- É The property is zoned Tourist Resort Commercial (C8), however the property has multiple owner occupied dwellings, making the residential uses of the property and dwellings non-conforming.
- É To request the following variance to the provisions of Zoning By-law 2010-65:
 1. A variance for use to recognize the existing residential use of the property containing four existing owner occupied detached dwellings whereas Zoning By-law 2010-65 allows for short term rentals of the dwellings.
 2. An interior yard setback of 2.4 meters (8 feet) whereas Zoning By-law 2010-65 states the minimum interior yard setback abutting residential is 10 metres (32 feet) within the Tourist Resort Commercial (C8) Zone.

Agency Comments:

None

Public Correspondence:

A letter of correspondence was received from Rob Seal, 5609 Upper Big Chute Road on which stated he had reviewed the information and is in support of the addition. He stated that since he has owned the cottage for over 8 years, the property has always been single family cottages that are owner occupied and not rented. He also confirmed that his previous concerns were only that the addition would be done properly, in a timely fashion and to code.

Staff Report D15-029:

The Planner provided a brief summary of the staff report.

The Secretary/Treasurer advised that there is to be a public meeting even though this is an adjourned application as the request has changed and a notice was circulated in accordance with the Planning Act.

The Chair asked if anyone in the audience had any comments on this application. As none were forthcoming, the Chair declared the public portion of the meeting closed.

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

The Chair asked the Secretary/Treasurer to review the proposed conditions of the decision. The applicant was asked if he was aware of the proposed conditions and was in agreement with them. The applicant confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Variance Application B-12-15 (Carr)

THE PURPOSE and EFFECT of the application is:

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

1. A variance for use to recognize the existing residential use of the property containing four existing owner occupied detached dwellings whereas Zoning By-law 2010-65 allows for short term rentals of the dwellings.
2. An interior yard setback of 2.4 meters (8 feet) whereas Zoning By-law 2010-65 states the minimum interior yard setback abutting residential is 10 metres (32 feet) within the Tourist Resort Commercial (C8) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of June, 2015:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. That the construction is in substantial compliance with the plans submitted with the Application.
3. That the existing vegetation is 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.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

E. NEW APPLICATIONS

- | | |
|------------------------------------|---------------------------|
| 1. Consent Application No.: | A-24-15 |
| Applicant: | Diana Morano |
| Roll Number: | 4351 050 002 43900 |
| Municipal Address: | 1634 Baldy Lane |

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

Proposal:

- The approximately 0.69 hectare (1.7 acres) property is located at Lot 5, Concession 14, being Registered Plan 51R-3020, Parts 3, 5, 6 in the geographic Township of Matchedash, municipally known as 1634 Baldy Lane.
- The subject property is occupied by an existing single detached dwelling, cabin, privy and two accessory structures, all of which will be demolished before the new proposed dwelling is complete.
- The existing cottage is located approximately 9.4 metres from the water to the deck and 9.7 metres to the main dwelling wall.
- The owners would like to utilize a similar setback for the new dwelling and therefore the following variance is requested in order to permit the construction of the new dwelling:
 1. A variance to permit a minimum front yard setback of 10 metres (32.8 feet) for a new dwelling, whereas Zoning By-law 2010-65 states that the minimum front yard setback in the Shoreline Residential Three (SR3) Zone is 20 metres (66 feet).

Agency Comments:

None

Public Correspondence:

None

Staff Report D15-030:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant was present and stated she would be able to answer any questions.

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

- *Chair Vandergeest questioned if the applicant was planning on starting the construction right away.*
- *The applicant responded yes and that the bunkie had already been taken down.*
- *Chair Vandergeest suggested that a condition be added that a demolition permit be obtained before further deconstruction.*
- *The applicant replied that a demolition permit had already been acquired.*

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

DECISION – APPROVE
Variance Application A-24-15 (Morano)

THE PURPOSE and EFFECT of the application is:

The following variance to the provisions of Zoning By-law 2010-65, as amended:

1. A variance to permit a minimum front yard setback of 10 metres (32.8 feet) for a new dwelling, whereas Zoning By-law 2010-65 states that the minimum front yard setback in the Shoreline Residential Three (SR3) Zone is 20 metres (66 feet).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of June, 2015:

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, particularly within the first 60 m from the shore.
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. Variance Application No.:	A-25-15
Applicant:	Anita Montgomery & Kevin Sneyd
Agent:	Roderick Young, Architect
Roll Number:	435101001127900
Municipal Address:	1742 Bay Park Road

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

Proposal:

- É The approximately 0.21 acre property located in the Township of Orillia, known municipally as 1742 Bay Park Road and is occupied by an existing single storey detached dwelling with decking.

- É The application is proposing to demolish the existing dwelling and replace it with a new home.
- É The following variances are requested in order to permit the construction of the new dwelling:
1. A variance to permit an interior yard setback of 0.5 metres (1.6 feet) on the south edge of the property to accommodate a set of stairs to an attached deck, whereas Zoning By-law 2010-65 states the minimum side yard setback for the Residential One (R1) Zone is 1.5 metres (4.9 ft.).
 2. A variance to permit a maximum lot coverage of 35% for a 301 square metre (3,240 sq.ft.) dwelling and decking footprint whereas Zoning By-law 2010-65 states the maximum lot coverage for Residential One (R1) Zone shall not exceed 20% (172.5 m. or 565.94 sq.ft.).

Agency Comments:

None

Public Correspondence:

None

Staff Report D15-031:

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 and commented on the unique situation of the property, which has a lot more space and would not need a variance if you included the common lands.

The Chair asked if anyone in the audience had any comments on this application, since 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 Vivian questioned if the common area at the front of the property could be developed.*
- *The planner responded that it had been identified in the past as being in a residential zone but that the Planning Department has intentions to work with the owners to change that to an open space zone. Due to the setback requirements for a dwelling one would not be able to be constructed within the front area or likely the rear area either.*
- *Member Hamilton asked for clarification on who owned the lands.*
- *The Agent responded that the lands were owned in common by all the owners of the individual lots, and that there was a complex agreement made about this common land in the 1930's.*

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.

DECISION – APPROVE
Variance Application A-25-15 (Montgomery/Sneyd)

THE PURPOSE and EFFECT of the application is:

The following variance to the provisions of Zoning By-law 2010-65, as amended:

1. A variance to permit an interior yard setback of 0.5 metres (1.6 feet) on the south edge of the property to accommodate a set of stairs to an attached deck, whereas Zoning By-law 2010-65 states the minimum side yard setback for the Residential One (R1) Zone is 1.5 metres (4.9 ft.).
2. A variance to permit a maximum lot coverage of 35% for a 301 square metre (3,240 sq.ft.) dwelling and decking footprint whereas Zoning By-law 2010-65 states the maximum lot coverage for Residential One (R1) Zone shall not exceed 20% (172.5 m. or 565.94 sq.ft.).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of June, 2015:

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

3. Variance Application No.:	A-26-15
Owner:	Tuula Jalasjaa
Roll Number:	4351 050 003 81300
Municipal Address:	1853 Ellis Road

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

Proposal:

- É The approximately 0.18 hectare (0.45 acre) property is Concession 2, Part Lot 17,

Registrar's Compiled Plan 1727, Lot 24, Registered Plan 51R22024 Part 3 in the Township of Matchedash, known municipally as 1853 Ellis Road and is occupied by a single detached dwelling with an attached deck and two accessory buildings as evident on the site plan.

- É The existing deck attached to the existing home is located 18.2 metres at the closest point to Maclean Lake and 3.3 metres from the existing home to the side lot line. The owners are proposing to add an addition to the front of the home.
- É The following variances are requested in order to permit the construction of the new addition to the existing home:
 1. A variance to permit a front yard setback of 13.4 metres (44 feet) to the front wall of an addition and a front yard setback of 12.2 m (40 feet) for an attached deck whereas Zoning By-law 2010-65 states the minimum front yard setback is 20 metres (66 feet) for the Shoreline Residential Three (SR3) Zone.

Agency Comments:

None

Public Correspondence:

A letter of correspondence was received from Marie Yager, 1843 Ellis Road in support of application A-26-15.

Staff Report D15-032:

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 and elaborated on the reasons why she chose the location they proposed to build on. The applicant stated in response to the planner's suggestion of building the addition to the side of the property, that the side of the property is a rock bed and that would be very hard to build into. The Applicant further explained that the main purpose of the addition was to provide a larger kitchen and eating area to accommodate their large extended family, while maintaining the general character of the cottage.

The applicant also commented in response to the planner's comment of protecting water quality that their cottage was one of the only cottages around that still had a retaining wall to prevent run off into the lake. Furthermore the applicant shared that the cottage was only used on weekends in the summer and would not be used in the winter.

The Chair asked if anyone in the audience had any comments on this application, since 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 Hill asked if the addition would go past where the existing deck is.*
- *The applicant responded that yes the addition would come out past the deck.*
- *Member Vivian stated that as long as the septic was up-graded that he would support the application.*
- *Chair Vandergeest stated that in the past he has never voted against the planning department's recommendations from the planning report, he further elaborated that*

when property owners decide to build additions they spend time working with architects, builders and surveyors to come up with plans for the project, and that the Planning and Building departments should be a part of this process as well, in order to achieve a plan that will satisfy requirements for all parties.

- *Chair Vandergeest also stated that in his time living in the Township of Severn he has seen many cottages turn into year round residences.*
- *Chair Vandergeest stated his support in favour of deferring the application until a solution to the septic problem was worked out between planning staff and the applicant.*
- *The Applicant suggested she could propose alternations to expand the septic system.*
- *Due to the appetite for deferral expressed by Committee, the Chair called for a vote.*

The following motion was adopted:

Motion # 15-16

MOVED by Emily Silk and SECONDED by Allen Vivian

THAT Application No. A-26-15 (Jalasjaa) be adjourned to a future committee of adjustment meeting pending the applicant consulting with the building and planning department regarding the septic concerns on the property expressed in the staff report.

CARRIED

4. Variance Application No.:	A-27-15
Applicant:	Peter Reaume and Christie Lance
Agent:	Rob Graham, Canada Builds
Roll Number:	4351 050 004 04700
Municipal Address:	1054 Frankland Lane

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

Proposal:

- É The approximately 0.5 acre property is in the former Township of Matchedash, known municipally as 1054 Frankland Lane and supports an existing single detached dwelling with an attached deck and two accessory structures.
- É The owners wish to demolish the existing cottage and construct a new dwelling utilizing the majority of the existing dwelling footprint. The existing dwelling is located approximately 16 meters from the water with the attached deck located approximately 12 metres from the shore.
- É The following variance is requested in order to permit the construction of the new dwelling:
 1. A variance to permit a front yard setback of 12 meters (39.3 feet) for an attached deck and of 16 metres (52.5 feet) to the front wall for the new dwelling, a front yard setback; whereas Zoning By-law 2010-65 states the minimum front yard setback is 20 metres (65.62 ft.) in the Shoreline Residential Three (SR3) Zone.

2. A variance to permit an interior yard setback of 0.9 metres (2.9 feet) for a deck attached to the main dwelling whereas Zoning By- law 2010-65 states the minimum interior yard setback is 3 metres (9.8 ft.) in the Shoreline Residential Three (SR3) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D15-033:

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 or agent were not present.

The Chair asked if anyone in the audience had any comments on this application, since none were forthcoming, the Chair declared the public portion of the meeting closed.

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

The Chair then called for a vote on the application.

**DECISION – APPROVE
Variance Application A-20-15 (Clout)**

THE PURPOSE and EFFECT of the application is:

The following variance to the provisions of Zoning By-law 2010-65, as amended:

1. A variance to permit a front yard setback of 12 meters (39.3 feet) for an attached deck and of 16 metres (52.5 feet) to the front wall for the new dwelling, whereas Zoning By-law 2010-65 states the minimum front yard setback is 20 metres (65.62 ft.) in the Shoreline Residential Three (SR3) Zone.
2. A variance to permit an interior yard setback of 0.9 metres (2.9 feet) for a deck attached to the main dwelling whereas Zoning By- law 2010-65 states the minimum interior yard setback is 3 metres (9.8 ft.) in the Shoreline Residential Three (SR3) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of June, 2015:

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.

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 # 15-17

MOVED by Allen Vivian and SECONDED by Emily Silk

THAT the Committee of Adjustment meeting be adjourned at 7:51 p.m. on June 16th, 2015. The Committee will reconvene at 7:00 p.m. on July 21st, 2015 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary/Treasurer