

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, NOVEMBER 17, 2015 AT 7:00 P.M.

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Present: Chair Emily Silk  
Members Douglas Hamilton  
Mark Vandergeest  
Bill Hill  
Allen Vivian

Staff: Secretary-Treasurer, Planner Katie Mandeville  
Director of Planning & Development Andrew Fyfe

**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 # 15-30

MOVED by Bill Hill and SECONDED by Allen Vivian

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on October 20<sup>th</sup>, 2015 be adopted as printed and distributed.

CARRIED

**D. ADJOURNED APPLICATIONS**

NONE

**E. NEW APPLICATIONS**

1. **Minor Variance Application No.:** A-46-15  
**Applicant:** David & Susan Croft  
**Roll Number:** 4351 010 007 32300 0000  
**Municipal Address:** 2690 Westshore Crescent

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

**Proposal:**

- " The 1504 square metre (0.37 acres) property contains a dwelling under construction as well as docking and an accessory structure on the lot line. The previous dwelling was destroyed by fire approximately one year ago.
- " The following variances are requested:
  1. A variance to permit a new dwelling with an interior yard setback of 0.94 metres to an attached deck and 1.23 metres to the main dwelling whereas Zoning By-law 2010-65, states that the minimum interior yard setback for the R1 Zone is 1.5 metres.
  2. A variance to permit a waterfront setback of 17.2 metres to a deck whereas Zoning By-law 2010-65 states a minimum setback of 20.0 metres from a navigable waterway.
  3. A variance to permit accessory structure lot coverage of 6.7%, whereas Zoning By-law 2010-65 states the maximum accessory lot coverage shall be 5%.
  4. A variance to permit a rear yard setback of 1.53 metres, whereas Zoning By-law 2010 states the minimum rear yard setback of an accessory structure from a municipal road allowance to be 7.5 metres.
  5. A variance to permit a maximum accessory structure height of 6 metres whereas Zoning By-law 2010-65 states the maximum height of an accessory structure to be 5 metres and a maximum of one storey.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D15-065:**

*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 that he can alter the garage height/pitch in order to fall into the recommendations for the garage.*

*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:*

- " *Member Vandergeest stated that he was in favour of the variances pertaining to the dwelling and would support a deferral on the garage height variance.*
- " *Other members showed agreement with Member Vandergeest.*

*The following motion was adopted:*

*Motion # 15-31*

*MOVED by Mark Vandergeest and SECONDED by Allen Vivian*

*THAT Application No. A-46-15 (Croft) pertaining to the height of the accessory structure only be adjourned to a future Committee of Adjustment meeting pending the redesign of the structure to meet the definition of one storey.*

**CARRIED**

*The Chair asked the Secretary-Treasurer to review the proposed conditions of the decision without the garage height variance. 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-46-15 (Croft)**

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

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

1. A variance to permit a new dwelling with an interior yard setback of 0.94 metres to an attached deck and 1.23 metres to the main dwelling whereas Zoning By-law 2010-65, states that the minimum interior yard setback for the R1 Zone is 1.5 metres.
2. A variance to permit a waterfront setback of 17.2 metres to a deck whereas Zoning By-law 2010-65 states a minimum setback of 20.0 metres from a navigable waterway.
3. A variance to permit accessory structure lot coverage of 6.7%, whereas Zoning By-law 2010-65 states the maximum accessory lot coverage shall be 5%.
4. A variance to permit a rear yard setback of 1.53 metres, whereas Zoning By-law 2010 states the minimum rear yard setback of an accessory structure from a municipal road allowance to be 7.5 metres.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17<sup>th</sup> day of November, 2015:

**DECISION: APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Municipal Taxes to be paid to date.
2. That the applicants remove, and not relocate on their own property, the accessory building located in close proximity to the water on the interior lot line prior the closing of the dwelling 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 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**

<b>2. Variance Application No.:</b>	<b>A-47-15</b>
<b>Applicant:</b>	<b>Barry Gliddon</b>
<b>Owner:</b>	<b>John Power</b>
<b>Roll Number:</b>	<b>4351 050 002 50300 0000</b>
<b>Municipal Address:</b>	<b>8645 Severn River</b>

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

**Proposal:**

- É The property has frontage of approximately 20.9 metres (68.6 ft.) on the Severn River and an area of approximately 7.91 hectares (19.56 acres). The largely treed property is vacant with the exception of the private right of ways for Baldy Lane and Delta Road.
- É The owner has been granted provisional approval for consent application B-08-15 to sever a portion of the property having no frontage on the Severn River and an area of approximately 132.4 square meters (1,425 square feet) to be added to 4046 Delta Road to be used as access to that property. The retained lands would have the private right of ways included with the approximately 20.9 metres (68.6 ft.) frontage on the Severn River and an area of approximately 7.90 hectares (19.53 acres).
- É The following variance is requested in order to fulfill a condition of provisionally approved consent application B-08-15:
  1. A variance to permit a minimum lot area of approximately 7.90 hectares (19.53 acres), whereas Zoning By-law 2010-65 states the minimum lot area required under the Greenland (GL) Zone is ~~existing~~ being what was there in when the By-law came into effect.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D15-066:**

*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 property owner and 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 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-45-15 (Power / Gliddon)**

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

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

1. A variance to permit a minimum lot area of approximately 7.90 hectares (19.53 acres), whereas Zoning By-law 2010-65 states the minimum lot area required under Greenland (GL) Zone is ~~existing~~ being what was there in when the By-law came into effect.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17<sup>th</sup> day of November, 2015:

**DECISION: APPROVED**

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**

- |                                     |                                |
|-------------------------------------|--------------------------------|
| <b>3. Variance Application No.:</b> | <b>A-48-15</b>                 |
| <b>Owner:</b>                       | <b>David Meeks</b>             |
| <b>Roll Number:</b>                 | <b>4351 010 011 01000 0000</b> |
| <b>Municipal Address:</b>           | <b>4140 Uhthoff Line</b>       |

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

**Proposal:**

- É The approximate 73 acre property is currently occupied by a single detached dwelling and an accessory structure, within separate development envelopes on the property.
- É The applicant would like to construct an addition onto the existing accessory structure which is located approximately 16 feet from the side lot line.

É The following variance is requested in order to permit the construction of the accessory structure addition:

1. A variance to permit an interior yard setback of 4.8 metres (16 feet) for an accessory structure whereas Zoning By-law 2010-65 states a minimum interior yard setback of 15 metres (49 feet) for the Rural (RU) Zone.

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D15-067:**

*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 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:*

- " Member Vivian stated that the property is well treed and you can barely see the existing building from the road.*

*The Chair asked the Secretary-Treasurer to review the proposed conditions of the decision. The Chair then called for a vote on the application.*

**DECISION – APPROVE  
Variance Application A-48-15 (Meeks)**

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

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

1. A variance to permit an interior yard setback of 4.8 metres (16 feet) for an accessory structure whereas Zoning By-law 2010-65 states a minimum interior yard setback of 15 metres (49 feet) for the Rural (RU) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17<sup>th</sup> day of November, 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 property owner shall work with Township Staff to ensure his property is in compliance with the Township's Clean and Clear By-law by the time his construction is complete.
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.

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

## **CARRIED**

<b>4. Variance Application No.:</b>	<b>A-49-15</b>
<b>Owner:</b>	<b>Andrew Thomson and Lori Paslawsky</b>
<b>Roll Number:</b>	<b>4351 050 004 97600 0000</b>
<b>Municipal Address:</b>	<b>1340 Little Chute Lane</b>

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

### **Proposal:**

- É The approximately 0.54 hectare (1.34 acre) property is occupied by an existing single detached dwelling.
- É The following variance is requested in order to permit the construction of the new accessory structure:
  1. A variance to permit a front yard setback of 12.19 metres (40 feet) for an accessory structure whereas Zoning By-law 2010-65 states the minimum front yard setback for the Shoreline Residential Three (SR3) Zone is 20 metres (66 feet).

### **Agency Comments:**

None

### **Public Correspondence:**

None

### **Staff Report D15-068:**

*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 had nothing to add.*

*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 stated that he visited the property and had also wondered about the alternative location planning staff mentioned so he appreciates the applicants explaining their rationale to staff in support of the proposed location.

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-49-15 (Thomson / Paslawsky)**

**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 12.19 metres (40 feet) for an accessory structure whereas Zoning By-law 2010-65 states the minimum front yard setback for the Shoreline Residential Two (SR2) Zone is 20 metres (66 feet).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17<sup>th</sup> day of November, 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**

**5. Consent Application No.:**  
**Property Owner:**  
**Roll Number:**  
**Municipal Address:**

**B-10-15**  
**Tom Taylor**  
**4351 050 001 14600 0000**  
**2748 Upper Big Chute Road**



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

**Proposal:**

- " The subject lands have frontage of approximately: 230 metres (754.5 ft.) on Irish Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and an area of approximately 37.35 ha (92.3 acres). The property is split into two legal parcels by a rail line; the subject parcel contains the main dwelling and farm buildings with accessory structures on the other parcel.
- " The applicant is requesting consent to sever a portion of the property having 58 metres (190 feet) of frontage on Irish Line and an area of approximately 0.3 ha (0.8 acres). The severed lands would be added to 1787 Irish Line as a lot addition.
- " The retained lands would have frontage of approximately: 172 metres (564.5 ft.) on Irish Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and an area of approximately 37 ha (91.5 acres).

**Agency Comments:**

None

**Public Correspondence:**

None

**Staff Report D15-069:**

*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 had nothing to add.*

*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 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  
Consent Application B-10-15 (Taylor)**

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

Consent to sever to sever a portion of the property having 58 metres (190 feet) of frontage on Irish Line and an area of approximately 0.3 ha (0.8 acres) to be added to 1787 Irish Line.

The retained lands would have frontage of approximately: 172 metres (564.5 ft.) on Irish

Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and an area of approximately 37 ha (91.5 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 17<sup>th</sup> day of November, 2015:

**DECISION: PROVISIONALLY APPROVED**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The property owner shall obtain a rezoning to reflect the intended Rural Residential (RR) use of the severed lands and deficient lot area of the subject property.
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 ~~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<sup>2</sup>. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
5. That the severed lands shall merge with the property municipally known as 1787 Irish Line. 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.

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 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. REPORTS FROM OFFICIALS**

*NONE*

**F. CORRESPONDENCE**

*NONE*

**G. OTHER BUSINESS**

*NONE*

## H. ADJOURNMENT

*The following motion was adopted:*

*Motion # 15-32*

*MOVED by Bill Hill and SECONDED by Mark Vandergeest*

*THAT the Committee of Adjustment meeting be adjourned at 7:44 p.m. on November 17<sup>th</sup>, 2015. The Committee will reconvene at 7:00 p.m. on December 15<sup>th</sup>, 2015 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.*

***CARRIED***

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*Katie Mandeville, Secretary-Treasurer*