

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, OCTOBER 20TH, 2015 AT 7:00 P.M.

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 # 15-27

MOVED by Bill Hill and SECONDED by Allen Vivian

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on September 15th, 2015 be adopted as printed and distributed.

CARRIED

D. ADJOURNED APPLICATIONS

NONE

E. NEW APPLICATIONS

1. **Minor Variance Application No.:** A-43-15
Applicant: Andrew Wilson
Roll Number: 4351 050 005 19700 0000
Municipal Address: 4155 Smith Lane

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

Proposal:

- " The approximately 0.45 hectare (1.1 acre) property is currently vacant.
- " The owners wish to construct a dwelling on the vacant property in a similar location to the footprint of a previous dwelling.
- " 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 14 metres (45.9 feet) at the closest point for a dwelling, porch and attached decking 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 support dated October 17, 2015 was received from Bill Burns, 1630 Englefield Lane and read aloud.

Staff Report D15-060:

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 wishes to maintain the footprint proposed as close to the original footprint as possible; this would mean the screen porch would be setback 14 metres. He also stated numerous other factors in support of his application that prohibited meeting the 20 metre setback: that the access to the lot is shared with an established lane way, terrain issues, drainage ditch and hydro right of way locations. Mr. Wilson further explained that he believed there would be very little environmental impact at the 14 metre mark due to the exposed bedrock, hardly any excavation is needed and that his neighbours on either side are 9-13 metres, all closer to the river than his proposal.

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 clarified with the Planner that the departments reservation was over 2 metres.*
- " *The Planner clarified the proposed setback of 14 metres compared with the historical footprint at approximately 16 metres.*
- " *Member Vandergeest stated that he agreed with the planning department and inquired about the proposed septic location in relation to the dwelling.*
- " *Member Hill asked the applicant if they knew the approximate size of the previous dwelling.*
- " *The applicant stated that they believed it was roughly 800-1000 square feet, single storey.*
- " *Member Hill asked for clarification on the size of the proposed dwelling at 1,285 square feet.*

- " *The applicant confirmed this and stated that the footprint would be 821 square feet.*
- " *Member Vivian asked the applicant if the original setback of 16 metres would work for them.*
- " *The applicant stated that the 14 metre setback allowed for a screened porch foundation to be on bedrock and pushing it back would also affect the cottage access road.*
- " *Member Hamilton expressed his support for the applicant and their proposal of 14 metres.*
- " *The Chair inquired if there was an appetite for a motion to amend the variance to 16 metres based on the comments heard.*
- " *Member Vandergeest, Vivian and Hill expressed their support for the amendment.*

The following motion was adopted:

Motion # 15-28

MOVED by Mark Vandergeest and SECONDED by Allen Vivian

THAT the front yard setback be amended to 16 metres. Application A-43-15 Wilson 4150 Smith Lane.

CARRIED

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-43-15 (Wilson)**

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 front yard setback as amended of 16 metres (52.4 feet) at the closest point for a dwelling, porch and attached decking whereas Zoning By-law 2010-65 states the minimum front yard setback is 20 metres (66 feet) for the Shoreline Residential Three (SR3) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 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 20 metres of the shoreline.
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-44-15**
Applicant: **Garfield & Jane Dunlop**
Roll Number: **4351 030 001 9390200 0000**
Municipal Address: **4 Dunlop Drive**

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

Proposal:

- É The 2,439 square metre (0.6 acre) property has approximately 53.3 metres (175 ft.) of frontage on the west side of Dunlop Drive and has an existing single detached dwelling and an accessory structure.
- É The property is part of a strip of four residential dwellings located on lots created on a private road in 1976.
- É The applicants have applied for a variance to construct a new storage shed on the property.
- É The following variance is requested in order to permit the construction of the new accessory building:
 1. A variance to permit a setback of 14.6 metres (48 feet) at the closest point to a navigable waterway, whereas Section 3.33.8. of Zoning By-law 2010-65 states that a minimum setback of 20.0 metres (66 feet) is required from any navigable watercourse.

Agency Comments:

None

Public Correspondence:

A letter of support dated October 18, 2015 was received from Wayne Scott, Curator and Chair, Coldwater Canadiana Heritage Museum and read aloud.

Staff Report D15-061:

The Director of Planning and Development 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 she was in favour of the housekeeping rezoning as suggested by the Director.

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 inquired as to why the road was not maintained by the Township if the property had been conveyed to the Township.*
- " The Director of Planning stated that the Township owned the road allowance, but that the Township does not maintain it for snow or repairs and therefore it is not assumed.*
- " Member Hamilton asked if the Township was going to rebuild the road.*
- " The Director of Planning stated that the Township would only assume a road if it was brought up to current municipal standards and that onus would be on the users of the road.*
- " Member Hamilton inquired with the applicant if the current property owners currently maintained the road.*
- " Mrs. Dunlop stated that the Township has never maintained it and it is done privately.*

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-44-15 (Dunlop)

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 setback of 14.6 metres (48 feet) at the closest point to a navigable waterway, whereas Section 3.33.8 of Zoning By-law 2010-65 states that a minimum setback of 20.0 metres (66 feet) is required from any navigable watercourse.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 2015:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. That a rezoning be obtained which enables structures to be erected on the subject land, notwithstanding the status of Dunlop Drive; or in the alternative, the execution of a Road Use Agreement for Dunlop Drive with the Municipality.
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.

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

CARRIED

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|-------------------------------------|--------------------------------------|
| 3. Variance Application No.: | A-45-15 |
| Owner: | Ryan Priestly |
| Agent: | Tim Gentles, Linx Contracting |
| Roll Number: | 4351 050 004 01600 0000 |
| Municipal Address: | 4241 Lavis Lane |

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

Proposal:

- É The approximately 4,200 square metre (one acre) property has approximately 65.6 metres of frontage on the west shore of Tea Lake and supports an existing single detached dwelling.
- É The following variance is requested:
1. A variance to permit a boathouse and docking envelope of 10.36 m (34 feet) by 10.59 (34.75 feet) accessible by a 3.05 metre (10 feet) access ramp, whereas Sections 3.2.12.5 and 3.2.12.6 of Zoning By-law 2010-65 state that a boathouse and docking must fit within a 8.0 metre by 10.0 metre envelope adjacent to the shore.

Agency Comments:

None

Public Correspondence:

A letter dated October 19, 2015 in opposition of the application was submitted by Alan Gambell, 4099 Lavis Lane which was read aloud and stated that he is %strongly against any new boathouses what so ever on our small lake. I think that we are allowing too much building at the waterfront generally and this is detracting from the aesthetic values of the lake. I would strongly object to this proposal.+

Staff Report D15-062:

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 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 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-45-15 (Priestly)

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 boathouse and docking envelope of 10.36 m (34 feet) by 10.59 m (34.75 feet) accessible by a 3.05 metre (10 feet) access ramp, whereas Sections 3.2.12.5 and 3.2.12.6 of Zoning By-law 2010-65 state that a boathouse and docking must fit within a 8.0 metre by 10.0 metre envelope adjacent to the shore.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 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

4. Consent Application No.:

Property Owner:

Agent:

Roll Number:

Municipal Address:

B-09-15

Suzanne Knight

James A. Ironside,

Shaw, McLellan & Ironside

4351 050 005 15500 0000

4332 Marr Lane

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

Proposal:

- " The subject land has a frontage of approximately 756.4 m (2481.6 feet) on Marr Lane and an area of approximately 18.2 hectares (45 acres). The property contains a portion of the private road Marr Lane.*
- " The applicant is requesting consent to sever a portion of the property having a frontage of approximately 30.4 m (99.7 feet) on Marr Lane and an area of approximately 929 sq. m. (0.23 acre), described as Part 1 on Reference Plan 51R35014; to be added to 4398 Marr Lane.*
- " The retained lands would have a frontage of approximately 726 m (2382 ft) on Marr Lane and an area of approximately 18.15 hectare (44.8 acres).*
- " This is a resubmission of application B-24-10.*

Agency Comments:

A letter was received from Holly Spacek, Senior Planner, Simcoe County District School Board, dated October 9, 2015 stating no objection to the approval.

Public Correspondence:

None

Staff Report D15-063:

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 stated that there were no right of ways on this portion of the property.

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 Vandergeest inquired about recommended condition number four.*
- " The Director of Planning stated that this would apply to historical access.*
- " The Agent provided some background on historical easements.*

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
Consent Application B-09-15 (Knight)**

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property having a frontage of approximately 30.4 m (99.7

feet) on Marr Lane and an area of approximately 929 sq. m. (0.23 acre), described as Part 1 on Reference Plan 51R35014; to be added as a lot addition to adjoining property legally described as Lot 12, Plan 1209 and municipally known as 4398 Marr Lane.

The retained lands would have a frontage of approximately 726 m (2382 ft) on Marr Lane and an area of approximately 18.15 hectare (44.8 acres).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 2015:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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.
2. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
3. That the 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.
4. The solicitor shall ensure that any existing right of ways on the subject lands benefiting adjacent property owners be carried forward.
5. The Conditions set out herein shall be completed within one year of the date of this Decision.

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

1. B-06-15 (Woods) – 4144 Boyd Road Amend Conditions

The Planner provided a brief summary of Staff Report D15-064.

The Committee discussed the requested amendment and stated that the change was minor and did not warrant the giving of notice. The Chair then called for a vote on the amended conditions.

**DECISION – APPROVE
Consent Application B-6-15 (Woods)**

THE PURPOSE and EFFECT of Change of Conditions is:

Committee of Adjustment agrees to amend the original conditions of the provisionally approved consent application by:

Replacing north . west with north. east in condition number one (1) so the condition reads as follows:

1. That two road widenings consisting of a right triangle measuring seven metres by seven metres adjacent to Canal Road in the north-east corner of the subject lands, being a portion of Part 5 on Plan 51R-9939 and an additional triangular conveyance measuring approximately 10.7m x 45.7m in the south-west corner of 4144 Boyd Road, being a portion of Part 3 on Plan 51R-9939 be conveyed to the Township of Severn at no expense to the Municipality.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 2015:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All other conditions under B-06-15 remain.

THE REASONS for the Committee's Decision are that the proposed amendment to the conditions of the provisionally approved consent is in keeping with the Township's Official Plan and Zoning By-law, is consistent with the 2014 Provincial Policy Statement, as amended.

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

CARRIED

F. CORRESPONDENCE

1. Request for Amendment to Conditions B-10-14 & B-11-14

The Secretary-Treasurer read aloud the letter of correspondence submitted by Jamie Robinson, MHBC Planning.

The Director of Planning and Development provided a brief overview of the progress to date on the applications and recommended Committee approve the requested change in conditions.

The Committee discussed the request amendment and the Chair then called for a vote on the amended conditions.

DECISION – APPROVE
Consent Application B-10-14 & B-11-14 (Novanni)

THE PURPOSE and EFFECT of Change of Conditions is:

Committee of Adjustment agrees to amend the original conditions of the provisionally approved consent application by:

Replacing condition number three (3) with the following:

3. A payment of 2% in lieu of parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act.

Deleting condition number one (1) in its entirety and renumbering the remaining conditions as follows:

1. 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.
2. A payment of 2% in lieu of parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act.
3. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
4. That the applicant~~s~~ solicitor shall take all necessary steps to ensure the easements for the delivery of municipal services and the use of the cooling pond are legally added to each of the lots.
5. That all fees and disbursements (legal, engineering, planning, environmental services), if any, incurred by the Township with respect to this application shall be paid for by the owner.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 20th day of October, 2015:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All other conditions under B-10-14 and B-11-14 remain.
2. Notice of the change of conditions shall be given.

THE REASONS for the Committee~~s~~ Decision are that the proposed amendment to the conditions of the provisionally approved consent is in keeping with the Township~~s~~ Official Plan and Zoning By-law, is consistent with the 2014 Provincial Policy Statement, as amended.

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

CARRIED

G. **OTHER BUSINESS**

NONE

H. **ADJOURNMENT**

The following motion was adopted:

Motion # 15-29

MOVED by Bill Hill and SECONDED by Douglas Hamilton

THAT the Committee of Adjustment meeting be adjourned at 8:10 p.m. on October 20th, 2015. The Committee will reconvene at 7:00 p.m. on November 17th, 2015 unless the Secretary/Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary-Treasurer