

Proposal:

- “ The approximately 2, 468 square metres (0.61 acre) property supports an existing single detached dwelling with an attached deck, a garage under construction and an outhouse.
- “ The property owners previously received a minor variance to permit an expansion to the existing dwelling with a front yard setback of 9.75 metres for an attached deck. Furthermore, they were also permitted lesser setbacks for a sleeping cabin and garage under application A-50-15.
- “ The existing non-complying dwelling is located 14.7 metres (48 feet) from the water at the closest point to the dwelling and 10.1 metres (33.1 feet) to the attached deck and 1.05 metres (3.4 feet) to the rear lot line as evident by the existing survey.
- “ The following minor variances are now requested:
 1. A variance to permit a front yard setback of 9.1 metres (30 feet) to the attached deck and 12.8 metres (42 feet) to the main dwelling wall whereas Zoning By-law 2010-65, as amended, establishes a minimum front yard setback of 20 metres (66 ft.) and a rear yard setback of 7.5 metres (24.6 ft.) in the Shoreline Residential Three (SR3) Zone.
 2. A variance to permit a rear yard setback of 1.2 metre (4 feet) whereas Zoning By-law 2010-65 establishes a minimum rear yard setback of 7.5 metres (24.6 ft.) in the Shoreline Residential Three (SR3) Zone.

Staff Report D16-038:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present – the applicant was present. The Chair stated that this application was adjourned from a previous Committee of Adjustment meeting and was not subject to a public meeting.

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-21-16 (Pink / Bauer)**

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 9.1 metres (30 feet) to the attached deck and 12.8 metres (42 feet) to the main dwelling wall whereas Zoning By-law 2010-65, as amended, establishes a minimum front yard setback of 20 metres (66 feet) and a rear yard setback of 7.5 metres (24.6 feet) in the Shoreline Residential Three (SR3) Zone.
2. A variance to permit a rear yard setback of 1.2 metre (4 feet) whereas Zoning By-law

2010-65 establishes a minimum rear yard setback of 7.5 metres (24.6 feet) 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 August, 2016:

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 and drawings submitted with the Application.

EFFECT of written and oral submissions on the decision: None.

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. Variance Application No.: | A-24-16 |
| Owner: | Stephanie Kennedy |
| Roll Number: | 4351 040 007 16100 0000 |
| Municipal Address: | 3018 Matchedash Street |

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

Proposal:

- É The approximate 5,0589 square metres (1.25 acre) property is currently occupied by a single detached dwelling and an accessory structure.
- É The applicant would like to construct an addition onto the existing non-complying dwelling which is located approximately 10.9 metres (36 feet) from the rear lot line.
- É The following variance is requested in order to permit the construction of the addition:
 1. A variance to permit a rear yard setback of 10.9 metres (36 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum rear yard setback of 15 metres (49 feet) for the Rural (RU) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-039:

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 she 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 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-24-16 (Kennedy)**

THE PURPOSE and EFFECT of the application is:

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

1. A minor variance to permit a rear yard setback of 10.9 metres (36 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum rear 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 16th day of August, 2016:

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.

EFFECT of written and oral submissions on the decision: None.

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-25-16
Owner: Robert Surgenor
Roll Number: 4351 030 001 02701 0000
Municipal Address: 4 Community Centre Drive

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

Proposal:

- É The 732.5 square metres (0.18 acre) property is currently vacant with the exception of a small shed.
- É As the property is located within the settlement and former Village of Coldwater, the dwelling will be connected to full municipal services, sewer and water.
- É The following variance is requested in order to facilitate the construction of the new dwelling and attached decking:
 1. A front yard setback of 6 metres (19.6 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum front yard setback of 7.5 metres (24.6 feet) for the Residential One (R1) Zone.
 2. A rear yard setback of 6 metres (19.6 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum rear yard setback of 7.5 metres (24.6 feet) for the Residential One (R1) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-039:

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 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
Variance Application A-25-16 (Surgenor)

THE PURPOSE and EFFECT of the application is:

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

1. A minor variance to permit a front yard setback of 6 metres (19.6 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum front yard setback of 7.5 metres (24.6 feet) for the Residential One (R1) Zone.
2. A minor variance to permit a rear yard setback of 6 metres (19.6 feet) whereas Zoning By-law 2010-65, as amended, establishes a minimum rear yard setback of 7.5 metres (24.6 feet) for the Residential One (R1) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of August, 2016:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. That the existing on the property shall be preserved and enhanced as much as possible, following the construction of the dwelling.
5. That the construction is in substantial compliance with the plans submitted with the Application.

EFFECT of written and oral submissions on the decision: None.

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. Minor Variance Application No.:	A-26-16
Owner:	Mark & Tammy LaFrance
Roll Number:	4351 010 007 01500 0000
Municipal Address:	3873 Wood Avenue

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

Proposal:

- É The 728 square metres (0.18 acre) property, serviced by full municipal services, is occupied by an existing single detached dwelling with attached decking in addition to a shed.
- É The property owners would like to construct a new garage with attached carport within the rear yard of the property.
- É The following variance is requested in order to facilitate the construction of a new garage and carport:
 1. A minor variance for a accessory structure lot coverage of 12%, whereas Zoning By-law 2010-65, as amended establishes a maximum accessory structure lot coverage of 5%.
 2. A minor variance for a new detached garage with a rear yard setback of 5.5 metres (18 feet), whereas Zoning By-law 2010-65, as amended establishes a minimum rear yard setback of 7.5 metres (24.6 feet) for the Shoreline Residential One (SR1) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-041:

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 was present and stated that the reason they have requested to move the garage closer to the road is to not block the neighbour's kitchen window. The applicant also stated that he thought the carport is a little more appealing as it's not blocking off the entire property.

The Chair asked if there were any comments from anyone in the audience, 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:

- É *Member Hamilton stated that he appreciated the applicant's attention to detail regarding not blocking the neighbour's window.*

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

DECISION – APPROVE
Variance Application A-26-16 (LaFrance)

THE PURPOSE and EFFECT of the application is:

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

1. A minor variance for an accessory structure lot coverage of 12%, whereas Zoning By-law 2010-65, as amended establishes a maximum accessory structure lot coverage of 5%.
2. A minor variance for a new detached garage with a rear yard setback of 5.5 metres (18 feet), whereas Zoning By-law 2010-65, as amended establishes a minimum rear yard setback of 7.5 metres (24.6 feet) for the Shoreline Residential One (SR1) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of August, 2016:

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.

EFFECT of written and oral submissions on the decision: None.

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. Variance Application No.:	A-27-16
Owner:	Gisel Bettencourt
Agent:	Manuel Bettencourt
Roll Number:	4351 010 007 22600 0000
Municipal Address:	3611 Bayou Road

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

Outline:

- É The approximately 1,983 square metres (0.49 acre) property is currently occupied by a dwelling with attached decking, one garden shed type accessory structure and a second accessory structure currently under construction
- É The applicant has applied for a minor variance pertaining to the accessory structure under construction, a marine storage facility. Staff mistakenly advertised for an accessory structure when the applicant in fact applied for a marine storage facility, which has different setbacks than those listed within the notice.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-042:

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 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. The Committee expressed an appetite to adjourn the application to a future meeting.

The following motion was adopted:

Motion # 16-20

MOVED by Mark Vandergeest and SECONDED by Allen Vivian

THAT Application No. A-27-16 (Bettencourt) be adjourned to a future Committee of Adjustment meeting pending the correct circulation in the form of a notice in accordance with the Planning Act for the minor variance as applied for by the applicant.

CARRIED

5. Consent Application No.:

Owner:

Applicant/Agent:

Roll Number:

Municipal Address:

B-08-16

John McGowan

Josh Morgan, Morgan Planning

4351 010 007 44200 0000

2822 The Lane

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

Proposal:

- É The subject lands have frontage of 43.8 metres on Cumberland Road and 57.5 m on The Lane and an area of approximately 1,227.8 sq. m. The property is serviced by municipal water and sewer.
- É The applicant is requesting consent to sever a portion of the property to create a new building lot with approximately 28.4 m of frontage on Cumberland Road and lot area of approximately 614 sq. m.
- É The retained lands with the existing dwelling would have 15.4 m of frontage on Cumberland Road and a lot area of approximately 614 sq. m.

Agency Comments:

None

Public Correspondence:

A letter of correspondence was received from Edith Post, 2840 Lakeside Drive, in support of the application.

Staff Report D16-043:

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 summarized how the application met the County and Township's Official Plans as well as the provincial planning policies. The agent further stated that this was a straight forward application as the property is on full municipal services and located within a settlement. Lastly, the agent commented that he had reviewed the recommended conditions with his client and was prepared to accept the conditions.

The Chair asked if there were any comments from anyone in the audience, 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:

- É *Member Vandergeest inquired about the proposed road widening and plans pertaining to the length of time the existing dwelling will remain on the property.*
- É *The agent stated that the Township would have an assurance through the consent agreement that the road widening would be conveyed when the building is taken down.*
- É *Member Vandergeest inquired with staff if waiting would be an issue.*
- É *The Planner stated that the Acting Director of Public Works was not concerned about waiting.*
- É *Member Vandergeest asked if a timeline should be imposed.*
- É *The agent stated that this was an unknown area for him and was unsure if a timeline could be legally enforced.*
- É *Member Vivian stated that his parents lived in this area and that this house placement is not a unique situation, many of the other lots are developed in close proximity to the roadway.*
- É *Member Vivian further commented that the area is quickly changing and in his opinion this property would be re-developed sooner rather than later.*

É The agent agreed with Member Vivian.

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-08-16 (McGowan)

THE PURPOSE and EFFECT of the application is:

Consent to sever a portion of the property to create a new building lot with approximately 28.4 m of frontage on Cumberland Road and lot area of approximately 614 sq. m.

The retained lands with the existing dwelling would have 15.4 m of frontage on Cumberland Road and a lot area of approximately 614 sq. m.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of August, 2016:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Relocation of the service connections to the existing home so as to avoid the services crossing the property line which would divide the two lots and the installation of services for the severed lot. These works shall be subject to the execution of a Connection Agreement with the Municipality or in the alternative, the Municipality's requirements can be addressed through the execution of a Consent Agreement which provides for the service relocation to the Township's satisfaction. The amount of security required as a deposit for the required works will be established by the public works department.
2. The execution of a Consent Agreement providing for:
 - Decommissioning of the existing dug well on the severed lot in accordance with the applicable requirements of the Ontario Ministry of Environment and Climate Change.
 - Conveyance, free of encumbrances and at no cost to the Municipality, of a 1.5 metre road widening across both the severed and retained parcels adjacent to the right-of-way for the municipal street known as The Lane; save-and-except for that portion occupied and adjacent to the existing dwelling on the retained lands.
 - A requirement for the conveyance of the remaining portion of the road widening upon relocation or demolition of the existing dwelling.
 - Acknowledgement that the Municipality is entitled to register the Consent Agreement on title.
3. A reference plan showing: the severed parcel, the required road widening across the severed and retained parcels and the future road widening on the lands occupied and adjacent to the existing dwelling 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.

4. A copy of the electronic registration %a preparation+draft deeds for the severed lot and the required road widening 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.
5. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
6. 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.

EFFECT of written and oral submissions on the decision: None.

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

6. Consent Application No.:	B-09-16
Owner:	Matthew & Julia McAdam
Applicant/Agent:	Garry Fraser
Roll Number:	4351 050 003 16100 0000
Municipal Address:	3502 Maleys Road

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

Proposal:

- É The property is approximately 2,688 square metres (0.664 acre) in size with 28 metres (91 feet) of frontage on Gloucester Pool. The property contains a dwelling and associated accessory structures.
- É The applicant is requesting consent to create a legal right of way over a portion of the property for vehicular access measuring approximately 4 metres (13 feet) in width and 30 metres (100 feet) long over the existing driveway access for 3490 Maleys Road, legally described as Part 1, 51R-22409 and Part 1 on 51R-22244.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-044:

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 there were any comments from anyone in the audience, 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
Consent Application B-09-16 (Fraser)**

THE PURPOSE and EFFECT of the application is:

Consent to create a legal right of way over a portion of the property for vehicular access measuring approximately 4 metres (13 feet) in width and 30 metres (100 feet) long over the existing driveway access for 3490 Maleys Road, legally described as Part 1, 51R-22409 and Part 1 on 51R-22244.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 16th day of August, 2016:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the 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. The draft reference plan shall be provided to the Secretary-Treasurer for approval prior to registration.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the granting of right-of-way 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. That the owner~~s~~ solicitor shall ensure that the right-of-way is legally added and appurtenant to the property known municipally as 3490 Maleys Road.
4. Section 50 of the Planning Act, R.S.O. 1990, shall apply to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.
5. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
6. That all fees and disbursements (legal, engineering, planning), if any, incurred by the

- Township with respect to this application shall be paid for by the owner.
7. The Conditions set out herein shall be completed within one year of the date of this Decision.

EFFECT of written and oral submissions on the decision: None.

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

1. OACA Fall Seminar

The planner gave a brief overview of the Ontario Association of Committees of Adjustment & Consent Authorities Fall seminar in Orangeville Ontario.

The following motion was adopted:

Motion # 16-21

MOVED by Allen Vivian and SECONDED by Mark Vandergeest

THAT members of the Committee of Adjustment be authorized to attend the 2016 OACA Fall Seminar in Orangeville, Ontario on September 22-23, 2016, with expenses.

CARRIED

H. ADJOURNMENT

The following motion was adopted:

Motion # 16-14

MOVED by Mark Vandergeest and SECONDED by Douglas Hamilton

THAT the Committee of Adjustment meeting be adjourned at 7:56 p.m. on August 16th, 2016. The Committee will reconvene at 7:00 p.m. on September 20th, 2016 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary-Treasurer