

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, MARCH 15, 2016 AT 7:00 P.M.

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

With Regrets: Bill Hill

*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 # 16-05

MOVED by Mark Vandergeest and SECONDED by Emily Silk

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on January 19th, 2016 be adopted as printed and distributed.

CARRIED

D. ADJOURNED APPLICATIONS

NONE

E. NEW APPLICATIONS

**1. Consent Application No.: B-20/21/22-14
Minor Variance Application No.: A-05-16
Applicant: Nicola Mitchinson, Mitchinson Planning
Owner: Royal Heights Estates
Roll Number: 4351 010 004 05810 0000
Municipal Address: 3680 Hume Street**

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

Agency Comments:

A letter of correspondence was read and circulated from the County of Simcoe stating that the Township should consider rezoning the undeveloped portion of the subject lands to recognize and protect the existing environmental feature by prohibiting future development.

Public Correspondence:

A letter of correspondence was read and circulated from Bill & Donna Arnold, 3683 Hume Street stating that they are not opposed to the severance but are concerned about the frontage of the lots.

A letter of correspondence was read and circulated from Ron Grice & Linda Kocsis, 3685 Hume Street listing objections to the applications such as the proposed frontage, neighbourhood aesthetics, home values, wildlife and environmental concerns.

Staff Report D16-005:

The Director of Planning & Development provided a brief summary of the staff report proposed development.

The Chair asked if the applicant or agent were present and had anything further to add to the application. The agent was present and provided a summary of the applications including the planning justification and studies undertaken in the form of a power point presentation.

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

- É Korine Keyzer, 1898 Meadowview expressed her concerns related to the environment, location of a dwelling on Lot 1, setback requirements and the clearing of trees.*
- É The agent and Director of Planning spoke to Ms. Keyzer's concerns.*

The Chair asked if the Committee had any comments on this application. Committee comments were as follows:

- " Member Vandergeest inquired if the Azimuth Environmental report was peer reviewed.*
- " The Director of Planning stated it was not and described the nature of the report and necessity due to the unevaluated wetland and proximity to adjacent lands to a Provincially Significant Wetland.*
- " Member Vandergeest inquired if a hydrogeological study had been required.*
- " The Director of Planning provided information on why a study was not needed.*
- " Member Vandergeest inquired about the building envelope on proposed Lot 1 and if the Committee could restrict the development area and include tree preservation.*
- " The agent stated that future development would adhere to the zoning by-law and that a large portion of land on the retained lands would be protected for environmental features.*
- " The Director stated that a tree preservation plan could be required.*

- " Committee members, the Director of Planning and the Agent had multiple exchanges discussing the need or possibility for a tree preservation plan, site plan control, site concept plan and environmental protection areas.
- " Member Vandergeest inquired about the wording of proposed condition number three and if the Committee could alter the wording to provide clarity.
- " The agent was given an opportunity to ask a question regarding a recommended condition and the need to rezone a portion of the retained lands to an environmental protection zoning.
- " The Committee, agent and Director of Planning discussed the different available mechanisms to protect the retained lands and need for a zoning by-law amendment.

The Chair asked the Secretary-Treasurer to review the proposed conditions of the decision. The agent was asked if she 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 applications.

DECISION – APPROVE
Consent Applications B-20/21/22-14

THE PURPOSE and EFFECT of the application is:

Consent to create three lots, with one retained parcel containing the existing dwelling at 3680 Hume Street:

	Approx. Area	Approx. Frontage
Lot 1	0.63 ha (1.6 acres)	30 metres (100 feet)
Lot 2 (Retained)	8.4 ha (20.8 acres)	27.98 metres (91.78 feet)
Lot 3	0.48 ha (1.2 acres)	30 metres (100 feet)
Lot 4	0.24 ha (0.6 acres)	30 metres (100 feet)

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 2016:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration ~~to~~ preparation+draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee.
3. A payment in lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Township of Severn in cash or certified cheque. The Township shall retain an appraiser, at the applicant's expense, to prepare the appraisal in accordance with Section 51.1(4) of the Planning Act if the value of the land cannot

otherwise be agreed on. Payment shall be applicable for each lot created.

4. The owner shall obtain a Zoning By-law Amendment to rezone the property identified as a wetland by the EIS submitted with the applications to the Environmental Protection (EP) Zone to prevent development on the lands. This rezoning may also take into account setbacks on the proposed lots, as to be determined during the rezoning process in consultation with the Director of Planning and Development and the applicant.

5. That the owner shall enter into a Consent Agreement regarding road improvements as suggested by the Director of Public Works and Director of Planning or shall pay the cost estimate prior to the 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. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.

8. That the applicant provide an Undertaking regarding a site concept plan showing vegetation preservation on the lot grading plan for proposed Lot 1.

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

DECISION – APPROVE
Variance Application A-05-16 (Royal Heights Estates)

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 for the retained lands from applications B-20/21/22-14 to permit a minimum lot frontage of 27.5 metres (90.2 feet) on Hume Street whereas Zoning By-law 2010-65 states the minimum lot frontage to be 30 metres in the Residential One Exception Twenty Two (R1-22) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 2016:

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

2. Variance Application No.: **A-01-16**
Owner: **William Cunningham & Agota Gabor Cunningham**
Applicant: **Stephen Cartwright, Canadian Aquatic Harvesters**
Roll Number: **4351 050 003 86302 0000**
Municipal Address: **3257 Lazy Lane**

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

Proposal:

- É The approximate 3.65 acres property is occupied by an existing single detached dwelling and detached garage.
- É The property owners would like to remove an existing dryland boathouse with a marine railway, boatport and associated docking and replace it with a new boatport and docking as well as constructing a marine storage building on land.
- É The following variances are requested in order to permit the construction of the new accessory structure:
 1. A variance to permit a front yard setback of 2.4 metres (8 feet) for a marine storage building whereas Zoning By-law 2010-65 states the minimum front yard setback is 15 metres (49 feet) for a marine storage building.
 2. A variance to permit an interior yard setback of 0.9 metres (3 feet) for a marine storage building whereas Zoning By-law 2010-65 states the minimum interior yard setback is 4.5 metres (14.76 feet) for a marine storage building.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-006:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the 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:

- É Member Vandergeest stated that he did not believe there would be an impact to the neighbouring properties and inquired about a demolition permit.
- É The agent stated that the demolition permit was approved and that Trent Severn permit are also in place.

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-01-16 (Cunningham)

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 to permit a front yard setback of 2.4 metres (8 feet) for a marine storage building whereas Zoning By-law 2010-65 states the minimum front yard setback is 15 metres (49 feet) for a marine storage building.
2. A minor variance to permit an interior yard setback of 0.9 metres (3 feet) for a marine storage building whereas Zoning By-law 2010-65 states the minimum interior yard setback is 4.5 metres (14.76 feet) for a marine storage building..

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 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 shoreline area.
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. **Minor Variance Application No.:** A-02-16
Owner: James Gillard & Nancy Sakamoto-Gillard
Agent: Taylor Docks
Roll Number: 4351 050 003 81100 0000
Municipal Address: 1849 Ellis Road

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

Proposal:

- É The approximately 3,035 square metre (0.75 acres) property has approximately 30.5 metres of frontage on the Maclean Lake and supports an existing single detached dwelling and a boathouse was also present on the property up until a couple months ago.
- É The applicant has requested permission to construct a new boatport, docking and marine storage building or shed, permits from the Trent Severn Waterway are in place. The following variance is requested for the shoreline redevelopment:
- É A variance to permit a front yard setback of 0.6 metres (2 feet) for a marine storage building whereas Zoning By-law 2010-65 states that the minimum front yard setback for a marine storage building is 15 metres (49 feet).

Agency Comments:

None

Public Correspondence:

A letter of correspondence in favour of the application was received from Marie Yager, 1843 Elis Road.

Staff Report D16-007:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented - the applicant and an agent were both 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 property owner and agent were asked if they were aware of the proposed conditions and were in agreement with them. They confirmed this. The Chair then called for a vote on the application.

DECISION – APPROVE
Variance Application A-02-16 (Gillard)

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 to permit a front yard setback of 0.6 metres (2 feet) for a marine storage building whereas Zoning By-law 2010-65 states that the minimum front yard setback for a marine storage building is 15 metres (49 feet).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 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.

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. Minor Variance Application No.:	A-03-16
Owner:	Chris Leavens
Agent:	Crew Docks, Chris Edwards
Roll Number:	4351 040 009 44902 0000
Municipal Address:	2536 Baguley Road

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

Proposal:

- É The approximately 0.50 acre property with 36 metres of frontage is occupied by a dwelling and a portion of an existing dock is present in the water off of the property. The existing portion of docking is approximately 20 metres (65 feet) from shore. The applicant would like to construct new docking to access a new boatport.
- É The following variances are requested in order to permit the construction of the new access ramp dock and boatport:
 1. A variance to permit docking with a length of 15.85 metres (52 feet) to access a 9.7 metres (32 feet) by 7.9 metres (26 feet) boatport, for a combined length of 25.6 metres (84 feet) from shore, whereas Zoning By-law 2010-65 states that boatports

and docking shall fit within a 8.0 metre by 10.0 metre rectangular area or envelope adjacent to the shore.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-008:

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 and agent were both 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:

- É *Member Vandergeest thanked the applicant for coming in prior to starting construction and inquired about the steel on the property.*
- É *The agent stated the steel on the property is for a boatlift.*

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

**DECISION – APPROVE
Variance Application A-03-16 (Leavens)**

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 to permit docking with a length of 15.85 metres (52 feet) to access a 9.7 metres (32 feet) by 7.9 metres (26 feet) boatport, for a combined length of 25.6 metres (84 feet) from shore, whereas Zoning By-law 2010-65 states that boatports and docking shall fit within a 8.0 metre by 10.0 metre rectangular area or envelope adjacent to the shore.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 2016:

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. A permit from the Trent Severn Waterway is obtained.

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. Minor Variance Application No.:	A-04-16
Owner:	Megobari Inc.
Agents:	Jamie Robinson, MHBC Planning Chris Brommet, Abode North
Roll Number:	4351 040 009 55010 0000
Municipal Address:	2219 Pilkington Lane

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

Proposal:

- É The approximately 0.6 hectare (1.48 acres) property is currently vacant.
- É The following variance is requested in order to permit the construction of the new proposed dwelling:
 1. A variance to permit a maximum height of height of 9.7 metres (31.8 feet) whereas Zoning By-law 2010-65 states the maximum permitted height for the Shoreline Residential Three Exception One (SR3-1) Zone is 8 metres (26.24 feet).

Agency Comments:

None

Public Correspondence:

Letters of correspondence in support of the application were received from:

- É Rick Tanner, 2209 (Lot 1) Pilkington Lane
- É George Aiello, 2229 (Lot 3) Pilkington Lane
- É Rudy Sawatzky, 2249 (Lot 5) Pilkington Lane

Staff Report D16-009:

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 - both agents were both present. Mr. Robinson provided an overview of the application and his professional planning opinion in the form of a powerpoint presentation. Mr. Brommet stated that he constructed all of the dwellings on Pilkington and that this lot is a walkout property, they are unable to build forward due to the tree preservation and cannot push back due to the septic location, making the proposed location is the ideal location. Mr.

Brommet further stated that two of the other dwellings are larger and one is smaller than the proposed dwelling.

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 agents were asked if they were aware of the proposed conditions and were in agreement with them. They confirmed this. The Chair then called for a vote on the application.

**DECISION – APPROVE
Variance Application A-04-16 (Megobari Inc.)**

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 to permit a maximum height of height of 9.7 metres (31.8 feet) whereas Zoning By-law 2010-65 states the maximum permitted height for the Shoreline Residential Three Exception One (SR3-1) Zone is 8 metres (26.24 feet).

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 15th day of March, 2016:

DECISION: APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Municipal Taxes to be paid to date.
2. That a site plan agreement be registered on title which provides for the property to be developed in accordance with a satisfactory site plan which shall include detailed information on vegetation to be retained and may require supplementary plantings.
3. That the construction is in substantial compliance with the plans submitted with the Application and that the habitable ground floor area does not exceed 220 square metres.

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 # 16-06

MOVED by Emily Silk and SECONDED by Allen Vivian

THAT the Committee of Adjustment meeting be adjourned at 8:49 p.m. on March 15th, 2016. The Committee will reconvene at 7:00 p.m. on April 19th, 2016 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary-Treasurer