

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, OCTOBER 18, 2016 AT 7:00 P.M.

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

Staff: Secretary-Treasurer, Planner Katie Mandeville

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 # 16-27

MOVED by Allen Vivian and SECONDED by Douglas Hamilton

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on September 20th, 2016 be adopted as printed and distributed.

CARRIED

D. ADJOURNED APPLICATIONS

NONE

E. NEW APPLICATIONS

1. Variance Application No.: **A-34-16**
Applicant: **Warren Northcott, Sunrise Drafting**
Owner: **David & Jane Rodgers**
Roll Number: **4351 010 008 58100 0000**
Municipal Address: **3371 Lake Saint George**

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

Proposal:

- É The approximately 3,763 metres square (0.93 acres) property is occupied by an existing single storey detached dwelling and one accessory building.
- É The existing deck attached to the main dwelling is located within the required 3 metre setback. The owners would like to remove the existing deck and replace it with a screened porch in the same location.
- É The following variance is requested:
 1. A variance to permit an interior yard setback of 1.5 metres (5 feet) for the screened porch whereas Zoning By-law 2010-65, as amended establishes an interior yard setback of 3 metres (9.8 feet) for the Shoreline Residential Two (SR2) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D16-052:

The Planner provided a brief summary of the staff report.

The Chair asked if the property owner or agent were present and had anything to add to what was presented - the property owner was present and stated that he had talked to the neighbour of the new house who has no windows on the side. Mr. Rodgers further stated that the deck (to be removed) is 19 years old and the previous owner put in the tree line and he plans to improve it.

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-34-16 (Rodgers)**

THE PURPOSE and EFFECT of the application is:

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

1. An interior yard setback of 1.5 metres (5 feet) for the screened porch whereas Zoning By-law 2010-65, as amended establishes an interior yard setback of 3 metres (9.8 feet) for the Shoreline Residential Two (SR2) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18th day of October, 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 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. Consent Application No.:	B-12-16
Owner:	Dale & Lenore McKean
Roll Number:	4351 050 001 15600 0000
Municipal Address:	2242 Oakley Sideroad

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 approximately 350 metres (1,148 feet) on Oakley Sideroad and an area of approximately 24.3 (60 acres). 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 6 metres (19.7 feet) in width and approximately 700 metres (2,296 feet) in length. The proposed right of way would provide access to the following properties: 2622 Oakley Sideroad and 2472, 2482, 2508 and 2530 Maclean Lake.

Agency Comments:

A letter of correspondence was received from Josie Tomei, Canadian Pacific, stating that the only concern would be if the nearest part of the entrance from Oakley Sideroad is within 100 feet of the centreline of track... Although the measurement is not shown on the plan, from my review it appears that the road/easement distance from the track is sufficient. + *The Planner confirmed that the measurement exceeds 100 feet.*

Public Correspondence:

None

Staff Report D16-053:

The Planner provided a brief summary of the staff report.

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

- É *The Chair inquired if the proposed right of way crossed the municipal road allowance.*
- É *Discussion ensued amongst the Committee and applicants regarding the history of the road and placement.*
- É *The Planner advised that the road association would likely receive a letter from the Township's Clerk and could follow up with her directly.*

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

**DECISION – APPROVE
Consent Application B-12-16 (McKean)**

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 6 metres (19.7 feet) in width and approximately 700 metres (2,296 feet) in length. The proposed right of way would provide access to the following properties: 2622 Oakley Sideroad and 2472, 2482, 2508 and 2530 Maclean Lake.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 18th day of October, 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 properties known municipally as 2622 Oakley Sideroad and 2472, 2482, 2508 and 2530 Maclean Lake.
4. That the beneficiaries of the right of way enter into a License Agreement with the municipality if any portion of a right-of-way requires access over an unopened road allowance within the municipality, as well as annually providing a Certificate of Liability Insurance in the amount of \$2 million naming the Township of Severn as an additional insured.
5. 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.
6. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
7. 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.
8. 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**
NONE

H. **ADJOURNMENT**

The following motion was adopted:

Motion # 16-28

MOVED by Emily Silk and SECONDED by Mark Vandergeest

THAT the Committee of Adjustment meeting be adjourned at 7:20 p.m. on October 18th, 2016. The Committee will reconvene at 7:00 p.m. on November 15, 2016 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary-Treasurer