

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Parts 1 & 2) has a frontage of approximately 27.95 metres (92 feet), a depth of approximately 29.9 metres (98 feet) and an area of approximately 821 square metres (9,016 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Parts 3 & 4) has a frontage of 27.4 metres (90 feet), a depth of approximately 27.9 metres (92 feet) and an area of approximately 829 square metres (8,280 square feet).

OTHER APPLICATIONS: The land subject to this application for Consent is **not** currently the subject of an Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order Amendment, or Minor Variance.

Mr. Pascuzzo was asked to explain the application. He noted that it is a severance to create one lot off the rear yard of the property. He noted that the Town has serviced the lot and there is a similar severance that occurred on the same street. The severance will create another single family dwelling in this area.

Mr. Vitali asked if the applicants are aware of the additional requirements. Mr. Pascuzzo confirmed they are aware of the conditions as well as the comments from MTO.

Mr. Groh asked if the applicants are aware that a permit from NVCA is required. Mr. Pascuzzo confirmed they are aware.

The Chair asked if there was anyone in the audience that would like to comment on the application. There were none.

As there were no questions or comments from the audience, the Chair closed the portion of the meeting to make a decision.

Following discussion, the Committee granted the application

FOR THE FOLLOWING REASONS:

1. THAT approval of this application will maintain the policies of the Official Plan;
2. THAT approval of this application will maintain the general intent of Zoning By-law 2003-60;
3. THAT the application is desirable for the appropriate development and use of the subject property.

WITH THE FOLLOWING CONDITIONS:

1. THAT the applicant provide the following monies to the Municipality:
 - a) That all outstanding municipal fees, taxes and charges, including local improvement charges, be paid out in full.
 - b) That the 5% Parkland Contribution as required by the Planning Act be paid as a requirement of the approval of the severance.
2. THAT the applicant provide a registered reference plan, said reference plan to show all of the parcel to be severed, and all of the parcel to be retained.
3. THAT the existing shed located on the proposed severed parcel be removed.
4. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision.

Mr. Pascuzzo was thanked for his presentation.

A02/17 274 Knox Road East/Kardos

The chair asked if there are any declarations of conflict or pecuniary interest. There were none.

Mr. Kardos was welcomed to the table.

The Recording Secretary read the application.

IN THE MATTER OF Section 53 of the *Planning Act*, R.S.O. 1990, as amended.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Joe Kardos, owner of the property described as Part Lot 4, Concession 15, Plan 51R9652 Part 1 and 2 and municipally addressed as 274 Knox Road East, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a combined frontage of approximately 51.27 metres (168 feet), a depth of approximately 59.44 metres (195 feet) and an area of approximately 6,290 square metres (37,760 square feet).

VARIANCE REQUESTED

To facilitate the increase in size of a detached accessory building, the applicant requests relief from Section 3.1, Accessory Uses, Buildings and Structures of Zoning By-law 2003-60, as amended, from:

- the maximum permitted horizontal dimension of 9 metres to 15.6 metres;
- the maximum permitted lot coverage of 65 square metres to 173 square metres;
- the maximum permitted height of 5 metres to 5.5 metres.

OTHER APPLICATIONS: The land subject to this application for minor variance is **not** currently the subject of an Official Plan Amendment, Zoning By-Law Amendment, Minister's Zoning Order Amendment, or Severance.

The Chair asked Mr. Kardos to explain the application. Mr. Kardos explained that he retired from a farm property and moved to the subject property. The subject property consists of 2 lots, one with the dwelling and the other is a vacant building lot. The NVCA does not allow a new dwelling to be built on the lot. Mr. Kardos noted that he is allowed to build a garage on the vacant lot and he is looking to house his collector vehicles in the proposed garage. The vehicles are now in temporary storage on the property. He explained he is a car enthusiast and he moved to this property for this reason.

He noted that his home and a small, sort of cottage are currently on the property. The house is 1420 square feet, no basement. If he would be able to build on the lot he could have built a larger home on it. One of the conditions is to combine the two lots.

Mr. Groh asked when he purchased the property. Mr. Kardos noted that he acquired the property on October 2, 2016.

Ms. Bondarchuk noted that there is currently a backhoe, bobcat etc. on the property, which causes concern with the public and she asked what these are used for. Mr. Kardos responded that he uses these for clearing land, stumps and snow. He confirmed that he is retired (used to be a Building Inspector in Brampton) and is not using the vehicles for commercial purposes.

Mr. Sestokas noted that there are currently compliance issues with parking and storage. Mr. Kardos noted that he spoke with the by-law department about it and the only thing he could do was to build a garage to store the vehicles in.

Mr. Sestokas referred to a section in the staff report regarding commercial trailers. Mr. Kardos explained that the trailers are on his property because he purchased them this way and they are not used as commercial vehicles.

Mr. Sestokas noted there is a concern with all the cars and other vehicles on the property, because it's a residential area. Mr. Kardos again confirmed that he is not using the vehicles for commercial vehicles and does not run a construction business. He is willing to comply with the by-laws and if that means there can't be any vehicles on the property, he will remove them. Mr. Kardos also noted that he is stuck, because he can't sell the property knowing that you can't build on it and the NVCA only allows a garage to be built on it, therefore the garage needs to be able to accommodate all vehicles that are not allowed on the property.

Mr. Groh referred to the staff report regarding the vehicles that are currently on the property. Ms. Jarratt explained that the by-law permits a boat + trailer, auto trailer, snowmobile, travel trailer and one enclosed trailer. One of the conditions is for the temporary storage buildings to be removed. If they are not removed after granting of the minor variance and the building of the garage, it will become a zoning by-law issue.

Ms. Bondarchuk asked if a bobcat, backhoe etc. are currently allowed to be on a residential property in the zoning by-law. Ms. Jarratt explained that at this time our zoning by-law doesn't specifically address these vehicles, but it specifies that vehicles on a residential property can only be used as accessory to residential use.

Ms. Bondarchuk asked if the NVCA would allow expanding of the existing residence. Mr. Kardos noted that they do not allow addition of any more living areas or homes in that area at all.

The Chair asked if there was anyone in the audience that would like to comment on the application.

Ms. ? asked what the height of the garage doors would be. Mr. Kardos responded that the doors will be 8ft, which is a standard size. He also noted that the walls will be no higher than 9ft.

Mr. Vitali noted that Mr. Kardos mentioned that he came from a large property in an area where you can do what you want on your property, into a residential area. He noted that when you drive by, it looks like it's going to be used/is used as a commercial property. Mr. Vitali wanted to make sure that this is in fact the intended residential use. He also noted that it is not easy to enforce this. He noted that a garage makes sense if the whole property is one lot. Everyone is trying to cooperate within reason of the streetscape. Staff has been working with applicant. Mr. Vitali noted that there are quite some conditions to the approval of the application and there might be some added after the meeting.

Mr. Sestokas noted that staff received 3 emails with concerns regarding the application.

Ms. Jarratt summarized the received emails:

Ms. Teppo – 38 Stroud Cres.

Concerns regarding size of the proposed garage.

Ms. Raymond - ?

Concerns with size of proposed garage and possible commercial use.

Mr. & Mrs. Shaw – 141 Woodland Drive

Concerns with size of garage and possible commercial use.

Mr. Kardos wanted to address the concerns regarding the construction business. He noted that he has 2 sons that live in town and they own a construction company. He also noted that he doesn't understand why a construction business would be an issue, because when you have a construction company, you construct somewhere else and not on site.

Mr. Sestokas noted that it's the visual impact that causes the common concern and the variance is requesting a large garage, which is out of character.

Mr. Kardos noted that there are more large garages in town, he is not the only one and he also noted that everything will be housed in there. If the bobcat and backhoe are an issue, he will get rid of them. He repeated that he has no intention of using the garage for commercial activity.

Mr. Vitali asked what the property would look like if variance would be approved. Mr. Kardos responded that it will be the existing house plus a garage and everything will be stored in the garage and if there is anything else that is not allowed to be on the property, it will be removed. Mr. Vitali asked if the temporary storage units would be removed too. Mr. Kardos confirmed they would be, as there is no reason to keep them.

Mr. Groh asked what the maximum number of accessory units on a residential property is. Ms. Jarratt responded there are 2 accessory buildings allowed.

As there were no more questions or comments from the audience, the Chair closed the portion of the meeting to make a decision.

Mr. Groh noted he can't agree with the height of garage and suggested to go back to 5m.

Ms. Bondarchuk noted there is a concern with the use of the property today. The garage would improve the situation. There also are concerns with the size of the garage, which will be almost the same size as the existing dwelling. She noted that the size of the lot is not common in a residential area, it's much larger. She also noted there is a concern about the bobcat and noted that she is not sure from a by-law perspective if this is something the committee can enforce, or if this is by-law department issue. Ms. Bondarchuk noted that the committee is here to consider the request for minor variance, not for property standard issues.

Ms. Jarrett explained that the zoning by-law states that it is equipment used accessory to residential use, to be used for residential purposes. If that's what it is used for, it is allowed.

Following discussion of the application, the Committee granted the application.

FOR THE FOLLOWING REASONS:

1. THAT approval of this application will maintain the policies of the Official Plan;
2. THAT approval of this application will maintain the general intent of Zoning By-Law 2003-60;
3. THAT the request for a minor variance is minor;
4. THAT the application for a minor variance is desirable for the appropriate development and use of the subject property;
5. THAT the comments and concerns of the public, both written and verbal, were considered in this decision of the Committee.

WITH THE FOLLOWING CONDITIONS:

1. THAT the applicant provide written legal confirmation that the subject lands have been merged into one.
2. THAT a building permit be acquired for the lean to addition to the existing accessory structure located on Part 2 and remedial work be undertaken to this addition as required for it to meet the Ontario Building Code, so that Order to Comply OC-22-09 can be removed.
3. THAT the garage subject to the application for variance be constructed with rear and front yard setbacks as presented to the Committee of Adjustment at the Public Hearing for this matter on March 2017.

4. THAT a minimum interior yard setback of 15 feet (4.57 metres) for the proposed garage be maintained from the easterly interior lot line.
5. THAT the owner plant six (6) coniferous trees with an immediate height of 1.5 metres within the 4.5 metres side yard setback adjacent to the easterly interior lot line and that tree protection measures be applied at the time of construction of the detached accessory building subject to the application for variance.
6. THAT the storage container currently located on the subject land be removed from the site.
7. THAT a permit be obtained from the Nottawasaga Valley Conservation Authority under the Conservation Authorities Act.
8. THAT all other provisions of Zoning By-law 2003-60 be complied with including provisions pertaining to Section 3.41 Parking of Special Vehicles.
9. THAT the outside and inside storage of vehicles be limited to those vehicles accessory to residential uses.

Mr. Kardos was thanked for his presentation.

B05/17 27 Marilyn Avenue South/Langlois

The chair asked if there are any declarations of conflict or pecuniary interest. There were none.

Ms. McIntyre and Ms. Langlois were welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 39, Plan 1391, municipally addressed as 27 Marilyn Avenue South, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer is available for the subject lands.

PURPOSE AND EFFECT: An application submitted by Therese McIntyre, on behalf of Ann Marie Langlois, owner of the subject land. This application will create one lot for a total of two lots.

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part 2) has a frontage of approximately 15.24 metres (50 feet), a depth of approximately 87.7 metres (288 feet) and an area of approximately 1,337 square metres (14,400 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part 1) has a frontage of 15.24 metres (50 feet), a depth of approximately 87.7 metres (288 feet) and an area of approximately 1,337 square metres (14,400 square feet).

OTHER APPLICATIONS: The land subject to this application for Consent is **not** currently the subject of an Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order Amendment, or Minor Variance.

The Chair asked Ms. Langlois to explain the application. Ms Langlois would like to sever the lot to build another house on the severed lot for her family to be close.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone in the audience that would like to comment on the application. There we no comments.

As there were no questions or comments from the audience, the Chair closed the portion of the meeting to make a decision.

Following discussion of the application, the Committee granted the application.

FOR THE FOLLOWING REASONS:

1. THAT approval of this application will maintain the policies of the Official Plan;
2. THAT approval of this application will maintain the general intent of Zoning By-law 2003-60;
3. THAT the application is desirable for the appropriate development and use of the subject property.

WITH THE FOLLOWING CONDITIONS:

1. THAT the applicant provide the following monies to the Municipality:
 - a. That all outstanding municipal fees, taxes and charges, including local improvement charges, be paid out in full
 - b. That the 5% Parkland Contribution as required by the Planning Act be paid as a requirement of the approval of the severance.
2. THAT the applicant provide a registered reference plan, said reference plan to show all of the parcel to be severed, and all of the parcel to be retained.
3. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision.

Ms. McIntyre and Ms. Langlois were thanked for their presentation.

B06/17 425 Oxbow Park Drive/Redmond

The chair asked if there are any declarations of conflict or pecuniary interest. There were none.

Mr. Cooper was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 76, Plan 829, municipally addressed as 425 Oxbow Park Drive, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer is available for the subject lands.

PURPOSE AND EFFECT: An application submitted by Ed Cooper, on behalf of Brian Redmond, owner of the subject land. This application will create one lot for a total of two lots.

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part 2) has a frontage of approximately 19 metres (62 feet), a depth of approximately 30.46 metres (100 feet) and an area of approximately 577.6 square metres (6,200 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part 1) has a frontage of 19 metres (62 feet), a depth of approximately 30.45 metres (100 feet) and an area of approximately 707 square metres (7,600 square feet).

OTHER APPLICATIONS: The land subject to this application for Consent is **not** currently the subject of an Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order Amendment, or Minor Variance.

The Chair asked Mr. Cooper to explain the application. Mr. Cooper explained that the applicant would like to sever the lot to create a building lot for a 1100 sqft bungalow to be built.

Mr. Vitali noted that the size of the building will be 25 'x 40' and asked if the applicant would be able to save existing trees on the property. Mr. Cooper noted that he is hoping to save as many trees as possible.

The Chair asked if there were any more questions from the Committee. There were none.

The Chair asked if there was anyone in the audience that would like to comment on the application. There were no comments.

As there were no questions or comments from the audience, the Chair closed the portion of the meeting to make a decision.

Following discussion of the application, the Committee granted the application.

FOR THE FOLLOWING REASONS:

1. THAT approval of this application will maintain the policies of the Official Plan;
2. THAT approval of this application will maintain the general intent of Zoning By-law 2003-60;
3. THAT the application is desirable for the appropriate development and use of the subject property.

WITH THE FOLLOWING CONDITIONS:

1. THAT the applicant provide the following monies to the Municipality:
 - a. That all outstanding municipal fees, taxes and charges, including local improvement charges, be paid out in full.
 - b. That the 5% Parkland Contribution as required by the Planning Act be paid as a requirement of the approval of the severance.
2. THAT the applicant provide a registered reference plan, said reference plan to show all of the parcel to be severed, and all of the parcel to be retained.
3. THAT municipal water and sewer be provided to the lands to be severed and the lands to be retained to the satisfaction of the municipality.
4. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision.

Mr. Cooper was thanked for his presentation.

The next Committee of Adjustment/Consent meeting will be held on **Monday, April 10, 2017** at 4:00 p.m. in the Classroom.

MOVED BY- D. Vitali
SECONDED BY – K. Bondarchuk

RESOLUTION NO. 2017-03-04

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 5:05 p.m.

CARRIED