

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, February 12, 2018 at 4:00 p.m. in The Classroom.

PRESENT: A. Sestokas Member/Acting Chairman
R. Groh Member
M. Ruttan Member
D. Herron Manager of Planning and Development
D. de Rijke Recording Secretary

REGRETS: A. Sigouin Chairman
D. Vitali Member
T. Jarratt Zoning Administrator/Secretary Treasurer

MOVED BY: R. Groh

RESOLUTION NO. 2018-02-01

SECONDED BY: M. Ruttan

RESOLVED THAT this Committee of Adjustment/Consent does now come to order at 4:00 p.m.

CARRIED

MOVED BY: M. Ruttan

RESOLUTION NO. 2018-02-02

SECONDED BY: R. Groh

RESOLVED THAT Arv Sestokas is hereby appointed as Acting-Chairman for the Town of Wasaga Beach, COMMITTEE OF ADJUSTMENT AND COMMITTEE OF CONSENT.

CARRIED

MOVED BY: M. Ruttan

RESOLUTION NO. 2018-02-03

SECONDED BY: R. Groh

RESOLVED THAT this Committee of Adjustment/Consent does hereby adopt the minutes of the meeting held January 15, 2018.

CARRIED

B01/18

109 Smallman Drive

Semaldin Homes

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

Mr. Sergi was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Part Lot 6, Concession 16, municipally addressed as 109 Smallman 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 Peter Sergi, on behalf of Semaldin Homes Ltd., owners 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 A) has a frontage of approximately 15.24 metres (50 feet), a depth of approximately 45.72 metres (150 feet) and an area of approximately 697 square metres (7,492 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part B) has a frontage of 15.24 metres (50 feet), a depth of approximately 45.72 metres (150 feet) and an area of approximately 697 square metres (7,492 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 lands were the subject of a previous severance approval under file B20/16 that lapsed.

Mr. Sergi was asked to explain the application. Mr. Sergi explained that they would like to sever the lot to be able to build 2 homes. He noted that a water/sewer connection for both lots is in place. He further noted that this was the second time they applied for consent due to lapse due to personal issues.

The Chair asked if there were any questions from the committee.

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;
4. 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 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) 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 Town of Wasaga Beach.
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. Sergi was thanked for his presentation.

A03/18

360 Coastline Drive

Skycon Developments

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

Mr. Gill was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Skycon Developments Ltd., on behalf of Skydale Investments & Developments Ltd., owners of the property described as Lots 2 to 6, Plan 847, municipally addressed as 360 Coastline Drive, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a frontage of approximately 76.2 metres (250 feet) on Albert Street, a depth of approximately 89.31 metres (293 feet) and an area of approximately 5,807.91 square metres (62,516 square feet).

VARIANCE REQUESTED

The applicant requests relief from the Residential Type Three Eleventh Exception (R3-11) Zone and Section 3.3 Yard Encroachments of Zoning By-law 2003-60 as amended as follows:

- From the minimum interior side yard setback requirement for the north interior lot line (Coast Line Drive) of 6m to 3.4m for the building face and 2.2 metres for a covered porch and steps;
- To permit a covered porch with an area of 4.3 square metres and height greater than 1.2 metres to encroach into a required front yard (Albert Street) a maximum distance of 1.2 metres;
- To reduce the minimum required landscape open space requirement from 30% to 29.2%.

OTHER APPLICATIONS: The land subject to this application is currently the subject of an application for Site Plan Approval.

The Chair asked Mr. Gill to explain the application. Mr. Gill explained that the setbacks are mostly along Coastline Drive and because of the necessity of having retaining walls, the setbacks are pushed forward. He further noted that originally the porches were at the back, but are now in the front away from the driveways. He confirmed that all porches will be covered.

The Committee noted that NVCA approval is required. Mr. Gill noted they are aware.

The Committee further noted that this project was started approximately 10 years ago. Mr. Herron noted that the application for Site Plan approval came in 2008 and the planning department and applicant went back and forth for about 18 months. At that moment it was almost ready for the Site Plan Agreement, only the landscaping details to the south needed to be addressed. The project came to a halt, due to the market. In the meantime the market and the approval requirements have changed. The request for minor variance reflects the mindset of the developer. Originally there was no request for minor variance, as it was assumed Coastline Drive was a provincial road. However, it's not a provincial road, nor a municipal road, therefore the setback has to be viewed as interior side yard.

Mr. Sestokas asked regarding the addressing; as the current address is Coastline Drive, would this remain as it is not a municipal road. Mr. Herron noted that this will be addressed at Site Plan approval stage. He further noted that it seems to be just an access road and is irregularly maintained by Public Works.

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

As there were no more 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 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 variance to reduce the interior side yard setback only applies to the interior side yard adjacent to lot line abutting Coastline Drive.

Mr. Gill was thanked for his presentation.

A04/18

2078 Shore Lane

Martens

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

Mr. Martens was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Peter & Betty Martens, owners of the property described as Lot 11, Plan 654, municipally addressed as 2078 Shore Lane, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a frontage of approximately 15.22 metres (50 feet), a depth of approximately 112.84 metres (370 feet) and an area of approximately 1,693 square metres (18,221 square feet).

VARIANCE REQUESTED

The applicant requests relief from Zoning By-law 2003-60 as amended to permit the expansion of a non-conforming use. The subject land supports two residential single detached dwelling units, whereas Section 4, Residential Type 1 (R1) Zone of Zoning By-law 2003-60 permits one single detached dwelling on the subject land. The request pertains to one of the dwelling units. If the request is approved, the dwelling unit would be permitted to be re-constructed with an increase in height from approximately 4.72 metres (15.42 feet) to 6.1 metres (20 feet) and an expansion of the footprint by 14m².

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 Committee asked Mr. Martens to explain the application. Mr. Martens noted that the cottage has been in place since 1930s. It was moved in in 2005. Their plan has always been to square up

the cottage. The existing building was built in bits and pieces and placed on a foundation. They want to raise the roof, cathedral ceiling with beams, therefore the request for height increase. The request for increase of the footprint is because of squaring it up. It will be moved away from the interior side yard.

Mr. Groh noted that the applicant started construction without a building permit. Mr. Martens noted that the builder of the original building took care of all the permits. With this building they were miss informed and got stuck. Mr. Martens is aware of the NVCA comments.

Mr. Ruttan asked if the Committee could approve without confirmation/approval from the NVCA. Mr. Herron explained that the Committee needs to take provincial legislation into account, which also includes NVCA, flood, ice etc. Mr. Herron further noted that they are not refusing the application, just requesting deferral to further discuss with the applicant. Both a building permit and NVCA permit are required.

It was further noted that there is also a water sewer hook-up to the building, that was pre-existing. The Committee asked if Mr. Martens understands what legal non-confirming use is. Mr. Martens responded that he understands that because there are 2 residences on the property, which is zoned R1, it is non-conforming. The legal is because this situation is grandfathered in and both buildings were lived in continuously since before 1975. Problems occur when the building is changed.

Mr. Herron noted that the planning department would be willing to maintain discussion with the NVCA and the applicant to get to a solution. Once NVCA approves, the planning department can report back to the Committee.

The Chair noted that the Committee can either make a decision now, or defer to a future meeting. Mr. Martens requested the decision to be deferred at this time.

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

As there were no more 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 request from the applicant to defer the application.

A05/18 33 30th Street N Carman

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

Mr. Carman was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Sid Carman, on behalf of Marc Peloso, owner of the property described as Concession 16 Part Lot 4 Plan 705 Lot G Part Rd Allow, municipally addressed as 33 30th Street North, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a frontage of approximately 18 metres (60 feet), a depth of approximately 53 metres (175 feet) and an area of approximately 975 square metres (10,500 square feet).

VARIANCE REQUESTED

To facilitate the continued construction of a detached garage, the applicant requests relief from Section 3.1.5.5 Accessory Uses, Buildings and Structures of Zoning By-law 2003-60 as amended to permit an increase in the maximum height of a detached accessory building from 3.7 metres to 4.10 metres when the detached accessory building is located with a minimum rear and side yard setback of 1.12 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. Carman to explain the application. Mr. Carman explained that the grade at the back was a lot lower plus there are some trees. He noted that he built the garage on grade with a 14'. Unfortunately this was not noticed on framing inspection, but on final inspection. Mr. Carman noted that he couldn't go lower due to the grade and integrity of trees. He noted that he did have revised drawings done. Because there are 2 trees on the corners, the structure shifted 6" off of property line. The drawings said 4ft, which was not correct.

Mr. Groh noted that only the height is a problem and asked what the garage would be used for. Mr. Carman responded that it's a shed for storage and a small workshop.

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 more 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 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 all other provisions of the zoning by-law be complied with.

Mr. Carman was thanked for his presentation.

B02/18

23 Robert Street S

Zieba

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

Ms. Zieba was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 11 and 12, Plan 1391, municipally addressed as 23 Robert Street 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 Agnieszka Zieba, 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 B) has a frontage of approximately 30.7 metres (101 feet), a depth of approximately 91.2 metres (299 feet) and an area of approximately 2,655 square metres (28,578 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part A) has a frontage of 30.8 metres (101 feet), a depth of approximately 91.2 metres (299 feet) and an area of approximately 2,745 square metres (29,547 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.

Ms. Zieba was asked to explain the application. She explained that she is looking to sever lot 11 (29 Robert Street S) and is just looking to sever into 2 lots, not any more. She noted that there was an issue with the NVCA previously and she has to demonstrate that she is not impacting the wetlands. She noted that she is looking to fix the grading. She understands that she needs clearance from NVCA. She would like decision today with condition of NVCA approval.

Mr. Groh commented on previous correspondence regarding this property since 2008. He asked if this request is for the same consent. Ms. Zieba noted that she is asking for a severance into 2 lots, whereas before there was a request for severance into more than 2 lots. She further noted that according to her the photos received from NVCA do not represent current conditions.

Mr. Ruttan noted that there are 2 water/sewer tees available. There were concerns with the lands behind the property at the time.

Ms. Zieba commented that the property behind dug out drainage all around his property and the water is flowing into the ditch on Robert street. She noted that fixing the grading will most likely solve the problem and she is willing to do so.

Mr. Sestokas made reference to the planning report statements.

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

The next Committee of Adjustment/Consent meeting will be held on **Monday, March 19, 2018** at 4:00 p.m. in the Classroom.

MOVED BY: M. Ruttan
SECONDED BY: R. Groh

RESOLUTION NO. 2018-02-04

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 5:00 p.m.

CARRIED