



TOWN OF WASAGA BEACH

COMMITTEE OF ADJUSTMENT/CONSENT

MINUTES

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, January 21, 2019 at 4:00 p.m. in The Classroom.

PRESENT:	A. Sestokas	Member/Acting Chair
	L. Newton	Member
	D. Vitali	Member
	T. Jarratt	Zoning Administrator/Secretary Treasurer
	D. de Rijke	Recording Secretary
REGRETS:	A. Sigouin	Chair
	M. Ruttan	Member

MOVED BY – D. Vitali **RESOLUTION NO. 2019-01-01**
SECONDED BY – L. Newton

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

CARRIED

MOVED BY – L. Newton **RESOLUTION NO. 2019-01-02**
SECONDED BY – D. Vitali

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 – L. Newton **RESOLUTION NO. 2019-01-03**
SECONDED BY – D. Vitali

RESOLVED THAT this Committee of Adjustment/Consent does hereby adopt the minutes of the meeting held November 19, 2018.

CARRIED

A04/18 **2078 Shore Lane/Martens**

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

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION:

VARIANCE REQUESTED:

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

The Chair noted the applicant requested deferral of the application to address outstanding matters. The Committee agreed to defer the application.

A01/19 45 Cranberry Heights/O'Neill

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

Mr. O'Neill was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by John O'Neill, owner of the property described as Lot 82, Plan M636, municipally addressed as 45 Cranberry Heights, 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 18.21 metres (60 feet), a depth of approximately 45.01 metres (148 feet) and an area of approximately 820 square metres (8,826 square feet).

VARIANCE REQUESTED: The Committee grants relief from Section 4, Residential Type One (R1) Zoning of Zoning By-law 2003-60 as amended from the minimum required interior side yard setback of 1.8 metres to 1.77 metres to recognize the location of an existing residential dwelling.

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 the applicant to explain the application. Mr. O'Neill explained that the builder made a mistake and he would like to have it corrected.

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 further questions or comments from the audience, the Chair closed the portion of the meeting to make a decision. 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 for interior side yard setback only applies to the existing dwelling and that any future additions to the home comply with the provisions of the Zoning By-law.

Mr. O'Neill was thanked for their presentation.

A02/19 1531 Mosley Street/Sensenberger

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

Mr. Hunt was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Lloyd Hunt, architect, on behalf of Tony Sensenberger, owner of the property described as Plan 799 PT BLK A, municipally addressed as 1531 Mosley Street, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject land is a through lot and has a frontage of approximately 35.15 metres (115 feet) on Mosley Street and 40.06 (134 feet) on Sunnyside Lane, a depth of approximately 40.96 metres (134 feet) and an area of approximately 1,287 square metres (13,853 square feet).

VARIANCE REQUESTED: The applicant requests relief from Section 10, District Commercial (CD) Zone of Zoning By-law 2003-60 as amended, from the minimum required front yard setbacks of 6 metres to 1.4 metres and 2.4 metres to recognize the location of the existing building and to permit a proposed addition (walk in refrigerator) that will comply with the minimum yard requirements of the CD zone.

The applicant further requests relief from Section 3.38, Off Street Parking Requirements of Zoning By-law 2003-60 to remove the requirement for one additional parking space on site that is a result of the proposed addition.

OTHER APPLICATIONS: The land subject to this application is currently the subject of Zoning By-law Amendment file Z02/19 (Lift H).

Mr. Hunt was asked to explain the application. Mr. Hunt explained that the application is for an addition to the existing building to add space for a walk-in fridge, to recognize the current building and to request relief from an extra required parking space.

Mr. Vitali noted there was a letter received from the neighbor (The Beach Chiropractor – Sarah Adams). Ms. Jarratt summarized the concerns: timelines of construction (applicant responded this will take a week and the foundation will be dug out by hand), interference with her operations (applicant responded that they will only use her parking lot maybe just for the concrete truck), drainage or damage to property line/landscaping (applicant will have discussion with Sarah regarding construction etc.), vibration (materials), dimensions of addition and access (access will only be from the inside and the equipment for the fridge is on the roof).

It was noted that notes will be added to building permit file.

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

Ms. Ferracci (35 Sunnyside Lane) and Mr. Kivell (43 Sunnyside Lane) both have a concern with the parking lot that will be removed and concerns with noise during construction. Both commented that it's not a street but a laneway. They expressed concerned with parking lot overflow and parking on the road and suggested that maybe the Sunnyside Lane entrance could be closed off. The applicant commented that the parking lot is now used as a through way, but once the business is there this will hopefully stop.

Mr. Wilson (17 Sunnidale River Rd) commented that traffic concern on that road is a big concern, especially trucks. He noted he has a meeting with the engineering department.

Ms. Jarratt commented that the subject lands are not subject to Site Plan Approval, so there are no changes to the existing parking lot and no other changes.

The restaurant use is a permitted use and the number of parking spaces currently available is grandfathered (17). No parking spaces will be removed and the requested relief is for reduction of one parking space that would be required due to the addition.

As there were no further questions or comments from the audience, the Chair closed the portion of the meeting to make a decision. 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 any additions to the building comply with the requirements of the zoning by-law.
2. That the addition proposed in the application for minor variance only be used for refrigeration.

Mr. Hunt was thanked for his presentation.

A04/19 11 Nautical Lane/Hamout Investments Ltd.

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

Ms. Jandu was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Hamout Investments Ltd., owner of the property described as Block 1 Plan 51M-1134, located on Nautical 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 43.31 metres (23 feet), an irregular depth of 27.49 metres and an area of approximately 1,333 square metres (14,348 square feet).

VARIANCE REQUESTED: The Committee grants relief from Section 6, Residential Type Three Thirty Second Exception (R3-32) of Zoning By-law 2003-60 as amended from the minimum required interior side yard setback of 1.2 metres to 1.15 metres to permit the location of an existing townhouse building currently under construction.

The relief pertains to the townhouse dwelling unit municipally addressed as 11 Nautical Lane.

OTHER APPLICATIONS: The land subject to this application for minor variance is currently the subject of Part Lot Control file PL03/18.

The Chair asked Ms. Jandu to explain the application. Ms. Jandu explained that this is the 6th phase of Stonebridge by the Bay, facing onto River Road East. She noted that the foundation shifted 5 cm to the west and therefore is not complying with the Zoning By-law.

Mr. Sestokas noted that this is a common minor variance application and suggested to look at the internal process.

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 further 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 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 for interior side yard setback only applies to the existing building and that any future additions to the dwelling comply with the provisions of the Zoning By-law.

Ms. Jandu was thanked for her presentation.

The next Committee of Adjustment/Consent meeting will be held on **February 11, 2019** at 4:00 p.m. in the Classroom.

MOVED BY – L. Newton
SECOND BY – D. Vitali

RESOLUTION NO. 2019-01-04

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 4:50 p.m.

CARRIED