

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, July 10, 2017 at 4:00 p.m. in The Classroom.

PRESENT:	A. Sigouin	Chair
	R. Groh	Member
	A. Sestokas	Member
	D. Vitali	Member
	T. Jarratt	Zoning Administrator/Secretary Treasurer
	D. de Rijke	Recording Secretary
REGRETS:	K. Bondarchuk	Member

MOVED BY- R. Groh **RESOLUTION NO. 2017-07-01**
SECONDED BY- A. Sestokas

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

CARRIED

MOVED BY- A. Sestokas **RESOLUTION NO. 2017-07-02**
SECONDED BY- D. Vitali

RESOLVED THAT this Committee of Adjustment/Committee of Consent does hereby adopt the minutes of the meeting held April 20 and June 12, 2017.

CARRIED

A15/16 26 Nottawa Road/Gold

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

Mr. Reynolds was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Rod Reynolds, agent acting on behalf of Ernest and Sarina Gold, owners of the property described as Lot 19 Plan 800, municipally addressed as 26 Nottawa Road, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands are irregular in shape and have a frontage of approximately 3.05 metres (10 feet), a depth of approximately 30.49 metres (100 feet) and an area of approximately 622 square metres (6,695 square feet).

VARIANCE REQUESTED

The applicant requests relief from the Residential Type One (R1) Zone of Zoning By-law 2003-60, as amended, from the minimum rear yard setback requirement of 7.6m to 4.9m to facilitate the construction of a two storey single detached 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.

Mr. Reynolds was asked to explain the application. Mr. Reynolds explained that the applicant is constructing a new single family dwelling on the property. He noted that proposed dwelling will be permitted by the NVCA because there is an existing house on the property. The design is turned 90 degrees for maximum view over the lake and to increase the size a second storey will be added. The proposed location of the garage doesn't need a variance and the lot coverage complies with the Zoning By-law.

Mr. Groh asked if there are any decks proposed and what the setbacks would be. Ms. Jarratt explained that the minimum side yard or rear yard setback for decks is 3 metres if higher than 2 feet and 0.9 metres if less than 2 feet. The NVCA doesn't have issues with non-habitable areas, so there is no issue with a deck on the lake side.

Mr. Sestokas noted that the previous application was for an 840 square feet home. Mr. Reynolds noted that the owner wanted to build a 1000 square feet home, as required by the Zoning By-law, however the NVCA does not allow an expansion of the existing footprint, therefore the owner will be building a 2-storey home.

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

Mr. Rodomski (31 Middlebrook Road).

Mr. Rodomski noted there is a holding on the property which will be lifted by Council at the end of July. The Chair noted that the holding is on the property because approval from the NVCA is required. Part of the property is zoned R1 and part R1FH. The applicant will not be able to start construction before NVCA approval is received and the holding is lifted.

Mr. Rodomski noted he has lived at the current address since 2008. He feels that the request for the rear yard setback reduction is major, from 7.6m to 4.9m. He feels this is a significant change and has concerns about privacy. He also noted that it blocks the view of everyone on the street as there are currently no buildings set on that line.

Mr. Rodomski also noted that with the addition of the deck there will be even less privacy.

He also has a concern with the dormer in the top and is wondering if that is living space? All homes around the subject property are 1 storey buildings and he feels it is changing the nature of the neighbourhood.

The building as proposed has 5 windows facing their property and a balcony on the second floor, and the home owners will be looking into all adjacent properties.

Mr. Rodomski also has a concern with the trees that are currently along the property line and is afraid they will be taken down resulting in loss of privacy.

Sherry Davidson (31 Middlebrook Road)

Ms. Davidson noted that she attended the first application hearing in 2016. She referred to the previous application, which was for a bungalow with no garage. She feels that the new proposal is over-developing the property and is also concerned with the loss of mature trees and privacy.

Mr. Rodomski noted that he was also speaking on behalf of his neighbour at 24 Nottawa Road. Mr. Sestokas noted that this property is currently for sale. Mr. Rodomski noted that he understands that it's no longer for sale.

Mr. Sestokas noted that the distance between the proposed building and Mr. Rodomski's land seems significant. Mr. Rodomski showed a survey of his property.

Mr. Groh wanted to confirm that the proposed home is a 2-storey and there will be an attic with windows facing the water.

Ms. Jarratt explained that the maximum allowed is 2 storeys, but you can have living space in the attic as long as the maximum height of 10 m is not exceeded and the living space on the third level is in the attic area.

Mr. Groh further asked if there are restrictions on where you can or cannot place a deck.

Mr. Reynolds explained that the NVCA does not allow deck on both floors, only on one or the other.

Mr. Reynolds further noted that if this was a normal lot, the rear of the lot would be opposite the road frontage with a 1.8m setback.

The NVCA would allow the owner to build on the same foot print, but the owner is trying to take advantage of the bay.

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

Mr. Groh noted he appreciates the concern of the people, but noted that the concern exists because only because it's considered a rear and not a side lot line, everything else complies.

Mr. Vitali noted that it's a very unusual shaped lot. The owners are making the best use of the available property. He asked if the attic can be used as living space. Ms. Jarratt confirmed this. Ms. Jarratt suggested that a deck or windows could be addressed in the conditions to address the privacy concerns.

Mr. Sestokas noted that the existing properties seem to be staggered according to the bay and anyone would like to build facing the water. The garage is a non-factor and it can always be built, as it meets the setbacks.

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 no decking be permitted in the rear yard;
2. THAT the trees located along the rear lot line be protected and preserved during construction, to the satisfaction of the municipality.

Mr. Reynolds was thanked for his presentation.

A06/17 753 Shore Lane/Fox

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

Mr. de Rijke was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Ewout de Rijke, agent acting on behalf of John Fox, owner of the property described as Part of Lot E Plan 705, municipally addressed as 753 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 15.24 metres (50 feet), a depth of approximately 18.24 metres (60 feet) and an area of approximately 277 square metres (3,000 square feet).

VARIANCE REQUESTED

The applicant requests relief from the Residential Type One (R1) Zone of Zoning By-law 2003-60, as amended, from:

- the minimum rear yard setback requirement of 7.6m to 3.54m and 4.45m;
- the minimum interior side yard setback requirement of 1.8m to 1.34m;
- the minimum front yard setback requirement of 6m to 5.05m for a second storey deck;

The requested variances would permit an expansion to the foot print of the existing cottage and a second storey addition.

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. de Rijke to explain the application. Mr. de Rijke explained that there is currently a small cottage on the property and the owner wants to increase the floor space and keep the design as light as a possible. They added the 2nd storey to create more room. How it's currently placed on the property currently dictates what can be done, as they are keeping the existing foundation.

To keep the privacy for the neighbours, the rear windows are placed high. One of the bedroom windows could be changed to a high window as well, or have frosted glass.

The lot is small, therefore the roof terrace was designed along the front length of the building for privacy. The screening along the terrace will be stucco. The cut out as shown on the drawings is for architectural purposes only and can be changed.

The total lot coverage is 500 square feet for the main floor, 860 square feet for the second floor, including the balcony. The deck is not included. Ms. Jarratt pointed out that the lot coverage only takes the footprint into account. All other existing structures will be removed.

Parking will be provided under the master bedroom and on the property.

Mr. Vitali asked if the new construction will be on the same footprint. Mr. de Rijke confirmed that the existing foundation will be used and expanded, but will not be encroaching further into the rear yard setback than the existing setback. The owner wants to keep the trees that are there, that's why they chose build the addition on pillars.

The walls from the existing building will remain.

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

Mr. Nash commented that he likes the design, but noted that the proposed building is 4x the size of the existing cottage. He would like to see it moved back to comply with the zoning by-law.

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;
2. THAT the rear elevation of the home, and roof top deck be constructed as per the elevation drawings submitted with the application for minor variance;
3. THAT the reduction in the side yard setback only applies for the side yard located between the south east interior lot line and the south east corner of the proposed dwelling as shown on the sketch provided with the application for minor variance;
4. THAT the existing accessory buildings be removed;
5. THAT the proposed roof top screen be extended to the full length of the building.

Mr. de Rijke was thanked for his presentation.

A07/17 517 Mosley Street/Calleri

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

Mr. Fler was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Ron Fler, agent acting on behalf of Sylvia Calleri, owner of the property described as Part of Lots 80 & 81, Plan 713, municipally addressed as 517 Mosley Street, 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 22.9 metres (75 feet), a depth of approximately 25.3 metres (83 feet) and an area of approximately 576 square metres (6,225 square feet).

VARIANCE REQUESTED

The applicant requests relief from Zoning By-law 2003-60 as amended

- from the Residential Type One (R1) Zone from the minimum rear yard setback requirement of 7.6m to 2.31m and 2.37m; and
- from Section 3.3 Yard Encroachments from the minimum rear yard setback requirement of 3 metres to 2.37 metres to permit the construction of a deck above 0.6 metres in height.

The proposed variances would permit the expansion of an existing dwelling with a one storey addition, a covered deck, a side entry deck, a peaked roof and an increase in foundation height.

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. Fler to explain the application. Mr. Fler explained that the house was handed down from the owner's mother. It's a small lot with no back yard. The basement is low and they would like to lift the basement and expand the west side to create more living space. Also the flat roof would be replaced with a peaked roof and a covered porch would be added at the front.

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 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.
2. That the rear elevation of the home be constructed consistent with the rear elevation drawing submitted with the application for minor variance.

Mr. Fler was thanked for his presentation.

A16/16 109 37th Street North/Pacione

Ms. Jarratt noted that a Public Hearing for this application was held on November 21, 2016.

Mr. Vitali asked how the concern regarding parking in the rear yard by an existing garage will be addressed. Mr. Pacione noted that the garage is not used to park a car. Ms. Jarratt noted that there will not be enough room to drive to the garage when the addition is in place.

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 owner obtain a building permit from the building department for the construction of the covered front porch.

The next Committee of Adjustment/Consent meeting will be held on **Monday, August 21, 2017** at 4:00 p.m. in the Classroom.

MOVED BY- A. Sestokas
SECONDED BY – D. Vitali

RESOLUTION NO. 2017-07-03

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 4:30 p.m.

CARRIED