



TOWN OF WASAGA BEACH COMMITTEE OF ADJUSTMENT MINUTES

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, June 18, 2018 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:	M. Ruttan	Member

MOVED BY – D. Vitali	RESOLUTION NO. 2018-06-01
SECONDED BY – R. Groh	

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

CARRIED

MOVED BY – A. Sestokas	RESOLUTION NO. 2018-06-02
SECONDED BY – R. Groh	

RESOLVED THAT this Committee of Adjustment/Consent does hereby adopt the minutes of the meeting held May 14, 2018.

CARRIED

A12/18 45 74th Street South/Rauti

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

Mr. Adam Rauti and Ms. Mary Rauti was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Mary Rauti, owner of the property described as Part lot 34 Concession 3 Part 2 RP 51R-36985, municipally addressed as 45 74th Street South, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a frontage of 23.75 metres (78 feet), a depth of approximately 45.65 metres (150 feet) and an area of approximately 1,084 square metres (11,668 square feet).

VARIANCE REQUESTED

The applicant requests relief from the Residential Type One (R1) Zone of the Zoning By-law 2003-60 as amended from the minimum required interior side yard of 1.8 metres to 1.69 and 1.74 metres metres to permit the location of the existing dwelling currently under construction.

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. Adam Rauti was asked to explain the application. He explained that when the foundation was poured, the wrong form was used (12" instead of 9"). They proceeded to build the home and were asked for a tie-in survey and at this stage they noticed the mistake.

Mr. Sestokas asked if the foundation was pinned. Mr. Rauti confirmed it was and that the contractor had the survey, but instead of using the 9" form they used a 12" form and pushed the pin put and this was caught at the tie in survey.

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 dwelling and that any future additions to the home comply with the provisions of the Zoning By-law.

Ms. Rauti was thanked for his presentation.

A13/18 35 67th Street North/Di Benedetto

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

Mrs. Di Benedetto was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Sylvia di Benedetto, owner of the property described as Part lot 7 Plan 862 W Part 2 RP 51R28254, municipally addressed as 35 67th 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 12.2 metres (40 feet), a depth of approximately 32.66 metres (120 feet) and an area of approximately 398.45 square metres (4,289 square feet).

VARIANCE REQUESTED

The applicant requests relief from the Residential Type One (R1) Zone of the Zoning By-law 2003-60 as amended from the minimum required interior side yard of 1.8 metres to 1.58 and 1.48 metres to permit the location of an existing dwelling currently under construction.

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 Ms. Di Benedetto to explain the application. Ms. Di Benedetto explained that her contractor measured the existing foundation and used these measurements to excavate and pour the new foundation. The contractor measured wrong and now Ms. Di Benedetto is stuck with a basement and framed first floor.

Mr. Sestokas noted again that the foundation pinning should have happened. Ms. Benedetto noted that it was discussed. on site multiple times. The intent was to renovate existing cottage but the foundation was not suitable, therefore they had to pour a new foundation, which was based on the wrong size.

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 dwelling and that any future additions to the home comply with the provisions of the Zoning By-law.

Ms. Di Benedetto were thanked for her presentation.

A11/18 40 68th Street North/Ferreira

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

Ms. Loft was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Loft Planning Inc., on behalf of Mr. Firmino Ferreira, owner of the property described as Lot 97, Plan 859, municipally addressed as 40 68th 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 12 metres (39 feet), a depth of approximately 31 metres (102 feet) and an area of approximately 385.65 square metres (4,151 square feet).

VARIANCE REQUESTED

To permit the location of an accessory building on the subject property, the applicant requests relief from Section 3.1 Accessory Uses, Building & Structures of Zoning By-law 2003-60 as amended from:

- the maximum permitted horizontal dimension of 9 metres to 11.1 metres;
- the minimum required interior side yard setback of 1.8 metres to 0.6 and 0.4 metres;
- the minimum required rear yard setback of 7.6 metres to 0.6 metres to permit the location of an accessory building on the property.

Further the applicant requests relief from the Residential Type One (R1) Zone of the Zoning By-law 2003-60 as amended from the minimum required interior side yard of 1.8 metres to 0.59 metres and 1.4 metres to recognize the location of a n existing 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 Ms. Loft to explain the application. Ms. Loft prepared a power point presentation and summarized the application. She noted that the lot size is typical for the neighbourhood. The owner constructed a second floor addition to the house without a building permit and renovated an existing shed in the backyard. The accessory structure is currently in place and not complying with the zoning by-law. It was further noted that there is fencing around the structure.

Ms. Loft noted that there have been discussions between the owner and the Town. The owner claimed an addition to the existing home was existing before the zoning by-law came into place. However, there was not enough proof to confirm this, therefore the variance to recognize the older addition is requested. Ms. Loft is of the opinion that the addition was existing.

Ms. Loft noted that she has discussed with the owner that the accessory structure can not be used as a bunkie and or for human habitation, but only as an accessory structure.

Ms. Loft is of the opinion that the variance request meets the 4 tests and has not real impact on the neighbours.

Mr. Sigouin asked how old the picture shown in the Power Point presentation is. Ms. Loft noted that it is from 2016 and taken from the County of Simcoe GIS.

Mr. Groh commented that from the picture it seems that the accessory building has increased 3 times in size.

Mr. Vitali asked when Ms. Loft got involved in the file. She responded that she was retained in April 2018 at that point the owner had had discussions with the building department.

Mr. Sigouin noted that comments from the Engineering Department were received and he read the memorandum.

Mr. Sestokas asked what the total lot coverage is, including the shed. Ms. Jarratt responded that this is 25%, according the provided drawings.

Mr. Groh commented that it wouldn't have taken much to be in compliance with the by-law for accessory uses, if the owner had come in for an application for building permit. Ms. Jarratt confirmed that if he had lowered the roof to 12' he would have only had to move the structure in a bit to be in compliance.

The Committee wanted to make sure that the structure is not used for human habitation and they discussed enforcement.

Ms. Loft suggested to register an agreement on title that there is no water and sewer services, therefore no human habitation. Ms. Jarratt noted that this can be a condition of approval. Ms. Loft noted that she had spoken to the owner as well about a possible agreement.

Mr. Sigouin asked what the older addition on the side of the dwelling is used for. Ms. Jarratt noted that the owner indicated it is a bathroom.

Further to the discussion, Ms. Jarratt noted that the Committee has the option of approving only part of the variance or add conditions, if needed.

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 for the single detached dwelling only applies to the existing dwelling and that any future additions to the home comply with the provisions of the Zoning By-law;

2. That the applicant install eaves trough on the accessory building subject to the application for variance and direct storm water away from adjacent properties;
3. That the applicant provide a lot grading and drainage plan prepared by a qualified professional for the location of the accessory building to the satisfaction of the Town of Wasaga Beach;
4. That the accessory building height not exceed 3.7 metres (12 feet);
5. That the owner enter into a development agreement with the municipality to be registered on title to stipulate that the accessory structure will not be connected to municipal water and sewer services and at no time will it be used for human habitation.

Ms. Loft was thanked for her presentation.

A10/18 Westbury Road/Sterling Homes (Westbury Rd) Inc.

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

Ms. Clement was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by The Jones Consulting Group Ltd., on behalf of Sterling Homes (Westbury Rd) Inc., owner of the property described as Part lot 26 Concession 8 Part lot 41 Plan 1408, located at Westbury 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, has frontages on Westbury Road, Savarin Street, Berkely Street and Leslie Anne Drive and has an area of approximately 3.5 hectare.

VARIANCE REQUESTED

The applicant requests relief from Section 6 Residential Type 3 (R3) Zone of Zoning By-law 2003-60 from:

- The minimum required interior side yard from 3 metres to 1.5 metres for the exposed end wall of a street townhouse dwelling;
- The minimum required interior side yard from 6 metres to 4.95 metres for an exposed end street townhouse dwelling abutting an R1 or R2 zone;
- The minimum required exterior side yard from 5 metres to 4 metres;
- An increase in the maximum permitted lot coverage from 45% to 49% for street townhouse units.

The applicant further requests relief from Section 4 Residential Type 1 (R1) Zone of Zoning By-law 2003-60 from the minimum required exterior side yard from 4.5 metres to 4 metres.

OTHER APPLICATIONS: The land subject to this application for minor variance are also subject to Draft Plan of Subdivision Approval File PS04/07.

The Chair asked Ms. Clement to explain the application. Ms. Clement explained the subject lands are adjacent to the Public Works yard. In 2010 the lands were draft plan approved and this draft plan approval was extended in 2013 and 2016. The approval will expire in 2019.

The approval is for 18 single detached dwellings and 42 townhouses. She further noted the zoning is R1 for the single detached dwellings and R3 for the townhouses. The applicant is requesting 5 variances. Ms. Clement summarized all requested variances and referred to the 4 tests.

Ms. Clement noted that the intent for the reduced interior side yard setbacks is to ensure a consistent streetscape. The intent of the exterior side yard reduction is separation between the built form and the road. The required 2.5 metre snow storage will be met either way.

The increase in lot coverage would be to create a deeper building to accommodate a master bedroom on the main floor, a design that is the result of a noise study.

There will be an acoustical fence on the Town property to mitigate noise from the Public Works yard.

Mr. Sigouin asked how drainage and stormwater management would be addressed. Ms. Clement explained that there were some concerns with the stormwater management and this was discussed with the engineering dept. As far as she is aware this is being sorted out.

Mr. Sestokas asked if the townhouse end units will be larger. Ms. Clement confirmed they will be wider, because the applicant would like to offer 2-car garages on the end units.

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

Mr. Rapkoski - 3 Culham Trail

Mr. Rapkoski asked where the stormwater management pond would be located. Ms. Clement showed the location on the plan.

Mr. Rapkoski would like to know what the view from his property will be. Ms. Clement noted there will be a 4 metre setback before the first townhouse building.

Mr. Groh asked if there will be landscaping around the stormwater management pond. Ms. Clement noted that this will all be stipulated in the subdivision agreement. She further noted that there is also a park space planned in the subdivision, which the Town has requested to keep natural.

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 to permit a lot coverage of 49% only applies to Blocks 20, 21, 24 and 25 within the Draft Plan Approved Subdivision;
2. That the applicant demonstrate to the satisfaction of the Town of Wasaga Beach and Nottawasaga Valley Conservation Authority that the stormwater management for the development can accommodate the additional flows associated with the increase in impervious surface areas;
3. That all other provisions of the zoning by-law be complied with.

Ms Clement was thanked for her presentation.

The next Committee of Adjustment/Consent meeting will be held on **Monday, July 16, 2018** at 4:00 p.m. in the Classroom.

MOVED BY – R. Groh
SECONDED BY – D. Vitali

RESOLUTION NO. 2018-06-03

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 5:20 p.m.

CARRIED