

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, May 14, 2018 at 4:00 p.m. in The Classroom.

PRESENT:

A. Sigouin	Chair
R. Groh	Member
M. Ruttan	Member
A. Sestokas	Member
D. Vitali	Member
T. Jarratt	Zoning Administrator/Secretary Treasurer
D. de Rijke	Recording Secretary

REGRETS: None

MOVED BY – R. Groh

RESOLUTION NO. 2018-05-01

SECONDED BY – D. Vitali

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

CARRIED

A07/18 **51 George Avenue/Jeffery**

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

Mr. Jeffery was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Larry Jeffery, owner of the property described as Concession 4 Part Lot 35 Plan 1391 Lot 72, municipally addressed as 51 George Avenue, 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 60.96 metres (200 feet), a depth of approximately 88.45 metres (290 feet) and an area of approximately 5,481 square metres (59,000 square feet).

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.

VARIANCE REQUESTED

The applicant requests relief from Section 3.1 Accessory Uses, Buildings & Structures of Zoning By-law 2003-60 as amended to increase the maximum permitted size of a proposed detached garage from 65 square metres to 89.1 square metres and to increase the maximum horizontal dimension of 9 metres to 12.19 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.

Mr. Jeffery was asked to explain the application. Mr. Jeffery explained there is no garage currently and he would like to build one to park vehicles. He noted that three of the existing six outdoor buildings are rotten, which he will remove. There is a garden shed west of the house that is 6x8 with a gate attached. He noted he would like to keep this shed. He also noted that one of the sea containers currently on the property will be removed, but he would like to keep the other one. He explained that he would like to keep it to keep the milled wood in to cure and dry. He also has some fencing that he would like to keep in the container as well.

Mr. Sestokas asked why there are so many sheds on the property. Mr. Jeffery commented they were there when he bought the property. He also noted that he would like to keep the sea container after the wood has been dried in there.

Mr. Ruttan inquired if Mr. Jeffery would be allowed to keep any of the other structures if the garage gets approved. Ms. Jarratt explained that he can't, because the application is for a detached structure that is proposed to be over the allowed 65 square metres coverage, and the request to keep any other structures on the property is not currently included in the application.

She further noted that storage containers are subject to building permit and they are not allowed to be a permanent structure as is. If Mr. Jeffery wants to keep it, right now he needs to comply with the Zoning By-law and Building Code requirements.

The other shed would need to be added in with the current application, so this means an increase in number of structures and increase of coverage.

Mr. Jeffery noted again that he would like to keep the shed.

The Chair suggested to defer the decision, so changes can be made to the application.

Ms. Jarratt explained that the Committee can only make a decision on the application as it was advertised (one garage with an increased coverage and size). Now Mr. Jeffery wants to keep one sea container plus the shed, which was not relayed to the public. The Committee can't make a decision on something that is not advertised. Unless Mr. Jeffery agrees to remove all the other buildings, it is recommended that application is deferred and Mr. Jeffery submits a new application with the changes.

The Chair noted a letter was received from a Ms. Rona Toth (58 Marilyn Avenue South) read the letter. Ms. Toth has concerns with the noise from "wood activity" increasing with a bigger garage. The Chair further noted that Mr. Jeffery is not allowed to have a home occupation that is operated out of a garage nor a commercial business at the location.

Mr. Jeffery agreed to the deferral and the meeting was closed.

Mr. Jeffery was thanked for their presentation.

A08/18 42 64th Street North/Jones

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

Mr. and Mrs. Jones were welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Andrew and Leah Jones, owners of the property described as Part of lot 18 Plan 862 W, municipally

addressed as 42 64th 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 15.24 metres (50 feet), a depth of approximately 37.66 metres (124 feet) and an area of approximately 573.9 square metres (6,178 square feet).

VARIANCE REQUESTED

The Applicant requests relief from Section 4 Residential Type 1 (R1) Zone of Zoning By-law 2003-60 as amended from the minimum interior side yard setback requirement of 1.8 metres to 1.2 metres to recognize the location of an existing dwelling and permit a future addition that will comply with the minimum yard requirements of the R1 Zone.

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. Jones to explain the application. Mr. Jones explained that they would like to add an addition to the house to square it off (approx. 20 x 20) and the north east corner is too close to the side lot line.

Mr. Groh asked if the sheds on the property comply with the Zoning By-law, which was confirmed. It was also noted there is a well on the property, which will be decommissioned.

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 request for relief only applies to the existing dwelling;
2. That any future additions to the existing dwelling comply with the zoning provisions of the zoning by-law.

Mr. and Mrs. Jones were thanked for their presentation.

A09/18 66 Leo Boulevard/Dimit

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

Mr. and Mrs. Dimit were welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Brittany Dimit, on behalf of Theodore Dimit, owner of the property described as Lot 23 Plan 51M-484, municipally addressed as 66 Leo Boulevard, 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 14.6 metres (48 feet), a depth of approximately 42.27 metres (139 feet) and an area of approximately 782 square metres (8,417 square feet).

VARIANCE REQUESTED The Committee grants relief from Section 4 Residential Type 1 (R1) Zone of Zoning By-law 2003-60 as amended from the minimum required rear yard setback of 7.6 metres to 5.62 metres to facilitate the construction of a covered deck and from Section 3 Accessory Uses, Buildings & Structures of Zoning By-law 2003-60 from:

- The minimum required setback of 1.5 metres to 0.14 metres to permit the location of an existing pool;
- The minimum required side yard setback from 0.9 metres to 0.36 metres to permit the location of an existing shed.

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 Mrs. Dimit to explain the application. She noted that they purchased this property in 2009 and wanted to replace the roof on the existing sunroom. At that point they were told that this was a deck that was covered without a permit. They bought the property as is and this application is to make all structures comply.

Mr. Groh asked for confirmation that the one shed at south property will be relocated, as well as compliance with the maximum lot coverage. Ms. Jarratt confirmed both.

Ms. Jarratt also confirmed that if the decision is granted, after the 20 day appeal period, removal and relocation of structures as per conditions of approval can be made, and the conditions have to be cleared before permit is issued.

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 request for variance under Section 3 of Zoning By-law 2003-60 only pertain to the existing pool and shed as shown on the survey provided with the application for variance;
2. That the request for rear yard setback reduction under Section 4 of Zoning By-law 2003-60 only applies to the proposed covered porch as provided with the application for variance;
3. That the covered tent (gazebo) as shown on the survey provided with the application be removed;
4. That the vinyl shed located in the south west corner of the subject land be relocated on the subject land in compliance with Zoning By-law 2003-60;
5. That the lower deck located in the rear yard be altered to remove the encroachment onto the lands located to the south and in compliance with the minimum yard requirements of the Zoning By-law.

Ms. Dimit 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.

The applicant did not attend the meeting. The Chair noted that the applicant requested deferral of the application. There were members of the public in attendance and it was decided to obtain comments from them and relay them to the applicant. The applicant would need to attend a future meeting for the Committee to render a decision. It was noted that a second public meeting would be advertised and circulated and the applicant would be in attendance.

Tod Bain (15 Spots Lane)

Mr. Bain inquired if Savarin Street would remain a dead end street, as he has concerns with increased traffic.

Ms. Jarratt noted that the Draft Plan of Subdivision was approved in 2007. The Committee of Adjustment application is for relief from the current zoning permissions and the variance request is for design tweaks for the approved Draft Plan of Subdivision. She noted the developer is not adding more units and there is no change in permitted uses.

She further noted that there are draft plan conditions for fencing, drainage etc. These can be viewed in the planning department during regular business hours.

Mr. Bain further noted drainage concerns. There are currently new homes being built on the street, which cause flooding. Ms. Jarratt noted that one of the conditions of the Draft Plan of Subdivision is a Storm Water Management plan that has to be addressed and approved by the engineering department and NVCA.

Irene Lightfoot (57 Savarin Street)

Ms. Lightfoot noted she has the same concerns.

Michelle Beauchamp (56 Savarin Street)

Ms. Beauchamp inquired if soil/land studies were done. This was confirmed.

Ms. Jarratt again explained that this Committee of Adjustment would render a decision on the application for variance, not approve the subdivision. Any questions pertaining to the Draft Plan of Subdivision should be directed to the Planning Department.

The next Committee of Adjustment/Consent meeting will be held on **Monday, June 18, 2018** at 4:00 p.m. in the Classroom.

MOVED BY – M. Ruttan

RESOLUTION NO. 2018-01-02

SECONDED BY – A. Sestokas

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

CARRIED