



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, November 19, 2018 at 4:00 p.m. in The Classroom.

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

MOVED BY – M. Ruttan
SECONDED BY – D. Vitali

RESOLUTION NO. 2018-11-01

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

CARRIED

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

RESOLUTION NO. 2018-11-02

RESOLVED THAT this Committee of Adjustment/Consent does hereby adopt the minutes of the meeting held September 17, 2018.

CARRIED

A20/18 49 28th Street N/Routledge

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

Mr. Routledge was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Mark Routledge, owner of the property described as Lot 49 Plan 1033, municipally addressed as 49 28th 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 26.41 metres (87 feet), a depth of approximately 23.03 metres (76 feet) and an area of approximately 607 square metres (6,534 square feet).

VARIANCE REQUESTED: The applicant requests relief from Section 4 Residential Type One (R1) Zone of Zoning By-law 2003-60 as amended from the required front yard setback of 6 metres to 4.18 metres for a covered porch and from Section 3.3 Yard Encroachments to permit a deck and steps to be 3 metres from the front lot line.

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. Routledge to explain the application. Mr. Routledge explained that he is building their retirement home and that due to the configuration of the lot, they require the relief requested. There is an existing fence on the neighbouring property and they tried to place the house as far to the south as possible.

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.

Mr. Routledge was thanked for his presentation.

A21/18 2165 Shore Lane/Prince-Cox/Cummings

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

Darren Lougheed and Megan Falcetta from the Jasper Group were welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Linda Prince-Cox and Randy Cummings, owners of the property described as Lot 9 Plan 685, municipally addressed as 2165 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 15.27 metres (50 feet), a depth of approximately 38.67 metres (127 feet) and an area of approximately 564 square metres (6,071 square feet).

VARIANCE REQUESTED: The applicant requests relief from Section 4 Residential Type One (R1) Zone of Zoning By-law 2003-60 as amended from:

- the required exterior side yard setback of 4.5 metres to 3.69 metres;
- the required rear yard set back of 7.6 metres to 4.66 metres; and

- the permitted maximum lot coverage of 35% to 38.2%,
to facilitate the construction of a new single family 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 applicants were asked to explain the application. Mr. Lougheed explained that the owners would like to tear down the existing structures and build a new home on the property. They are aware of the comments received from the Public Works Department.

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 existing cabin located on the subject lands be removed.
2. That the existing deck, wall, and 'shower' that encroach onto the municipal road allowance and as shown on the survey sketch provided with the application be removed.
3. That the home be constructed as shown on the materials and site plan provided with the application for minor variance.
4. That the applicant submit a lot grading and drainage plan prepared by a qualified professional to the satisfaction of the Town of Wasaga Beach.
5. That the setback reduction for the exterior side yard only applies to habitable building area or covered decks.

Mr. Lougheed and Ms. Falcetta were thanked for their presentation.

A22/18 44 Belva Avenue/Joynt/Parkin

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

Mr. Fleer was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted Ron Fleer, on behalf of Melissa Joynt and John Parkin, owners of the property described as Lot 27 Plan 1369, municipally

addressed as 44 Belva 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 40 metres (131 feet) on Allenwood Drive, a depth of approximately 59.47 metres (195 feet) and an area of approximately 1806.9 square metres (19,449 square feet).

VARIANCE REQUESTED: To facilitate the construction of an addition to an existing dwelling, the Committee grants relief from Section 4 Residential Type One (R1) Zone of Zoning By-law 2003-60 as amended from:

- the minimum required exterior side yard setback of 4.5 metres to 0.22 metres to recognize the location of an existing dwelling; and to 1.8 metres to recognize the location of an existing deck.

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. Fler was asked to explain the application. Mr. Fler explained that this is a corner lot and the applicant would like to construct a garage addition. The lot slopes and once the survey was received, it showed that the existing dwelling was too close to the exterior side yard. He noted that the retaining wall and evestrough are encroaching on town land.

There is a recommended condition to remove both or obtain an encroachment agreement with the Town. Mr. Fler commented that the applicant would prefer not to remove the retaining wall, because they would then need to re-grade the property.

Mr. Fler stated that the encroachment is 1.35m to the north (Belva). The corner of house is fine, but the eve encroaches 8 inches. The retaining wall might pose more of an issue than the eve.

Mr. Fler noted case an encroachment agreement is obtained, there is the mutual understanding that if the Town needs the road allowance the wall will need to be removed. The applicant would need to purchase liability insurance due to the location of the wall on the road allowance.

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 all other provisions of the zoning by-law be complied with.
2. That the variance to reduce the exterior yard setbacks only applies to the existing dwelling and deck and that any future additions to either comply with the minimum yard requirements of the zoning by-law.
3. That the stone wall and eave that encroach onto the Belva Road allowance be removed or that the owner address the encroachment in an application for encroachment agreement with the municipality through the Clerk's Office.

Mr. Fler was thanked for his presentation.

B15/18 Robinson Road/Beacon Ridge Homes Ltd.

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

Ms. Pratt-Defoe (The Jones Consulting Group) was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 46, Plan 1696, located at Robinson Road, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

PURPOSE AND EFFECT: An application submitted by The Jones Consulting Group Ltd., on behalf of Beacon Ridge Homes Ltd., owner of the subject land. The application proposes to create one residential building lot, for a total of two lots.

The portion of the property proposed to be severed as shown on the surveyor's sketch provided (Part 2) has a frontage of approximately 15.17 metres (50 feet), a depth of approximately 46.02 metres (151 feet) and an area of approximately 697.5 square metres (7,508 square feet).

The portion of the property to be retained as shown on the surveyor's sketch provided (Part 1) has a frontage of 15.17 metres (50 feet), a depth of approximately 46.02 metres (151 feet) and an area of approximately 697.5 square metres (7,508 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 Chair asked Ms. Pratt-Defoe to explain the application. She explained that the applicant would like to sever the lands on Robinson Road. She addressed the compliance with the Official Plan, Zoning By-law and provincial policies. The property is located within the town's settlement area and are designated and zoned residential. Ms. Pratt-Defoe noted that the Public Works department confirmed that two water sewer connections are already in place. She further noted that the homes to be developed will be similar in style and size to the surrounding neighbourhood.

The subject lands are regulated by the NVCA and they have been contacted by the applicant.

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 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.

Ms. Pratt-Defoe was thanked for her presentation.

B16/18 and B17/18 14, 16, 18 Arcadia Road/Marra

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

Ms. Vasni was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Part Lot 9, Plan 51M-798, municipally addressed as 14, 16 and 18 Arcadia Road, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer is available for the subject lands.

PURPOSE AND EFFECT: An application submitted by Miriam Vasni, on behalf of Paul Marra, owner of the subject land. The combined applications propose to sever two freehold townhouse parcels of land resulting in three freehold townhouse parcels. The effect of the applications is the separation of the three freehold townhouse parcels that have inadvertently merged into one parcel of land.

FILE NUMBER B16/18

The portion of the property proposed to be severed as shown on the surveyor's sketch provided (Part 3) has a frontage of approximately 6.09 metres (20 feet), a depth of approximately 28.7 metres (94 feet) and an area of approximately 174.8 square metres (5,995 square feet).

The portion of the property to be retained as shown on the surveyor's sketch provided (Part 1 + 2) has a frontage of 11.84 metres (39 feet), a depth of approximately 28.7 metres (94 feet) and an area of approximately 395.5 square metres (4,257 square feet).

FILE NUMBER B17/18

The portion of the property proposed to be severed as shown on the surveyor's sketch provided (Part 2) has a frontage of approximately 6.09 metres (20 feet), a depth of approximately 28.7 metres (94 feet) and an area of approximately 174.8 square metres (5,995 square feet).

The portion of the property to be retained as shown on the surveyor's sketch provided (Part 1) has a frontage of 5.75 metres (50 feet), a depth of approximately 28.7 metres (94 feet) and an area of approximately 220.7 square metres (2,376 square feet).

The Chair asked Ms. Vasni to explain the application. Ms. Vasni noted that the 3 townhouse units merged inadvertently and this application for consent is needed in order to separate them into individual parcels.

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 file B16/18.

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;
2. 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.

Following discussion, the Committee granted the application for file B17/18.

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;
2. That application for consent under file B16/18 be granted and completed.
3. 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.

Ms. Vasni was thanked for her presentation.

A18/18 252 Oxbow Park Drive/Magee

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, on behalf of Scott Magee, owner of the property described as Lot 24 Plan 1039, municipally addressed as 252 Oxbow Park 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 12.19 metres (40 feet), a depth of approximately 142.4 metres (467 feet) and an area of approximately 1,736 square metres (18,686 square feet).

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

- Section 4 Residential Type One (R1) Zone from the required interior side yard setback of 1.8 metres to 0 metres to recognize the location of the existing dwelling to facilitate an addition that will comply with the minimum yard requirements of the R1 zone; and
- Section 3.3 Yard Encroachments from the required interior side yard setback of 0.9 metres to 0.48 metres and from 1.8 metres to 1.1 metres to permit the location of two existing decks.

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 applicant wants to add an addition to the existing dwelling. Part of the house is encroaching which will be addressed. The applicant is asking relief to recognize the location of the existing dwelling. The addition will be a carport, garage and living space above.

The encroachment will be addressed by taking off the siding and rebuild. It is a cottage from the 1940s and when they replaced the siding, the siding caused an encroachment.

There is currently an open covered storage area on the west side, which is used for wood storage. The septic used to be under there.

The applicant is aware of the comments received from the Public Works department.

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 to reduce the interior side yard setback only applies to the existing dwelling and deck.
2. That any additions to the existing dwelling and deck comply with the provisions of the zoning by-law.
3. That the portion of the dwelling, exterior cladding and services that encroach onto the neighbouring lands to the south be removed.
4. That any rooftop drainage be directed away from neighbouring lands.

Mr. Fler was thanked for his presentation.

B18/18 Shore Lane/VanderMeer Homes

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

Mr. Vandermeer was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Part Lot 34 and 35, Concession 3 on Shore Lane, Town of Wasaga Beach, County of Simcoe. Municipal sewer and water are available for the subject lands.

PURPOSE AND EFFECT: An application submitted by Stewart Esten LLP, agent acting on behalf of 2491837 Ontario Ltd., the owner of the subject land. The lands were the subject of an application for consent under B10/15. Although the consent under file B10/15 was granted and the conditions of approval were completed, the transfer/deed to effect the severance was not registered within the time frame required by the Planning Act and the consent approval lapsed. This application for consent is a re-application of B10/15. This application proposes to create one lot for a total of two lots.

The portion of the property proposed to be severed shown on the sketch provided has a frontage of approximately 24.26 metres (80 feet) on Shore Lane, a depth of approximately 37.5 metres (123 feet) and an area of approximately 763 square metres (8,213 square feet).

The portion of the property proposed to be retained as shown on the sketch provided is irregular in shape and has a frontage of approximately 14.5 metres (47.5 feet) on Shore Lane, and an area of approximately 3.6 hectares (9.03 acres).

OTHER APPLICATIONS: The land subject to this application for Consent is currently the subject of Official Plan Amendment file OP05/17 and Plan of Subdivision file PS03/17.

The Chair asked Mr. Vandermeer to explain the application. Mr. VanderMeer explained that they had severed a lot off the parcel they own on 2320 Shore Lane and he was under the impression that the severance was done, however it was not registered and now lapsed. Ms. Jarratt explained that the application for Official Plan Amendment and Plan of Subdivision are for the retained parcel, and is not applicable to the subject lands.

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 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 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. Vandermeer was thanked for his presentation.

A23/18 20 Albert Street/De Thomasis

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 Reynolds Surveying, on behalf of Antonio and Rosalia De Thomasis, owner of the property described as Part Lot 1 Plan 740, municipally addressed as 20 Albert 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 14.14 metres (46 feet), a depth of approximately 16.93 metres (56 feet) and an area of approximately 214.3 square metres (2,307 square feet).

VARIANCE REQUESTED: The applicant requests relief from Section 4 Residential Type One (R1) Zone of Zoning By-law 2003-60 as amended from:

- the minimum required rear yard setback of 7.6 metres to 2.87 metres; and
- the minimum required front yard setback of 6 metres to 3.03 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. Reynolds to explain the application. Mr. Reynolds explained that the subject lands were part of a large property 60 years ago and at that time they decided to take a 50ft lot.

Due to the size of the property, it is impossible to comply with the current zoning by-law, therefore relief is requested from the front and rear yard setbacks. Currently the creation of a lot in the R1 zone is required to be a minimum of 5,000 square feet, however at the time this lot was created, in 1958, there was no zoning by-law and no Committee of Adjustment.

The cottage that was on the property was demolished in 2013.

The Chair asked if there was anyone in the audience that would like to comment on the application. The following comments were received:

Sheila Graham (23 Albert Street): has concerns with the drainage. Ms. Jarratt explained that a lot grading and drainage plan has to be approved before a building permit is issued. It has to be in compliance and accepted by the Town's engineering department.

George Liapis and Angela Doran (24 Albert Street) have the same concerns with the impact on their property regarding drainage. All neighbouring properties are lower.

Ms. Jarratt explained again that a lot grading and drainage plan has to be approved before a building permit is issued. It has to be in compliance and accepted by the Town's engineering department.

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 all other provisions of the zoning by-law be complied with including but not limited to providing a minimum of two parking spaces to serve the proposed dwelling as per Section 3.38 of Zoning By-law 2003-60.

2. That the applicant provide a lot grading and drainage plan for the subject land prepared by a qualified professional to the satisfaction of the Town of Wasaga Beach.
3. With the exception of an adjustment for parking space requirements, that the proposed dwelling be situated on the property similar to as shown on the concept sketch, prepared by Rodney G Reynolds dated October 26, 2018 and submitted with the application for variance.

Mr. Reynolds was thanked for his presentation.

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

MOVED BY – R. Groh
SECOND BY – M. Ruttan

RESOLUTION NO. 2018-11-03

RESOLVED THAT this Committee of Adjustment / Committee of Consent meeting does now adjourn at 5:30 p.m.

CARRIED