

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.

It was noted that the application requested relief from 35% to 41% but the application was amended to request relief from 35% to 38%.

Ms. Skema was asked to explain the application. She explained the reasons for the request for height exemption is reduction of noise coming from River Road, to be better able to deal with the snowload and the cost to increase the height from 12' to 14' is negligible. She further noted that the height is common in the area. There are no neighbours to the rear of the property. There might be some loss of trees, but they have added trees to the property in the 13 years they have owned it. Ms. Skema provided a photo of the elevation they are proposing. The proposed building will be more aesthetically pleasing than what is there now and it conforms with the neighbouring properties.

The Chair asked if there were any comments from the Committee.

Mr. Groh asked if the removal of trees could be avoided. Mr. Lediard noted that trees would need to be removed no matter where the garage would be placed, even if it would comply with the required setbacks. He further noted that one tree is already dead and most likely there will be 2 more trees that have to be removed.

Mr. Vitali asked what the new garage would be used for. Mr. Lediard commented that it would be for a vehicle and a small personal workshop. They are aware of the comments from Public Works that zero runoff is allowed from the proposed structure. Mr. Lediard noted that their back yard backs onto a right-of-way on the Wasaga Distribution property.

The Chair reiterated the comments received from Public Works. He further noted that the NVCA has no objection. A letter from Mr. & Mrs. Russo (72 Forest Ave.) was received, opposing the variance with concerns regarding height and impact to the neighbourhood.

Mr. Lediard commented on the letter and showed photos showing the view from 72 Forest Avenue; once the proposed garage is built, only part will be visible.

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 lot coverage only applies to the construction of the detached garage as shown in the application for variance.
2. That the maximum lot coverage not exceed 38%.
3. That all other provisions of the zoning by-law be complied with.
4. That the two accessory structures currently located on the lands be removed.

Mrs. Skema was thanked for her presentation.

A27/17 56 Forest Avenue/Iwanusiw

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: An application submitted by VanderMeer Homes Ltd., on behalf of Ihor Iwanusiw, owner of the property described as Con 16 Part Lot 10, municipally addressed as 56 Forest 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 15.2 metres (50 feet), a depth of approximately 30.5 metres (100 feet) and an area of approximately 463.6 square metres (5,000 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 required rear yard setback of 7.6m to 5.3m to facilitate the construction of a single detached dwelling

The Chair asked Mr. VanderMeer to explain the application. Mr. VanderMeer explained that the previous application for minor variance omitted the request for relief of the canopy over the deck, therefore the application was re-submitted.

Mr. VanderMeer confirmed that the request was only for a canopy, not to enclose the deck.

Mr. Sigouin noted the comments received from the Public Works apartment. The NVCA has no objections.

As there were no questions from the Committee and no further 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 the relief for rear yard setback reduction only applies to the portion of the dwelling supporting the rear covered deck.
2. That all other provisions of the zoning by-law be complied with.

A21/17 252 Kirby Lane/Seucharan

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

Mr. de Rijke was welcomed to the table.

Ms. Jarratt explained that the public meeting for this application was held on October 16, 2017. The owner was asked to return to the Committee with additional information regarding the elevation of the second dwelling as well as the possibility to reduce the height. Ms. Jarratt summarized the request for relief;. The applicant requests expansion of a non-conforming use. The subject land supports two residential single detached dwelling units, whereas Section 4, Residential Type 1 (R1) Zone of Zoning By-law 2003-60 permits one single detached dwelling on the subject land. The decision pertains to one of the dwelling units. A portion of the dwelling unit is proposed to be increased in height from approximately 3.3 metres (11 feet) to 4.46 metres (14.5 feet). Further the expansion proposed would enclose a covered deck area that will result in an increase in unit area from 66.09 square metres (711 square feet) to 70.5 square metres (759 square feet). The expansion does not propose to increase the footprint of the building.

Mr. de Rijke explained that as for the possibility to lower the structure it is possible but because the structure has to comply with the building code, the extra roof space is needed to obtain the required R-value. The end result might be only 2” lower.

The Chair asked if all the work that was previously done has to be brought up to code. Mr. de Rijke confirmed that the whole structure will need to comply with the Ontario Building Code.

Mr. Groh asked if a whole new roof would be placed on the structure. Mr. de Rijke confirmed. The objective was to lower the structure; however, the roof has to be raised to be able to have insulation requirements due to compliance to building code. The foundation will be lowered, but the complete height of the building will be the same or a few inches lower than the existing height due to those requirements.

The legal non-conforming use allows for renovation.

Ms. Jarratt noted there was follow-up correspondence received from the neighbor, Mr. Maragno. She summarized the concerns; view due to height of the structure, expansion of the structure, construction noise, move of the building several years ago without permits.

It was noted that there are currently trees blocking the view on the neighbouring property. Ms. Jarratt commented that the structure could have been a shed or garage in that same location as an accessory structure and accessory structure height maximum in the Zoning By-law is 5 metres. She further noted that buffering between R1 properties is not a requirement under the Zoning By-law.

Following discussion of the application, the Committee granted the application

FOR THE FOLLOWING REASONS:

1. THAT the enlargement does not substantially increase the usability of the property;
2. THAT the request does not adversely affect the surrounding lands and neighbourhood;

3. 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.

Mr. de Rijke was thanked for his presentation.

B17/16 111 Sunnidale Road S/Lilacpark Inc.

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

Mr. Boland was welcomed to the table.

Ms. Jarratt explained that the public meeting for this application was held in 2016 and was deferred so that the applicant could address comments from the NVCA in order to establish building envelopes.

The Chair asked Mr. Boland to explain the application. Mr. Boland explained that it's currently a 100 ft lot that they would like to split into two 50 ft lots. All concerns from NVCA were addressed and approved.

There is an existing house on one of the parcels and sheds on the vacant property that will need to be removed.

It was noted that the dimensions that are reported are including required setbacks.

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 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.

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 the sheds located on the severed parcel be removed.
5. 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.

The next Committee of Adjustment/Consent meeting will be held on **Monday, December 11, 2017** at 4:00 p.m. in the Classroom.

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

RESOLUTION NO. 2017-11-03

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

CARRIED