

The Minutes of the Public Hearing for The Town of Wasaga Beach Committee of Adjustment held Monday, October 16, 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: None

MOVED BY- RESOLUTION NO. 2017-10-01
SECONDED BY-

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

CARRIED

MOVED BY- RESOLUTION NO. 2017-10-02
SECONDED BY-

RESOLVED THAT this Committee of Adjustment/Committee of Consent does hereby adopt the minutes of the meeting held September 18, 2017.

CARRIED

A20/17 605 Mosley Street/Bozinkocev

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

Mr. Brading was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Eric Brading, on behalf of Zivko Bozinkocev, owner of the property described as Lot 25 Plan 713, municipally addressed as 605 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 15.23 metres (50 feet), a depth of approximately 43.35 metres (142 feet) and an area of approximately 659 square metres (7,093 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 7.6m to 4.4m to permit the continued construction of a 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. Brading was asked to explain the application. He explained that the client would like to enclose the rear walkout. The application came to Committee because originally the house was designed with a walkout. They were building 3 homes at the same time and the foundations were poured at the same time and built to suit an enclosed walkout. With this house, it violated the zoning by-law.

Ms. Jarratt read the letter of concern of 599 Mosley Street, Mr. Watson. The concerns are Mr. Brading spoke to the concerns and noted that they had an ongoing conversation with Mr. Watson. They are looking to create a retaining wall similar to the existing, as long as it doesn't interfere with the grading plan.

If the grading plan doesn't allow for retaining wall, they will still make a delineation. Retaining wall will create a level rear yard. If the cost and time are too high, they will opt for a shorter wall.

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

Mr. Watson
599 Mosley St

Mr. Watson noted that he wrote letter that was submitted. He feels it's very important that a delineation will be made. He would like to suggest a fence as well as a retaining wall be constructed. The Town property might be considered part of the rear yard, as there is not much of a rear yard now.

The chairman read correspondence included in Mr. Watson's submission which was signed by the owner which indicated he agreed to install a retaining wall in the rear. The correspondence was between the owner and Mr. Watson. Mr. Brading explained that the installation of the retaining wall depends on grading approvals.

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 rear yard setback reduction only applies to the rear entry area as presented in the application for variance.
2. That all other provisions of the zoning by-law be complied with.

Mr. Brading was thanked for his presentation.

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.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Sylvia Seucharan, owner of the property described as Lot 2 Plan 743, municipally addressed as 252 Kirby 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 17.34 metres (57 feet), a depth of approximately 88.8 metres (291 feet) and an area of approximately 1365 square metres (14,693 square feet).

VARIANCE REQUESTED

The applicant requests relief from Zoning By-law 2003-60 as amended to permit the 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 request pertains to one of the dwelling units. If the request is approved, a portion of the dwelling unit would be permitted an increase in height from approximately 3.3 metres (11 feet) to 4.46 metres (14.5 feet). Further the expansion would permit the enclosure of a covered deck area that would result in an increase in unit area from 66.09 square metres (711 square feet) to 70.5 square metres (759 square feet). The request for expansion does not propose to increase the footprint of the building.

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, agent for the owners, to explain the application. Mr. de Rijke noted that the owners have owned the cottage since the 1980’s and the second dwelling unit is hooked up to water sewer. The roof of second unit leaked and they wanted to fix this. They didn’t obtain a permit and the Town issued an order to comply. Mr. de Rijke noted that the owners are willing to comply. The reason for the requested relief is the difference in height between the existing roof and the flat roof as well as an increase in unit area. The height will not increase and an attempt will be made to lower it when the new foundation is built. The roof height will not be increased but only continued from the existing. There is a possibility to extend the gable roof without enclosing it.

Mr. de Rijke noted that the second dwelling unit needs to comply with the Building Code. There is a walkout on the main dwelling that has a permit in with the building department as well as one for the deck.

Mr. Vitali asked how long the supporting steel beam in the second dwelling has been there for. Mr. de Rijke said he was not sure. He thinks it was sagging before so it may have been fixed. There was also a door on the side where the roof was extended.

He stated that to his knowledge the cottage has been used consistently by family members and that it has been moved from its original location.

Mr. de Rijke advised that after the re-design it might be necessary to have another deck/steps to enter the cottage.

Mr. Maragno
256 Kirby Lane

Mr. Maragno reiterated the comments he provided in his letter. Mr. Sigouin read the letter. The main concerns are not obtaining a building permit, legal non-conforming use, move of the cottage, height of the second unit and construction noise.

Mr. Sigouin also read the explanation to the variance request from Ms. Seucharan.

Ms. Jarratt commented that the Town obtained a legal opinion from the Town solicitor regarding the legal non-conforming use if the second dwelling was moved. The opinion provided that any move does not affect the status.

She further noted a section of the Town Official Plan speaks to enlargements of legal non-conforming uses and provides certain tests to be examined. She further advised that Planning staff has accepted that the second unit is a legal non-conforming use.

The Chair noted that construction noise should be addressed with the by-law department.

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 deferred the application for the applicant to come back with a more detailed design for the second dwelling and possibly showing a lower structure (lowered foundation).

Mr. de Rijke was thanked for his presentation.

A23/17	187 Allegra Drive/Zancor North Inc.
A24/17	140 Allegra Drive/Zancor North Inc.
A25/17	178 Allegra Drive/Zancor North Inc.

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

Mr. Ahmadi was welcomed to the table.

The Recording Secretary read the three applications.

File A23/17

LANDS SUBJECT TO THE APPLICATION: An application submitted by Mohammed Akbar Ahmadi on behalf of Zancor North Inc., owner of the property described as Block 124 Plan 51M-1039, municipally addressed as 187 Allegra 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 approximately 49.43 metres (162 feet), a depth of approximately 28.83 metres (95 feet) and an area of approximately 1,417 square metres (15,252 square feet).

VARIANCE REQUESTED

The applicant requests relief from Section 6 Residential Type Three Sixteenth Exception (R3-16) Zone of Zoning By-law 2003-60 as amended, from the minimum required exterior side yard setback of 5m to 4.79m to facilitate the construction of a townhouse.

File A24/17

LANDS SUBJECT TO THE APPLICATION: An application submitted by Mohammed Akbar Ahmadi on behalf of Zancor North Inc., owner of the property described as Block 133 Plan 51M-

1039, municipally addressed as 140 Allegra 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 approximately 49.43 metres (162 feet), a depth of approximately 28.75 metres (94 feet) and an area of approximately 1,399 square metres (15,058 square feet).

VARIANCE REQUESTED

The applicant requests relief from Section 6 Residential Type Three Sixteenth Exception (R3-16) Zone of Zoning By-law 2003-60 as amended, from the minimum required exterior side yard setback of 5m to 4.75m to facilitate the construction of a townhouse.

File A25/17

LANDS SUBJECT TO THE APPLICATION: An application submitted by Mohammed Akbar Ahmadi on behalf of Zancor North Inc., owner of the property described as Block 130 Plan 51M-1039, municipally addressed as 178 Allegra 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 approximately 49.49 metres (162 feet), a depth of approximately 28.75 metres (94 feet) and an area of approximately 1,415 square metres (15,231 square feet).

VARIANCE REQUESTED

The applicant requests relief from Section 6 Residential Type Three Sixteenth Exception (R3-16) Zone of Zoning By-law 2003-60 as amended, from the minimum required exterior side yard setback of 5m to 4.81m to facilitate the construction of a townhouse.

The Chair asked Mr. Ahmadi to explain the applications. He explained that originally the setback had not taken the 1ft reserve into account. Therefore the variances are required.

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 file A23/17

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.

And for file A24/17

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.

And for file A25/17

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. Ahmadi was thanked for his presentation.

B22/17 Berkely Street/Taskov

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

Mr. Taskov was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 58, Plan 1408, located at Berkely Street, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer is available for the subject lands.

PURPOSE AND EFFECT: An application submitted by Mitko Taskov, owner of the subject lands. This application will create one lot for a total of two lots.

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part 1) has a frontage of approximately 18.29 metres (60 feet), a depth of approximately 40.26 metres (132 feet) and an area of approximately 727 square metres (7,825 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part 2) has a frontage of 18.29 metres (60 feet), a depth of approximately 40.26 metres (132 feet) and an area of approximately 727 square metres (7,825 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 Mr. Taskov to explain the application. Mr. Taskov explained that looking at the neighbourhood, he noted that there are a lot of similar sized properties in the area and it will still be a good sized lot.

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 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) That 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 services 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.

Mr. Taskov was thanked for his presentation.

B23/17 Robinson Road/Saar

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

Mr. Saar was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: Lot 17, Plan 1696, located at Robinson 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 Robert and Koko Saar, owner of the subject lands. This application will create one lot for a total of two lots.

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part A) has a frontage of approximately 25.74 metres (84 feet), a depth of approximately 30.55 metres (100 feet) and an area of approximately 786 square metres (8,460 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part B) has a frontage of 28.77 metres (94 feet), a depth of approximately 30.55 metres (100 feet) and an area of approximately 883 square metres (9,505 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 Mr. Saar to explain the application. Mr Saar would like to build their home on one of the lots and eventually another home on the other property to sell.

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 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) That 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 services 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.

Mr. Saar was thanked for his presentation.

The next Committee of Adjustment/Consent meeting will be held on **Monday, November 20, 2017** at 4:00 p.m. in the Classroom.

MOVED BY-
SECONDED BY –

RESOLUTION NO. 2017-10-03

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

CARRIED