



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, September 17, 2018 at 4:00 p.m. in The Classroom.

PRESENT:

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

REGRETS:

R. Groh	Member
A. Sestokas	Member

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

RESOLUTION NO. 2018-09-01

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

CARRIED

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

RESOLUTION NO. 2018-09-02

RESOLVED THAT this Committee of Adjustment/Consent does hereby adopt the minutes of the meeting held July 16, 2018.

CARRIED

A15/18 **1046 River Road West/Wilde**

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

Mr. French was welcomed to the table.

The Recording Secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Gordon French, on behalf of Gary Wilde, owner of the property described as Lots 17 and 32 Plan 721, municipally addressed as 1046 River Road East, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer are available for the subject lands.

The subject lands have a frontage of 15.28 metres (50 feet), a depth of approximately 83.26 metres (273 feet) and an area of approximately 1,272 square metres (13,692 square feet).

VARIANCE REQUESTED

The applicant requests relief from Section 3 Accessory Uses, Buildings and Structures of Zoning By-law 2003-60 as amended from:

- the maximum horizontal dimension from 9 metres to 17.1 metres;
- the maximum permitted size of 65 square metres to 105 square metres; and
- the minimum required side yard of 1.8 metres to 1.4 metres to recognize the existing garage setback to permit an addition that will comply with the minimum required yard setbacks.

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. French explained the application. He explained that the owner wants to add additional inside parking for storing vintage cars.

It was noted that only one smaller tree will need to come down due to the increase in size of the garage.

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 a reduced interior side yard setback only applies to the existing garage and that any future additions comply with the minimum yard requirements of the zoning by-law.

Mr. French was thanked for his presentation.

B09/18-B10/18 57 Westbury Road E/Federico Daniccia

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: Lot 44, Plan 1408, municipally addressed as 57 Westbury 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 Reynolds Surveying, on behalf of Massimo Federico and Enzo Daniccia, owners of the subject land. The combined applications propose to create two residential building lots, for a total of three lots.

FILE NUMBER B09/18

The portion of the property proposed to be severed as shown on the surveyor's sketch provided (Part C) has a frontage of approximately 15.24 metres (50 feet), a depth of approximately 36.55 metres (120 feet) and an area of approximately 557 square metres (5,995 square feet).

The portion of the property to be retained as shown on the surveyor's sketch provided (Part A + B) has a frontage of 30.52 metres (100 feet), a depth of approximately 36.55 metres (120 feet) and an area of approximately 1,114 square metres (11,991 square feet).

FILE NUMBER B10/18

The portion of the property proposed to be severed as shown on the surveyor's sketch provided (Part B) has a frontage of approximately 15.24 metres (50 feet), a depth of approximately 36.55 metres (120 feet) and an area of approximately 557 square metres (5,995 square feet).

The portion of the property to be retained as shown on the surveyor's sketch provided (Part A) has a frontage of 15.26 metres (50 feet), a depth of approximately 36.55 metres (120 feet) and an area of approximately 557 square metres (5,995 square feet).

Mr. Reynolds was asked to explain the application. Mr. Reynolds explained that this area has larger and smaller lots. The application is looking to divide their property into three residential building lots. He noted that an application for consent was done in 2012, but not acted upon.

It was noted that three preservation would be taken into account.

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 application B09/18

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.

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 the applicant provide a lot grading and drainage plan prepared by a qualified professional for the severed and retained parcels to the satisfaction of the municipality.
 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.

The Committee also granted application B10/18

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.

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 the applicant provide a lot grading and drainage plan prepared by a qualified professional for the severed and retained parcels to the satisfaction of the municipality.
4. That application for severance under file B09/18 be granted and completed.
5. That the existing dwelling and shed located on the subject lands be removed and any necessary demolition permit be obtained from the Building Department to do so.
6. 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. Reynolds was thanked for his presentation.

B11/18-B12/18 11 Marilyn Ave N/JDC Homes

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: Lots 119, 120 and 121, Plan 930, municipally addressed as 11 Marilyn Avenue North, Town of Wasaga Beach, County of Simcoe. Municipal water and sewer is available for the subject lands.

PURPOSE AND EFFECT: Applications submitted by Reynolds Surveying, on behalf of JDC Homes, owners of the subject land. The combined applications propose to reconfigure the subject lands, so that three residential building lots front onto Marilyn Avenue South rather than Beachwood Road.

FILE NUMBER B11/18

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part C) has a frontage of approximately 24.38 metres (80 feet), a depth of approximately 54.87 metres (180 feet) and an area of approximately 1,337 square metres (14,391 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part A + B) has a frontage of 36.54 metres (120 feet), a depth of approximately 54.87 metres (180 feet) and an area of approximately 2,004 square metres (25,571 square feet).

FILE NUMBER B12/18

The portion of the property proposed to be severed as shown on the surveyors sketch provided (Part B) has a frontage of approximately 18.27 metres (60 feet), a depth of approximately 54.87 metres (180 feet) and an area of approximately 1,002 square metres (10,785 square feet).

The portion of the property to be retained as shown on the surveyors sketch provided (Part A) has a frontage of 18.27 metres (60 feet), a depth of approximately 54.87 metres (180 feet) and an area of approximately 1,002 square metres (10,785 square feet).

Mr. Reynolds was asked to explain the application. Mr. Reynolds explained that by reconfiguring the existing lots to front on Marilyn Avenue, it is a better fit for development, especially the corner 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 further questions or comments from the audience, the Chair closed the portion of the meeting to make a decision.

Following discussion, the Committee granted application B11/18

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.

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 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 deeming by-law application under file DB01/18 be approved and completed.
5. That the existing dwelling and shed located on the subject lands be removed and any necessary demolition permit be obtained from the Building Department to do so.
6. 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 Committee also granted application B12/18

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.

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 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 deeming by-law application under file DB01/18 be approved and completed.
5. That application for consent under file B11/18 be granted and completed.
6. 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. Reynolds was thanked for his presentation.

A16/18 191 Knox Road West/Fraser

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

Mr. Fraser was welcomed to the table.

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by Jim Fraser, owner of the property described as Lot 13 Plan M67, municipally addressed as 191 Knox Road West, Town of Wasaga Beach, County of Simcoe.

The subject lands have a frontage of 33.55 metres (110 feet), a varying depth, and an area of approximately 1,528 square metres (16,447 square feet).

VARIANCE REQUESTED

The applicant requests relief from Section 3.38 Off Street Parking Requirements of Zoning By-law 2003-60 as amended from the maximum permitted driveway width of 9 metres to 13.7 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. Fraser was asked to explain the application. Mr. Fraser explained that he wants to widen his driveway to fit the existing 4-car garage. The current Zoning By-law has no provisions for the width of a 4-car garage. He noted that it would look better and be safer for traffic. The driveway will be paved (asphalt).

Drainage will be addressed with soak away pits (already there) and covered with river rock. Landscaping between bays will not be possible, due to turning radius and visibility. The downpipes are underground, leading to the soak away pits.

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.

Mr. Fraser was thanked for his presentation.

A17/18 205 River Road West/ELM Wasaga Beach (2016) Inc.

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

The recording secretary read the application.

LANDS SUBJECT TO THE APPLICATION: An application submitted by ELM Wasaga Beach (2016) Inc., owner of the property described as Part of Lot 22 and 23 Concession 8 (former Geog. Twp. Of Flos), municipally addressed as 205 River Road West, Town of Wasaga Beach, County of Simcoe.

VARIANCE REQUESTED

The applicant requests relief from the provisions of the R2-16 Zone of Zoning By-law 2003-60 as amended to permit the construction of 106 single detached dwellings on one parcel of land whereas the provisions of the R2 Zone category permit one single detached dwelling per parcel. The variance request pertains to a portion of Block 33 within a Draft Plan Approved Subdivision for the subject lands. The variance is an interim measure that would permit the construction of detached dwellings on a portion of Block 33 prior to the completion of an application for exemption to part lot control that will create individual lots that will become Parcels Of Tied Land as part of a common elements condominium.

OTHER APPLICATIONS: The land subject to this application for minor variance is currently the subject of a Plan of Subdivision (File PS02/08).

Ms. Jarratt noted that the applicant was unable to attend the meeting due to conflicting schedules. Mr. Alan Wiebe (Sr. Planner at the Town of Wasaga Beach) attended the meeting to explain the application. He explained that the Draft plan of subdivision has been approved by OMB and ELM is now trying to fulfil the conditions.

He further explained that the M-plan consists of 20 acres. Within these lands, the applicant is trying to build out a plan of condominium. This block will have a mix of townhomes and detached homes. The applicant is hoping to get all building permits at once.

The requested variance is for the R2 zoned section of the parcel. Because of the sequencing of the approvals, they are hoping to get permits for all and do all foundations at the same time. This variance is an interim relief to allow for multiple units on the one lot instead of the allowed one dwelling per lot in a R2 zone.

He also noted that because the foundation will be pinned, there is less risk for mistakes.

It was noted that, besides the required number of trees per lot and throughout the development, there will be a park space provided to the south of the subject lands.

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

Mr. Glenn Heary

Mr. Heary noted that he bought end unit townhouse with a 2-car garage in the subject lands and was wondering if the size of the lot will change. Mr. Wiebe explained that applicant has not asked for relief from setbacks.

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 applicant agree in the Site Plan Agreement to apply for and effect the division of Block 51 as shown on the Draft M-plan into smaller parcels, with no more than one (1) single detached dwelling unit existing on each parcel of land within the “R2-16” zoned portion of Block 51.

Mr. Wiebe was thanked for his explanation.

The next Committee of Adjustment/Consent meeting will be held on **Monday, October 15, 2018** at 4:00 p.m. in the Classroom.

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

RESOLUTION NO. 2018-09-03

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

CARRIED