

Corporation of the Town of Huntsville

COMMITTEE OF ADJUSTMENT

Meeting held on **Tuesday, December 15, 2009** at **9:00** a.m.
in the Huntsville Civic Centre, Municipal Council Chambers

ATTENDANCE:

Chair: Councillor W.A. Beatty

Members: Councillor John Davis
Councillor Mary Jane Fletcher (*arrived at 9:20 a.m.*)
Councillor Brian Thompson
Councillor George Young

Staff: Mike Gooch, Acting Director of Development Services
Kirstin Maxwell, Planning Technician
Katie Newman, Planner
Jacquie Tschekalin, Development Coordinator

Absent: Mayor Claude Doughty

Also present: Councillor Fran Coleman

1. **CONVENE**

Moved by John K. Davis and seconded by George Young

THAT: We hereby convene as a meeting of the Committee of Adjustment at 9:06 a.m.

Carried.

2. **ADOPTION OF AGENDA**

Moved by John K. Davis and seconded by George Young

THAT: The Committee of Adjustment agenda dated December 15, 2009, be adopted as printed and circulated.

Carried.

3. **DISCLOSURE OF CONFLICTS OF INTEREST**

- Nil -

4. **MINUTES**

Moved by John K. Davis and seconded by George Young

THAT: We hereby adopt the minutes of the Committee of Adjustment Meeting of November 17, 2009.

Carried.

5. **CONSENTS**

Chair Beatty provided a brief overview of the purpose and procedure of the Hearings and declared the Hearings to be public meetings of Committee.

a. **B/56/2009/HTE (Hidden Valley Highlands Ski Area Inc.)**

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

No objections were noted by Public Works, the Building Department, or Geomatics.

Planning would have no objection to the proposed easement.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Ted Williams, EJ Williams Surveying Ltd., Agent for the Applicant, stated he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance.

- Nil -

Chair Beatty asked if there were any questions from Committee Members.

Councillor Davis asked why the easement was shaped in such a manner and it was noted by Mr. Williams that it follows the westerly limit of an existing District of Muskoka easement.

Moved by John K. Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/56/2009/HTE – HIDDEN VALLEY HIGHLANDS SKI AREA INC.
PART OF LOT 32, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the rights-of-way being submitted to the Secretary-Treasurer, along with a registered copy of the reference plan.
- 2) The Owners' taxes being in good standing
- 3) A site inspection fee in the amount of \$200.00 being paid to the Town of Huntsville.
- 4) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

6. CONCURRENT CONSENTS and ZONING AMENDMENTS

Chair Beatty provided a brief overview of the purpose and procedure of the Hearings and declared the Hearings to be public meetings of the Committee and Council to deal with severance and concurrent consent and rezoning applications.

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Jacque Tschekalin, Development Coordinator, reported that proper notice was given pursuant to the requirements and timelines of the Planning Act and the Huntsville Official Plan.

a. B/45/2009/HTE & Z/38/2009/HTE (Rodie)

Jacque Tschekalin, Development Coordinator, described the purpose of the applications.

Comments received to date:

Following the last meeting, an amended application was circulated to all persons and agencies that had been circulated the first time.

No objections were noted at the time of the first application by the District of Muskoka, the Huntsville Lakes Council, CAO, Fire, Building, Public Works, or Geomatics. No other inquiries or comments were received from these agencies as a result of the amended circulation.

A concern was noted by the Snows, nearby property owners, with regard to the shoreline being "swampy". Mrs. Tschekalin was unable to do a site inspection of this property, however, due to the existing right-of-way and boat launch as well as comments from District staff, who did attend on site, it would appear that development of this property would not have a negative impact on any environmentally sensitive areas in that location. Given the existing right-of-way and other yard requirements, the building envelope will likely be situated back from the water, and the property will be subject to site plan control. Should there be any issues, they can be resolved at that time.

Planning noted that while there do not appear to be any issues with the proposed severed lot, the proposed retained lot does not meet our minimum frontage requirements. In this particular case, however, the circumstances are unique enough to warrant special consideration. As a result, planning recommended approval of this application, pending confirmation (by a surveyor) that there are no structures on the retained lot that would not comply with zoning requirements.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Patrick Mason, Wayne Simpson and Associates, Agent for the Applicant, elaborated on the proposal, noting that the reduced frontage for the retained lot was in keeping with other lots in the area, and that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance and zoning amendment.

- Nil -

Councillor Fletcher arrived at 9:20 a.m.

Chair Beatty asked if there were any questions from Committee Members.

Councillor Davis asked about the right-of-way and boat launch and Mrs. Tschekalin replied that it was a deeded access to some lots along the north side of the lake, and that a severance would not affect the other property owners' right of use.

Councillor Thompson asked if the retained lot could be further severed and Mrs. Tschekalin replied that the road would need to be year round maintained before any further severances could be considered, and it was not foreseeable at this time.

Moved by John K. Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/45/2009/HTE – RODIE
PART OF LOT 11, CONCESSION 7
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan.
- 2) The severed and retained lands being rezoned for their intended use.
- 3) The Owner confirming that any existing structures on the retained lot comply with zoning requirements.
- 4) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands.
- 5) A satisfactory Lot Suitability Report being completed for the severed and retained lots.
- 6) The Owners' taxes being in good standing.
- 7) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

7. MINOR VARIANCES

a. A/22/2009/HTE (Trueman)

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

No objections were noted by Public Works or Geomatics.

The Building Department commented that an easement should be obtained from the District if the south elevation is to be used for an ingress/egress.

A Planning Report in support of the application was submitted by Patrick Mason of Wayne Simpson and Associates.

Planning had no objection to the proposed variances as the proposal appears to meet the intent of the Official Plan and Zoning By-Law.

Chair Beatty called upon the applicant or their representative to provide additional comments.

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Patrick Mason, Wayne Simpson and Associates, Agent for the Applicant, noted that the decreased setback and increased lot coverage would accommodate a detached garage for each half of the duplex, and that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed variance.

- Nil -

Chair Beatty asked if there were any questions from Committee Members.

Councillor Davis asked if there were any noise considerations from the pumping station and it was noted that there were not. He asked if the other two lots would require minor variances to develop them as well, and Mr. Mason replied that there were none foreseen at this time. It was noted that the possibility of obtaining an easement from the District of Muskoka was not likely and as such, would not be doors along that side of the building.

Councillor Fletcher asked about the lot coverage restrictions. Ms. Newman explained the differences for each zone.

Moved by John K. Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/22/2009/HTE - TRUEMAN
PART OF LOT 12, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the south-easterly side yard to 0.6m; reduce the rear yard setback to 6m; and to increase the lot coverage to 37.5%, all for the proposed duplex.

REASONS:

1. The variance will permit the construction of a duplex.
2. The general intent of the by-law is being maintained.
3. The variance is minor in nature.
4. The general intent of the Official Plan is being maintained.

Carried.

b. A/23/2009/HTE (Muskoka Condo Corp. No. 38)

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

No objections were noted by Public Works, the Building Department, or Geomatics.

Planning had no objection to the proposed variance as the proposal appears to meet the intent of the Official Plan and Zoning By-Law.

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Chair Beatty called upon the applicant or their representative to provide additional comments.

Len Ross, 1259 Golf Course Road, Agent for the Applicant, stated that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed variance.

- Nil -

Chair Beatty asked if there were any questions from Committee Members.

Councillor Thompson stated that he supported the application.

Councillor Young stated that the rear of the properties face a cliff and there is no feasible use of that property and that he supported the application.

Councillor Davis asked about the proximity of the ski run at the rear and Mr. Ross noted that there is a seasonal ditch along the rear of the properties and that it was not close enough to the run to be of concern.

Moved by John K. Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/23/2009/HTE – MUSKOKA CONDO CORP. NO. 38
PART OF LOTS 31 AND 32, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the easterly side yard setback to 0.9m and to reduce the rear yard setback to 4.5m for decks only.

REASONS:

1. The variance will permit the construction of a deck on each of the units.
2. The general intent of the by-law is being maintained.
3. The variance is minor in nature.
4. The general intent of the Official Plan is being maintained.

Carried.

c. A/24/2009/HTE (Butkovich)

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

Comments were received by Ken Sharer of the Huntsville Lakes Council with an objection to the proposed variance based on the fact that they feel that it will be setting an undesirable precedence.

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An objection was also received from Carl Heck of the Lake Vernon Association. They too felt this application would set an undesirable precedence and requested deferral pending;

- Written comments from the two neighbouring property owners;
- Additional justification on why the building size cannot be reduced to comply with the side yard setback;
- Additional information on the new proposed septic system and how it will impact the lake;
- All to allow for additional time for the Lakes Council and Lake Vernon Association to review the additional information and to allow for additional comment.

No objections were noted by Geomatics or the Building Department.

No comments were received from any of the neighbouring property owners.

Planning had no objection to the granting of the proposed minor variance subject to the existing shed and attached deck being removed or brought into compliance with zoning requirements.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Jordan Elliott, Agent for the Applicant, gave a brief history of the property. He noted that the owners have no objection to removing the shed and attached deck.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed variance.

- Nil -

Chair Beatty asked if there were any questions from Committee Members.

Councillor Young asked about the Lake Association request to have comments from the neighbours and requested clarification on the circulation process, and it was noted by Ms. Newman that the neighbours did have the opportunity to comment.

Councillor Thompson asked about the house package that was purchased and Mr. Elliott replied that the house is ready to be delivered once all of the planning approvals and building permits are in place.

Councillor Davis asked about the dock projection and Mrs. Tschekalin explained that the zoning by-law now measures a docks' projection perpendicular to the lot line.

Chair Beatty noted that each application is evaluated on its own merit and that the neighbours had the opportunity to comment.

A discussion ensued concerning the shed and deck and it was decided that the approval would be granted based on the non-complying structures being removed.

Moved by John K. Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/24/2009/HTE – BUTKOVICH
PART OF LOTS 27 AND 28, CONCESSION 6
GEOGRAPHIC TOWNSHIP OF STISED
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the north-westerly side yard setback to 2.5m and to recognize the existing activity amenity area as meeting zoning requirements, conditional on the existing shed and attached deck being removed.

REASONS:

1. The variance will permit the construction of a new dwelling.
2. The general intent of the by-law is being maintained.
3. The variance is minor in nature.
4. The general intent of the Official Plan is being maintained.

Carried.

d. A/25/2009/HTE (Baird)

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

No objections were noted by Public Works, Geomatics, or the Lakes Council.

The Building Department commented that the Site Plan should be prepared to scale by an Ontario Land Surveyor. Planning noted that the proposed development would proceed through Site Plan Control.

Comments were received by a neighbouring property owner objecting to the proposal. Concerns regarding existing variance issues were raised, including a garage been built without a permit, an existing dock across the property line, driveway access.

Comments were received from the District of Muskoka with regard to an outstanding access issue. The existing driveway onto South Portage Road has been constructed without the proper District approvals and therefore they would like this situation rectified.

Planning recommended a deferral, pending additional information being provided by the applicant in regard to the access issues with the District of Muskoka.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Daniel Baird, Applicant, stated that the issue of the garage and driveway were being dealt with by his lawyer.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed variance.

John P. Gallagher, representing Wendy Keith, a neighbouring landowner, stated that he objected to the minor variance being approved as there were several outstanding issues on Mr. Baird's properties in the area, including: driveway constructed without an entrance

permit; buildings not in compliance with zoning setbacks; a dock that projects across a lot line; and access.

Chair Beatty asked if there were any questions from Committee Members.

Chair Beatty stated that the other issues should be resolved, prior to any further applications being considered. He also suggested that the shore road allowance be purchased and the other buildings be brought into compliance.

Councillor Davis asked that the relevant departments follow up on the issues raised concerning property standards and zoning violations.

Mrs. Tschekalin noted that there are 3 lots in question, and that some of the issues raised apply to properties other than the one subject of this application.

Councillor Thompson noted that he did not feel it was appropriate that Ms. Keith should have to spend money to defend her property rights.

Moved by John K. Davis and seconded by George Young

THAT THE HEARING RESPECTING MINOR VARIANCE APPLICATION NO.:

**A/25/2009/HTE - BAIRD
PART OF LOTS 28 & 29, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF BRUNEL
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

BE ADJOURNED AND THE DECISION OF THE COMMITTEE BE RESERVED:

PENDING ADDITIONAL INFORMATION BEING SUPPLIED BY THE APPLICANT.

REASONS: Further consideration of the application is required.

Carried.

7. ADJOURNMENT

Moved by John K. Davis and seconded by George Young

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 10:20 a.m.

Carried.

Chair