

Corporation of the Town of Huntsville

COMMITTEE OF ADJUSTMENT

Meeting held on **Tuesday, January 19, 2010** 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
Councillor Brian Thompson

Staff: Kirstin Maxwell, Planning Technician
Katie Newman, Planner
Jacquie Tschekalin, Development Coordinator

Absent: Mayor Claude Doughty
Councillor George Young

1. CONVENE

Moved by Mary Jane Fletcher and seconded by John K. Davis

THAT: We hereby convene as a meeting of the Committee of Adjustment at 9:00 a.m.

Carried.

2. ADOPTION OF AGENDA

Moved by Mary Jane Fletcher and seconded by John K. Davis

THAT: The Committee of Adjustment agenda dated January 19, 2010, be adopted as printed and circulated.

Carried.

3. DISCLOSURE OF CONFLICTS OF INTEREST

- Nil -

4. MINUTES

Moved by Mary Jane Fletcher and seconded by John K. Davis

THAT: We hereby adopt the minutes of the Committee of Adjustment Meeting of December 15, 2009.

Carried.

5. CONSENTS

- Nil -

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 Committee and Council to deal with severance and concurrent consent and rezoning applications.

Committee of Adjustment Meeting Minutes, January 19, 2010

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/55/2009/HTE & Z/46/2009/HTE (Butikofer)

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

Comments received to date:

No objections were noted by the MTO, the District of Muskoka, the CAO, the CBO, Public Works, Fire or Geomatics. No other comments or inquiries were received, and Planning noted support for the approval of this application.

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

John Gallagher, John P. Gallagher and Associates, Agent for the Applicant, elaborated on the proposal and 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 and zoning amendment.

- Nil -

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

A discussion ensued concerning the proposed zoning amendment, lot configuration and possibility of the road being extended.

Moved by Mary Jane Fletcher and seconded by John K. Davis

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/55/2009/HTE – BUTIKOFER
PART OF LOTS 18-20, CONCESSION 10
GEOGRAPHIC TOWNSHIP OF CHAFFEY
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 applying for a building permit for a single family dwelling prior to finalization of the severance, or, removing the existing accessory structures.
- 4) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lot and for Retained Lot A.
- 5) The Owners' taxes being in good standing.
- 6) 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.

b. B/57/58/2009/HTE & Z/48/2009/HTE (Schmidt)

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

Comments received to date:

No objections were noted by the Building Department, Geomatics, Public Works, Fire, the CAO, Hydro One, or MTO.

The District of Muskoka had no comment regarding Severed Lot A. However, concerns were noted pertaining to Severed Lot B regarding the irregular lot configuration and the future potential for an additional severance due to the split frontage. Planning noted that an exception to deem the lot frontage and area to comply was added to the proposed zoning on Severed Lot B to satisfy the concerns of the District.

Comments were received from the neighbour directly abutting Severed Lot A regarding his driveway access which crosses a portion of the proposed severed lot. Planning noted that there is an alternative location for the driveway, extending along an unopened road allowance. The applicant's agent has also indicated that the Owners have no plan to ask that the driveway be moved at this point and time.

A Planning Report in support of the application was submitted by John P. Gallagher of John P. Gallagher and Associates.

Planning had no objection to the proposed severance and rezoning as the applications appear 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.

John Gallagher, John P. Gallagher and Associates, Agent for the Applicant, elaborated on the driveway access, explained the history of the irregular lot configuration, noting that the proposed lots are 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 -

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

Moved by Mary Jane Fletcher and seconded by John K. Davis

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/57/2009/HTE – SCHMIDT
PART OF LOTS 22 AND 23, CONCESSION 10
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 lands being rezoned for their intended use.
- 3) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands.
- 4) The Owners' taxes being in good standing.
- 5) A consent finalization fee in the amount of \$150.00 and a site inspection fee in the amount of \$200.00 being paid to the Town of Huntsville.

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

Carried.

Moved by Mary Jane Fletcher and seconded by John K. Davis

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/58/2009/HTE – SCHMIDT
PART OF LOTS 22 AND 23, CONCESSION 10
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 lands being rezoned for their intended use.
- 3) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands.
- 4) The Owners' taxes being in good standing.
- 5) 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

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. A/26/2009/HTE (Haslam)

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

Comments received to date:

No objections were noted by the Building Department, no other comments were received.

Ken Sharer of the Huntsville/Lake of Bays Lakes Council had no objections.

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

Committee of Adjustment Meeting Minutes, January 19, 2010

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

Mike Haslam, Applicant, elaborated on the proposal and noted 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 about the topography of the lot and Mr. Haslam explained that the granite on the lot would make building further back difficult.

Councillor Thompson asked if there would be any problems installing a septic system and it was noted by Mr. Haslam that there was enough depth of soil in the proposed septic area.

Moved by Mary Jane Fletcher and seconded by John K. Davis

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/26/2009/HTE - HASLAM
PART OF LOT 1, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF STISED
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the westerly side yard setback to 4m and to reduce the front yard setback to 15m, all for the construction of a new dwelling.

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.

b. A/27/2009/HTE (Tiberia)

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

Comments received to date:

No objections were noted by the Building Department, no other comments were received.

Additional information was requested by David Lawson of the Cottager's Association, however no comments were received.

Ryan Kidd, President of the Mary Lake Association and Ken Sharer of the Huntsville/Lake of Bays Lakes Council had no objections to the proposed variance.

Committee of Adjustment Meeting Minutes, January 19, 2010

Objections were received from Mr. And Mrs. Corley, the neighbouring property owners to the south. Their concerns included:

- The proximity of their dwelling to the new proposed dwelling, as their existing dwelling is located 3m from the side yard and the proposed will be 3.5m;
- Loss of privacy;
- The visual impact from the water; and
- The construction impact on the existing tree buffer between the subject lands and the Corley property.

The Corleys requested that the variance be denied and that the dwelling be more centrally located on the lot. The Corleys could not attend the meeting due to a prior engagement.

Planning had no objection to the proposed variance subject to the lands being further developed under site plan control.

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

Mario Tiberia, Applicant, provided more details on his plan to rebuild on the lot, and noted that the increase in lot coverage was no longer being requested as the proposed house would fall well within the 10% allocated. He stated that he would do everything possible to ensure that the trees between his property and his neighbour to the south were protected during construction. He further noted there would be no windows on the side of his building that face the Corleys. He 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.

Chair Beatty noted that the neighbours on either side of Mr. Tiberia encroach on their side yard setbacks.

Councillor Fletcher asked for confirmation on the lot coverage request and Mr. Tiberia noted that the proposed house he would like to construct was not required.

Moved by Mary Jane Fletcher and seconded by John K. Davis

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/27/2009/HTE - TIBERIA
PART OF LOT 30, CONCESSION 9
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the southerly yard setback to 3.5m for the construction of a new dwelling.

Committee of Adjustment Meeting Minutes, January 19, 2010

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.

7. ADJOURNMENT

Moved by Mary Jane Fletcher and seconded by John K. Davis

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 9:52 a.m.

Carried.

Chair